

1 Minutes

2
3 **Board of County Commissioners**
4 **Hyde County**

5
6 August 6, 2007

7
8 Chairman Charles Spencer called the Regular meeting to order at 7:00 PM on Monday,
9 August 6, 2007 in the Board Room of the O.A. Peay Building, Swan Quarter. The
10 following members were present: Alice Armstrong, Gene Balance, Tom Davis, and
11 Barry Swindell. Also present were Interim County Manager Carl Classen, County
12 Attorney Sid Hassell, various staff members, and members of the public.

13
14 Following a pledge of allegiance to the flag by Chairman Spencer, Commissioner
15 Swindell offered a prayer.

16
17 Clerk to the Board: Given the recent resignation of the Clerk to the Board and the
18 medical infirmity of the Deputy Clerk to the Board, which will keep her away for several
19 months, Mr. Swindell moved to appoint Mr. Classen as Interim Clerk to the Board. Ms.
20 Armstrong seconded the motion. The motion passed on the following vote: with Ayes -
21 Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or
22 Not Voting – none.

23
24 Minutes: Chairman Spencer asked for any amendments to the July 16, 2007 minutes as
25 submitted by the Clerk. Mr. Davis asked that the word “Mondays” be corrected to
26 Tuesdays” on page 2 under the Manager’s Business – Solid Waste Committee. Hearing
27 no further requests for changes to the draft minutes, Mr. Swindell moved to approve the
28 July 16, 2007 minutes as submitted with the correction requested by Commissioner
29 Davis. Ms. Armstrong seconded the motion. The motion passed on the following vote:
30 with Ayes - Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none;
31 Absent or Not Voting – none.

32
33 Public Hearing – CAMA Land Use Plan: Mr. Davis moved to open a public hearing on
34 the proposed CAMA Land Use Plan. Ms. Armstrong seconded the motion. The motion
35 passed on the following vote: with Ayes - Armstrong, Balance, Davis, Swindell and
36 Chairman Spencer; Nays – none; Absent or Not Voting – none.

37
38 Chairman Spencer called on Mr. Classen who stated that the Board had held a Special
39 workshop meeting July 16, 2007 on the CAMA Land Use plan that was developed by a
40 CAMA Land Use Plan Steering Committee with the aid of Holland Planning Consultants.
41 The draft Plan was written over the past two years following 17 meetings and numerous
42 recent consultations with CAMA staff.

43
44 Dale Holland, Holland Consulting Planners, offer his thanks to the citizens and the
45 County staff for their help and hard work in developing the draft Plan.

1 Hearing no further comments from the public, Mr. Davis moved to close the public
2 hearing on the proposed CAMA Land Use Plan. Ms. Armstrong seconded the motion.
3 The motion passed on the following vote: Ayes - Armstrong, Balance, Davis, Swindell
4 and Chairman Spencer; Nays – none; Absent or Not Voting – none.

5
6 CAMA Land Use Plan – Adoption: Hearing no further discussion on the matter, Mr.
7 Davis moved that the Board of Commissioners adopt the draft CAMA Land Use Plan.
8 Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes -
9 Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or
10 Not Voting – none.

11
12 Public Comments: Chairman Spencer asked for comments to the Board from the public.
13 No comments were offered and Chairman Spencer continued with the meeting agenda.

14
15 Appointments – Northeastern Workforce Development Board: The Commissioners
16 received a letter from Marlee Dozier, Northeastern Workforce Development Board
17 requesting re-appointment of Steve Bryan to the Workforce Development Board.
18 Hearing no further nominations for this position, Mr. Ballance moved that the Board of
19 Commissioners appoint Mr. Steve Bryan to the Northeastern Workforce Development
20 Board. Ms. Armstrong seconded the motion. The motion passed on the following vote:
21 Ayes - Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none;
22 Absent or Not Voting – none.

23
24 Appointments – North Carolina Center on Volunteerism: As no person stepped forward
25 to be appointed to represent Hyde County as the County Coordinator for the North
26 Carolina Center for Volunteerism and hearing no objection, Chairman Spencer stated this
27 matter shall not be placed on the agenda again until someone has volunteered for this
28 position.

29
30 Budget Revisions and Transfers: Mr. Classen stated that he was presenting budget
31 revisions and transfers both for FY2006-07 and for FY2007-08. He asked that the
32 amendments be taken up by fiscal year.

33
34 Mr. Classen explained each of the FY2006-07 proposed budget revisions and transfers
35 and stated they related principally to closing out the books on the past fiscal year. These
36 were amendments expected by the Finance Officer and were mentioned during the budget
37 discussions. Mr. Ballance moved that the FY2006-07 budget transfers and revisions be
38 approved as submitted by the Interim County Manager. Mr. Swindell seconded the
39 motion. The motion passed on the following vote: with Ayes - Armstrong, Balance,
40 Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

41
42 CLERK’S NOTE: *A copy of the FY2006-07 budget revisions and transfers is attached*
43 *hereto as Exhibit A and hereby incorporated into these minutes.*

44
45 Mr. Classen reviewed each of the proposed FY2007-08 proposed budget revisions noting
46 that most were re-authorizing funds carried over from the prior fiscal year. Mr. Swindell

1 moved that the FY2006-07 budget transfers and revisions be approved as submitted by
2 the Interim County Manager. Mr. Davis seconded the motion. The motion passed on the
3 following vote: with Ayes - Armstrong, Balance, Davis, Swindell and Chairman
4 Spencer; Nays – none; Absent or Not Voting – none.

5
6 CLERK’S NOTE: *A copy of the FY2007-08 budget revisions and transfers is attached*
7 *hereto as Exhibit B and hereby incorporated into these minutes.*

8
9 Animal Control Agreements: Mr. Classen distributed outlines of two agreements with
10 J.M. Eakes, Fairfield, for the provision of animal control officer services and animal
11 shelter services. Mr. Classen reviewed each of the agreement outlines and stated the
12 outlines culminated work done by Chairman Spencer, Mr. Eakes and himself and were
13 recently sent to the County Attorney for development of legally binding agreement
14 language. Following discussion about language regarding hiring/contracting and
15 regarding the annual cost of equipment, Mr. Davis moved to authorize the Chairman,
16 County Manager and other necessary County personnel to sign and execute the animal
17 control officer and the animal shelter agreement when completed by the County
18 Attorney. Ms. Armstrong seconded the motion. The motion passed on the following
19 vote: with Ayes - Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays –
20 none; Absent or Not Voting – none.

21
22 Temporary Debris Site Contracts: Emergency Management Coordinator (EMC) Tony
23 Spencer presented four (4) contracts with property owners for Temporary Debris Storage
24 and Removal Sites (TDSR), which would be used in the event of an emergency. Three
25 of the contracts – Hignite, Armstrong, and the Engelhard Sanitary District – have a cost
26 only when the site is activated. The fourth contract with the National Park Service on
27 Ocracoke has no cost attached. Chairman Spencer moved to approve the four (4)
28 contracts and to authorize the Chairman, County Manager, Emergency Management
29 Coordinator and other County officials as necessary to sign and execute the contracts.
30 Mr. Ballance seconded the motion. The motion passed on the following vote: with Ayes
31 - Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or
32 Not Voting – none.

33
34 County Emergency Debris Management Plan: Emergency Management Coordinator
35 (EMC) Tony Spencer and the County’s emergency debris removal contractor, J. B.
36 Coxwell, Inc., developed a proposed Hyde County Debris Plan to assist the County in
37 planning emergency debris storage and removal and to fulfill federal and State
38 recommendations/reimbursement requirements and requirements. Mr. Spencer explained
39 that the plan will be appended to the Hyde County Emergency Operations Plan and
40 maintained in the future as a part of that plan. As copies of the entire Plan were not
41 available at the meeting and hearing no objection, Chairman Spencer laid the matter over
42 until the August 20 Commissioners meeting.

43
44 Randy Hignite Subdivision: In accordance with the Subdivision Ordinance, Mr. Randy
45 Hignite was applying for a five-lot subdivision along US264, Engelhard. County Planner
46 Alice Kenney stated that the application was in conformity with the County Subdivision

1 Ordinance. Mr. Hignite noted that he had a purchase contract with the property owner,
2 Mr. Balance, and the contract provided for Mr. Hignite to obtain subdivision approval.
3 Mr. Davis moved to approve the Hignite subdivision application conditioned upon
4 appropriate signatures applied and it meeting all other requirements of the Subdivision
5 Ordinance. Ms. Armstrong seconded the motion. The motion passed on the following
6 vote: Ayes - Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none;
7 Absent or Not Voting – none.

8
9 Far Creek Dredging Project Spoils Site – Contract Award: Mr. Classen reported on
10 progress of the Far Creek Dredging Spoils Site Project and included a review of recent
11 bids received by the County for the dike/spillway rehabilitation portion of Project.

12		
13	Armstrong, Inc.	\$112,000.00
14	Sawyer’s Land Development, Inc.	\$130,000.00
15	Alligator River Growers	\$194,500.00
16	Armstrong Land Development, Inc/	\$260,000.00
17		

18 Mr. George Wood of Environmental Professionals, Inc., project manager, wrote that he
19 had reviewed the bids and he had reviewed the work history of the apparent low bidder.
20 He recommends awarding the contract to Armstrong, Inc. for the bid amount of
21 \$112,000.00.

22
23 Mr. Davis moved to approve a contract for the Far Creek Dredging Spoils Site Project
24 with Armstrong, Inc. and to authorize and direct the Chairman, County Manager, Tax
25 Administrator and other County officials, as necessary, to sign and execute all documents
26 needed in support of this action. Mr. Ballance seconded the motion. The motion passed
27 on the following vote: Ayes - Armstrong, Balance, Davis, Swindell and Chairman
28 Spencer; Nays – none; Absent or Not Voting – none.

29
30 Revaluation – Contract Award: Mr. Classen reported on progress of the Revaluation
31 Project and included a review of recent bids received by the County for the Project.

- 32
- 33 • Pearson Appraisal Services (\$29.20 per parcel; estimated 8,600 parcels – total
34 \$251,120; plus, \$15,000 for Pearson’s Tax Office CAMA software)
 - 35 • Tyler Technologies/CLT Appraisal & Tax Solutions (\$30 per parcel; estimated
36 8,700 parcels – total \$324,800; plus \$36,000 for Univers and Landisc software)
- 37

38 Mr. Classen stated the Tax Administrator is on medical leave but the County Manager
39 reviewed the proposals with her with her over the phone. Based upon the proposals
40 received, familiarity of the firms with Hyde County, the experience of the County with
41 the firms, and the amount charged, the County Manager and Tax Administrator
42 recommend the contract be awarded to Pearson Appraisal Services

43
44 Mr. Davis moved to approve a contract for the Revaluation Project with Pearson
45 Appraisal Services and to authorize and direct the Chairman, County Manager, Tax
46 Administrator and other County officials, as necessary, to sign and execute all documents
47 needed in support of this action. Mr. Ballance seconded the motion. The motion passed

1 on the following vote: Ayes - Armstrong, Balance, Davis, Swindell and Chairman
2 Spencer; Nays – none; Absent or Not Voting – none.

3
4 No Wake Zone – Hydeland Canal: The Commissioners reviewed a request from Randy
5 Hignite for a No Wake Zone on Hydeland Canal. They also reviewed correspondence
6 from the North Carolina Wildlife Resources Commission on the procedure to establish a
7 No Wake Zone on Hydeland Canal and Fodrey Canal, both issues having being raised
8 previously before the Commissioners but no action taken. After discussion whether
9 Fodrey Canal should have the existing No Wake Zone extended, Mr. Balance moved to
10 proceed with the required public hearing in conjunction with the September 4 Regular
11 meeting of the Board to establish a No Wake Zone along Hydeland Canal. Ms.
12 Armstrong seconded the motion. The motion passed on the following vote: Ayes -
13 Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or
14 Not Voting – none.

15
16 Community Development Block Grant (CDBG) - Entrepreneurial Incubator Grant: Mr.
17 Larry Moolenar, Executive Director of the East Carolina Commission and contract grant
18 manager on this grant, gave an update on the status of this grant project. No action was
19 taken.

20
21 Request for Advertising – Beaufort Hyde News: The Commissioners reviewed a request
22 for advertising in a planned Hyde County Business Review. No action was taken.

23
24 Request for Donation – Caswell Center Operation Santa Claus: The Commissioners
25 reviewed a donation request from the Caswell Center in support of Operation Santa
26 Claus. No action was taken.

27
28 Rules of Procedure: Mr. Classen reviewed the existing Rules of Procedure, which were
29 adopted by the County Commissioners on January 2, 2001, and with two subsequent
30 amendments approved by the Commissioners on October 4, 2004 and on November 1,
31 2004. Mr. Classen stated that the existing Rules are based upon a 1994 version of a
32 publication published by the Institute of Government and that the Institute updated that
33 publication in 2002. Mr. Davis moved to authorize and direct the County Manager to
34 purchase copies of the updated Rules of Procedure publication from the Institute of
35 Government, including a digital copy, to assist the Commissioners in updating their Rules
36 of Procedure. Mr. Swindell seconded the motion. The motion passed on the following
37 vote: with Ayes - Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays –
38 none; Absent or Not Voting – none.

39
40 Commissioner Reports: Chairman Spencer asked for reports from each of the
41 Commissioners.

42
43 Mr. Swindell and Mr. Davis reported on activities of the Solid Waste Advisory
44 Committee, which was meeting first time the following night. As several Commissioners
45 had asked whether they, too, could attend the Committee meeting, Mr. Classen asked the
46 County Attorney whether more than two Commissioners could attend meetings of the

1 Solid Waste Advisory Committee. Mr. Hassell stated that since the Committee would be
2 discussing County government business, more than two Commissioners could not attend
3 without a concurrent special meeting of the Commissioners being properly called and
4 convened.

5
6 Mr. Davis asked whether Committee meetings, which are being held in the Information
7 Highway Rooms of the Mattamuskeet and Ocracoke schools, could be recorded so others
8 could view the meetings. Mr. Classen stated he would look into this question.

9
10 Mr. Balance distributed a request from Gerald Sigal to serve on the Beaufort-Hyde-
11 Martin (BHM) Library Board. Hearing no objection, Chairman Spencer directed Mr.
12 Classen to look into the County's appointments to the BHM Library Board and report
13 back at a future meeting.

14
15 Chairman Spencer reported on a 23-hour mental health crisis center that would be opened
16 soon in Elizabeth City by Albemarle Mental Health and that he understands a similar
17 center may be opened south of the Albemarle. He also reported on a pre-bid meeting
18 held for the new Hyde County Transit building planned along US264 near Lake Comfort.

19
20 County Manager's Report: Chairman Spencer called upon Mr. Classen for a report.

21
22 MIDGETTE-GIBBS STATE ROAD REQUEST: Mr. Classen distributed and reported on a letter
23 from NCDOT denying inclusion of Lakeview Road in the State Highway System,
24 Chairman Spencer reported on a property owners meeting was being planned to address
25 this issue further.

26
27 CLERK TO THE BOARD: Mr. Classen reported on efforts to replace the permanent Clerk to
28 the Board, who also serves as Administrative Assistant to the County Manager and as a
29 Personnel Clerk. He also reported that he had hired Elsie Modlin, a rising Mattamuskeet
30 High School senior, to help in the office until she returns to school full time.

31
32 2006 VEHICLE TAX STATEMENT: Mr. Classen distributed and reviewed a Report of
33 Settlement of the 2006 vehicle taxes prepared by the office of the Tax Administrator.
34 Ms. Armstrong moved to accept the Report. Mr. Swindell seconded the motion. The
35 motion passed on the following vote: Ayes - Armstrong, Balance, Davis, Swindell and
36 Chairman Spencer; Nays – none; Absent or Not Voting – none.

37
38 CLERK'S NOTE: *A copy of the 2006 Vehicle Tax Report of Settlement is attached hereto*
39 *as Exhibit C and hereby incorporated into these minutes.*

40
41 2006 REAL AND PERSONAL PROPERTY TAX STATEMENT: Mr. Classen distributed and
42 reviewed a Report of Settlement of the 2006 real and personal property taxes prepared by
43 the office of the Tax Administrator. Ms. Armstrong moved to accept the Report. Mr.
44 Swindell seconded the motion. The motion passed on the following vote: Ayes -
45 Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or
46 Not Voting – none.

1 CLERK'S NOTE: *A copy of the 2006 Real and Personal Property Tax Report of Settlement*
2 *is attached hereto as Exhibit D and hereby incorporated into these minutes.*
3

4 Mr. Classen passed out information regarding the upcoming Chamber of Commerce
5 Issues Luncheon featuring Congressman Walter Jones and regarding the upcoming
6 Albemarle Ad Valorem Tax Association Meeting, both of which would be held in
7 Engelhard.
8

9 Mr. Classen handed out a form for Commissioners to indicate their need for lodging in
10 conjunction with the August 20 Commissioners meeting on Ocracoke.
11

12 Mr. Classen noted additional information items that were included in the Commissioners
13 packets.
14

15 Closed Session: Mr. Davis moved to enter Closed Session in accordance with NCGS
16 143-318.11(a)(3) regarding consultation with legal counsel and 143-318.11(a)(6)
17 regarding personnel matters. Mr. Swindell seconded the motion. The motion passed on
18 the following vote: Ayes - Armstrong, Balance, Davis, Swindell and Chairman Spencer;
19 Nays - none; Absent or Not Voting - none.
20

21 Mr. Davis moved to return from Closed Session Mr. Swindell seconded the motion. The
22 motion passed on the following vote: Ayes - Armstrong, Balance, Davis, Swindell and
23 Chairman Spencer; Nays - none; Absent or Not Voting - none.
24

25 Mr. Davis moved that the Assistant Tax Administrator, Mary Gibbs, be named Acting
26 Tax Administrator until such time as the Tax Administrator returns from medical leave
27 and resumes her duties fully or until January 15, 2008, whichever comes first, and that
28 Ms. Gibbs receive a ten percent (10%) increase in salary during the time she serves as
29 Acting Tax Administrator. He further moved that Assistant Emergency Medical Service
30 Director Mary Armstrong continue in her role as Acting Emergency Medical Service
31 Director until the Emergency Medical Services Director returns full time to her position
32 or until January 15, 2008, whichever comes first and that Ms. Armstrong continue to
33 receive her ten percent (10%) increase in salary since it was first authorized in the spring
34 2007 during the time she serves as Acting Emergency Medical Services Director. Mr.
35 Swindell seconded the motion. The motion passed on the following vote: with Ayes -
36 Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays - none; Absent or
37 Not Voting - none.
38

39 Hearing no objection, Chairman Spencer ordered that the County Attorney be directed to
40 assist on the one Swan Quarter Sanitary District (SQSD) property where waste water was
41 seen coming out of the District's pump station; that the County Manager contact SQSD
42 and Engelhard (ESD) to ask that they send the County 30- or 60-day pre-cutoff notices so
43 that the County can advise the property owners of possible consequences; that the County
44 Manager contact the SQSD and the ESD about possibly seeking legislation allowing the
45 districts to enter into agreements for services, such as bill collection services, and that the
46 County Manager send out a memo to all County departments stating that all inquiries and

1 requests for services from the County Attorney must first go through the County Manager
2 for approval and that the County manager be delegated responsibility for directing the
3 work of the County Attorney.

4
5 There being no further matters to come before the Commissioners, Mr. Davis moved to
6 adjourn the meeting. Ms. Armstrong seconded the motion. The motion passed on the
7 following vote: with Ayes - Armstrong, Balance, Davis, Swindell and Chairman
8 Spencer; Nays – none; Absent or Not Voting – none.

9
10 Chairman Spencer adjourned the meeting at 10:32 PM.

11
12
13 Respectfully submitted:

14
15
16 _____
17 Carl Classen, County Manager (Interim)
18 Interim Clerk to the Board of Commissioners

19
20
21
22
23 Minutes approved on _____

24
25
26 _____
27 Charles Spencer, Chairman

28
29
30
31 ATTACHMENTS: Exhibit A – FY2006-07 Budget Revisions and Transfers
32 Exhibit B – FY2007-08 Budget Revisions and Transfers
33 Exhibit C – 2006 Vehicle Tax Report of Settlement
34 Exhibit D – 2006 Real and Personal Property Tax Report of
35 Settlement
36
37