

## Minutes

### **Board of County Commissioners Hyde County**

**December 1, 2008**

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, December 1, 2008 in the Multi-Use Room. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were County Manager Carl Classen; County Attorney Sid Hassell; Commissioner-Elect Anson Byrd; Commissioner-Elect Sharon Spencer; Clerk to the Board Lois Stotesberry; and members of the public.

#### **Oaths of Office**

Chairman Spencer called for swearing in of the newly-elected Commissioners. Clerk of Court Sharon Sadler swore in Sharon Spencer as a County Commissioner. Register of Deeds Lora Byrd swore in Anson Byrd as a County Commissioner. Commissioners Byrd and Spencer took their seats for the balance of the Board meeting.

Former Commissioners Alice Armstrong and Charles Spencer were presented plaques and thanked for their years of service.

#### **Organizational Meeting**

In accordance with State law, Clerk Lois Stotesberry opened an organizational meeting to elect the Chairman and Vice-chairman and appoint the Clerk to the Board and the County Attorney.

Clerk to the Board Lois Stotesberry called for nomination for Chairman.

Commissioner Swindell nominated Commissioner Davis. Mrs. Stotesberry asked for further nominations. Commissioner Byrd nominated Commissioner Spencer. Mrs. Stotesberry asked for further nominations. There being no further nominations, Mrs. Stotesberry called for a vote on the nominees. Commissioners Ballance, Davis, and Swindell voted for Mr. Davis. Commissioner Byrd voted for Mrs. Spencer. Commissioner Spencer did not vote.

Mrs. Stotesberry turned over presiding duties to Chairman Davis.

Chairman Davis called for nomination for Vice-Chairman. Commissioner Ballance nominated Commissioner Swindell. Mr. Davis asked for further nominations. There being no further nominations, Mr. Davis called for a vote on the nominees. Commissioner Ballance, Byrd, Davis, Spencer, and Swindell voted aye for Mr. Swindell.

Commissioner Davis called for appointment of Clerk to the Board.

Commissioner Swindell moved to re-appoint Lois Stotesberry as Clerk to the Board. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes - Ballance, Byrd, Davis, Spencer, and Swindell; Nays - None; Absent or Not Voting - None.

Commissioner Davis called for appointment of County Attorney.

Commissioner Ballance moved to appoint Sid Hassell as County Attorney. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Ballance, Byrd, Davis, Spencer, Swindell; Nays - None; Absent or Not Voting - None.

Commissioner Ballance moved to close the organizational 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.

## **Regular Meeting**

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:15 PM on Monday, December 1, 2008 in the Multi-Use Room. The following members were present: Gene Ballance, Anson Byrd, Tom Davis, Barry Swindell, and Sharon Spencer. Also present were 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 Davis asked for any changes to the December 1, 2008 meeting Agenda as presented by the Clerk. Commissioner Ballance moved to accept the Agenda as presented by the Clerk with the addition of Item III. B. – Resolution To Support Corrective Measures By NCDOT At Brickhouse Fork. 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 Swindell moved to approve the November 17, 2008 Meeting Minutes as presented by the Clerk. 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.

## **Public Comments:**

Chairman Davis called for comments from the public.

Barbara Jean Gibbs, Engelhard – asked if the Board voted to table the new EMS Building Project during the November 17, 2008 Board of Commissioners Meeting held in Ocracoke.

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

## **Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates**

Commissioner Swindell moved to adopt “Resolution Establishing Regular Meeting Dates”. 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.

*CLERK'S NOTE: A copy of “Resolution Establishing Regular Meeting Dates” is attached herewith as Exhibit A and incorporated herein by reference.*

## **Resolution To Support Corrective Measures By NCDOT At Brickhouse Fork**

Citing the October 27, 2008 motor vehicle collision where Knightdale, NC, Forestville Road Elementary School Teacher Imelda Mills died while on her way to a teachers conference in Ocracoke; where O. A. Peay Elementary School teacher Cathy Strong died in December, 1993; and numerous other collisions at Brickhouse Fork in the past, Commissioner Swindell moved to encourage and support appropriate corrective measures by NCDOT at Brickhouse Fork. 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.

## **Appointments:**

## **Southern Albemarle Association 2009 Executive Committee Nominees**

Hyde County Vice-President Sharon Sadler requests Board approval of the Southern Albemarle Association 2009 Executive Committee member nominees.

Commissioner Byrd moved to approve the Southern Albemarle Association 2009 Executive Committee member's assignment for Hyde County as submitted by Ms. Sadler. 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.

**Other Matters:**

**Budget Revisions and Transfers**

County Manager Carl Classen reported to the Board that in accordance with the FY2007-08 Budget Ordinance he is requesting transfer of \$8,298.00 as requested by Sheriff David Mason for transfer of money reimbursed from NC DOT for inmate costs, which is new General Fund revenue, to Equipment. Mr. Classen reported upon transfers he has made in accordance with the FY200-09 Budget Ordinance: transfer of \$600.00 as requested by Finance Officer Jessica Gibbs to cover the cost of longevity pay for employees not put in the 2008/2009 budget; transfer of \$200.00 as requested by County Planner Alice Keeney to cover the cost of longevity pay not budgeted at the proper amount in the 2008/2009 budget; transfer of \$20.00 as requested by Utilities Director Clint Berry to cover the cost of longevity pay for employees not put in the 2008/2009 budget; and transfer of \$3,000.00 as requested by Elections Manager Cindy Caraway to cover the cost of election officials time and travel for the presidential election.

Commissioner Swindell moved to the budget transfers as presented. 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.

**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>
2007	Gross, Marissa Anne	61043	Did not own
1999	Cahoon, Sigrid Cuenther	94.77	Release to Tyrrell County-Lives in Killenney
2007	Cahoon, Ted Lewis	203.36	Release to Tyrrell County-Lives in Killenney
2007	Bouquin, John Russell	2.43	Never Lived or Registered a vehicle in Hyde County
2000	Cahoon, Thomas	4.40	Released to Tyrrell County—Lives in Killenney
2008	Webster, Edwin Bower	139.92	Moved vehicle out of state-plates turned in
2008	Pungo River Logging	350.35	Did not own
2008	Lefever Jr., Rex Bartley	3.78	Released to Washington County
2008	Gibbs, Jessie Roger	47.73	Bill of Sale
1998	Brooks, Jeffrey	228.26	Did not own-have never owned
2008	Hershey, Everett Daniel	40.92	Released to Beaufort County-resident of Beaufort Co.
2008	Austin, Barbara June	71.50	Land sold to Fairfield V.F.D. (exempt) in 2006
2008	Davis, Robert Charles	17.64	Plates turned in-vehicle sold-pro-rated
2008	Oden, Jr., Donald S.	125.06	Incorrect value on Motor Home
2008	Grimes, Jimmie	64.35	Camper Trailer billed in Nash County

Commissioner Swindell moved to approve the tax bill releases as presented as listed above. 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.

### **NCHFA/CDBG Rehabilitation Contract Awards**

Materials were not received in time for the Agenda. Commissioner Spencer moved to table NCHFA/CDBG Rehabilitation Contract Awards until the January 5, 2009 Board of Commissioners meeting. 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.

### **Transportation Improvement Plan – Engelhard Airport**

The 2010-2012 Three-Year Improvement Plan developed by the County's airport engineers (Talbert & Bright) for the Engelhard Airport proposed Plan builds upon previous planning done by the Engelhard Airport Advisory Committee. The fence, wind cone and terminal projects are not included in the Three-Year Plan as it anticipates their completion prior to 2010.

The Engelhard Airport Advisory Committee meets on December 2 and may suggest future changes. However, a County-approved Three-Year Improvement Plan is required at the NCDOT Division of Aviation by December 19, so the County Manager recommends adopting the proposal developed by the airport engineer and then, if the Advisory Committee recommends changes, submit those changes following review and approval at the January 5 meeting.

The Three-Year Plan is updated annually. Approving the Improvement Plan does not commit the County to funding. That is done through the annual budget process. Funding is presently 90% - State/10% - local.

Commissioner Swindell moved to approve the 2010-2012 Three-Year Airport Improvement Plan as submitted by the County Manager. 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.

### **County Commissioners Reports:**

Commissioner Swindell reported the Hyde County Communications Advisory Group met on Tuesday, February 25, 2008 and identified issues of concern. Mr. Swindell reported that dispatchers will receive training. The Group will meet on the 4<sup>th</sup> Monday night of each quarter. The next Group meeting will be February 23, 2009 at 7:00 PM.

Commissioner Ballance reported progress is being made on the Ocracoke Fish House renovation project. Mr. Ballance reported that the Ocracoke Golden LEAF Grant Check Presentation Ceremony is scheduled for December 19, 2008.

Commissioner Spencer thanked the citizens of Hyde County for electing her to serve on the Board of Commissioners and stated she plans to represent the citizens fairly and honestly.

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

### **County Manager's Report:**

#### **Joint Meeting with Board of Education**

The County Manager has spoken with the School Superintendent about a joint meeting of the Board of Education and County Commissioners. The focus of the meeting would be school capital construction planning.

Hearing no objection, Chairman Davis called a special joint meeting with the Board of Education on Tuesday, January 6, 2009 beginning at 5:00 PM at the same location as the Board of Education meeting (Mattamuskeet School Cafeteria, Swan Quarter) immediately preceding the Regular Board of Education meeting at 7:00 PM.

### **Project Reports**

County Manager Carl Classen reported a letter will be sent to the Board by December 25, 2008 listing members of boards, committees, groups, and commissions along with term expiration dates.

Mr. Classen reported that, pursuant to the November 17 action by the Board, the new Mattamuskeet EMS Station is on hold until January 5, 2009 when he will report estimated capital and operating costs of housing EMT's in Engelhard and Swan Quarter Fire Departments, plus research the possibility of using the Engelhard Medical Center for housing EMT's.

After receiving report from Mr. Classen that contract modifications were needed, Commissioner Swindell moved to approve the Swan Quarter Watershed Project Phase XI Project Ordinance Amendment. 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.

***CLERK'S NOTE: A copy of "Swan Quarter Watershed Project Phase XI Project Ordinance Amendment" is attached herewith as Exhibit B and incorporated herein by reference.***

Mr. Classen further reported that he recommends considering alternative financing than just a revenue bond for the Engelhard Water Treatment Plant project. He will report further on this to the Board on January 5, 2009; Hyde County has strong support from Senator Marc Basnight and Representative Tim Spear of the Mattamuskeet Lodge Sewer Projects; Ponzer Community Building Repairs are complete; Swan Quarter Park Project is progressing; arrangements are being made to provide cleaning service for the Engelhard Community Park public restrooms; a contractor will be selected and work will begin soon on the Ocracoke Convenience Site/County Building Improvements project; he will meet with Steve Bryan on Tuesday, December 2, 2008, to discuss the Old Courthouse Building Re-Use project; and that he will attend the Ocracoke NPS Boat Ramp/Ocracoke Oyster Project meeting next week.

Mr. Classen suggested the Board should meet in late February for a goal setting session and that he would work with the Chairman and Vice Chairman on planning for the session. He suggested that a facilitator, possibly from the School of Government or elsewhere, be utilized.

After receiving confirmation from Register of Deeds Lora Byrd that the Viet Nam Veterans group does not want the steps or ramps from the office trailers formerly used for County offices, Commissioner Swindell moved to declare the steps surplus property. 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.

Mr. Classen further reported that the contract with David's Trash Service was approved by the County Commissioners in June, 2008, subject to final language developed by the County Manager working with the County Attorney. That work is just being completed. The new rates for hauling to the ARSWMA transfer stations or to landfill need to be incorporated into revisions to the contract with David's Trash.

Commissioner Byrd asked if Hyde County could re-bid the Solid Waste Contract with ARSWMA, and Commissioner Spencer asked if the County should expect charges for noncompliance from Republic. Mr. Classen reported the Regional Contract could not be put out for re-bid. Mr. Classen further reported that the ARSWMA contract with Republic Industries will be on the January 5, 2009 agenda for consideration.

Mr. Classen further reported that PAYT solid waste disposal plan will begin on Ocracoke on January 5, 2009; and that Soundside Group is researching electronic meeting equipment that will be compatible with Information Highway equipment at Mattamuskeet and Ocracoke Schools.

**Closed Session:**

Mr. Swindell moved to enter Closed Session in accordance with NCGS §143A-318.11(a)(6) to discuss personnel matters, and with NCGS §143A-318.11(a)(3) for consultation with legal counsel. Mr. Ballance 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 Commissioners entered closed session at 8:24 PM.

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

The Commissioners re-entered regular session at 9:10 PM.

After discussion, Mr. Swindell moved that Hyde County join with Dare County and the Cape Hatteras Access Preservation Alliance in a legal challenge to the designation by the US Fish & Wildlife Service of critical habitat for the wintering population of piping plover. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Ballance 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 9:15 PM.

Respectfully submitted:

Minutes approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

---

Lois Stotesberry, Clerk - Hyde County Board of Commissioners

SEAL

---

Tom Davis, Chairman - Hyde County Board of Commissioners

**ATTACHMENTS:**

Exhibit A – *“Resolution Establishing Regular Meeting Dates”*

Exhibit B – *“Swan Quarter Watershed Project Phase XI  
Project Ordinance Amendment”*