

## Minutes

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

**January 19, 2010**

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 6:30 PM on Tuesday, January 19, 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, Tom Davis, and Barry Swindell; County Attorney Sid Hassell; County Manager Carl Classen; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Gene Ballance; Deputy Clerk to the Board Jamie Tunnell; and members of the public. Commissioner Spencer was absent.

Following the pledge of allegiance and opening prayer by Commissioner Swindell the meeting was called to order.

Chairman Davis thanked Vice-chairman Swindell for conducting the January 4, 2010 Board of Commissioners meeting in his absence.

Commissioner Swindell moved to cancel the February 1, 2010 Board of Commissioners Regular meeting. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

#### **Agenda:**

Chairman Davis asked for any changes to the January 19, 2010 meeting Agenda as presented by the Clerk.

Commissioner Swindell moved to add Item V. H. i. – Other Matters – Swan Quarter Watershed Phase XII – Amendment No. 6 to Administration & Inspection Contract and Item V. H. ii. – Other Matters – Swan Quarter Watershed Phase XIII – NRCS Form 78 – Assurances Relating to Real Property Acquisition; and to enter into Closed Session in accordance with NCGS 143-318.11 (a) (6) – Personnel Matters and NCGS 143-318.11 (a) (3) – Consultation With Legal Counsel. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

#### **Consideration of Minutes:**

Chairman Davis asked for approval of meeting minutes.

Commissioner Ballance moved to approve the January 4, 2010 Regular Meeting minutes as presented by the Clerk with corrections made on page 2 – line 39 – Public Comments – Vice-chairman Swindell continued the meeting; County Manager's Report – page 7 – line 44 – Mr. Swindell continued the meeting; and to delete line 47 - Mr. Davis called for a ten minute recess at 9:05 P.M. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

#### **Special Presentations:**

##### **Association Services**

Ricky Therington, North Carolina Association of County Commissioners (NCACC) Representative, presented Association Services, an independent insurance organization that specialized in voluntary benefits programs made available by county governments to their employees through payroll deduction.

#### **Public Comments:**

Chairman Davis called for comments from the public.

Rudy Austin, Ocracoke, requested support of the Board for Hyde County gill net fishermen and expressed concern for all commercial fishermen; and, reported on a proposed Division of Marine Fisheries (DMF) net ban and a proposed National Oceanic and Atmospheric Association (NOAA) marine sanctuary for Cape Lookout and Cape Hatteras areas. Mr. Austin agrees that an appointed commissioner should participate in a Commercial Fishing Advisory Board to keep the Board abreast of commercial fishing issues.

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

### **Ordinances and Resolutions:**

#### **Resolution of Support – Hyde County Commercial Fishermen**

Dell Allen Newman, Newman Seafood, gave report on hardship to oystermen and local businesses caused by NC Division of Marine Fisheries (DMF) quota regulations and asked the Board to adopt a Resolution of Support for Hyde County Oystermen at the January 4, 2010 Commissioners Meeting.

Per direction at the January 4, 2010 Commissioners meeting a letter of support was sent to NC DMF Executive Director Louis B. Daniel, III; Governor Walter B. Jones; Senators Marc Basnight and A. B. Swindell; and, Representative Tim Spear; and “Resolution of Support – Hyde County Commercial Fishermen” was developed for approval on January 19, 2010.

Commissioner Swindell moved to adopt “Resolution of Support – Hyde County Commercial Oyster Industry.” Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

*CLERK’S NOTE: A copy of “A Resolution of The Hyde County Board of Commissioners Supporting Of Hyde County Commercial Oyster Industry” is attached herewith as Exhibit A and incorporated herein by reference.*

After discussion, Commissioner Swindell moved to send a letter of support of Commercial Gill Net Fishermen to NC DMF Executive Director Louis B. Daniel, III; Governor Walter B. Jones; Senators Marc Basnight and A. B. Swindell; and, Representative Tim Spear; and to develop and adopt “Resolution of Support – Hyde County Commercial Gill Net Industry.” Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

*CLERK’S NOTE: A copy of “A Resolution of The Hyde County Board of Commissioners Supporting Of Hyde County Commercial Gill Net Industry” is attached herewith as Exhibit B and incorporated herein by reference.*

### **Appointments:**

#### **Nursing Home Community Advisory Committee**

As directed at the November 2, 2009 Commissioners meeting, affected facilities in Hyde County were contacted to solicit names of people to serve on the Advisory Committee but the County has received no response.

Chairman Davis so ordered that the Clerk to the Board publicize appointment availability and solicit names of people to serve on the Advisory Committee and report back to the Board of Commissioners on February 15, 2010.

#### **Albemarle RC&D Board**

Staff again called the Board’s appointee, Ms. Brooke Dunbar, and again received no response whether she wished to be re-appointed.

Commissioner Swindell moved to appoint the County Manager to represent Hyde County on the Albemarle RC&D Board until such time as suitable volunteer is located; and, to direct the Clerk to the Board to publicize appointment availability and solicit names of people to serve on the Board and report back to the Board of Commissioners. Mr. Byrd seconded the motion. The motion

passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

**Albemarle Commission Representative**

At its January 5, 2009 meeting, the Hyde County Board of Commissioners appointed Commissioner Sharon Spencer as representative to the Albemarle Commission to complete former Commissioner Alice Armstrong’s two-year term, which ended on January 7, 2010. Commissioner Spencer was not present at the meeting but had confirmed that she would like to be re-appointed.

Chairman Davis moved to re-appoint Commissioner Spencer as Hyde County Representative on the Albemarle Commission Board to serve a two-year term, which will end on January 19, 2012. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

Criteria for the vacant Hyde County At Large Albemarle Commission Representative will be presented at the February 15, 2010 Commissioners meeting.

*CLERK’S NOTE: Following discussion, County Manager Carl Classen was appointed to represent Hyde County as the at-large representative on the Albemarle Commission Board until such time as suitable volunteer is located.*

**Other Matters – Budget Amendments:**

County Manager Carl Classen reported to the Board that in accordance with the FY2009-10 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

- A. Department of Social Services: \$9,342; increase in Crisis Intervention from DHHS for allocation period from June 2009 thru May 2010 service months. Increases budget.
- B. Department of Social Services: \$20,000; increase in FNS Grant provided by the State for food nutrition services. Increases budget.
- C. Mattamuskeet Opportunities: \$1,500; increase in Booster Club unexpected money donated by different organizations to fund trips for consumers. Increases budget.
- D. Water: \$16,200; transfer to Longevity, Vehicle and Building Maintenance and Office Supplies lines from Water Line Replacement. Does not increase the budget.
- E. Solid Waste: \$6,500; increase in Fund Balance Appropriated and Site Improvements, Computer Support, and Container Rent Mainland for the start up and operation of the Ponzer Convenience Site. Increases budget.
- F. Emergency Services: \$50,000 increase in Fund Balance Appropriated and EMS Land Purchase. Increases budget.
- G. Emergency Services: \$2,200 increase in Fund Balance Appropriated and EMS Education and Training. Increases budget.

Commissioner Swindell moved to approve budget amendments as presented by County Manager Carl Classen. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

**Tax Department Pick-Ups and Releases:**

Tax Administrator Linda Basnight presented a list of tax bills recommended for release.

Year	Name	Amount	Reason
2009	Gray, Annie E.	\$ 33.75	No duck impoundment on property
2009	Esham, Eugenia	\$ 1,640.14	Double listed owned and listed to Christopher Waller
2009	Esham, Eugenia	\$ 444.57	House double listed to Eugenia Esham on PRN 14727 and 726
2009	Windely, Larry	\$ 378.56	Only 4 acres in duck impoundment not 18
	<b>TOTAL</b>	<b>\$ 2,497.02</b>	

Commissioner Swindell moved to approve tax releases as presented by Tax Administrator Linda Basnight. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

#### **Tax Releases – Sloane Property**

Mark and Barbara Sloane have requested a refund of property taxes overpaid in Tax Years 2004 through 2008. This matter was addressed by the Board of Commissioners on December 6, 2009 when the Sloane's requested and received a partial release of their 2009 taxes because a portion of their lot was double-listed.

Tax Administrator Linda Basnight researched the issue and concurs that the Sloane's are due a refund for tax years 2005, 2006, 2007, and 2008. However, due to release of the 2009 taxes, she questions whether State law allows the County to refund more than five years of back taxes and has requested an opinion from the County Attorney.

Commissioner Swindell moved to approve partial tax refund paid by Mark and Barbara Sloane on double-listed lot in Tax Years 2005, 2006, 2007, and 2008 totaling \$882.00; and if the County Attorney finds that the County may refund 2004 taxes, to authorize a refund of the double-listed amount paid by the Sloane's for Tax Year 2004. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

#### **Variance Application – Swan Quarter Campground**

Swan Quarter Campground LLC is proposing to build a 35 lot Travel Trailer Park on the site of the old Jarvis Motel and Crab House adjacent to Landing Road (SR 1136) in Swan Quarter. This property was previously the site of a proposed condominium project for which the County Commissioners approved a Planned Unit Development. Mr. Don Faulkner is representing Swan Quarter Campground LLC and is agent for the Swan Quarter Landing Condominiums.

Property in the proposed Swan Quarter Campground will be leased to persons who wish to locate a temporary dwelling on a chassis and having a body width not exceeding eight feet, and/or structures mounted on auto or truck bodies that are referred to as campers for travel and recreation purposes (provided that all temporary dwellings are outfitted with private toilet facilities that will hook up to the Swan Quarter Sanitary District's Wastewater Treatment System). All leases will state that the lots for the temporary dwellings will be leased for a maximum of 180 days and that all lessors will be required to have the vehicle properly registered and road ready within one hour in order to evacuate the premises in case of an impending storm.

Hyde County Code Section 24 – 95 (k) states: *“Each park shall have a central structure that will provide separate toilet facilities for both sexes. This structure may also contain coin-operated machines for the park residents' use only; provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area.”*

All temporary residences will be equipped with private toilet facilities that hook up to the Swan Quarter Sanitary District's Wastewater Treatment System; thus, a permanent bathroom facility is not needed. Potable water will be supplied by Hyde County Utilities. The Swan Quarter Sanitary District confirmed in a letter dated January 12, 2010 that it will provide sewer service to the development. The Hyde County Utilities Department confirmed in a letter dated January 19, 2010 that Hyde County Water has adequate supply of water for the proposed campground project on Landing Road in Swan Quarter.

Hyde County Code Section 24-138 authorizes the Board of Commissioners to issue variances, stating: *“Where strict adherence to the provisions of this chapter would cause unnecessary hardship of topographical or other conditions peculiar to the site, the county commissioners may authorize a variance, if such variance can be made without destroying the intent of this chapter.”*

*Any variance thus authorized shall be entered in the minutes of the county commissioners and the reasoning on which the departure was justified shall be set forth.”*

Commissioner Swindell moved that given that all units in the proposed Swan Quarter Campground will be served by publicly-owned water and wastewater systems, a variance to the first sentence in Section 24-95 (k) of the Hyde County Code is hereby approved. If all units are not connected to a publicly-owned water and waste system or if the property is used for any purpose or in any manner not allowed under Article V (Travel Trailer Parks) of Chapter 24 (Manufactured Housing) of the Hyde County Code, then this variance is hereby repealed without further action by the Board of Commissioners. Further, if at least fifty percent (as measured by the total lineal feet of piping) of the water and wastewater infrastructure is not installed within twelve months of this approval, the variance shall be repealed unless the same applicant (Swan Quarter Campground LLC) appears before the Commissioners requesting an extension. Lastly, the authority for the Swan Quarter Landing Condominiums Planned Unit Development shall be suspended when fifty percent (as measured by the total lineal feet of piping) of the water and wastewater infrastructure is installed for the Swan Quarter Campground and shall remain suspended until the entire property is returned to usability as the Swan Quarter Landing Condominium PUD was approved. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

#### **Personnel Policy Amendments**

Assistant Finance Officer/Human Resources Officer Corrinne Gibbs requested approval of amendments to the Hyde County Personnel Policy on Page 16 – Article III – Section 16. Longevity Pay – *full time employees of the County are compensated for continuous years of service*; Page 29 – Article VII – Section 3. Holidays: Effect on Other Types of Leave – *This does not apply to shift work employees who are regularly scheduled on holidays*; and Page 39 - Article IX – Section 1. Disciplinary Action for Unsatisfactory Job Performance – *The County Manager may, after consultation with the Department Head and/or the Human Resources Officer, place an employee on probationary status for a period of up to six months for unsatisfactory job performance.*

Commissioner Swindell moved to approve amendments to the Hyde County Personnel Policy as presented by Assistant FO/HR Officer Corrinne Gibbs. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

#### **Unified Government – Sid Hassell, County Attorney**

County Attorney Sid Hassell continued discussion of Unified Government in Hyde County and recommended public educating begin soon.

Unified Government can be placed on the May 4, 2010 Primary Ballot or the November 4, 2010 General Ballot. Following discussion, the Commissioners expressed concern about being on the Primary ballot and, hearing no objection the Chairman directed efforts towards the November ballot. Mr. Hassell will prepare the necessary documents for review by the Board of Commissioners on April 5, 2010; and, the Board will consider Unified Government in Hyde County on April 19, 2010.

#### **Engelhard EMS Station – Emergency Services Director Mark O’Mara**

Emergency Services Director Mark O’Mara worked with various staff members to raise response to expanding EMS services in Hyde County and has determined Option 3 would be the plan to follow if approved by the Board.

### NEW STATION COSTS

By using Option 3 to put another Paramedic Level Ambulance in Engelhard or another location it would take 4 crews of which the County would have to hire 4 Paramedics.

- Salaries for four crews would be \$350,000 per year, which includes overtime.
- Cost of the lease of the 8 new cardiac monitors 41, 305 per year, or \$5,163 for just the new station.
- Cost of replacing ambulance 28,400 per year
- Cost of operating station - \$24,000 annually
- Capital improvement cost not estimated.

I have look at the old Engelhard Medical Center and with some upgrade I believe it could be used by the County for an EMS Base. There would need to be some more studies done on the building and the land where its sets as will the bridge that must be used to reach the property.

Hyde County EMS runs approx. 3 calls a day total. (Mainland and Ocracoke), of which one per day is a back-up call.

- This cost the County \$52,920 per year if this crew does not run a call.
- This crew how run an average of one call per day at a cost in overtime of \$34,560. (30 calls/month times 12 months times 3 hours per call times \$32 per hour for 2 people)

The total cost of the stand-by crew is 87,480 per year. By putting another crew on this would eliminate this cost.

The net cost for a new station would be approximately:

- New station operations \$407,563
- Existing Back-up crew cost <\$87,780>
- Net New station cost \$320,083

### CALL VOLUME

Hyde County EMS ran 980 calls in 2009 at 457 locations.

All call locations are separated by fire district. The following is the percentage of call locations in each fire district.

- |                |     |     |
|----------------|-----|-----|
| • Engelhard    | 163 | 35% |
| • Fairfield    | 48  | 11% |
| • Swan Quarter | 98  | 21% |
| • Scranton     | 45  | 10% |
| • Ponzer       | 18  | 4%  |
| • Ocracoke     | 85  | 19% |

The day of the week the most calls were ran in on Tuesday. (143)

The time of day the most calls were run is from 10:00am to 11:00am. (65)

Most of the calls were run in the month of July. (115)

The least amounts of call were run in the month of April. (41)

The call volume percentage was put together by Justin Gibbs using information from the 9-1-1 system.

The information on the time of day and day of the week and the month of the year came from PreMis the Patient care reporting program we use to report our calls to the state.

After discussion, Chairman Davis moved to keep one Mainland and one Ocracoke Paramedic Level Hyde County EMS Station for the foreseeable future. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

### Solid Waste Collection Service

Utilities Director Clint Berry continued discussion on In-house solid Waste collection. Mr. Berry recommends moving forward with in-house collection and disposal of solid waste and to begin on October 1, 2011.

Commissioner Byrd moved to give notification under contract to bring solid waste collection in house. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, and Swindell. Nays – Davis; Absent or Not Voting – Spencer.

#### **Swan Quarter Watershed Phase XIII Project Agreement**

On November 16, 2009 the Hyde County Board of Commissioners received a presentation by Kris Noble, Hyde County Grant Technician and the Board was asked to approve a Project Agreement proposed to Hyde County by NRCS for the construction of Phase XIII of the Swan Quarter Watershed Project. After review of the proposed construction schedule and analysis of the funds appropriated through the Draft Project Agreement, The Hyde County Board of Commissioners voted to approve the draft project agreement with two amendments:

1. Funding provided for in-house administration amended from \$27,000 to \$40,500 as shown in Section A.1. Paragraph 2 of the draft project agreement.
2. Funding provided for construction management and inspection services amended from \$90,000 to \$134,400 as shown in Section A.1. Paragraph 3 of the draft project agreement.

A memorandum was sent to NRCS detailing and requesting the above mentioned changes. NRCS responded via email explaining that they believe the figures in the project agreement are adequate and detailed reasons. NRCS also states that if the County sees that the County did not capture some costs in the estimates then NRCS can make adjustments as needed. The County has advised NRCS that it will relinquish its responsibilities for administration, project management, and inspections when funding for any of these locally-led services is inadequate.

Commissioner Davis moved to approve the Draft Project Agreement submitted to Hyde County by NRCS for the construction of Phase XIII of the Swan Quarter Watershed Project with the understanding that all Hyde County efforts will immediately cease should there be inadequate funding for County services, and to authorize County Manager and Hyde County staff to issue an Invitation to Bid for the construction of Phase XIII of the Swan Quarter Watershed Project and advertise appropriately contingent upon County Attorney Sid Hassell's approval. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

*CLERK'S NOTE: A copy of "Swan Quarter Watershed Phase XIII Project Agreement – Contract No. 69-4532-0-001" is attached herewith as Exhibit C and incorporated herein by reference.*

#### **Swan Quarter Watershed Phase XII – Amendment No. 6 to Administration and Inspection Contract**

On January 14, 2010 NRCS Assistant State Conservationist for Easements and Water Resources, Michael J. Hinton, presented Amendment No. 6 to Project No. 69-4532-5-028 more commonly known as the Inspection and Administration Contract for Phase XII of the Swan Quarter Watershed Project to Hyde County. A net increase in appropriated funds in the amount of \$10,000 is being appropriated for inspection and administration of Phase XII to pay for approved change orders that have resulted in project extensions.

Commissioner Swindell moved to approve Amendment No. 6 to Project Agreement No. 69-4532-5-028. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

*CLERK'S NOTE: A copy of "Amendment No. 6 to Project Agreement No. 69-4532-5-028" is attached herewith as Exhibit D and incorporated herein by reference.*

#### **Swan Quarter Watershed Phase XIII – NRCS Form 78 – Assurances Relating to Real Property Acquisition**

In order for Hyde County and NRCS to enter into a Project Agreement for Phase XIII Construction of the Swan Quarter Watershed Project certain prerequisites must be met by the County. The county attorney with the assistance of county staff has obtained all land rights,

easements and/or right-of-ways required to construct Phase XIII pending final signatures. After receipt of all applicable land rights County Attorney Sid Hassell will issue an Attorney's Opinion to certify an examination of the real property instruments.

Commissioner Swindell moved to authorize the Chairman to execute NRCS Form 78 – Assurances Relating to Real Property Acquisition contingent upon the County Attorney issuing an Attorney's Opinion certifying an examination of the real property instruments and files were made and found to provide adequate title, permission and authority for the purpose(s) for which the property was acquired. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

*CLERK'S NOTE: A copy of "Swan Quarter Watershed Phase XIII – NRCS Form 78 – Assurances Relating to Real Property Acquisition" is attached herewith as Exhibit E and incorporated herein by reference.*

**County Commissioners Reports:**

Commissioner Ballance expressed concern about the proposed gill net restrictions by NC DMF and would like NC DMF to consider local economy when implementing restrictions.

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

**County Manager's Report:**

Planner/Developer Alice Keeney reported that Hyde County has been awarded a \$245,000 CDBG-SBEA Grant Award.

Planner/Developer Alice Keeney reported that Mr. Woody Whichard had completed road construction and asked that Mr. Whichard's South Oak Subdivision Bond (dated December 4, 2008) be released.

Commissioner Swindell moved that South Oak subdivision Bond be released and Cashier's Check for \$500 be returned to Mr. Woody Whichard. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

After County Manager Carl Classen reported on internet access for Hyde County, Commissioner Byrd moved to send a Letter of Support to the Northeast Commission for Broadband Middle Mile Study by the Keenan Flagler School at UNC. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

County Manager Carl Classen will compile a list of nominees for the Working Watermen's Advisory Committee and the Drainage District #8 Advisory Committee for consideration at the February 15, 2010 Commissioners. Mr. Classen will also compile an interim letter of concern about the proposed Maine Sanctuary and send to NOAA.

Property owners in Lakeview Subdivision have asked for assistance from the County with road maintenance. A public meeting will be held on February 8, 2010 to discuss options available.

After discussion of the request from adjacent property owners, Commissioner Byrd moved to adopt resolution declaring its intent to close the public road or easement on Winnie Blount Road (SR 1366); to publish once a week for three successive weeks before the hearing, a copy of the resolution to be sent via registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed; a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement; and, to hold public hearing on March 15, 2010 during

its Regular Meeting. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

*CLERK'S NOTE: A copy of "Resolution Declaring Intent To Close The Public Road Or Easement On Winnie Blount Road (SR 1366)" is attached herewith as Exhibit F and incorporated herein by reference.*

Child Support Enforcement joint effort with Tyrrell County and Washington County is moving forward and a draft Interlocal Agreement is being written.

A request to bill Medicaid directly for ADAP Center clients (\$90 each) has been submitted to ECBH by Hyde County Department of Social Services.

After discussion, Commissioner Swindell moved to approve including the North Carolina Association of County Commissioners (NCACC) Associate Services Life Insurance Plan as part of the employee benefit package options but with no employer contribution. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell. Nays – None; Absent or Not Voting – Spencer.

There being no further matters to come before the Commissioners, Mr. Davis continued the meeting.

### **Closed Session**

Commissioner Swindell moved to enter closed session in accordance with NCGS 143-318.11(a)(6) – Personnel Matters. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

The Commissioners entered closed session at 8:38 P.M.

Chairman Davis moved to return from Closed Session. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

The Commissioners entered regular session at 8:45 P.M.

Commissioner Swindell moved to appoint Justin Gibbs as Deputy Tax Administrator. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Spencer.

Chairman Davis moved to excuse Commissioner Ballance due to conflict of interest. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Ballance and Spencer.

Chairman Davis moved to enter closed session in accordance with NCGS 143-318.11(a)(3) Consultation with Legal Counsel. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Ballance and Spencer.

The Commissioners entered closed session at 8:47 P.M.

Commissioner Swindell moved to return from Closed Session. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Ballance and Spencer.

The Commissioners entered regular session at 8:49 P.M.

Commissioner Swindell moved that because a vacancy exists on the Hyde County Board of Commissioners to appoint Mr. Gene Ballance to the vacant position and to notify the Board of Elections of the vacancy with all due haste. Mr. Byrd seconded the motion. The motion passed on

the following vote: Ayes –Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Balance and Spencer.

Chairman Davis moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes –Byrd, Davis, and Swindell; Nays – None; Absent or Not Voting – Balance and Spencer.

The meeting adjourned at 8:52 PM.

Respectfully submitted:

Minutes approved on the 15<sup>th</sup> day of February, 2010.



Lois Stotesberry, Clerk - Hyde County Board of Commissioners



Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – *“A Resolution of The Hyde County Board of Commissioners Supporting Of Hyde County Commercial Oyster Industry”*

Exhibit B – *“A Resolution of The Hyde County Board of Commissioners Supporting Of Hyde County Commercial Gill Net Industry”*

Exhibit C – *“Swan Quarter Watershed Phase XIII Project Agreement – Contract No. 69-4532-0-001”*

Exhibit D – *“Amendment No. 6 to Project Agreement No. 69-4532-5-028”*

Exhibit E – *“Swan Quarter Watershed Phase XIII – NRCS Form 78 – Assurances Relating to Real Property Acquisition”*

Exhibit F – *“Resolution Declaring Intent To Close The Public Road Or Easement On Winnie Blount Road (SR 1366)”*