

## Minutes

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

**December 6, 2010**

#### **Organizational Meeting**

In accordance with State law, Interim County Manager/Clerk to the Board David Smitherman opened an organizational meeting at 6:30 PM on Monday, December 6, 2010 in the Hyde County Government Center, Multi-Use Room and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Sharon Spencer, Darlene Styron, Barry Swindell and Dick Tunnell; Deputy Clerk to the Board Shelley Carawan; and members of the public. The following members were present on Ocracoke: Deputy Clerk, Jamie Tunnell and members of the public.

Clerk of Court, Sharon Sadler rendered the Oath of Office for District 1 Commissioner Barry Swindell, the District 3 Commissioner Darlene Styron and District 4 Commissioner Dick Tunnell.

Mr. Smitherman asked for election of Chairman and Vice-Chairman of the Board.

Mr. Smitherman called for nomination for Chairman.

Commissioner Byrd nominated Commissioner Spencer. Commissioner Styron seconded the nomination. No other nominations were offered. Mr. Smitherman called for a vote on the nominee. Commissioners Byrd, Spencer, Styron, Swindell and Tunnell voted for Mrs. Spencer.

Mr. Smitherman turned over the presiding duties to Chairman Spencer.

Chairman Spencer called for nomination for Vice-Chairman. Commissioner Tunnell nominated Commissioner Swindell. Seconded by Mr. Swindell. Commissioner Styron nominated Commissioner Byrd. Commissioner Spencer seconded the nomination. Mrs. Spencer called for a vote on the nominees. Commissioners Tunnell and Swindell voted aye for Mr. Swindell. Commissioners Byrd, Spencer and Styron voted aye for Mr. Byrd.

#### **Bonds for Hyde County Sheriff, Register of Deeds, Finance Officer and Tax Administrator**

Commissioner Swindell moved to approve bonds for the Hyde County Sheriff of \$10,000.00, Hyde County Register of Deeds of \$10,000.00, Hyde County Finance Officer of \$361,000.00 and Hyde County Tax Administrator of \$50,000.00. The motion was seconded by Commissioner Byrd.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Appointment of Clerk to the Board and Deputy Clerk to the Board**

Clerk to the Board David Smitherman asked to be reappointed as Clerk to the Board and for the appointment of Shelley Carawan as Deputy Clerk to the Board. Commissioner Byrd moved to reappoint Mr. Smitherman as Clerk and to appoint Ms. Carawan as Deputy Clerk. The motion was seconded by Commissioner Tunnell.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Appointment of County Attorney**

Commissioner Byrd made a motion to appoint Fred Holscher as County Attorney. The motion was seconded by Commissioner Styron.

Ayes: Byrd, Spencer, Styron

Nays: Swindell, Tunnell

**Regular Meeting**

**Agenda:**

Chairman Spencer asked for any changes to the December 6, 2010 meeting agenda as presented by the Clerk. No further changes were noted. Commissioner Tunnell moved to approve the agenda as presented. Commissioner Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Consideration of Minutes:**

Chairman Spencer asked for approval of meeting minutes.

Commissioner Swindell moved to approve November 15, 2010 regular minutes as presented by the Clerk. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Special Presentations:**

**Lakeview Subdivision-Steve Gruninger of First South Bank**

Steve Gruninger, Vice President of First South Bank and Tom Vann, President of First South Bank present the opportunities for improving the Lakeview Subdivision with road improvements. First South Bank has acquired ownership of nine properties in said subdivision and wants to offer financial assistance to the residents to construct an improved road. Vann requested that Hyde County match their \$75,000 contribution for the installation of a paved road. Vann stated that Hyde could recoup their costs by taxation and that the project would cost the residents \$140/yr for 20 years.

Eureka Smallwood, resident of Lakeview Subdivision, commented that it shouldn't take as much money to fix the road, but was in agreement with First South Bank's suggestion that residents be assessed the cost of improvement.

William Gibbs, co-owner of 125 Lakeview Rd, expressed his concern about the property owners not being informed about this project.

Ken Collier, a concerned citizen, stated that State has strict rules about maintaining roads newer than 1965.

Commissioner Swindell asked to be excused from all voting pertaining to this issue due to conflict of interest. Commissioner Styron motioned to excuse Mr. Swindell. Mr. Byrd seconded.

Ayes: Byrd, Spencer, Styron, Tunnell

Nays: None

Mr. Swindell vacated the room.

After further discussion, Commissioner Styron moved that the Board of Commissioners only consider this matter if all property owners petition for the road improvements of Lakeview Subdivision. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Tunnell

Nays: None

**Commissioner Recognition**

Chairman Spencer presented former Commissioner Collier with a plaque for his faithful service to the Board. Former Commissioner Davis was absent.

**FY 2010 Audit Report-Andrew Harris**

Andrew Harris presented to the Board an audit report for FY 2010. After review, Commissioner Tunnell made a motion to accept the report. Commissioner Styron seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Public Comments:**

Chairman Spencer called for comments from the public.

Iris Faulkson, Ponzer, stated that she is a member of the Judicial Watch which ensures that commissioners follow prescribed rules and clarified that no Board member will be allowed to work as a contractor for any County funded project.

Frank Faulkson, Ponzer, thanked the Board for allowing him to speak. He wanted to share his disappointment with former Commissioner Davis in how he was rudely treated at the November 15, 2010 meeting. Mr. Faulkson stated that he couldn't hear the Board and that was the misunderstanding.

Ken Collier, Waterway Landing, expressed his deep concern for the hiring of the future county manager and how he felt that it should be someone from the county. Mr. Collier also added that Maizie Smith should be considered for an interview. Mr. Collier stated that the County Manager contract should be carefully developed and reviewed before acceptance.

Odessa Jarvis wanted to declare her praises for Maizie Smith and wants the Board to consider her for County Manager.

Maizie Smith wanted to thank everyone for the endorsements even though that was not the reason she attended the meeting. She stated that she was there supporting Mr. Tunnell.

**Ordinances and Resolutions:**

**Resolution in Opposition of Catch Share Programs #2010-12-01**

Commissioner Byrd made a motion to adopt a Resolution in opposition of the Catch Share Program. Ms. Styron seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Ethics Resolution**

Commissioner Swindell made a motion to approve the presented ethics resolution. Commissioner Byrd seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Regular Board Meeting Schedule Resolution Adoption**

Commissioner Byrd made a motion to adopt the Resolution of the 2011 Regular Scheduled Meeting Dates for the Board. Commissioner Tunnell seconded.

Chairman Spencer stated there should be a quorum in Ocracoke on a quarterly basis. Commissioner Byrd made a motion that the Board of Commissioners strive to have a quorum on Ocracoke at least quarterly, Commissioner Swindell seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Resolution Adopting the Rules and Procedures for Hyde County Board of Commissioners**

Commissioner Styron made a motion to adopt the Rules and Procedures for Hyde County Board of Commissioners. Commissioner Tunnell seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Energy Efficiency Grant Ordinance**

Commissioner Byrd made a motion to adopt the Energy Efficiency Grant Ordinance. Commissioner Styron seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Appointments:**

**Hyde County Airport Committee**

Commissioner Byrd made a motion to appoint Ken Collier for a 2 year term and to reappoint all members per the presented schedule below. Commissioner Styron seconded.

Charles Spencer	3 yrs	12/06/2010 to 12/2013
Tim Whitfield	2 yrs	12/06/2010 to 12/2012
Greg Gibbs	1 yr	12/06/2010 to 12/2011
Scott Coble	1 yr	12/06/2010 to 12/2011
Wilson Daughtry	1 yr	12/06/2010 to 12/2011
Billy Williams	3 yrs	12/06/2010 to 12/2013
Ken Collier	2 yrs	12/06/2010 to 12/2012

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Northeast Workforce Development Board**

Commissioner Tunnell made a motion to appoint Tara Foreman and Richard Newman to the Northeastern Workforce Development Board per recommendation. Commissioner Byrd seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Commissioner Appointee to Board of Health**

Wesley Smith, Health Director, made the recommendation to appoint Dr. Erin Baker to fill the vacant slot on the Board of Health. Commissioner Byrd made the motion to appoint Dr. Baker. Commissioner Tunnell seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Mid East Housing Committee**

Commissioner Swindell made a motion to appoint Commissioner Tunnell to replace Tom Davis as the Hyde County representative on the Mid East Housing Authority Board. Byrd seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Oversight Committee for the Historic Courthouse**

Commissioner Byrd made a motion to nominate Commissioner Tunnell to replace Tom Davis as the Hyde County representative on the Oversight Committee for the Historic Courthouse.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Other Matters-Budget Revisions**

Interim County Manager David Smitherman reported to the Board that in accordance with the FY 2010-2011 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

**Social Services---**\$ 9,700.00**---**This is to cover an unexpected repair of the floor at the ADAP Center. Underneath the tile the pressboard came undone causing the floor to swell and cause a possible insurance claim. \$ 9,700.00 **does not increase the budget.**

**Social Services**---\$ 13,494.00---This is money we have received from the state for crisis intervention. \$ 13,494.00 **does increase the budget.**

**Health Department**---\$ 461.00---These are additional funds received from the NC Division of Public Health, Women's and Children's Health/Immunization program, for immunization related activities. These additional funds will be used to purchase some pertussis kits and to get out flyers and/or do mass mailing to advertise the availability of our private vaccine for private insurances. \$ 416.00 **does increase the budget.**

**Health Department**---\$ 80,000.00---The funds are coming from the Public Health Preparedness and Responses section of the CDC for continued efforts in H1N1 planning and implementation of plans. \$ 80,000.00 **does increase the budget.**

**Board of Elections**---\$ 2,200.00---This is to move from Departmental Expense to Fees to Local Official for the payment of precinct workers and to Travel for anticipated expenses for the remainder of the year. \$ 2,200.00 **does not increase the budget.**

**Finance**---\$ 1,500.00---The 2005 server crashed and a replacement was needed. \$ 1,500.00 **does not increase the budget.**

**Finance**---\$ 270.65--- This is insurance benefit portion reimbursed by FEMA. \$ 270.65 **does not increase the budget.**

Commissioner Byrd made a motion to approve the budget revisions. Commissioner Swindell seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

#### **Lawsuit with NC DOI regarding Beach Rules**

Commissioner Styron made a motion for Hyde County to financially participate with Dare County contingent on the County's cost share not being greater than the prorated share of the County's population as a percentage of the group. Commissioner Swindell seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Hyde County Noise Ordinance**

Deputy Clerk David Smitherman suggested reworking the document and continuing discussion in January. Also, it was suggested that a public hearing be held to receive comments.

### **NC Step Project Amendment and Bid Award**

Kris Noble, Grants Technician, requested that the Board allow Interim County Manager David Smitherman to negotiate with the lowest bidder to get the maximum amount of work completed within the reallocated budget to make the lower floor of the Historic Courthouse tenant ready. Commissioner Tunnell made the motion, Commissioner Byrd seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Request for Tax Credit**

Due to mapping error in tax office, there has been a request from Ernie Watson for a tax credit of \$125.64. Commissioner Swindell made a motion to award the credit. Commissioner Tunnell seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Legislative Goals Conference**

Commissioner Swindell made a motion that Commissioner Byrd serve as the NCACC Legislative Goals Conference Voting Delegate and that Interim County Manager David Smitherman serve as alternate. Commissioner Styron seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **EMS Billing/Collections Vendor Selection**

After much reviewing, Interim County Manager David Smitherman recommended that the County contract with Colleton Software to provide EMS Billing Services. Commissioner Byrd made the motion to approve entering into contract with Colleton Software. Commissioner Styron seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Commissioner Reports**

**Commissioner Tunnell** stated that he was looking forward to serving and that he was concerned about the Economic times.

**Commissioner Swindell** asked if the Board was participating in the Engelhard Christmas Parade. Mr. Swindell also thanked the citizens for the votes.

**Commissioner Byrd** had no further comments.

**Commissioner Styron** noted that she was happy with the current afterschool program. Approximately 90 kids of 140 are actively participating. Ms. Styron also added that the Christmas lights have been hung on the Island and would like to thank Tideland for their assistance. Ms. Styron also wanted to commend everyone, including Hyde County Emergency Management Coordinator Lindsey Mooney, for the efforts of finding the missing person on Ocracoke Island. The incident ended with success.

**Commissioner Spencer** expressed her apologies in being absent at the last Board meeting. She also added that she attended the Employee Christmas Party and that she was pleased with the turnout and appreciates the jobs done by the employees.

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

Mr. Smitherman congratulated the new Board members.

In reference to the missing person incident on Ocracoke Island, Mr. Smitherman having been on the Island, expressed his satisfaction with how well the community worked together as well as with outside resources.

Mr. Smitherman announced the upcoming dates for Commissioner School and the importance of all Commissioners being in attendance. He also added that the District 1 seat for the NCACC has become available and that the Board could make nominations.

Commissioner Byrd made a motion to nominate Chairman Spencer for the vacant seat. Commissioner Tunnell seconded the motion. Mr. Smitherman will call to nominate Chairman Spencer for the Board.

Ayes: Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

The Interim County Manager congratulated the tax office for their hard work and the retrieval of \$263,000 delinquent tax debt.

Mr. Smitherman mentioned that in the last Board meeting it was noted that the Board of Education would be exempt from all inspection fees. Due to the limited credentials of the current Code Enforcement Officer, the County will have to outsource the inspections. Commissioner Tunnell made a motion to exempt the

Board of Education from inspection fees except those fees charged by consulting inspectors from outside the County. Commissioner Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

With no further matters to be discussed, Chairman Spencer asked for a motion to be made to adjourn the December 6, 2010 Regular Meeting of the Hyde County Board of Commissioners.

Commissioner Swindell made a motion to adjourn the meeting. Commissioner Styron seconded.

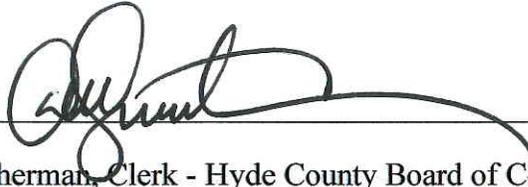
Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

The December 6, 2010 Regular Meeting of the Hyde County Board of Commissioners adjourned at 9:14 PM.

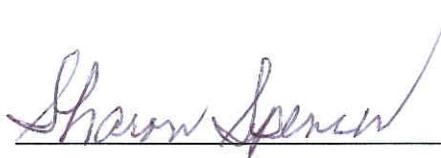
Respectfully submitted:

Minutes approved on the 6<sup>th</sup> day of January, 2010



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David Smitherman, Clerk - Hyde County Board of Commissioners



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Sharon Spencer, Chairman – Hyde County Board of Commissioners