

**Hyde County Board of Commissioners' Meeting**  
**December 3, 2007**  
**Minutes**

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on December 3, 2007 in the Community Building, Ocracoke. The following members were present: Alice Armstrong; Gene Ballance, Tom Davis, Charles Spencer, and Barry Swindell. Also present were Interim County Manager Carl Classen, County Attorney Sid Hassell, various staff members, and members of the public.

Commissioner Davis offered prayer.

Agenda: Chairman Spencer asked for any changes to the December 3, 2007 meeting Agenda. Modifications were made to Item V. Other Matters with the addition of item V. H. - Health Board Request and item V. I. – CDBG – Small Business Entrepreneurial Assistance Program. Mr. Davis moved to approve the agenda as amended. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Commissioners Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Minutes: Chairman Spencer asked for any amendments to the following minutes drafted by the Clerk: October 15, 2007; November 5, 2007; and November 19, 2007. Mr. Davis asked that consideration of Minutes be laid over until January 7, 2008 Commissioners meeting. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Public Comments: Chairman Spencer asked for comments to the Board from the public.

Mr. Buster Manning, ECSP, LLC; Tony Carawan and other Hyde County farmers, along with Heidi Smith of Tideland EMC and Paula Wahl, a contract Economic and Community Development Specialist requested approval of a \$360,000 grant-loan package to East Carolina Soy Producers LLC Program to finance machinery and equipment for the East Carolina Soy Producers soybean crushing facility. Commissioner Davis asked to be excused from the meeting during this matter due to conflict of interest. Mr. Swindell made a motion to excuse Mr. Davis from the meeting during this matter. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Tom Davis. Mr. Davis left the room.

After discussion, Mr. Swindell made a motion to approve an application for a zero interest \$360,000 USDA REDLG loan that includes \$60,000 matching funds from Tideland EMC with a ten year loan repayment period to provide financing for machinery and equipment to be purchased and then leased to East Carolina Soy Producers, LLC to be located in Hyde County contingent upon provision of an adequate security letter suitable to the County Manager after consultation with County Attorney. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Tom Davis.

Commissioner Davis returned to the meeting room.

Hearing no further comments from the public, Chairman Spencer continued with the meeting Agenda.

Public Hearings:

On October 1, 2007 the County Commissioners conducted a Public Hearing on “An Ordinance Amending Ordinance #137 Ocracoke Development Ordinance.” That Public Hearing was recessed to the December 3, 2007 Commissioners meeting pending receipt of further information from Larry Kirkpatrick, who is developing Hyde County’s Geographic Information System (GIS). Mr. Davis made motion to reconvene and conduct the recessed Public Hearing. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Mr. Kirkpatrick made his follow-up presentation to the Commissioners.

Hearing no further comments from the public, Mr. Davis made motion to close the Public Hearing. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Ordinances and Resolutions:

Ordinance Amending Ordinance #137 Ocracoke Development Ordinance. After additional comments from Larry Kirkpatrick, Ms. Armstrong moved to amend into meeting an Ordinance Amending Ordinance #137 Ocracoke Development Ordinance. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Commissioners Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Resolution – Catawba County Resolution Regarding Homestead Exemption. Ms. Armstrong moved to approve a Resolution requesting the Hyde County legislative delegation to aggressively pursue an increase in the North Carolina Homestead Exclusion income threshold from \$25,000 to \$35,000 Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Commissioners Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A COPY OF A RESOLUTION, WHICH WAS APPROVED BY THE BOARD OF COMMISSIONERS IS ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY REFERENCE.

Resolution 2007-12-aa-Juvenile Crime Prevention Funding. A Resolution prepared by Juvenile Crime Prevention Council staff on behalf of the Hyde County Juvenile Crime Prevention Council (JCPC) was presented. No motion was made by the Commissioners.

Budget Revisions and Transfers: Following discussion, Mr. Davis moved to approve the Budget Amendments and Transfers from the Health Department as submitted excluding budget item for mosquito control; establish budget item for miscellaneous expenses in Social Services Department; amend budget items in Planning and Economic Development. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A COPY OF THE APPROVED BUDGET AMENDMENTS ARE ATTACHED TO THESE MINUTES AS EXHIBIT B AND INCORPORATED HEREIN BY REFERENCE.

Unified Government: Carl Classen, Interim County Manager; Sid Hassell, County Attorney; and Commissioner Davis discussed the concept of Unified Government explaining impacts of unified government on Hyde County. No action was taken and Chairman Spencer continued with the Agenda.

Solid Waste Fee – Waiver Requests: Waiver requests to the 2007 Solid Waste Fee were received from James F. Cozart, Consovelia Harris, Doris Stotesberry, and Joyce Balance and discussed. All were denied until further investigation of habitable dwelling status could be completed.

Center Turn Lane – NC12, Ocracoke: Mr. Davis made a motion to hold a Public Hearing recommending that NCDOT install a center turn lane along NC12 in Ocracoke Village from north of Howards Pub southward to approximately East Carolina Bank so that drivers can better make left turns into business without bottling traffic and/or causing drivers to pass unsafely and illegally on the right. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None. Hearing no objection, Chairman Davis stated the Public Hearing would be held during the next Regular meeting scheduled for Ocracoke.

EMS in Fire Department Buildings: Discussion of cost associated with moving EMS into the fire department buildings in Swan Quarter and Engelhard was laid over. Acting EMS Director David Warren will present information on a standard shift schedule and the impact on labor costs at the January 7, 2008 Commissioners meeting.

EMS in Ocracoke Health Center: Carl Classen, Interim County Manager thanked the Ocracoke Health Board and commended Cheryl Balance for providing management to Hyde County EMS on Ocracoke. The Ocracoke Health Center has decided to no longer manage EMS on Ocracoke.

Meal Reimbursement Policy Variation: During the NC 12 Beach Detour/Bridge Replacement Project (January – March, 2008) only one restaurant (Jason’s) will be open on Ocracoke Island, and it will only be open for lunch. After discussion, Commissioner Armstrong moved to approve a temporary change to existing Hyde County meal reimbursement policy for travel to Ocracoke during the period January through March, 2008 to \$32 daily. Mr. Balance seconded the motion. The motion passed on the following vote: Ayes –Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Beach Driving Regulations: After discussion regarding a lawsuit filed by Defenders of Wildlife seeking a stop to beach driving pending development and approval of National Park Service (NPS) Off-Road Vehicle (OVR) regulations, Mr. Ballance made a motion to join in the lawsuit with Dare County by name only at this time. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes –Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CDBG – Small Business Entrepreneurial Assistance Program: The North Carolina Department of Commerce, Division of Community Assistance, has asked Hyde County to re-sign two documents that will increase Hyde County’s CDBG – Small Business Entrepreneurial Assistance Program award by \$9,000 to \$25,000. Commissioner Davis made motion to accept the grant funds and authorize the Chairman, County Manager and other County officials as necessary to re-sign the CDBG-SBEA Application Summary Sheet and the Disclosure Report. Commissioner Balance seconded the motion. The motion passed on the following vote: Ayes –Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Boards and Committees: Chairman Spencer asked for reports from various boards and committees.

**SOLID WASTE ADVISORY COMMITTEE:** Commissioners Davis and Mr. Swindell reported on the work of the Solid Waste Advisory Committee and stated that the Committee will meet on December 4, 2007 in Ocracoke and Mattamuskeet School Information Highway Rooms.

**SUBDIVISION ORDINANCE AMENDMENT COMMITTEE:** Commissioners Davis and Mr. Swindell report changes have been made and will be presented at a later date.

**ABC BOARD:** Commissioners Spencer and Davis reported improved financial reports.

No other board or committee reports were offered so Chairman Spencer continued with the Agenda.

County Commissioner Reports:

Commissioner Spencer spoke on the progress of the Albemarle Mental Health Board and success of the televised response program in Ocracoke; and reported on completion of projects at the Engelhard Airport and the need for a security gate and small metal building.

Commissioner Swindell represented the Board of Commissioners in the Engelhard Christmas Parade on Sunday, December 2, 2007.

Commissioner Armstrong spoke on continuing research and progress of the Albemarle Commission in placing two busses on Ocracoke to deliver meals.

Commissioner Balance reminded citizens of Ocracoke to not run the red light at the bridge maintenance site.

County Manager’s Report: Chairman Spencer asked for a report from the Interim County Manager.

GOVERNMENT CENTER AND PUBLIC SAFETY CENTER: Mr. Classen reported on the integrated telephone system project issues and architectural issues. Invitation to attend buildings dedication ceremony on December 14 is extended to all. The public is asked to RSVP.

FAR CREEK DREDGING SPOILS SITE PROJECT: Mr. Classen reported the Corps of Engineers requests the spoils site walls be raised an additional two feet. He is working with the consultant on this request.

ENGELHARD WATER TREATMENT PLANT: Bid specifications will be out soon.

SWAN QUARTER DIKE PROJECT: Mr. Classen reported the project is completed.

POSITION CLASSIFICATION, SALARY SURVEY, AND PERSONNEL POLICY UPDATE: Kris Noble has brought the MAPS project up to date. Results are expected January/February.

DRUG TESTING POLICY IMPLEMENTATION: Mr. Classen reported that the agreement with SafetyNet is pending.

EMPLOYEE EVALUATION PROGRAM: Mr. Classen reported that the employee evaluation program is still in development.

RE-VALUATION: Linda Basnight, Tax Director is still on medical leave. Progress is moving forward on the joint computer system. Completion is expected next month.

GEOGRAPHIC INFORMATION SYSTEM: Larry Kirkpatrick gave a presentation on development of the Hyde County (GIS) project.

ORDINANCE 2007-12-AA – Permit Fee Schedule Amendment: Mr. Classen handed out a draft Permit Fee Schedule for Commissioner review. No action was taken.

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

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

The meeting adjourned at 10:00 PM.

Respectfully submitted:

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Lois Stotesberry, Clerk to the Board of Commissioners

Minutes approved on the 22nd day of January, 2008.

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Charles Spencer, Chairman,  
Hyde County Board of Commissioners

ATTACHMENTS:

- Exhibit A – *“Resolution Regarding Homestead Exemption”*
- Exhibit B – *The Approved Budget Amendments*