

**Hyde County Board of Commissioners' Meeting**  
**February 5, 2007**  
**Minutes**

The Regular Meeting of the Hyde County Board of Commissioners was called to order by Chairman Charles Ray Spencer on February 5, 2006 at 7:00 PM in the Mattamuskeet School Cafeteria. Board Members present were Charles Spencer, Chair; Tom Davis; Alice Armstrong; and Barry Swindell. Commissioner Nathan Sears was absent.

Also present were Carl Classen, Interim County Manager, Sid Hassell, County Attorney, and Connie Burleson, Clerk.

Chairman Spencer called the meeting to order, Doug Gibbs offered prayer.

**Approval of Agenda**

After consideration, Mr. Davis moved to approve the agenda as submitted, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

**Approval of Minutes January 16, 2007**

After consideration of amendments by Chairman Spencer, Ms. Armstrong moved to approve the minutes of the January 16, 2007 Board of Commissioners Regular Meeting as submitted by the Clerk, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

**Public Comments**

Chairman Spencer asked for any comments from the public. Hearing none, Chairman Spencer continued with the agenda.

**Public Hearing – FY 2007 CDBG-Scattered Site Funding Application**

Ms. Armstrong moved to open a Public Hearing for the purpose of receiving comments from the public regarding FY 2007 CDBG-Scattered Site Funding Application to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Chairman Spencer asked for comments from the public.

Mr. Reed Whitesell, Holland Consulting Planners gave an overview of the project. Hearing no comments from the public, Mr. Davis moved to close the Public Hearing, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

**Budget Revisions and Transfers**

After discussion, Mr. Davis moved to approve the Budget Revisions and Transfers as submitted, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

CLERK'S NOTE: A copy of the approved budget amendments are attached to these minutes as Exhibit A and incorporated herein by reference.

**Public Safety Center/Jail – Transition Plan**

After discussion, Mr. Swindell moved to approve the Transition and Activation Proposal from Brennan Consulting & Training, and authorized the County Manager to sign all documents and take such other

actions as are necessary in support of this action, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

### **Sheriff Department**

**David Mason, Jr.:** Sheriff Mason requested approval from the Board to hire David Mason, Jr. The Board agreed to discuss the issue in closed session.

**Sheriff Request for Additional Funding:** Sheriff Mason request additional funding to increase salaries for dispatchers and deputies and also requested additional funding for equipment and vehicles.

After discussion, Ms. Armstrong moved to approve \$50,000 additional funding in FY 2006/07 to be utilized for purchase of one vehicle and equipment for Sheriff Department, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion failed upon the following vote: Aye – Commissioners Armstrong and Swindell; No – Commissioners Davis and Chairman Spencer; Absent or Not Voting – Sears.

After discussion, Chairman moved to approve \$60,000 additional funding in FY 2006/07 to be utilized for purchase of two vehicles and equipment for Sheriff Department, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – Commissioner Davis; Absent or Not Voting – Sears.

**County Personnel Policy, establishment of a merit pay program and a salary survey/suggested pay grade system:** After discussion, Mr. Davis moved to approve \$12,000 additional funding in FY 2006/07 to complete a update of the county personnel policy, establishment of a merit pay program and a salary survey/suggested pay grade system, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell and Chairman Spencer; No – None; Absent or Not Voting – Sears.

### **FY 2007/08 Governor's Crime Commission Grant Applications**

After consideration, Mr. Davis moved to approve the FY 2007/08 Governor's Crime Commission Grant Applications, and authorized the County Manager to sign all documents and take such other actions as are necessary in support of this action; and directed the County Manager to include funding for the local match in FY 2007/08 budget proposal, to which Mr. Swindell seconded. Total estimated County Match is \$53,337. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

### **Cleaning Contract – Courthouse and Public Safety Center**

After consideration, the Board authorized the County Manager to seek contracts for the care and maintenance of the VCT flooring in the Government Center and the Public Safety Center. A recommended contract will be submitted to the Commissioners for approval and funding.

### **Operational Agreement – Soil & Water Personnel and Fiscal Management**

After consideration, the issue was deferred to the County Manager to discuss with the Soil and Water Conservation Board and to bring back to the Commissioners at a future meeting.

### **Commissioners Retreat**

The Board selected March 3, 2007 as date for annual retreat. Location and agenda will be established by County Manager.

### **Senior Center Outreach Grant Application**

After consideration, Mr. Swindell moved to approve the Senior Center Outreach Grant Application, and authorized the County Manager to sign all documents and take such other actions as are necessary in

support of this action, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

### **Contract – DOT Realignment of SR 1132 and NC 45**

After consideration, Mr. Swindell moved to approve the contract with NC DOT for Realignment of SR 1132 and NC 45 (around Courthouse) and authorized chairman, County Manager, clerk and other county officials to sign and execute and take such other actions as are necessary in support of this motion, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

### **Subdivision Plat – “Wade Lee Hubers”**

Mr. Davis declared that he had a conflict of interest on this matter and asked to be excused during consideration. Chairman Spencer moved to excuse Mr. Davis from all matters relating to Consideration of Subdivision Plat—“Wade Lee Hubers”, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis, Sears.

After discussion, Ms. Armstrong moved to approve the Subdivision Plat titled “Wade Lee Hubers” as presented, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis, Sears.

### **Request for Substitution of Performance Bond for Letter of Credit**

After discussion, Ms. Armstrong moved to approve the Substitution of Performance Bond for Letter of Credit as requested by developers Jerry Gaines and Tom Chess to include language as approved by County Attorney, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, Davis, and Chairman Spencer; No – None; Absent or Not Voting –Sears.

### **Release of Performance Bond – The Preserve Phase I**

After discussion, Mr. Davis moved to approve release of performance bond as request by The Preserve Phase I, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis, Sears.

### **Septic System Bid**

After discussion, Mr. Davis moved to award Septic System Contract for Lindsey Mooney under FY 05 Funding CDBG-Supplemental Assistance Program to D & W Contracting, Low Bidder at \$2,800, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis, Sears.

### **Occupancy Tax – Ocracoke Island. Session Law 2006-128**

After discussion, Mr. Davis moved to table issue until February 19, 2007 Board meeting, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis, Sears.

### **Commissioners Reports**

Mr. Davis reported he attend Commissioner School in New Bern and recommended attendance by all Board members.

Ms. Armstrong reported the Social Services Board had received approval to destroy records damage by Hurricane Isabel.

Mr. Swindell stated the Solid Waste Contract was up for renewal. Mr. Swindell requested the County Manager review the use of the scales.

Mr. Swindell requested the County Manager research the possibility of coordinating with Tyrrell and Washington Counties for Animal Control Services.

Chair Spencer reported he attended a Board Chair workshop in Pinehurst, NC.

Chair Spencer reported the Albemarle Mental Health Authority has established a transformation Board.

Chair Spencer update the Board on the progress at the Hyde County Airport. Runway lights are being installed and the PAPI system should be underway soon. The Airport Committee is researching the possibility of restoring the Airport Building and installing a security gate.

### **Manager's Business**

**Building Inspection Fees:** After consideration, Mr. Swindell moved to amend the Building Inspection Fee Schedules as follows: Increase Fireworks Permit Fee to \$100 and Establish Fire Alarm Fee at \$75, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears

**Southern Albemarle Association Dues:** After consideration, Ms. Armstrong moved to amend the FY 2006/07 budget to increase Dues and Subscriptions by \$800 and to increase revenue to the General Fund from Unappropriated Fund Balance by a like amount to allow for payment of Southern Albemarle Association Dues, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears

**Legislative Deadlines:** Board agreed for Commissioner Davis to draft a letter asking the General Assembly to renew the statute that effectively extinguishes old oil, gas, and mineral claims “when the holders of those claims do not list those claims on the County tax rolls and do not pay property tax on those claims”.

**Agreement for Interim Management Services:** After consideration, Mr. Swindell moved to approve the Amendment to the Interim County Manager Contract with Carl Classen, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

**US 264 Road Closure:** US 264 will be closed at Rose Bay due to pile driving operations. Message boards will be posted near each end of Rose Bay Bridge to advise the public.

**Planning Board:** County Manager will review issue and place on future agenda.

**Rules of Procedure:** Rules of Procedures will be made available for Board members.

### **Closed Session**

After consideration, Mr. Davis moved to enter into closed session o consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.[NCGS 143-318.11(a)(6)], to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

With no further discussion, Ms. Armstrong moved to come out of closed session, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon

the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

**Sheriff Hiring Request**

Chairman Spencer called for a motion regarding the request presented by Sheriff Mason for approval to hire his son, David T. Mason, II.

Ms. Armstrong made an unspecified motion then withdrew the motion.

**Adjournment**

The meeting adjourned at 9:30 PM.

Submitted by:

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Connie Burleson, Clerk to the Board of Commissioners

Approved this \_\_\_ day of February, 2007:

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Charles Spencer, Chairman,  
Hyde County Board of Commissioners

--- Exhibits begin on the next page ---

Exhibit A

Revisions:

<b>15</b>	<b>EMERGENCY MGT</b>	105250.7400	EQUIPMENT	\$ 537.92	
		103350.0000	MISC REVENUE		\$ 537.92
		<b>INCREASE BUDGET TO INCLUDE REFUND FROM LANGLEY HAULING SERVICE INC DUE TO AN OIL SPILL/WRECK</b>			
<b>16</b>	<b>DSS</b>	106140.0027	CRISIS INTERVENTION	\$10,532.00	
		103470.0001	SOCIAL SERVICE ADM-CRISIS INTERVENTION		\$10,532.00
			<b>INCREASE BUDGET TO REFLECT ADDITIONAL FUNDS - SEE ATTACHED FUNDING AUTHORIZATION #3 --NEW BAL STATE FUNDS \$22,485</b>		

Transfers:

26	EM	105250.3100	GAS, OIL & TIRES	\$850	
		105250.7400	EQUIPMENT		\$850
		APPROVED EQUIPMENT FROM ORIGINAL BUDGET WAS OVER BY APPROXIMATELY \$500. TRANSFER TO COVER THAT OVRAGE AND ALSO REQUEST TO PURCHASE A DIGITAL CAMERA BOTH OF THE DEPUTY EM/FMS.			
25	RESCUE	105920.1400	TRAVEL	\$1,000	
		105920.3100	GAS, OIL, TIRES		\$1,000
		TRANSFER TO COVER EXPENDITURES FOR TRAVEL WITH PERSONAL CAR			
23	SOIL & WATER	106060.3100	TRAVEL	\$1,000	
		106060.3100	GAS, OIL, & TIRES		\$1,000
			TRANSFER FUNDS TO COVER INCREASED EXPENSES		
	HEALTH PRO	105830.0200	SALARIES	\$9,109.	
		105830.0500	FICA	\$697	
		105830.0700	RETIREMENT	\$450	
		105830.1200	POSTAGE	\$1,089	
		105830.1400	TRAVEL	\$1,200	
		105830.3200	OFFICE SUPPLIES	\$1,097	
		105830.3300	DEPARTMENTAL SUPPLIES	\$1,500	
		105830.7400	EQUIPMENT	\$1,800	
		103480.0019	DPH-HEALTH PROMOTION		\$16,942
	HEALTH-BT	106200.0200	SALARIES	\$6,500	
		106200.0500	FICA	\$498	
		106200.0600	GROUP INSURANCE	\$669	
		106200.0700	RETIREMENT	\$322	
		106200.1400	TRAVEL	\$1,511	
		106200.3300	DEPARTMENTAL SUPPLIES	\$5,500	
		106200.0039	DIV OF PUBLIC HEALTH		\$15,000
	HEALTH DISPARTIES	105972.0200	SALARIES	\$4,745	
		105972.0500	FICA	\$366	
		105972.0600	GROUP INSURANCE	\$782	
		105972.0700	RETIREMENT	\$235	
		105972.1200	POSTAGE	\$1,840	
		105972.3200	OFFICE SUPPLIES	\$1,840	
		105972.3300	DEPARTMENTAL SUPPLIES	\$2,260	
		105972.4500	CONTRACTED NUTRITIONIST	\$2,400	
		105972.4501	CONTRACTED INTERPRETER	\$750	
		105972.7400	EQUIPMENT	\$300	
		103481.0039	DIV OF PUBLIC HEALTH		\$15,518