

Minutes

Board of County Commissioners Hyde County

January 22, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, January 22, 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, Part-time Temporary Administrative Assistant Kris Noble, various staff members, and members of the public.

Following a pledge of allegiance to the flag led by Chairman Spencer, Mr. Swindell gave the opening prayer. Chairman Spencer called the meeting to order. Due to the overflow crowd, Chairman Spencer moved the meeting upstairs to the Courtroom.

Agenda: Chairman Spencer asked for any changes to the January 22, 2008 meeting Agenda as prepared by the Clerk. Commissioner Davis moved to accept the Agenda with the Public Hearing/Public Comment section conducted first. 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.

Public Hearing – Solid Waste Plan

Commissioner Davis moved to open hearing on the Hyde County Solid Waste Plan. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Spencer, and Swindell; Nays – none; absent or Not Voting – none.

Chairman Spencer called upon comments from the public.

Iris Faulkson, of the Ponzer community stated that residents in Ponzer do not receive utilities and/or water from the County. She questioned how the county would bill her monthly?

Jerry Harris, of Swan Quarter made comment that to his knowledge the prior Solid Waste Public Hearings have not been recorded. He questioned who was recording the meeting.

Ken Kieger, of Waterway Landing Subdivision, asked whether a contract for these services already been negotiated. He is concerned about the cost and where the county is going in that aspect.

Audrey Laungston of Scranton commented that the meetings should be recorded and stated that misquotes had been printed in the newspaper.

Belinda Boyd of Pantego says that they have never used the trash pick up service. She stated that she used the convenience site in Pantego and did not think it fair she had to pay the fees.

Diantha Coley of Swan Quarter asked if she had to pay a monthly fee for trash pickup would she still have to pay at convenience sites?

Pam Sawyer of Swan Quarter stated that there are many buildings in the county that are empty or not being used but are still being charged for the trash pickup service. She stated that it was unfair.

Reginald McKinney spoke on behalf on Ms. Charlene Jefferies stating that Ms. Jeffries visits her home in Hyde County seldom and has never used the trash service which in his opinion is unfair.

Kay Decker of Rose Bay commented on the trailer homes in her neighborhood stating that people are using the service rarely and paying the same fee as others with more trash.

Hazel Stotesberry of Swan Quarter made the statement that she had a dumpster which she paid for and did not think she should have to pay for trash pickup as well.

Frank Faulkson of Ponzer commented that the initial contract called for an increase for fuel but the raise from \$150 to \$300 was too much. He asked, "Will there be a ceiling?" Commissioner Davis responded with the explanation that collection fees were subsidized with funds from Property Taxes in the past accounting for the difference in what the public pays.

Audrey Laugnston of Scranton questioned the difference between the \$300 fee and a \$375 fee and was the difference because of 3 months of service not being charged. Barry Swindell explained that the rates had not been established yet. Ms. Laugnston also asked would people from out of state, who could only visit once every few months, be billed the same.

Bob Saerl of Ponzer made three points. 1. He has been pleased with the trash service 2. We should have trash service 3. If you have home here you should be required to have trash service.

Peggy Herrina of Fairfield stated that for older people \$300 a year is unbelievable. She commented on the Blue Bags. She said that the county should not be involved in the trash pickup at all and the ingenuity of the young people would take care of taking trash off. This program will trash the county because people will let it build up in their yards and throw it in the forests.

James Midgett of Engelhard asked how could a free enterprise tax your property. He also asked whether recycling generates revenue.

Teresa Collier of Ponzer commented that more trash sites were needed in the Ponzer area.

Judy Aycock of Swan Quarter asked the commissioners to consider a system where a sticker could be purchased for vehicles and be allowed unlimited dumping at convenience sites.

Kelly Brooks of Swan Quarter asked, out of 3000 households how many actually receive trash pickup? She states that this system will increase dumping of trash and the sheriff's office already cannot handle servicing the county.

Email comments received by County Manager prior to the January 22 meeting were accepted as public comments. A summary is shown below:

John Lindley of Orleans, Indiana, owns property on Ocracoke and reports his home at 55 Cedar Drive does not receive trash pickup yet he pays for the service. He wants a solution to be fair to all not just the mainland residents or island residents but to off island home owners as well.

Agatha Shilling of Apex, North Carolina owns rental property on Ocracoke states that a PAYT plan would be a nightmare. She states, "If you have to raise property taxes to cover the cost, this would be more acceptable to me than forcing people to entangle themselves worrying about whether they have the "right" trash bag."

Les Whitten an owner of two properties on Ocracoke, writes that a PAYT plan may be administratively unworkable for a community like Ocracoke having tens of thousands of

transient renters and guests who will be uneducated in trash disposal. The result could be uncollected trash leading to unsanitary conditions.

Peter West of Custom Building Company, owns three rental homes on Ocracoke and says PAYT will be a nightmare during rental season. He notes that issues will arise with trying to educate people to buy certain bags and suggests charging according to the number of bedrooms or the square footage of the house.

William Tom Bell, owner of the Slushy Stand and three rental units says the PAYT system is not properly anchored with all residents of Ocracoke. He notes a rumor of \$150 per dumpster dump which he is calculating to be a 500% increase in solid waste costs added to an existing \$14,000 a year tax bill. Wants County to get a true consensus on any trash plan before implementation.

Kari Styron, Rental Manager of Ocracoke Island Realty (OIR), states that OIR currently represents over 350 rental properties on the island and deals with thousands upon thousands of guests – each of which will need to be informed of the new program and abide by the new “rules” which will not happen. Improperly bagged trash will be the responsibility of OIR and the cost will be absorbed by the homeowners.

Ms. Martha Rogers, MD of Decatur, Georgia owns a home on Ocracoke and applauds the attempt at developing a system that more fairly distributes the costs of waste removal but is concerned that the majority of solid waste will come from vacationers who will not use the bags and leave a mess behind for the rental companies that will cost the homeowners.

Richie Midgett of Midgett Realty states the plan will create more litter on the island and people using others garbage cans.

John F. Warren III, asks the Board to postpone a decision on the proposed “Jones County” model of residential garbage removal stating Ocracoke is a very different type of area because of the tourism. On an appreciative note, he believes the plan to create curbside recycling will be hugely popular.

Judith Wheeler of Durham, North Carolina, owns a home on Ocracoke and states there is no way a PAYT plan will work in a town that the majority of houses are weekly rental homes. Ocracoke already has a huge problem and this will increase that problem.

Captain Jette Carr of Osprey Charter Fishing in Ocracoke is against the PAYT program. He asks the Solid Waste Advisory Board to read www.epa.gov/payt/top19html and consider “transient populations” and PAYT systems. Cites the current problems and states these will worsen.

Al Scarborough asks the Board to give PAYT a chance. He asks for a realistic trial and states the present system is particularly unfair to older persons on fixed incomes and those in low economic groups.

John Alexanderson of Doylestown, Pennsylvania is against PAYT and states the present program seems to be working OK and wants to keep it in place. States that OIR sometimes has to pick up trash not put in garbage bags, but it has not been a big cost so far.

Valerie Gokturk is a homeowner and rental property owner on the island states that the PAYT system will be forced on residents and business owners and the millions of people who pass through will not be responsible for their own trash. Says the proposed plan dumps the costs on residents. Would like to toll the Ocracoke to Hatteras Ferry to pay for trash and provide recycling bins.

Felicity Gage, an Ocracoke tax payer states that the PAYT system may work in a year-round population, but not a large tourist population. She would like the situation to be investigated further.

Lynette and Tom Sumner of Ocracoke states the PAYT system was enacted previously and abandoned due to the limitation and needs of the island community. Would

like to work out a viable option that reflects the commitments of Hyde County to the island of Ocracoke.

Jane and Joe Srail state that state that we should go with a PAYT plan, but thru education there should be some reward for those that recycle.

Joseph Canel, P.E. states that the trash generated on Ocracoke changes weekly pending the amount of tourists on the Island. Many tourists will side step the Red Bag and result in a litter problem.

Craig and Connie Luigart state that considerable planning, impact and alternative analysis should be completed before a process is put into place that could disincentivize the principal source of the county's revenue – our tourists! Supports a supplemental seasonal tax.

Celia Isbrecht permanently lives on Ocracoke and owns rental property and has concerns about PAYT on both counts. She states that if only local residents were producing trash this plan would be acceptable, but Ocracoke is not rural and can not be treated as such.

Barbara Daniell of Ohio notes she is a nonresident property owner in Ocracoke. Her property is managed by OIR and says adequate supervision is an almost insurmountable task. Does not believe PAYT is the answer.

Kari Styron, Rental Manager of OIR, would like all commissioners to be present at the Ocracoke Solid Waste meetings not just Commissioner Balance.

David Styron of Ocracoke again sites the PAYT plan is inappropriate for elderly persons or low income and asks the question, 'If this PAYT plan is going to be a great (fair) remedy why is it only going on Ocracoke? Doesn't the Mainland deserve the best to?'

Leslie and Bill Gilbert of the Anchorage Inn and Marina make four points: 1. They are not opposed to paying their portion of trash. 2. They do believe portions of the General Fund should be used for solid waste disposal in the county. 3. They believe the county should promote recycling, charge for C&D disposal at convenience sites, provide more recycling capacity and provide public trash cans. 4. They are opposed to PAYT.

A petition was also submitted by Fred Westervelt of Ocracoke stating that PAYT does not have widespread public support in Ocracoke. The petition contains 115 signatures.

CLERK'S NOTE: COMMENTS WERE ALSO ACCEPTED AT A CONSECUTIVE MEETING HELD ON JANUARY 23, 2008 AT 7 P.M. AT THE OCRACOKE COMMUNITY CENTER. A SUMMARY OF THESE PUBLIC COMMENTS ARE ATTACHED TO THESE MINUTES AS EXHIBIT A AND MADE A PART HEREOF.

Hearing no further comments from the public, Mr. Davis moved to close the public hearing. 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 Comments: Chairman Spencer asked for comments to the Board from the public.

Diantha Coley of Swan Quarter asked the Commissioners did they recently fund another position in the Tax Department and not fund additional money to the Sherriff's Office which is needed.

Iris Faulkson of Ponzer commented that the manager has hired an assistant on Ocracoke and the Mainland with money that could have been used to go towards Sherriff's Department salaries.

Frank Faulkson of Ponzer commented that the people could vote the Commissioners off of the board in the next election.

Audrey Laugnston of Scranton stated that the Commissioners have been investigated before and could be again.

Hearing no further comments from the public, Mr. Davis moved to close the public hearing. 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. The Chairman announced that with the conclusion of the Public Hearing and Public Comments the meeting would reconvene in the Multipurpose Room.

Minutes: Draft meeting minutes were presented to the Board from the October 15, 2007 Commissioners Meeting, October 29, 2007 Meeting, November 5, 2007 Meeting, November 19, 2007 Meeting, and December 3, 2007 Meeting, December 12, 2007 Meeting Minutes, and January 7, 2008 Meeting Minutes. Corrections were made including:

January 7, 2008 Meeting – Mr. Swindell asked that it be shown on page 9, line 12, his vote of no for the position vacancy on Ocracoke.

November 19, 2007 Meeting – Mr. Davis would like for page 2, lines 1-3 to reflect that this decision was sent to the NCDOT.

October 15, 2007 Meeting – Mr. Davis would like for the minutes to reflect there was a vote for him to leave the room during the discussion of the T.J Mann Subdivision Application, page 3, lines 13-16. Mr. Balance made a motion to excuse Mr. Davis. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Balance, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Davis.

Presentation – Employee Wellness Program – Wakefield Insurance Agency

Rich Summers, Wakefield Insurance Agency, presented a proposed employee wellness program that would help employees improve their own health and reduce claims ratio over long-term leading to insurance rate decreases. Commissioners to receive proposal for consideration at February 4 meeting.

Resolution – Hyde County Board of County Commissioners Support for US Senate Bill No. 988 and HR#1843

Ms. Sherrie Carawan appeared before the Board and requested that a Resolution be approved supporting seasonal businesses hiring short-term legal immigrants and urging Congressional delegation to support the “Save Our Small and Seasonal Business Act of 2007.” Mr. Davis made a motion to approve a “Resolution in Support of U.S. House of Representatives Bill 1843 And U.S. Senate Bill 988 Save our Small & Seasonal Businesses Act of 2007.” 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.

CLERK'S NOTE: A COPY OF “RESOLUTION IN SUPPORT OF U.S. HOUSE OF REPRESENTATIVES BILL 1843 AND U.S. SENATE BILL 988 SAVE OUR SMALL & SEASONAL BUSINESSES ACT OF 2007” IS ATTACHED TO THESE MINUTES AS EXHIBIT B AND MADE A PART HEREOF.

Budget Revisions and Transfers

The Board heard a request from the Ocracoke Occupancy Tax Board to transfer \$30,000 in Ocracoke occupancy tax funds to Ocracoke Fire Department Building Fund and to authorize acceptance and transfer a \$5,000 private donation to the Ocracoke Fire Department. A request was also made to authorize acceptance and put in reserve a \$15,000 private donation to start a Hyde County animal shelter. Mr. Balance made a motion to accept the Ocracoke Occupancy Tax transfer and the Animal Shelter bequest. 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.

The Board heard a request from Emergency Management Coordinator Tony Spencer to reclassify the E911 Database Administrator's Position. No action was taken.

Appointments

A request was made to appoint C. Grant Anderson to the Ocracoke Airport Advisory Committee. Mr. Balance made a motion to appoint Mr. Anderson to the Committee. Mr. Davis 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.

Janet Clarke – Minor Subdivision Application, Lake Landing Township

Commissioner Davis asked to be excused from this item because of a conflict of interest. Commissioner Swindell made a motion to excuse Mr. Davis. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Balance, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting - Commissioner Davis. Mr. Davis left the room.

Ms. Alice Keeney of the Hyde County Planner's Office presented a request from Janet Clarke for a Subdivision Variance to be made allowing her to subdivide a parcel of land but allow for a conditional easement for access to the residual parcel. No action was taken.

Commissioner Davis returned to the room.

Joseph B. Williams, Minor Subdivision Application, Lake Landing Township

Ms. Alice Keeney of the Hyde County Planner's Office presented a Minor Subdivision Application from Joseph B. Williams for the extraction of a 2.4 acre parcel of land from an existing 23 acre parcel. Mr. Davis made a motion to approve the subdivision application. Commissioner Swindell seconded the motion. The motion passed on the following vote: The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Tideland EMC Minor Subdivision - Approval to Build Substation

Ms. Keeney presented a Variance Application to the Subdivision Ordinance on behalf of Tideland EMC to extract a 2 acre parcel with only a 30' access easement from an existing larger parcel to build a substation in the Ponzer area. Commissioner Swindell moved to approve the variance with the condition that the lot never be used for residential purposes and a note of that effect to be placed on the recorded plat. . Commissioner Ballance seconded the motion. The motion passed on the following vote: The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Request for Variance for Subdision Approval for Dr. Arthur Graff

Ms. Keeney presented a Variance Application to the Subdivision Ordinance on behalf of Dr. Arthur L. Graff and Mrs. Marneette K. Graff. The private road that fronts the lot in question is only 30'. Commission Swindell noted that reasons were sufficient to grant the variance. He cited that the preexisting road had been used traditionally for many years. Mr. Swindell moved to approve the variance application. Commissioner Davis seconded the motion. The motion passed on the following vote: The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Mr. Davis made a motion to approve the subdivision. Ms. Armstrong seconded that motion. The motion passed on the following vote: Ayes – Armstrong, Balance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Alcohol/Drug Free Workplace Policy Update

A revised Alcohol/Drug Free Workplace Policy was presented to the Board. Mr. Davis moved to approve the updated policy. Commissioner Armstrong seconded the

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

Board and Committee Reports

Subdivision Ordinance Amendment Committee: Commissioners Davis and Swindell have no changes to present at this time.

Joint School Capital Facilities Committee: Commissioners Charles Ray Spencer and Gene Balance gave a report. A short range plan was discussed that would add 14 classrooms, shop improvements and other facilities at Mattamuskeet High School; purchase adjacent land and move the ball fields to accommodate the new classroom space at Mattamuskeet High School, and build a replacement gymnasium and related facilities at Ocracoke School.

Commissioner Reports

At this time, Chairman Spencer asked each of the Commissioners if they had any matters they wished to report on to the Board.

Commissioner Tom Davis discussed the new proposed Storm Water Regulations and commented that Hyde County should consider formulating a response to those regulations and consider banning with other counties in response to the regulations.

Commissioner Barry Swindell challenged the County Manager's Office to provide meeting minutes within a week of the meeting. Mr. Swindell challenged the Board to start advertising for a permanent County Manager who resides in Hyde County. Mr. Swindell voiced support to continue expediting the Hyde County Salary Study and also voiced his concerns about giving support to the Sherriff's Department. Commissioner Swindell also stated that the Health Director position was still unfilled and Health Board Chairman Randy Clayton would continue as acting Health Director. Mr. Swindell made a motion to continue the Hyde County Health Board member's expired terms until successors are appointed and seated. Commissioner Davis seconded the motion. The motion passed on the following vote: The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Gene Balance also voiced a request to receive minutes in a more timely manner. He also asked the Board to consider forming a Planning Board to deal with zoning issues currently being undertaken by the Board of Commissioners. Commissioner Balance voiced a need for more Home Health services on Ocracoke Island. Balance also praised the County Manager for his work in Ocracoke and spoke in support of the Manager's Administrative Assistant Position on Ocracoke.

Alice Armstrong gave a report on her work with the Albemarle Commission.

Charles Spencer noted that Hyde Transit had provided transportation to the meeting. He also reported on the Albemarle Mental Health Board and reminded everyone that the Sherriff's Department is often the first responder in mental health crisis.

County Manager Report

Request from Hyde County Clerk of Court: The County Manager delivered a request from the Hyde County Clerk of Court requesting a pay increase for jury commissioners. The matter was laid over until budget discussions.

Public Safety Center Jail Facility: The County Manager recommended forming a committee to work with Sherriff Mason in finding contracts and other funding for the jail facility. Hearing no objection, Commissioners Spencer appointed himself and Commissioner Swindell were appointed to such a committee.

Contract with David's Trash Service: The County Manager requested authorization to execute an extension of the existing contract with David's Trash Service to until May 15, 2008 pending a decision by the Commissioners on Hyde County solid waste services. Tom Davis made a motion to extend the contract as recommended by the County Manager. Balance 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: The County Manager updated the Commissioners on various projects, including the Government Center; Public Safety Center; Swan Quarter Dike Project; Ocracoke Fish House; Mattamuskeet Lodge Sewer Project and Engelhard Airport.

There being no further matters to come before the Commissioners, Mr. Davis moved to adjourn the meeting. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Spencer; Nays – none; Absent or Not Voting – none.

Chairman Spencer adjourned the meeting at 10:05 PM.

Respectfully submitted:

Kris Noble, Temporary Part-time Administrative Assistant

Minutes approved on: _____

Charles Spencer, Chairman

ATTACHMENTS:

Exhibit A – Solid Waste Public Input Meeting Comments, 7pm, January 23, 2008, Ocracoke Community Center, Ocracoke, NC

Exhibit B – Resolution in Support of U.S. House of Representatives Bill 1843 and U.S. Senate Bill 988 Save Our Small & Seasonal Businesses Act of 2007

Exhibit A

Exhibit B