

**Hyde County Board of Commissioners' Meeting
December 4, 2006
Minutes**

The Hyde County Board of Commissioners held its regular meeting on Monday, December 4, 2006 at 7:00 PM in the Mattamuskeet School Cafeteria.

Board Members present were:

Bea Emmert, Chair	Charles Spencer	Tom Davis, Commissioner Elect
Alice Armstrong	Jane Hodges	Barry Swindell, Commissioner Elect

Staff members present were:

Connie Burleson, Clerk to the Board
Sid Hassell, County Attorney

Chair Emmert called the meeting to order, Charles Spencer offered prayer and Bea Emmert led the Pledge of Allegiance.

Ms. Emmert thanked the Board for their hard work, dedication and service to the citizens of Hyde County during her tenure as Commissioner. Ms. Emmert turned the meeting over to Clerk to the Board Connie Burleson. Commissioners Emmert and Hodges exited the table and turned their seats over to the newly elected Commissioners Davis and Swindell.

Election of Chair

Clerk Connie Burleson opened the floor to nominations for Chair. Alice Armstrong nominated Charles Spencer. Tom Davis made a motion to close the nominations and to declare Charles Spencer Chair. Barry Swindell seconded the motion. Motion carried unanimously.

Vice Chair

Chair Spencer opened the floor to nominations for vice chair. Barry Swindell nominated Tom Davis. Barry Swindell made a motion to close the nominations and to declare Tom Davis Vice chair. Alice Armstrong seconded the motion. Motion carried unanimously.

Appointment of County Attorney

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board reappointed Sid Hassell as County Attorney for the next twelve months.

Appointment of Clerk to the Board

Upon motion made by Alice Armstrong, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board reappointed Connie Burleson as Clerk to the Board.

Approval of Agenda

Upon motion made by Tom Davis, seconded by Barry Swindell, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the agenda as amended. The following issues were added:

- Resolution Supporting Creation of a Single Local Management Entity/Area Authority with Tideland Mental Health and Albemarle Mental Health
- Swan Quarter Watershed Dike Construction Contract # SQW-11 Project Ordinance
- Employee Christmas Dinner – Employee/Spouse/Significant Other
- Change Orders for CDBG-SA Shirleen Kennedy and Ronald Voliva
- Closed Session Economic Development

The following items were deleted from Agenda:

- Hyde County Government Center Change Order #6
- Closed Session Litigation

Public Comments

The meeting was opened to receive public comments. No Public Comments received.

Approval of Minutes November 20, 2006

Upon motion made by Barry Swindell, seconded by Alice Armstrong, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the November 20, 2006 minutes as submitted.

Budget Revisions and Transfers

Upon motion made by Barry Swindell, seconded by Alice Armstrong, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the following Budget Revisions and Transfers as submitted:

(FO USE) IDT #	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	DEBIT	CREDIT
20	DSS	106100.1270	Longevity	\$150.00	
		106100.3200	Office Supplies		\$150.00
			Increase Longevity Line to Cover Amount Necessary for Disbursement		
19	Sewer	618200.1270	Longevity	\$156	
		618200.1500	Maintenance & Repairs		\$156
			Increase Longevity Line to Cover Amount Necessary for Disbursement		

BR#	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	DEBIT
12	Isabel Stream Cleanup	106061.4500 103450.0006	Isabel Stream Clean-up Reimb St DENR-Div Water Res Grant Increase Budge to Reflect Unspent Grant Funds from FY 06 And Additional Funds Added to Grant Project by DENR-DWQ FY 07	\$48,870 \$48,870

Jason Mizell, Albemarle & Associates Pats Road Farm – Minor Subdivision

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Pats Road Farm Minor Subdivision Plat. SEE MINUTE DOCKET FOLDER FOR PLAT

Bryant Hardison

Mr. Bryant Hardison representing Charlie Martin requested a variance to the Subdivision Ordinance for lot size and for Right of Way. After much discussion and upon motion made by Tom Davis, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board denied the request.

Ronnie Swindell Plat Approval

Commissioner Swindell requested Board approval to abstain from voting on issue. Upon motion made by Tom Davis, seconded by Alice Armstrong BE IT RESOLVED THAT the Board approved Commissioner Swindell's request to abstain from voting on plat approval submitted by Ronnie Swindell. Motion carried with a vote of 3 to 0.

Upon motion made by Tom Davis, seconded by Alice Armstrong BE IT RESOLVED THAT the Board approved the plat as presented by Ronnie Swindell. Motion carried with a vote of 3 to 0. Commissioner Swindell abstained. Lot #5 must remain with owner of out parcel deeded to Cameron Swindell. SEE MINUTE DOCKET FOLDER FOR PLAT

Subdivision Ordinance Amendment

County Attorney Sid Hassell presented the Board with a proposed amendment to the Subdivision Ordinance to review for consideration at the December 18, 2006 Board meeting.

Resolution to Create a Single Local Management Entity for Mental Health, Developmental Disabilities, and Substance Abuse Services

Commissioner Spencer presented a resolution supporting the creation of a single local management entity/area authority to serve the mental health, developmental disability and substance abuse needs for the eleven counties presently represented by Albemarle Mental Health Center and Tideland Mental Health Center. Alice Armstrong made a motion to adopt the resolution. Barry Swindell seconded the motion. After much discussion, Alice Armstrong withdrew the motion. Barbara Moore, Tideland Mental Health will be requested to attend the December 18, 2006.

Manager's Business

There were several items presented to the Board.

1. Hyde County Health Board Appointment – Barry Swindell

Upon motion made by Tom Davis, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board appointed Barry Swindell to the Hyde County Health Board. Mr. Swindell will replace Bea Emmert.

2. Mid-East Housing Authority Appointment – Tom Davis

Upon motion made by Alice Armstrong, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board appointed Tom Davis to the Mid East Housing Authority Board. Mr. Davis will replace Jane Hodges.

3. Courthouse Natural Gas

Upon motion made by Tom Davis, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Agreement with Piedmont Natural Gas to connect natural gas to the Courthouse Complex Generator for approximately \$1,580.

4. Designated Agent for HMGP #1448-0086

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOVLED THAT the Board appointed Connie Burleson Designated Agent for HMGP #1448-0086.

5. Amendment #3 to Rivers and Associates Contract Re: Relocation of Water Lines Landing Rd

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board approved Amendment #3 to Rivers and Associates Contract Re: Relocation of Water Lines Landing Road as submitted. SEE MINUTE DOCKET FOLDER FOR COMPLETE AMENTMENT

6. Amendment #2 Rivers and Associate Contract Re: Prison Spray Field

Upon motion made by Tom Davis, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved Amendment #2 Rivers and Associates Contract Re: Prison Spray Field. SEE MINUTE DOCKET FOLDER FOR COMPLETE AMENTMENT

7. **Water Treatment Plant Waste Discharge Study Amendment #5**

Upon motion made by Alice Armstrong, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board approved Amendment #5 Water Treatment Plant Waste Discharge Study. SEE MINUTE DOCKET FOLDER FOR COMPLETE AMENDMENT

8. **CDBG#05-E-1495 Notice of Intent to Request Release of Funds/NC Dept of Commerce Request for Release of Funds and Certification/ Sub Recipient Agreement—CDC**

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the following documentation related to CDBG #05-E-1495

Notice of Intent to Request Release of Funds

NC Dept of Commerce Request for Release of Funds and Certification

Sub Recipient Agreement—CDC

SEE MINUTE DOCKET FOLDER FOR COMPLETE DOCUMENTATION

9. **Resolution Supporting Property Tax Relief Legislation** – Not action taken

10. **Resolution to Adopt the Interlocal Agreement and Join the NC Association of County Commissioners Joint Risk Management Agency's Worker's Compensation Fund**

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board adopted the Resolution to Adopt the Interlocal Agreement and Join the NC Association of County Commissioners Joint Risk Management Agency's Worker's Compensation Fund. FOR COMPLETE RESOLUTION SEE MINUTE DOCKET FOLDER

11. **Resolution to Adopt the Interlocal Agreement and Join the NC Counties Liability and Property Joint Risk Management Agency**

Upon motion made by Tom Davis, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board adopted the Resolution to Adopt the Interlocal Agreement and Join the NC Counties Liability and Property Joint Risk Management Agency. FOR COMPLETE RESOLUTION SEE MINUTE DOCKET FOLDER

12. **NC Public Beach and Coastal Waterfront Access Program Swan Quarter Community Park Project Ordinance**

Upon motion made by Barry Swindell, seconded by Alice Armstrong BE IT RESOLVED THAT the Board adopted the NC Public Beach and Coastal Waterfront Access Program Swan Quarter Community Park Project Ordinance. The motion carried with a vote of 3 to 1. Commissioner Davis cast the opposing vote. FOR COMPLETE ORDINANCE SEE MINUTE DOCKET FOLDER

13. **Albemarle Commission Appointment – Alice Armstrong**

Upon motion made by Tom Davis, seconded by Charles Spencer with all Board members voting in favor, BE IT RESOLVED THAT the Board appointed Alice Armstrong to the Albemarle Commission Board.

14. **Swan Quarter Watershed Dike Construction Contract #SQW-11 Project Ordinance**

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board adopted the Swan Quarter Watershed Dike Construction Contract #SQW -11 Project Ordinance. FOR COMPLETE ORDINANCE SEE MINUTE DOCKET FOLDER

15. **Employee Christmas Dinner—Employee/Spouse/Significant Other No Exceptions**

Upon motion made by Tom Davis, seconded the Barry Swindell BE IT RESOLVED THAT the Employee Christmas Dinner will be for Employee/Spouse/ Significant Other with no exceptions. The motion carried with a vote of 3 to 1. Commissioner Armstrong cast the opposing vote.

16. **Change Orders for CDBG-SA Shirleen Kennedy and Ronald Voliva**

Upon motion made by Alice Armstrong, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the change orders for CDBG-SA Shirleen Kennedy and Ronald Voliva as submitted.

Closed Session – Economic Development and Personnel

Upon motion made by Alice Armstrong, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board entered into closed session at 8:30 for Economic Development and Personnel. Alice Keeney, Steve Bryan, Jane Hodges and Don Faulkner attended the Economic Development session. John Whitehurst attended the Personnel Session.

Upon motion made by Tom Davis, seconded by Barry Swindell with all Board members voting in favor, BE IT RESOLVED THAT the Board came out of closed session at 10:30.

County Manager Position

Upon motion made by Tom Davis, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board requested Connie Burleson advertise for the position of County Manger. Funds for advertising will be taken from contingency.

Informational Items

- Essentials of County Government Session Notice
- Orientation for New County Board Chairs Session Notice
- NC Legislative Goals Conference Notice
- EMS October Monthly Report
- Planning Board List of Interested Persons
- Hyde County Holiday Program
- Letter from Jane Hodges Re: Ocracoke School Inspections
- Hyde County Soil & Water Conservation District Annual Report
- November 2006 Tax Report
- Letter/Petition from Ed Calvitti Re: Bridge Construction Cedar Road, Ocracoke, NC

- Letter from Valerie Dixon Provider Forum Liaison Tideland Mental Health
- General Fund Contingency Balance

Adjournment

Upon motion made by Tom Davis, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the meeting adjourned.

Clerk _____ Chair
Hyde County Board of Commissioners