

Minutes

Board of County Commissioners Hyde County

August 4, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, August 4, 2008 in the Multi-Use Room, Government Center, Swan Quarter, N.C. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public.

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

Agenda:

Chairman Spencer asked for any changes to the August 4, 2008 meeting Agenda as presented by the Clerk.

Commissioner Swindell moved to accept the Agenda as presented by the Clerk with addition of Item III.B.i. – Far Creek Spoils Site Reimbursement Resolution; Item III.B.ii. – Resolution Increasing The Size Of The Board Of Commissioners; and with deletion of Item V.E. – Wireless Contract – TriCounty Telecom Ponzer Project (postponed). Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Spencer asked for approval of the draft July 7, 2008 Meeting Minutes.

Commissioner Davis moved to approve the July 7, 2008 Meeting Minutes as presented by the Clerk with page 1 of 11, line 37 - 38 stating Commissioner Davis moved to send a note of resolution supporting separation of H2-B Workers from the Immigration Bill to the Hyde County Congressional Delegation and neighboring counties (Dare, Tyrrell, Washington, Beaufort, and Carteret County), and with page 8 of 11, line 21 stating Mr. Davis voted Nay to Mr. Spencer's motion to adopt "A Resolution Of The Hyde County Board Of Commissioners Increasing The Number Of Commissioners". Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Public Comments:

Chairman Spencer called for comments from the public.

Anson Byrd, Fairfield – reported he had been overcharged for a trailer load of debris dumped at the Engelhard Convenience Site. Mr. Byrd recommended posting rates at Hyde County Convenience Sites.

Steve Bryan, Swan Quarter Service Group, - stated Swan Quarter has practically no place for new business to locate. Mr. Bryan supports restoration of the Historic Courthouse building and is awaiting response from USDA Rural Development regarding use of part of the \$200,000 Step Grant implementation funding for this project.

Barbara Jean Gibbs, Engelhard – Asked how Hyde County can afford to build the Mattamuskeet EMS Station but can't open the Jail.

Pat Spencer, Swan Quarter – Asked the Board to save the Historic Courthouse. Mr. Spencer believes use of this building would generate income for the County.

Megan Shaw, Swan Quarter – Asked the Board to support the Working Waterman's Association.

Ordinances and Resolutions:

Far Creek Spoils Site Reimbursement Resolution

The Hyde County Board of Commissioners is requesting the State of North Carolina to provide financial assistance to Hyde County for the Far Creek Disposal Site Dike Improvement project in the amount of \$190,000 or 80 percent of project construction costs, whichever is the lesser amount.

Commissioner Swindell moved to adopt “Far Creek Spoils Site Reimbursement Resolution”. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK’S NOTE: A copy of the “Resolution Requesting Far Creek Spoils Site Improvement Project Reimbursement” is attached herewith as Exhibit A and incorporated herein by reference.

Resolution Increasing The Number Of Commissioners And Repealing RES2008-07-03

In completing the Resolution language as provided by statute for increasing the size of the Board of Commissioners from 5 to 7 members, Interim County Manager Carl Classen saw language that he conceived to be a possible issue with RES2008-07-03. That language relates to the size of each district from which one of the nominees is elected. Currently, Commissioners are nominated and elected by countywide vote but under the July 21 Resolution would be from one of several districts.

G.S.153A-58(3) states, in part “...the county shall be divided into electoral districts, and board members shall be apportioned to the districts so that the quotients obtained by dividing the population of each district by the number of commissioners apportioned to the district are as nearly equal as practicable” (underlining added). Based upon data from the Board of Elections and the Department of Revenue, the average of a seven voting district would be 787 persons.

Based upon that, Mr. Classen developed several alternative Resolutions:

Resolution A = Same scenario as what was passed by the Board on July 21. One electoral district per precinct – Average *Difference from Statutory Quotient* – 216.71

Resolution B = Combine Burgess Mills and Fairfield precincts into one District and provide for two nominees from Ocracoke District – Average *Difference from Statutory Quotient* – 187.58

Resolution C = Combine Burgess Mills and Sladesville precincts into one District and provide for two nominees from Ocracoke District – Average *Difference from Statutory Quotient* – 164.58

Resolution D = Create one at-large district and combine Burgess Mills and Sladesville precincts into one district – Average *Difference from Statutory Quotient* – 142.0

Moving precinct lines would create myriad scenarios; rather, Mr. Classen stayed with existing precinct boundaries. Not using precinct boundaries would put this project into a level of complexity for which the County should hire a GIS consultant.

Interim County Manager Carl Classen reported an argument can be made that all scenarios (Resolutions A, B and C) are as “nearly equal as practicable” given driving distances to polling places, consideration of the unique Hyde County attribute of Ocracoke Island, etc. However, Mr. Classen felt it would not be correct of him to fail to

bring this issue to the attention of the Board prior to the measure appearing on the November ballot.

After discussion, Commissioner Davis thanked Mr. Classen for the research he had done and moved to rescind RES2008-07-03 approved July 21, 2008. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "A Resolution Of The Hyde County Board Of Commissioners Repealing RES2008-07-03 Relating To Increasing The Number Of Commissioners" is attached herewith as Exhibit B and incorporated herein by reference.

Other Matters:

Budget Revisions and Transfers:

Interim County Manager Carl Classen reviewed with the Board a budget transfer request from the Health Department for \$1,190.26 for the purchase of a computer. No action was required.

Tax Department Pick-Ups and Releases:

Tax Administrator Linda Basnight presented a list of tax bills recommended for release.

<u>Year</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
2005	Allen, Thelma Boyd	\$120.46	Billed in Beaufort County
2003	Anderson, Simon	\$112.07	Deceased
2006		\$ 59.51	
2007		\$ 45.09	
1999	Anthony, Janet L.	\$170.43	Double Listing
1999	Ballance, Ashlyn W.	\$ 53.98	Double Listing
1999	Balance, Reginald G.	\$336.56	Double Listing
1999	Benston, Samuel L.	\$ 94.48	Double Listing
1999	Berry, Lester M.	\$ 64.35	Double Listing
2001	Best, Cora B.	\$ 4.51	Deceased
1999	Blake, Tammy B.	\$180.47	Double Listing
1999	Boerema, Lee	\$ 4.64	Sold (did not own)
1999	Borland, Ann K.	\$ 40.36	Double Listing
1999	Brock, Sue L.	\$327.21	Double Listing
2000	Brooks, Edward	\$ 90.34	Double Listing
1999	Bryan, Leslie V.	\$ 40.40	Double Listing
1999	Byrd, Hoover A.	\$ 6.72	Double Listing
2002	Capps, Donald P.	\$ 4.21	Deceased
		\$ 62.01	
1998	Daniels, Theodore Jr.	\$ 2.99	Deceased
1999	KPL, Inc. (DBA Parker-Lowe)	\$381.52	Double Listing
2002		\$282.50	

1999	Lites, Clara H.	\$195.04	Double Listing
		\$.45	Check Keyed Incorrect
2007	Loftus, Thomas W. Jr.	\$ 30.48	Overcharged (Bill of Sale)
2008	O'Neal, Carlton B.	\$268.78	Overcharged (Bill of Sale)
2007	Walker, Amelia	\$ 33.68	Double Listing
2002	Williams, Ira D.	\$156.75	Deceased
2005	Williamson, Isabelle G.	\$ 2.81	Deceased

Commissioner Ballance asked to be excused due to conflict of interest.

Mr. Davis moved to excuse Mr. Ballance from voting on release of the tax bill for his brother Reginald G. Ballance. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

After discussion, Mr. Davis moved to approve release of the tax bill for Reginald G. Ballance (deceased). Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Mr. Ballance returned.

After discussion, Mr. Davis moved to approve release of all remaining listed tax bills. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Old Courthouse/Swan Quarter Redevelopment Study:

On July 21, 2008, Ben Cahoon of Cahoon & Kasten presented the final part of the Old Courthouse/Swan Quarter Redevelopment Feasibility Study. In it he made a number of recommendations.

After further consideration and recommendation from Mr. Swindell to table decision until further notice to give Swan Quarter Service Group and other interested citizens time to confirm grants available and organize a community fund raising event, Mr. Davis moved to table discussion and to instruct staff to monitor progress of the Group. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Not Voting – Ballance.

Mattamuskeet EMS Station:

Cahoon & Kasten has prepared a cost summary for the Mattamuskeet EMS Station. The contingency amount (5%) is low due to utilizing two pre-fabricated structures for the bays and for the crew quarters. Also, as has been done with fire departments, the County will ask NCDOT to pave all or part of the driveway to the building. This could save \$22,500.

The project will be funded internally during the construction with staff seeking quotes for outside financing to reimburse the County – as per the Reimbursement Resolution passed at the July 21 meeting.

It is expected that the Mattamuskeet EMS Station would be operational in October or November, 2008.

Hyde County EMS Facility

07.25.08

Site

Fill	800	\$	17.00	cy	\$	13,600.00
Asphalt drives	2500	\$	9.00	sf	\$	22,500.00
5' Concrete sidewalks	50	\$	25.00	lf	\$	1,250.00
Septic	1	\$	5,000.00	lump	\$	5,000.00
			subtotal		\$	42,350.00

Garage

Metal Building	1	\$	25,000.00	lump	\$	25,000.00
Concrete Foundation	40	\$	250.00	cy	\$	10,000.00
Electrical	1	\$	4,000.00	lump	\$	4,000.00
Space Heater	1	\$	3,000.00	lump	\$	3,000.00
			subtotal		\$	42,000.00

Building

Modular 1500sf	1	\$	89,700.00	lump	\$	89,700.00
Ramp & Deck	1	\$	4,000.00	lump	\$	4,000.00
Electrical Hookup	1	\$	1,500.00	lump	\$	1,500.00
			subtotal		\$	93,700.00

Design

Architect	1	\$	9,500.00	lump	\$	9,500.00
			subtotal		\$	9,500.00

subtotal \$ 187,550.00

5% Contingency \$ 9,377.50

Total \$ 196,927.50

Furnishings

\$10,000

Total

\$206,927.50

After discussion, Mr. Davis moved to approve the \$207,000 project budget for the Mattamuskeet EMS Station and to authorize and direct the County Manager to work with the project manager, Cahoon & Kasten, to secure quotes, select vendors/contractors, secure permits, and otherwise take such actions as are necessary to have the Mattamuskeet EMS Station constructed within the budget approved; and to direct the

County Manager to secure quotes for financing the Mattamuskeet EMS Station under the Reimbursement Resolution approved by the Board of Commissioners on July 21, 2008. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – Armstrong; Absent or Not Voting – None.

Economic Development Advisory Group:

The FY2008-09 Budget Resolution calls for establishment of an Economic Development Advisory Group to help review economic development efforts and make recommendations to the County Commissioners. The concept was to have a group of business people to meet quarterly, review economic data, and discuss economic opportunities. The Group who would work with County staff providing practical ideas and suggestions. This is not expected to be a policy-making group.

The FY2008-09 Budget Resolution calls for two Commissioners to serve as liaisons to the Economic Development Advisory Group, one of whom would be the Commissioner nominated from Ocracoke.

The County Manager handed out a list of suggested Group members at the meeting.

After discussion, Mr. Swindell moved to approve creation of the Economic Development Advisory Group and names of initial members; and to appoint County Commissioners Davis and Ballance to serve on the Economic Development Advisory Group. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Work First Plan – Standard or Electing Barbara Butt, IM Supervisor:

It is time to begin the planning for the 2009-2011 Work First Plan. The first step is for the commissioners to decide if the County is to be standard or electing status. We have always been standard in the past. The difference in plans is as follows: The Department of Social Services is responsible for administering and implementing the Standard Work First Plan and the Board of Commissioners is responsible for development, administration, and implementation of the Work First Plan if Electing is chosen.

After discussion with Barbara Butt, IM Supervisor, Mr. Davis moved to approve that Hyde County remain standard status. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Request for Standard or Electing Status for the Work First Program" is attached herewith as Exhibit C and incorporated herein by reference.

Sanitary District Sewer Disconnects:

Interim Health Director Wesley Smith has informed the Board of ongoing issues regarding disconnection of sewer service by Sanitary Districts to nonpaying customers while water service is still connected.

After discussion, Commissioner Davis moved to authorize the County Attorney to represent both the County and the Engelhard Sanitary District for the purpose of developing an intergovernmental agreement between Hyde County and the Sanitary Districts for collection of revenues and related finances. Mr. Swindell seconded the

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

Boards and Committees:

Subdivision Ordinance Board – On July 7, 2008, Commissioner Davis presented a draft proposed Subdivision Ordinance for review by the Board. Recommended changes will be considered at the September 15, 2008 Board of Commissioners meeting.

County Commissioners Report:

Commissioner Swindell moved to advertise the position for a full-time County Manager and to end interim status. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

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

Commissioner Ballance stated the Old Courthouse should not be kept.

Commissioner Armstrong reported that Mr. Rudy Austin of Ocracoke wants the Swan Quarter Convenience Site open at 9:00 AM daily so he can return to Ocracoke on the 10:00 AM ferry. Mr. Classen stated that citizens who call and request early site opening will be accommodated.

No other Board or Committee reports were offered so Chairman Spencer continued with the Agenda.

County Manager's Report:

Manager Position: Interim County Manager Carl Classen will assist with the selection process of a full-time manager.

Ponzer Community Center: Cooperative Extension (Mac Gibbs) is working with Buildings & Maintenance (Kerry Campbell) to develop a plan for immediate remediation of mold problems – drainage off/from the building seems to be the principal cause. Repairs to walls and insulation are needed in conjunction with drainage repairs. After that, Cooperative Extension will be developing a plan for needed improvements to buildings and grounds; seeking volunteer and grant funding.

Jail Facility: Interim County Manager Carl Classen and Sheriff David Mason met and discussed holding a meeting with Chairmen, Sheriff's, and Managers from the nearby region to talk about ways to utilize the Hyde County Jail Facility that will mutually benefit Hyde County and nearby counties. Part of the need is for a transport system so the Sheriff's deputies are not spending so much time transporting inmates from detention facilities to courts. Such a meeting will be organized for later this month or next, depending on the many officials' schedules. Mr. Classen also intends to speak with the new Hyde County Prison warden about joint opportunities.

EMT Vacancy: Acting Emergency Services Director David Warren was advised this past Friday that another Mainland EMT would be taking an extended sick leave and possibly going on disability. This is the second Mainland EMT who is expected to be on extended sick leave and/or disability. In accordance with the FY2008-09 Budget Resolution, the County Manager asks for authority to advertise these vacancies and fill the positions with either full-time or part-time personnel, as appropriate, given the status of the employees on leave.

Commissioner Swindell moved to advertise and hire one EMT position and to utilize existing staff to fill the second vacancy. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Swan Quarter Dike Project/Phase 12: County Attorney Sid Hassell has reviewed the plans for Phase 12 of the Dike Project and is in a position to certify to the Board of Commissioners that the County has adequate right-of-way for constructing Phase 12 as planned by NRCS.

Commissioner Davis moved to authorize the Chairman, County Attorney, Clerk, and other officials to sign and execute documents related to the Swan Quarter Dike Project/Phase 12 land certification. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Grant Project Manager: Interim County Manager Carl Classen will be meeting with NRCS staff and a possible contract inspector/project manager. Presuming the meeting this Thursday goes well, the County will have funds under the Swan Quarter Dike Project to hire a Grant Project Administrator through the end of FY2008-09. This person, as envisioned in the FY2008-09 Budget Resolution, would operate under the Finance Office and assist with the Swan Quarter Dike project but also assist with administering several other major grant projects to be completed in the next 18 months; notably the Mattamuskeet Lodge Sewer Project; the Engelhard Water Treatment Plant Project; the Mattamuskeet EMS Station Project; the Swan Quarter Park Project; and others. Additionally, this person would assist other departments – notably the Sheriff's Office and the Public Utilities Departments with grant applications. The County Manager intends to promote an existing part-time person – Kris Noble – to this full time, grant-funded position but with the understanding that the position is full-time so long as grand funding exists from one or more sources.

Commissioner Davis moved to approve the full time, grant-funded position but with the understanding that the position is full-time so long as grand funding exists from one or more sources. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Mattamuskeet Lodge Sewer Projects: Funding applications for the entire project have been submitted to both the Rural Center and to Golden Leaf. Staff sincerely appreciates the assistance of Senator Basnight's Office, Representative Spear, and Hobbs Upchurch Engineering for their assistance. The projects remain on track for completion in time for the Lodge re-opening in January 2010.

Solid Waste Fee Waiver Request: On April 21, 2008, the Board approved solid waste fee waiver for Paul and Melinda Boyd (residents of Western Hyde County who never received trash pick-up services provided by Hyde County) for 2007 and 2008. Mrs. Boyd has asked the Board to also waive solid waste fees for 2006.

Commissioner Davis moved to approve waiver of 2006 solid waste fees for Mr. and Mrs. Boyd and any future solid waste fees for all citizens who live in this area of Hyde County. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Closed Session:

Ms. Armstrong moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6) regarding personnel matters and NCGS 143-318.11(a)(3). Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 8:41 PM.

Mr. Davis moved to return from Closed Session. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

The Commissioners re-entered regular session at 9:55 PM.

Commissioner Swindell moved to delegate Interim County Manager Carl Classen to appoint Interim Emergency Services Director David Warren to Full-time Director. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Commissioner Davis moved to authorize a settlement of the outstanding claims and invoices by Brennan and Associates for architectural and construction supervision services on the Government Center and Public Safety Center which are in excess of \$235,000.00 with the County to pay \$100,000.00 provided that Brennan and Associates pay all costs for the water storage tank at the Public Safety Center (approximately \$55,000.00). Any request for references as to Brennan and Associates are to be referred to the County Attorney for response. The County and Brennan and Associates will release any further claims against each other. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Commissioner Davis moved to approve waiver of 2006 solid waste fees for Paul and Melinda Boyd and any future solid waste fees for all citizens who live in this area (western tip) of Hyde County. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

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

The meeting adjourned at 10:15 PM.

Respectfully submitted:

Minutes approved on the ____ day of _____, 2008.

Lois Stotesberry, Clerk to the Board of Commissioners

SEAL

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – *“Resolution Requesting Far Creek Spoils Site Improvement Project Reimbursement”*

Exhibit B – *“A Resolution Of The Hyde County Board Of Commissioners Repealing RES2008-07-03 Relating To Increasing The Number Of Commissioners”*

Exhibit C – *“Request for Standard or Electing Status for the Work First Program”*