

**Minutes**

**Board of County Commissioners  
Hyde County**

**January 3, 2011**

Chairman Sharon Spencer called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:30 PM on Monday, January 3, 2011 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, Sharon Spencer, Barry Swindell and Dick Tunnell; Interim County Manager/Clerk to the Board David Smitherman; Deputy Clerk to the Board Shelley Carawan; County Attorney Fred Holscher; and members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk, Jamie Tunnell and members of the public.

Following the opening prayer given by Commissioner Dick Tunnell and the Pledge of Allegiance, the meeting was called to order.

**Consideration of the Agenda:**

Chairman Spencer asked for any changes to the January 3, 2011 meeting agenda as presented by the Clerk.

Commissioner Spencer asked for the addition of item II. B. 2. – Ocracoke Airport Update. Spencer also asked to table item V. B. – Swan Quarter Watershed Maintenance to a future meeting.

Commissioner Swindell made a motion to approve the agenda with the addition and tabled item requested by Commissioner Spencer. Commissioner Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Consideration of Minutes:**

Chairman Spencer asked for approval of the December 6, 2010 Regular meeting minutes and the December 7, 14 and 22, 2010 Special Meeting Minutes.

Commissioner Tunnell moved to approve December 6, 2010 regular minutes as presented by the Clerk. Mr. Byrd seconded the motion.

Commissioner Byrd made a motion to approve the December 7, 2010 Special Meeting Minutes. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Commissioner Swindell made a motion to approve the December 14 and 22, 2010 Special Meeting Minutes. Commissioner

### **Special Presentations:**

#### **NCDOT-Comprehensive Transportation Plan-Lauren Nicholls**

Lauren Nicholls, Transportation Engineer, with the NCDOT presented the Board with a Comprehensive Transportation Plan for the county. They are requesting a committee to be appointed.

#### **Ocracoke Airport Advisory Committee-George Chamberlin**

George Chamberlin, Chairman of the Ocracoke Airport Advisory Committee, presented the Board with an update of the Ocracoke Airport and Helipad and future plans.

The following is a list of improvements with brief descriptions of the added equipment and services:

1. Security fencing and gates have provided a safe area for airport operations and parking.
2. Day/night cameras that are linked to computerized viewing have not only provided additional security; they have helped solve attempted crimes as well as recording airport operational statistics for future use.
3. A temporary “Official” Weather Reporting Station has been at the complex on a trial basis and will eventually become a permanent station that will make weather reporting and analysis more accurate for normal and emergency operations.
4. The jointly used operations building next to the Helipad has seen significant upgrades and features a pilot operations room with computer and telephone. The building is currently painted in USPS colors and has a new wood shingle roof with solar panels that not only provides power to the building for all its needs, but also provides a positive feed of electrical power back to the power grid.
5. The Emergency Helipad boasts a pilot controlled lighting system as well as a low visibility approach system. Its most impressive feature however, is the

fact that due to the rapid response to emergency medical situations, the system is probably responsible for saving many lives and, during the past year has been involved in almost 50 medical evacuations.

6. Thanks to the North Carolina Department of Transportation Aviation Division and our point man, Phil Lanier, the Ocracoke Fire Department and EMS personnel have had radios supplied to them that facilitate communications between vehicles and aircraft. DOT Aviation has also been responsible for all of the above mentioned improvements as well as many more.
7. The Ocracoke Airport complex has its own website at: [www.ocracokeairport.com](http://www.ocracokeairport.com) . Please review the website and the active webcam. You will see that it is very helpful to pilots and tourists and has links to many Island businesses. To date, the website has had over 24,000 hits.
8. In addition to the above list, we can include such improvements as fencing around the Helipad area and maintenance of the grass and other facilities, utilizing local businesses for that work.

#### Future Plans:

The above mentioned improvements were made possible with the help of many individual efforts by the members of this committee with the cooperation of Hyde County, the Commissioners, the USPS and NCDOT. In order to complete the items listed below as well as establishing future goals and with your concurrence, I think we can reduce and revise the Airport Committee. I will propose a list of new Committee members to this group as well as a meeting scheduled for the first quarter of 2011 in order to plan the actions required to complete the following goals:

1. Install an additional fire hydrant close to the Helipad and airport ramp area for more efficient fire fighting.
2. Install a complete indoor bathroom facility in the Operations building.
3. Install a permanent weather reporting system [AWOS] on the airport property.
4. Repair and improve runway, taxiways and ramp surfaces as required through long term maintenance agreements.
5. Improve flight patterns for noise reduction in the village area.
6. Increase awareness in the pilot/ tourist/vacationer community on the upgraded facilities.

Mr. Chamberlin thanked the Board, NCDOT-Aviation and the Committee members for their contributions on this project.

#### **Public Comments:**

Chairman Spencer called for comments from the public.

**Frank Swindell, Engelhard**, voiced his disappointment with the county. He said he made numerous attempts at getting the Dec. 6 Board Meeting minutes and was told they weren't ready.

He thanked Mr. Smitherman for having the airport lights fixed.

Mr. Swindell wanted to wish everyone a Happy New Year. He also stated that the county hasn't had proper representation from the Board in 8-12 years and hoped the current Board would do a good job.

He noted his disapproval with the funding for the old Courthouse and the massive amount of money spent on the new Courthouse and new jail, which is inoperable. Mr. Swindell also said that the past County Managers were paid too much when fired and hoped it wouldn't happen again.

He expressed his concern with the EMS facility and it being built on the wrong property. He also mentioned his dissatisfaction with the EMS personnel who transported him in 2009 and refused to loosen the stretcher straps after he spoke of his pain and discomfort. For these reasons he chooses not to utilize Hyde County EMS for future emergencies.

**Ken Collier, Waterway Landing**, expressed his concern for the private road entering the Waterway Landing subdivision. The land surrounding the road has been purchased by PCS and is to be constructed into wetlands. The problem that arises is fact that the water levels are high at the road during an average day. If dangerous weather permits, the road could turn into an emergency situation, creating a closed road and no chance of evacuation.

Commissioner Spencer suggested after Mr. Collier meet with Hyde County Emergency Services, Hyde County Soil and Water and PCS Phosphate, to report his findings to the Board.

### **Ordinances and Resolutions:**

#### **Resolution-Establishing a Fixed Asset Policy**

Commissioner Swindell made a motion to approve the resolution establishing a fixed asset policy with the addition of emergency purchases being approved by the County Manager. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

#### **Resolution-Supporting the Albemarle RC&D Council, Inc.**

Commissioner Byrd made a motion to approve the resolution in Support of the Albemarle RC & D Council, Inc. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Resolution-Supporting The Partnership for the Sounds**

Commissioner Swindell made a motion to approve the resolution supporting The Partnership for the Sounds. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Appointments:**

**Appointee to serve on Hyde County Board of Health**

Wesley Smith, Health Director, made the recommendation to appoint Ken Collier to fill the vacant slot on the Board of Health. Commissioner Byrd made a motion to appoint Ken Collier to fill the vacant slot on the Board of Health. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Northeast Workforce Development Board Committee-Board Appointed**

Commissioner Swindell made a motion to appoint Tara Foreman to the Northeastern Workforce Development Board Committee. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Other Matters-Budget Revisions**

Interim County Manager David Smitherman reported to the Board that in accordance with the FY 2010-2011 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

**Maintenance---**\$2,070.00---This is for the cleaning of the OA Peay School floors. The money can be claimed for reimbursement from the State. \$2,070.00 **does not increase the budget.**

**Ocracoke O-Tax---\$5,000.00---**This is a donation from the US Charitable Gift Fund payable to Ocracoke VFD. \$5,000.00 **does increase the budget.**

Commissioner Styron made a motion to approve the budget revisions. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Swan Quarter Watershed Maintenance-JW Spencer**

Tabled until February 7, 2011

### **Appointment of County Attorney**

Commissioner Byrd made a motion to approve Fred Holscher as the Hyde County Attorney and enter into contract as presented. Mr. Swindell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Second Required Public Hearing for FY10 CDBG Contingency Application**

Hyde County has submitted an application to the Division of Community Assistance for \$600,000 in FY10 Contingency funds. The county is required to hold two public hearings as part of the CDBG citizen participation process. The first public hearing was held on September 7, 2010. The second public hearing is normally held prior to submittal of the application; however, the agency requested that the county submit the application before 12/29/10 and the board did not have a second meeting December. Hyde County is requesting a grant of approximately \$600,000 in CDBG Contingency funds to install a 7,600 LF sewer force main extension for the Engelhard Sanitary District to serve approximately 45 households adjacent to US 264 west of Martelle's Restaurant in Engelhard.

Commissioner Styron made a motion to open the public hearing. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Due to no further discussion, Commissioner Swindell made a motion to close the public hearing. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Award of Engineering Contract for FY09 CDBG Community Revitalization Project**

Hyde County has received the grant agreement and funding approval for an \$850,000 CDBG Community Revitalization project that will include housing, water, and sewer activities on Lake Swamp Road in Engelhard. The county solicited competitive proposals for project engineering services for the proposed water and sewer improvements through public advertisement and direct mailing to seven consulting engineering firms on November 9, 2010. The county received four proposals prior to the November 24, 2010 proposal deadline. The county's CDBG consultant (HCP, Inc.) and planner reviewed the four proposals in December and have prepared a proposal rating sheet (attached).

The county's CDBG consultant and staff have recommended award and negotiation of an engineering contract with Quible & Associates, P.C. This procurement has been conducted in accordance with federal procurement requirements (24CFR85.36) outlined in the county's CDBG Equal Employment and Procurement Policy and with applicable NCGS engineering procurement requirements, which stipulate that engineering services are not to be awarded on the basis of cost alone, but on overall competence and cost-effectiveness. Quible & Associates was judged to provide the most competitive proposal according to the rating factors outlined on the attached rating summary. Quible completed the Preliminary Engineering Report for the project, and they have agreed to provide a not-to-exceed fee that is consistent with the engineering costs outlined in the project application. That fee is expected to be approximately \$38,000, which is only 17% of the total water and sewer improvements cost. Based on HCP's experience in CDBG engineering contracts, the fee is on the low end in terms of percentage of project cost.

Commissioner Byrd made a motion to approve execution of a contract for the FY09 CDBG-CR engineering services with Quible and Associates, P.C., and authorize the County Planner and HCP, Inc., to negotiate a no-to-exceed fee consistent with engineering costs (\$38,000) outlined in application with no funding by county. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **EMS On-Call Discussion**

It was discussed that the Board appoint two Commissioners to work with the County Manager to suggest modifications, if any, to the County's EMS on-call policy. Commissioners Styron and Swindell requested to be on the Committee to handle the on-call issue. Commissioner Byrd made a motion to appoint both nominees. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Commissioner Reports**

**Commissioner Styron** attended the annual Oyster Roast held on Ocracoke Island and was able to meet different representatives such as Lawrence Davenport with Gold Leaf. She wanted to thank everyone who participated in the Christmas and New Years events at the OVFD. Ms. Styron said there was a great turnout of people.

**Commissioner Tunnell** stated that he was glad to be on the Board and he congratulated Fred Holscher on being the new County Attorney.

**Commissioner Swindell** attended the December Board of Health meeting. He wanted to thank Health Director, Wes Smith, for the great job being done with animal control.

**Commissioner Byrd** welcomed and looks forward to working with the newly appointed Commissioners, Styron, Swindell and Tunnell; County Manager, Maize Smith; County Attorney, Frank Holscher; and Deputy Clerk, Shelley Carawan.

**Commissioner Spencer** said she feels the County has had to make hard decisions in the past year but with the right attitudes, things can move in the right direction. She is also glad to have a homegrown County Manager on board.

### **County Manager's Report**

Mr. Smitherman thanked Health Director, Wes Smith for handling animal control so well. He also congratulated Maizie Smith as the new County Manager.

He noted that the Division of Aviation requested a joint meeting with them, the Airport Committee and the Board of Commissioners to discuss the maintenance and improvements of the airport over the next ten years. The meeting will be scheduled for late January.

Mr. Smitherman announced that Dr. Latimore will be attending and presenting at the next Board meeting scheduled for January 18, 2011.

He also mentioned that there is only one Paramedic vacancy and there was a candidate for the position and they are in the process of confirming housing at this time.

Ken Collier, Waterway Landing, commented that the County needed to start at the bottom with EMS in research, instead of at the top of the ladder. The citizens don't understand the processes.

### **Closed Session**

Chairman Spencer made a motion to enter into Closed Session pursuant to N.C.G.S. 143-318.11(a)(4). Mr. Swindell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Commissioner Styron made a motion to come out of closed session. Mr. Tunnell seconded.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Commissioner Byrd made a motion to adjourn the January 4, 2011 Regular Meeting of the Hyde County Board of Commissioners. Mr. Swindell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

The January 4, 2011 Regular Meeting of the Hyde County Board of Commissioners adjourned at 8:18 PM.

Respectfully submitted:

Minutes approved on the \_\_\_\_ day of \_\_\_\_\_, 2011

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David Smitherman, Clerk - Hyde County Board of Commissioners

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Sharon Spencer, Chairman – Hyde County Board of Commissioners