

## Minutes

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

**February 18, 2008**

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 pm on Monday, February 18, 2008 in the Multi-Use Room in the Government Center, Swan Quarter, NC. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim 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 Attorney Sid Hassell the meeting was called to order.

#### Agenda:

Chairman Spencer asked for any changes to the February 18, 2008 meeting Agenda as presented by the Clerk. Commissioner Davis moved to accept the Agenda with Item VI.C(iii)(a) – Subdivision Application – Broad Creek, Currituck Township Subdivision moved to V.A.; the addition of item VI.C.(iii)(a) Private Road Petition by Ken Collier to Other Matters; and Item VI.A.(i) stricken from the Agenda. Mrs. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### Consideration of Minutes:

Chairman Spencer asked for approval of the draft February 4, 2008 meeting minutes. Commissioner Swindell moved to approve the February 4, 2008 minutes as amended. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### Public Comment:

Chairman Spencer called for comments from the public.

Alford R. (Bob) Searle, Waterway Drive, Ponzer, said existing homes Waterway Landing Subdivision provide a considerable tax base to Hyde County. Maintenance of the road would bring more development to the subdivision and increase the tax base. He reports maintenance costs are \$10,000.00/year. He asked the County Commissioners to forward an application to put the Waterway Landing Subdivision roads into the State road system.

Clyde W. Beasley, Waterway Drive, Ponzer, reported Waterway Landing Subdivision is the largest residential development in Hyde County. State maintenance of Dunbar Canal Road would promote development in the subdivision.

Hood Richardson, Beaufort County Commissioner asks that Hyde County continue its allegiance with Beaufort County and the sixteen other counties who oppose the State's new Stormwater runoff rules.

#### Resolution:

Interim County Manager, Carl Classen recommended adopting a North Carolina Association of County Commissioners Resolution recognizing 100 years of County Unity. Commissioner Davis made motion to formally recognize the NCACC by adopting "Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association's Centennial". Commissioner Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the "Resolution Recognizing 100 Years of County Unity" is attached herewith as Exhibit A and incorporated herein by reference.

Appointments:

Carolyn Williford, Chamber President requested the Board to appoint Maola Hayes as representative on all local boards represented by the Chamber of Commerce. Commissioner Swindell made motion to appoint The Greater Hyde County Chamber of Commerce, represented by the Chamber's Executive Director, who is presently Maola Hayes, as representative for Hyde County to the following boards: (HAT) – Historic Albemarle Tour, N.C. Northeast Rural Economic Development Commission, (NEED) – Northeast Economic Development, (CONE) – Chambers of the Northeast, Partnership for the Sounds, (FoR ENC) – Foundation for Renewal for Eastern N.C., and (NET) – Northeast Tourism. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Other Matters:

Ken Collier, home and property owner of Waterway Landing/Pocosin Farms Subdivision, requested that the State take over maintenance of the subdivision roads known as Dunbar Canal Road, and East and West Waterway Drive with the exception of a foot/bicycle/hiking/ATV path on the existing power line easement which would be maintained by the Waterway Landing/Pocosin Farms Homeowners Association. These roads were built in the early 1960's, which meets the 1975 "Grandfather Clause" for the roads to be taken over by the State of North Carolina.

Commissioner Davis reported he has done work on the individual subdivision lots but has not worked on the road project. No conflict of interest with this request was determined and discussion continued.

Commissioner Davis moved to support State maintenance of Dunbar Canal Road, and East and West Waterway Drive. Commissioner Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Broad Creek Estates Subdivision - Currituck Township:

Dr. Jeffrey Berger, represented by Hood Richardson, P.A., requested approval of a 10-lot minor subdivision in Currituck Township. The subdivision plat dated December 26, 2007 was prepared by Mr. Richardson and shows ten lots, number 1 through 10, inclusive, and a newly plated private right-of-way accessing the lots.

The "Wood Lands" parcel is not part of the subdivision application. It is an exempt subdivision under State law and the Hyde County Subdivision Ordinance as it (a) exceeds ten acres and (b) fronts on an existing right-of-way.

After discussion, Commissioner Davis made motion to approve the "Broad Creek Estates Subdivisions" with the following conditions:

- A. The applicant shall first record in the Hyde County Registry a plat noting the exempt subdivision of "Wood Lands" as depicted on the plat for the "Broad Creek Estates Subdivision" subdivision application plat;
- B. The applicant shall obtain letters (see attached subdivision review checklist) as recommended and/or valid signatures for all signature blocks as shown on the "Broad Creek Estates Subdivision" subdivision application plat;
- C. Authorize the Chairman of the Board of Commissioners to sign the appropriate signature block on behalf of the Hyde County Board of Commissioners;
- D. The application is found by the Plat Review Officer to otherwise be in accordance with the Hyde County Subdivision Ordinance; and,
- E. The Plat Review Officer may not sign the plat until all of the above conditions have been met. The Plat Review Officer is hereby authorized to approve minor amendments to the Subdivision Application following approval by the Board of Commissioners and shall

report such changes approved to the Board of Commissioners at their next Regular Meeting.

The final plat of the Subdivision Application for "Broad Creek Estates Subdivision" as presented shall be recorded in the Hyde County Registry within sixty (60) days of the meeting when the Board of Commissioners has approved the Subdivision Application or such approval by the Board of Commissioners shall be null and void.

Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### Budget Revisions and Transfers:

Carl Classen, Interim County Manager reviewed with the Board seven pending budget revision/transfer requests. These included from the Health Department requests for 1) additional revenue (\$2,171) allocated from the Division of Public Health for family planning activities, 2) additional funding (\$19,889) from the County for Spring 2008 mosquito spraying, 3) re-allocate Public Health Preparedness Funds (\$15,000) to assist with updating, exercising and refining components of the Pandemic Flu Influenza Plan, and 4) transfer of funds (\$900) from Salaries to Contracted Services in the Health Promotion budget in order to reimburse smoking cessation facilitator for six week course. Emergency management requests included 1) transfer (\$4,500) non-911 lines from EFT (Emergency Telephone Fund) to General Fund to be in compliance with NCGS 62, 2) revise budget (\$21,000) to set up new line items that no longer split expenses between Wireless and Wireline, and 3) transfer 25% of E-911 Database Administrator to General Fund for uses as a Deputy EM/Fire Marshal to bring budget into compliance with 2007 State Legislation affecting use of E-911 funds. Two additional requests included 1) Ocracoke Occupancy Tax Board budget transfer request (\$13,500) for a shoulder season advertising campaign for Spring 2008; and 2) approval for DSS purchase of two vans with no local match required.

After review and discussion of the nine requests for budget revision, amendment and/or transfers Commissioner Davis moved to approve a Budget Amendment Ordinance as amended with Occupancy Tax Board and DSS requests. Commissioner Armstrong 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.

CLERK'S NOTE: A Copy of the "Budget Ordinance Amendment" is attached herewith as Exhibit B and incorporated herein by reference

#### NC DOT Debris Removal Agreement 2008:

The Debris Removal Memorandum of Agreement that was executed last year between the County and NC DOT has expired. During a declared State of Disaster or Imminent Threat of Disaster and/or a State of Emergency declared pursuant to Chapters 14 and 166A of the North Carolina General Statutes which implements the North Carolina Emergency Operations Plan, NC DOT may be called upon to perform certain functions, including the removal of debris from the right of way of public roads and streets, pursuant to the NCEOP. Commissioner Swindell moved to approve the Agreement and grant authority to the Chair, County Manager, Emergency Management Coordinator, and other County officials as necessary to sign the agreement and execute as needed. Commissioner 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.

#### EMS Building Lease Agreement:

Hyde County Emergency Medical Service leases a building and two parking spaces located behind the Ocracoke Health Department at 309 Back Road, Ocracoke, NC., which houses the EMT's and Paramedics Service. The lease amount of \$1,000 covers the building and utilities.

Commissioner Ballance declared a conflict of interest on the lease and asked to be excused. Ms. Armstrong moved to excuse Commissioner Ballance from the meeting during the deliberation of the lease renewal. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes –Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

After discussion, Commissioner Davis made motion to approve entering lease agreement with Ocracoke Health Board for EMS Building on Ocracoke subject to review and amendment by the County Manager following consultation with the County Attorney and to authorize the County Manager to sign and execute lease documents. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes –Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

#### Old Courthouse/Swan Quarter Re-development Project RFP Submissions:

Hyde County received three proposals in response to the Request for Proposals (RFP). The responding firms were: Cahoon & Kasten of Nags Head, NC; Dunn & Dalton of Kinston, NC; and HagerSmith of Raleigh, NC. This project is being funded 80% by the North Carolina Rural Economic Center and 20% through the Swan Quarter Service Group. The Advisory Committee (Steve Bryan, Jane Hodges and George Williams) and Tom Richter, DCA Consultant met with Carl Classen, Interim County Manager to assist with interviewing the firms on Thursday, February 7, 2008. Suggestion was made to utilize the skills/knowledge and technical expertise of Mr. David Black of HagerSmith. Mr. Classen stated that the Advisory Committee requests Cole Jennette, Land Use Planners as advisor.

Ms. Jane Gibbs requested documentation of past decisions made related to the old courthouse. Commissioner Davis explained that balloon documentation connected to the new Government Center funding prevented tearing down the old building and that no county money would be used to complete the feasibility study. Jane stated there were no parking spaces for the new building and recommended moving the old courthouse. Ms. Gibbs will contact Doug Causey, USDA for documentation.

Commissioner Davis made motion to rank Cahoon & Kasten the top applicant, HagerSmith Design and then Dunn & Dalton. He further authorized the County Manager to negotiate and execute a contract within the budget and other limits of the Rural Center Grant to conduct the study. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – Armstrong; Absent or Not Voting – none.

#### Boards and Committees:

Joint School Facilities Committee – Commissioners Ballance and Spencer reported that extension of the Mattamuskeet Lodge sewer system to Mattamuskeet School would cost approximately \$750,000.00. The Committee will meet on Tuesday, February 19, 2008 in the Mattamuskeet and Ocracoke School Information Highway Rooms.

Jail Use Committee – Commissioners Spencer and Swindell reported a tentative date had been set to meet with Sheriff Mason and begin discussion of possible options available to facilitate use of the new jail.

#### County Commissioners Report:

Commissioner Swindell reported the search for a Health Director continues.

Commissioner Armstrong expressed support of DSS in purchasing two vans to be used for transport of clients.

Commissioner Ballance discussed the Ocracoke solid waste plan.

A letter from Mr. Rob Cuthrell thanking the Commissioners for approving continuation of David's Trash Service, Inc. solid waste collection agreement through May 15, 2008 is included in the meeting packet. Mr. Cuthrell requests the Commissioners cooperatively develop

an agreement that will enable David's Trash Service, Inc. to continue to provide waste collection services to Hyde County.

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

County Manager's Report:

Water Department: Interim County Manager, Carl Classen commended Clint Berry and the employees of the Water Department for the high quality of service they provide the County. Mr. Classen, Clint Berry and Gerry Slade met with The Soundside Group earlier this week to discuss the estimated cost of upgrading software to facilitate collection of solid waste fees. The Water Department will become the Utilities Department once this upgrade is completed.

Solid Waste: Mr. Classen plans to recommend lowering the commercial waste dumpster charge on Ocracoke from \$150 to \$75 at a later date. Request for Proposal to provide solid waste collection in Hyde County will be completed. Mr. Classen stated collection services can be contracted out but that collection of fees will be done by County employees only. David's Trash Service agreement has been extended to May 15, 2008 but not yet accepted.

ABC Board: Mr. Classen reported ABC revenues are under expenses for the past six months. He reports a cash basis of \$5,319.

Salary Study: Mr. Classen reported the MAPS Group will present a project overview at a special March 3, 2008 Commissioners meeting.

Closed Session:

Mr. Swindell moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6) regarding personnel matters. 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.

Mr. Davis moved to return from Closed Session. Mr. Swindell 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. Swindell moved to adjourn the meeting. 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.

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 3rd day of March, 2008.

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Charles Spencer, Chairman  
Hyde County Board of Commissioners

ATTACHMENTS: Exhibit A – *“Resolution Recognizing 100 Years of County Unity”*  
Exhibit B – *“Budget Ordinance Amendment”*