

Minutes

Board of County Commissioners Hyde County

August 3, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, August 3, 2009 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, Sharon Spencer, and Barry Swindell; County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioners Gene Ballance; Deputy Clerk Jamie Tunnell; and members of the public.

Following the pledge of allegiance and opening prayer by Commissioner Spencer the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the August 3, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item V.C. – Special Presentation – Signage – No Wake Zone. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Byrd moved to approve the July 20, 2009 meeting minutes as presented by the Clerk. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Special Presentation – NCDOT – Project Update:

Mr. Jerry Jennings, NCDOT Division I Engineer, accompanied by Jeff Farrow, Transportation Supervisor, gave an update on NCDOT projects in or affecting Hyde County.

Projects discussed include: Leechville Bridge, US264 – will open on August 7; New Holland Bridge on US264 – planning and design stage; NC12 in Ocracoke Village – 13 mile resurfacing project to include bike lanes and widening to the pony pens; Back Road Intersection near Back Porch Café and Blackbeard's Lodge, Ocracoke – to be review by NCDOT; and Bonner Bridge, NC12 over Oregon Inlet – moving forward.

Mr. Jennings also gave an outlook for Secondary Road Maintenance and TIP funding.

Public Comments:

Chairman Davis called for comments from the public.

Fred Westervelt, Ocracoke, commended improvement of the electronic meeting equipment audio system. Mr. Westervelt stated he is concerned about adequate staffing of Hyde County EMS on Ocracoke, and requested an official statement addressing EMS concern on Ocracoke.

There being no further public comment, Chairman Davis continued the meeting.

Ordinances and Resolutions:

Ordinance – Amending Chapter 18, Hyde County Code, Relating to Pyrotechnics

County Manager Carl Classen presented a proposed Ordinance amending Chapter 18 the Hyde County Code relating to open burning on Ocracoke and to fireworks. The amendments bring the County Code into compliance with State law.

The proposed Ordinance makes no changes to existing law regarding open burning on Ocracoke.

The Ordinance amends the County Code to provide that, per State law, all fireworks displays must be approved by the County Commissioners and that any permits issued regarding fireworks must be issued by a Level 3 fire inspector. The Ordinance calls for applications to be submitted 45 days in advance so that the Commissioners have time to act on the request for a fireworks display and the fire inspector has time to issue a permit following review of the fireworks application.

The Ordinance does not require a public hearing. The proposed Ordinance has been submitted to the Office of the State Fire Marshal for their comment and a response is pending. Also, the General Assembly is considering amendments to existing State law regarding fireworks displays and training of fireworks operators. The proposed Ordinance appears in conformity with the pending legislation but that legislation has only passed the Senate at the time the August 3 agenda was prepared.

Any Ordinance not receiving a unanimous vote of all Commissioners at a meeting where the ordinance is discussed the first time must be considered at a second meeting of the Board.

After discussion and hearing no objection, the Chairman directed the County Manager to work with the County Attorney on further language refinements and to bring "Amending Chapter 18, Hyde County Code, Relating to Pyrotechnics" before the Board for action on September 8.

Resolution – Engelhard Water Treatment Plant – Water and Sewer Revenue Bonds

County Manager Carl Classen requested approval of a resolution authorizing \$1.42 million Water and Sewer Revenue Bonds, including interim construction financing, for the Engelhard Water Treatment Plant project. This Project, which was first developed in 2004, has a total budget of \$4 million and all but these bonds is funded through grants.

The Resolution was prepared by Mary Nash Rusher, Hunton & Williams, Raleigh, who is serving as bond counsel to the County for this project. Ms. Rusher was selected following an RFP process conducted in winter, 2009 but the financing was delayed while a CAMA permit was pending. That permit was received in July 2009.

Passage of the Resolution is required by USDA, who will be buying the Revenue Bonds when issued by the County following completion of the Project, and by the Local Government Commission.

The County is presently soliciting bids for construction of the Project. Bids are due in late August and the bid tab will be on the September 8 Commissioners meeting agenda for approval. The lowest responsible bid will form the basis for the County's application to the Local Government Commission (LGC), which must approve both the construction financing and the revenue bonds. The County's LGC application is presently scheduled for the October 2009 LGC meeting. If approved, the construction contract should be awarded later that month or early November and the Water Plant should be completed by the end of 2010.

After discussion, Commissioner Swindell moved to approve "Resolution Providing for Application To The Local Government Commission For Approval Of Water And Sewer Revenue Bonds; Requesting Local Government Commission Approval Of Such Water And Sewer Revenue Bonds; And Certain Related Matters And Findings." Ms. Spencer seconded the

motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Resolution Providing for Application To The Local Government Commission For Approval Of Water And Sewer Revenue Bonds; Requesting Local Government Commission Approval Of Such Water And Sewer Revenue Bonds; And Certain Related Matters And Findings" is attached herewith as Exhibit A and incorporated herein by reference.

After discussion, Commissioner Swindell moved to approve "Resolution Approving The Plans And Specifications For The Engelhard Water Treatment Plant Project" that were developed by Rivers & Associates and approved by DENR and other agencies, and approved by County staff. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Resolution Approving The Plans And Specifications For The Engelhard Water Treatment Plant Project" is attached herewith as Exhibit B and incorporated herein by reference.

Resolution – Community Development Block Grant Revitalization (CDBG-R) - Policies

Chris Hilbert, Holland Consulting Planners, Inc. reported the \$300,000 Hyde County CDBG-R project, for which an application is pending before the State, is to be utilized to replace or rehabilitate Low-to-Moderate Income Owner-Occupied Housing within Hyde County. The funding is to be provided through the Division of Community Assistance with Recovery Funds from the Department of Housing and Urban Development (HUD). These funds are to be obligated within 120 days of the application for funding, so therefore; the policies need be adopted as quickly as possible in order to obtain a Release of Funds. Units were identified during Hyde County's existing CDBG-SS and NCHFA-SFR Programs' application process.

After discussion, Commissioner Spencer moved to approve "Hyde County Resolution Approving Administrative Guidelines And Policies For The FY2009 CDBG Recovery Program". Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Hyde County Resolution Approving Administrative Guidelines And Policies For The FY2009 CDBG Recovery Program" is attached herewith as Exhibit C and incorporated herein by reference.

Appointments

Clerk of Court Sharon Sadler is the Hyde County Vice President for the Southern Albemarle Association and she submitted to the Commissioners a list of proposed delegates to the Association's annual meeting, which will be held in October. Delegates to the annual meeting must be approved by the Board of Commissioners.

Commissioner Swindell moved to approve the Southern Albemarle Association list of delegates as recommended by Clerk of Court Sharon Sadler. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2009-10 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

A. Budget Amendment – Health Department – State Aid-to-County Funding

Health Director Wesley Smith has requested transfer of \$71,630.00 in additional State Aid-to-County funding, which was allocated to the Hyde County Health Department for fiscal year 2009-2010. These additional funds are restricted to supporting the delivery of the 10 Essential Services, the core functions of public health. The funds, which cannot be used to supplant current state, federal or local funding to the health department, will be used to address the three (3) community health priorities that were identified in the 2007 Community Health Assessment (CHA) - #1 Diabetes/Chronic Diseases/Overweight Population; #2 Recreational Facilities and Activities; #3 Access to Medical and Dental Care/Medically Uninsured Residents. These additional funds will not increase the budget for General Health.

B. Budget Amendment – Health Department – SFY 09-10 State Funding

Health Director Wesley Smith has requested transfer of \$3,751.00 in additional SFY 09-10 State funding, which has been allocated by the Division of Public Health, Women's & Children's Health Section, to promote and implement the New WIC Food Package that is being rolled out by the state on October 1, 2009. These additional one-time funds must be spent by September 30, 2009. These additional funds will not increase the budget for WIC.

Commissioner Byrd moved to approve transfer of \$71,630 additional State Aid-to-County funding and to approve transfer of \$3,751 in additional SFY 09-10 State funding. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Fire Inspection Agreement – Dare County

County Manager Carl Classen reported that Dare County would provide Hyde County the services of an experienced fire inspector in order to provide fire inspection services within the territorial jurisdiction of Hyde County until the Hyde County Code Enforcement Officer completes certification and/or the County can hire someone with the necessary fire inspection certification.

After discussion, Commissioner Swindell moved to accept the Dare – Hyde Fire Inspection Interlocal Agreement. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

Resolution In Support Of Extending Hydeland Canal No Wake Zone

Commissioner Byrd reported on extensive bank erosion on Hydeland Canal.

After discussion, Commissioner Byrd moved to approve “Resolution In Support Of Extending Hydeland Canal No Wake Zone.” Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

CLERK’S NOTE: A copy of “Resolution In Support Of Extending Hydeland Canal No Wake Zone” is attached herewith as Exhibit D and incorporated herein by reference.

On July 20, the Board approved the NCWRC request for No Wake signs to be posted in Hyde County waterways but at no cost to the County. Commissioner Byrd reported that there would be a charge for the signs (approx. \$107 each), and that three signs are needed on Ocracoke.

After discussion, Commissioner Byrd moved to purchase and install three signs and five buoys at a cost not to exceed \$1,500. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

County Commissioners Reports:

Commissioner Byrd commended Hyde County EMS for improved response times and overall functions.

Commissioner Spencer attended the Albemarle Commission meeting. Ms. Spencer asked for a meeting with all department heads to discuss disaster preparedness. Ms. Spencer also asked that an article be sent to the newspaper to inform citizens about solid waste guidelines in Hyde County.

Commissioner Ballance attended the Scenic Byway Committee (Carteret/Dare/Hyde) meeting. Mr. Ballance reported that the committee is interested in conducting its meetings through Hyde County Electronic Meeting Equipment.

Commissioner Davis thanked Justin Gibbs for the improved audio quality of the electronic meeting equipment. Mr. Davis also complimented Pam Sawyer for remarkable progress made on the Hyde County Website. He also thanked Government Center staff members for continuing to work without air conditioning over the past few days.

No other Board or Committee reports were offered so Mr. Davis continued with the Agenda.

County Manager's Report:

County Manager Carl Classen reported that a microphone system and feedback suppression system has been ordered for the Government Center Multi-Use Room; Hyde County will contract Level II Fire Inspector services until the Code Enforcement Officer completes his certification testing; Dare County Fire Inspector Doug Remaley will conduct inspections in Hyde County beginning on August 17; the Hyde County Emergency Plan is in place if needed; received positive comments about Hyde County EMS from citizens; deadline for application for EMT positions in Hyde County is August 15; and the Solid Waste Code Enforcement Officer position has been posted.

Mr. Classen reported that the Swan Quarter Dike Project is on schedule and within budget; search for funding for the Mattamuskeet Lodge Sewer Project continues; the Wildlife Resource Commission (WRC) is developing plans for the Ocracoke NPS Boat Ramp Project; the Engelhard Airport Terminal Renovation Project should be complete in December, 2009.

Mr. Classen will prepare a draft newsletter to include fundamentals of Code Enforcement to mail to citizens.

Mr. Classen also reported on the monthly financial report and stated the Hyde County Audit is underway. He also reported that Andy Harris, CPA, complimented Jessica Gibbs, Finance Officer and her staff for work well done.

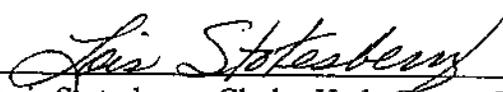
After discussion, Commissioner Spencer moved to approve the July, 2009 Tax Collections Report as provided by Tax Administrator Linda Basnight. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

There being no further matters to come before the Commissioners, Mr. Byrd moved to adjourn the meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

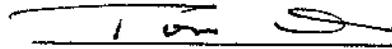
The meeting adjourned at 8:22 PM.

Respectfully submitted:

Minutes approved on the 8th day of September, 2009.


Lois Stotesberry, Clerk - Hyde County Board of Commissioners




Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – “Resolution Providing for Application To The Local Government Commission For Approval Of Water And Sewer Revenue Bonds; Requesting Local Government Commission Approval Of Such Water And Sewer Revenue Bonds; And Certain Related Matters And Findings”

Exhibit B – “Resolution Approving The Plans And Specifications For The Engelhard Water Treatment Plant Project”

Exhibit C – “Hyde County Resolution Approving Administrative Guidelines And Policies For The FY2009 CDBG Recovery Program”

Exhibit D – “Resolution In Support Of Extending Hydeland Canal No Wake Zone”