

Minutes

Board of County Commissioners Hyde County

February 16, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 8:00 PM on Monday, February 16, 2009 in the Ocracoke Community Center. The following members were present: Anson Byrd, Gene Ballance, Tom Davis, Sharon Spencer, and Barry Swindell. 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 and opening prayer by Commissioner Ballance the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the February 16, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item III. A. – Addition of O’Neal Lane To The NCDOT System For Maintenance; Item V. A. ii. – Mattamuskeet Association – Assessment; and Item V. A. iii. Budget Amendment – FY2007-08 Audit Extra Costs; and to accept the Agenda as amended 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.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Ballance moved to approve the February 2, 2009 meeting minutes with corrections made on page 3, line 28 noting *Chairman Davis left the room*; page 4, line 45 stating *Not Voting – Davis*; page 6, line 16 stating *Commissioner Ballance will make application on behalf of the project*; and to approve the February 2, 2009 meeting minutes as presented by the Clerk. 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.

Public Comments:

Chairman Davis called for comments from the public.

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

Special Presentation:

Ann Ehringhouse, Chairman, Ocracoke Civic & Business Association (OCBA) Noise Ordinance Committee, gave an update on the committee’s work. Ms. Ehringhouse reported that the Committee is recommending OCBA buy decibel meters to recommend Noise Ordinance numbers for Ocracoke, especially as all Ocracoke is a residential area. The Committee will send information letters to musicians, bands, etc., and will prepare a flyer to notify visitors.

Ordinances and Resolutions:

Addition of O’Neal Lane To The NCDOT System For Maintenance

Commissioner Ballance moved to adopt “Addition of O’Neal Lane in Oyster Creek Subdivision, Hyde County” and to send letter of resolution to NCDOT. 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.

Appointments:

Hyde County ABC Board

Commissioner Ballance moved to appoint Mr. Scott Bradley, Ocracoke, as a member of the Hyde County ABC Board and to accept Commissioner Davis' resignation from the ABC Board, effective immediately. 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.

Hyde Transit Board

Commissioner Davis moved to appoint Commissioner Swindell as representative to the Hyde Transit Board. 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.

Ocracoke Community Center Board

On January 24, 2009, Ms. Nancy Leach resigned her position on the Ocracoke Community Center Board.

The Board of Commissioners thanked Ms. Leach for the past five years of service to the Ocracoke community.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2007-08 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

A. 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>
1998-2008	Blanchard, Lillian	\$ 954.62	Mobile home repossessed after 1995
2005-2008	Simpson, Alonza	1,082.40	Mobile home repossessed
2002-2005	Cooper, Tamara	588.18	Mobile home repossessed
2008	Torra, Peter John	2.16	Billed on License # YNL9705 and HD 59728
2007	Murray, James O Heirs	300.00	House not been lived in since 1999
2008	Midyette, David Pell	16.16	Bill of sale shows value to be excessive
2008	Simmons, Benjamin C. III	118.29	Incorrect acreage billed
2008	Spencer, Rachel Dawn	98.40	Billed on License # VVW8768 & XZR 5199
2008	Colburn, Christopher etals	108.89	Double Billed also on acct. # 208498
2008	Mayo, Gary B.	96.20	Did not own personal property in 2008
1999	Simmons, Patrick Columbus	346.04	Double billed
2008	Moore, Shellie Ann	114.39	Lives in Beaufort Co. and to be billed by Beaufort Co.
2008	Hendrix, William Archie	26.56	Bill of sale presented last year
2008	Randalls, Jr., Joshua Scott	54.00	Did not own, sold within 1 month of buying. Plates turned in
	TOTAL	\$3,906.29	

Commissioner Byrd 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.

B. Budget Amendment – Mattamuskeet Association – Assessment

The Mattamuskeet Association in a February 9 letter to all Association members, requested a 12.1% assessment increase for 2009. Hyde County owns ± 386 acres at the Hyde County Airport (Engelhard) and that land is part of the Mattamuskeet Association drainage system.

<u>Year</u>	<u>Assessment</u>
2006	\$ 4,580.96
2007	\$ 4,623.03
2008	\$ 4,589.20
2009 (prop.)	\$ 5,322.84

The new assessment would be effective January 1, 2009 so it will affect the current fiscal year, which was estimated at \$ 4,500.

Regretfully, the Mattamuskeet Association’s annual meeting is scheduled for Tuesday, February 17, at 9:00 AM. Staff needs to know how to execute the County’s proxy.

Commissioner Swindell moved to authorize the Chairman and other County officials to execute the proxy vote and such other documents as are necessary in support of the position and to authorize the County Manager to execute an FY2008-09 budget amendment with any additional funds coming from appropriated fund balance or other General Fund sources, as the County Manager finds necessary. 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.

C. Budget Amendment – Administration – FY2007-08 Audit Extra Cost

County Manager Carl Classen requested authorization of transfer of (\$5,800.00) funds available in Administration to cover the extra cost for the FY2007-08 Audit.

Commissioner Byrd moved to authorize the Administrative budget amendment of \$5,800.00. 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.

D. Budget Amendment – Health Department – Family Planning

Health Director Wesley Smith requests transfer of (\$1,766.00) additional Federal Title X (Family Planning) funding received from the Division of Public Health, Women’s and Children’s Health Section, Women’s Health Branch to be used for any Title X approved expenditure, with special encouragement to use some of the funds to provide sterilizations (which Hyde County Health Department does not do).

Commissioner Byrd moved to authorize the Health Department budget amendment of \$1,766.00. 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.

E. Budget Amendment – Animal Control – Department Supplies

After reviewing the February 2 check requests submitted by Animal Control Officer J. M. Eakes, it was found that the Animal Control budget line item Department Supplies had a balance of -\$41.52.

In accordance with the FY2007-08 Budget Ordinance, County Manager Carl Classen transferred \$1,000.00 from Animal Control – Officer Contract line item to Animal Control – Department Supplies line item due to the large number of animals being handled.

After discussion Commissioner Swindell recommended researching options available for management of the increasing costs of animal control in Hyde County. Hearing no objection, Chairman Davis so ordered.

Ocracoke Tourism Website

Representing the Ocracoke Civic and Business Association, Inc., Treasurer Frank Brown requested that the Hyde County Board of Commissioners declare the OCBA website, www.ocracokevillage.com, be the official website of Ocracoke and that OCBA be declared the official travel and tourism authority of Ocracoke. NC Travel & Tourism needs to have this authorization so that OCBA can effect changes to website links.

Also, on behalf of OCBA, Mr. Brown requested OCBA be Ocracoke's official tourism representative to State and regional agencies.

County Manager Carl Classen and OCBA Treasurer Frank Brown will meet to discuss the issue further.

Online Travel Company's (OTCs) Request for Tax Exemption

Several of the online travel companies (OTCs), such as Expedia, Travelocity and Orbitz, are declining to collect or remit occupancy tax when they rent out property. This creates losses and also puts on-site companies in jeopardy. The OTCs are asking Congress to codify this exemption.

Dare County Board of Commissioners request that Hyde County join them in sending a letter to Senator Richard Burr to express their concerns about the OTCs request for exemption from state and local hotel occupancy taxes.

Commissioner Swindell moved to work with Dare and Currituck Counties and send a letter opposing this practice to the Congressional Delegation with a copy to the State Delegation. 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.

Local Bill – Abandoned Mineral Rights

Commissioner Davis has suggested a local bill in regards to abandoned mineral rights noting the following: *"I believe that it will be in Hyde County's interest to ask our legislative delegation to amend G.S. 1-42.9 so that the applicable date will become January 1, 2010 and that we run a notice as per that statute. Alternatively, we might ask for a local bill doing the same thing that applies only to Hyde County."* Copy of G. S. 1-42.9 is available in the Clerk's office.

Commissioner Davis moved to support a local bill to allow Hyde County to advertise until January 1, 2010 to advertise for abandoned mineral right in accordance with GS 1-42.9. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Swindell, and Chairman Davis; Nays – Spencer; Absent or Not Voting – None.

Revaluation Update

Tax Administrator Linda Basnight gave an update on the Revaluation Project and the corresponding GIS Project.

Mr. Bob Pearson, Pearson Appraisal, informed the Board that the study portion of the project is coming to a close. Valuation notices will be sent the end of February, with informal hearings on Ocracoke and the mainland finished by April 1, followed by Board of Equalization and Review hearing.

Surplus Auction - GovDeals

GovDeals is an on-line auction service used by 296 local governments in North Carolina.

According to GovDeals, *"it was developed for, and specifically designed to assist governments in the legal disposal of surplus property."*

Commissioner Byrd moved to approve Hyde County participation in GovDeals and authorize the County Manager to execute the Sellers Agreement, the electronic payment/collection addendum, and such other documents as are necessary in support of participation with GovDeals online auction of surplus property. 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.

County Commissioners Reports:

Commissioner Swindell was guest speaker at the Greater Hyde County Chamber of Commerce issues luncheon on Tuesday, February 10, 2009.

Commissioner Spencer attended the Chamber luncheon, and the RegNeg meeting. Ms. Spencer asked that the County solicit a list of County licensed contractors and that construction jobs be advertised for local contractors.

Commissioner Ballance reported the foundation for the ice room and cooler floors has been poured in the Ocracoke Fish House; that he believes "Pay-As-You-Throw" is working on Ocracoke; and that he believes Ocracoke pays a disproportionate share of ad-valorem taxes.

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

County Manager's Report:

Project Reports

County Manager Carl Classen reported on Electronic Meetings Project to begin in Swan Quarter on Tuesday; Swan Quarter Dike Project re-bidding Phase XII; Mattamuskeet Lodge Sewer Project; Swan Quarter Park Project land issues; Ocracoke NPS Boat Ramp Project moving forward; Public Safety Center mold issues meeting scheduled for Tuesday at 1:00 PM; (H.R. 1) Economic Stimulus Project will focus on water projects; and FY2009-10 budget materials go out to staff on March 12.

Engelhard Water Treatment Plant

County Manager Carl Classen reported that he met with the Local Government Commission staff last week. He reported that bond counsel for the Engelhard Water Treatment Plant project selected in 2004 was with Jim LaPen but that his costs were considered high by LGC staff.

Commissioner Byrd moved to advertise for RFP for Bond Counsel for the Engelhard Water Treatment Plant Project. 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.

Ocracoke Convenience Site/County Building Improvements

County Manager Carl Classen reported that the Ocracoke Civic and Business Association recommends the siding on the County building be replaced. The cost is estimated to be \$20,000 to \$30,000. The current budget was \$10,000 for painting and repairs.

Commissioner Swindell moved to get two quotes for the Ocracoke Building Improvements Project; one for paint only, and one for siding and paint. 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.

Current Fiscal Year and Upcoming 2009-10 Budget

County Manager Carl Classen gave report on the current fiscal year and the upcoming 2009-10 budget. Due to FY2008-09 budget concerns, he requested authority to shift staff between departments to accommodate workload changes caused by the recession.

Commissioner Davis moved to authorize the County Manager to shift staff between departments as needed within the confines of State law. 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.

David's Trash Solid Waste Contract

The County Manager met with Rob Cuthrell, David's Trash, on January 28 to discuss the ARSWMA Solid Waste contract.

On February 2 the Board of Commissioners inquired about performing the solid waste hauling utilizing Hyde County staff. County Manager Carl Classen discussed applicable laws (GS § 160A-327) regarding such a change.

In order that Hyde County be in compliance with applicable laws for performing solid waste collection, Commissioner Byrd moved that the Board notify David's Trash Service and take such other actions as are necessary to discuss and possibly act on bringing solid waste collection in-house. 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.

Closed Session:

No closed session requested.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Mr. Byrd 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 9:32 PM.

Respectfully submitted:

Minutes approved on the _____ day of _____, 2009.

Lois Stotesberry, Clerk - Hyde County Board of Commissioners

Tom Davis, Chairman - Hyde County Board of Commissioners