

Minutes

Board of County Commissioners Hyde County

January 7, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, January 7, 2008 in the Multi-Use Room in the Government Center, Swan Quarter, NC. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager Carl Classen, County Attorney Sid Hassell, Clerk to the Board Lois Stotesberry, various staff members, and members of the public.

Chairman Spencer turned over presiding to Mr. Classen, Deputy Clerk to the Board, who conducted an Organizational Meeting. Mr. Classen called for nominations for the position of Chairman of the Board of Commissioners. Commissioner Davis moved to elect Charles Spencer as Chairman. Ms. Armstrong seconded the motion. Mr. Classen called for further nominations. There being no further nominations, Mr. Classen called for the vote. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Spencer, and Swindell; Nays – none; Absent or Not Voting – none.

Mr. Classen called for nominations for the position of Vice Chairman of the Board of Commissioners. Commissioner Swindell made motion to elect Tom Davis as Vice Chair. Mr. Ballance seconded the motion. Mr. Classen called for further nominations. There being no further nominations, Mr. Classen called for the vote. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Spencer, and Swindell; Nays – none; Absent or Not Voting – none.

Mr. Classen returned presiding over the meeting to Chairman Spencer.

Following a pledge of allegiance to the flag led by Chairman Spencer, Mr. Swindell gave opening prayer.

Agenda: Chairman Spencer asked for any changes to the January 7, 2008 meeting Agenda as prepared by the Clerk. Commissioner Swindell moved to accept the Agenda with the addition of item II. C. FY2007-2008 County Audit – Jeff Best, Pittard, Perry & Crone and deletion of Item 6. F. as this was a duplication of Item 1. B. 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.

Minutes: Mr. Classen reported that consideration of minutes will be conducted at the January 22, 2008 Board of Commissioners meeting.

Public Comments: Chairman Spencer asked for comments to the Board from the public.

Mr. Mark Carawan, Swan Quarter, reported having had property approved for development but is being denied building permit. He reported no plans for subdivision of the property. His plans include construction of four rental cabins.

Ms. Sherry Carawan of Mattamuskeet Seafood apprised the Commissioners that a federal immigrant labor law had expired and this would negatively affect the seafood industry. Ms. Carawan asked the Commissioners to contact the Governor and Senators to express Hyde County's support of continuing the law.

No additional comments were offered and Chairman Spencer continued with the meeting Agenda.

Public Hearing – Hyde County CAMA Land Use Plan

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

Chairman Spencer called upon comments from the public. Chris Hilbert, Holland Consulting Planners, explained that the only changes since the Plan was adopted in August 2007 was amending two maps and stating that amended mixed use areas allowed heights up to fifty feet.

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 Hearing – FY05 Community Development Block Grant – Supplemental Assistance (CDBG-SA) Project Close Out

Commissioner Armstrong moved to open a public hearing on the FY05 Community Development Block Grant – Supplemental Assistance (CDBG-SA) Project Close Out. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Chris Hilbert of Holland Consulting Planners, Inc. reported the \$600,000 Hurricane Isabel grant program was completed. He stated no further action is required by the Board of Commissioners.

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.

Presentation - FY2006-07 County Audit – Pittard Perry & Crone

Jeff Best, Pittard Perry & Crone, presented the Hyde County FY2006-07 County Year End Audit. Mr. Best reported on various findings and facts stating Hyde County had done a good job.

Presentation - Albemarle Rural Transportation Planning Organization (RPO) Memorandum of Understanding

Ms. Morgan Jethro, Planner with the Albemarle Commission, requested Hyde County adopt a Memorandum of Understanding (MOU) relating to participation in the Albemarle Rural Transportation Planning Organization (RPO). She stated that all but four counties in the region had adopted the MOU. Ms. Jethro clarified that Hyde County could withdraw from the MOU on 90 days notice. Commissioner Davis moved to adopt the “Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation planning and the Establishment of a Rural Transportation Planning Organization for the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrell, and Washington and the municipalities therein and the North Carolina Department of Transportation.” Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Presentation - Smoke-Free Building Award

Ms. Lisa Phillips, Teen Tobacco Prevention Coordinator for Northeastern North Carolina Partnership for Public Health, Touch No Tobacco (TNT), presented Hyde County with a Smoke Free Building Certificate of Appreciation commending the County for providing the public with a smoke free building. Chairman Spencer accepted the Certificate on behalf of the Board.

Resolution – Hyde County Board of County Commissioners Establishing Regular Meeting Dates

Pursuant to State law, the County Commissioners may adopt an established meeting schedule by resolution so that its members and the public know when Regular meetings of the Board are to be held. Commissioner Davis moved to adopt *Resolution of the Hyde County Board of County Commissioners Establishing Regular Meeting Dates* as presented with except a change in location of the February 4, 2008 meeting from Ocracoke to the Government Center due to bridge construction on Ocracoke Island and with the addition of a December 15, 2008 meeting at the Government Center. 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 the approved *Resolution of the Hyde County Board of County Commissioners Establishing Regular Meeting Dates* is attached herewith as Exhibit A and incorporated herein by reference.

Resolution – Hyde County Resolution Approving Administrative Guidelines and Policies For The FY2007 CDBG Scattered Site Program

After presentation by Chris Hilbert of Holland Consulting Planners, Mr. Swindell moved to approve *Hyde County Resolution Approving Administrative Guidelines and Policies for the FY2007 CDBG Scattered Site Program*, for items 3. through 12, inclusive, but excluding items 1 and 2, and to authorize execution by the Chairman and other County officials as necessary in support of this action. 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 the approved *Hyde County Resolution Approving Administrative Guidelines and Policies for the FY2007 CDBG Scattered Site Program* is attached hereto as Exhibit B and incorporated herein by reference.

Project Ordinance - FY07 Community Development Block Grant Scattered Site Project

After discussion, Mr. Davis moved to approve the *FY07 Community Development Block Grant Scattered Site Project Ordinance*. 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 the approved *FY07 Community Development Block Grant Scattered Site Project Ordinance* is attached hereto as Exhibit C and incorporated herein by reference.

Resolution – Financial Management – FY07 CDBG Scattered Site Program

Mr. Davis requested to be excused from participating in deliberation of *Financial Management Resolution – FY07 CDBG Scattered Site Program* due to conflict of interest. Commissioner Swindell made motion to excuse Mr. Davis from deliberation on this matter. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell and Spencer; Nays – none; Absent or Not Voting – Davis.

Mr. Davis left the room.

After discussion, Commissioner Swindell moved to approve *Financial Management Resolution – FY07 CDBG Scattered Site Program*. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, and Spencer; Nays – none; Absent or Not Voting – Davis.

CLERK’S NOTE: A copy of the approved *Financial Management Resolution – FY07 CDBG Scattered Site Program* is attached hereto as Exhibit D and incorporated herein by reference.

Mr. Davis returned to the meeting room.

Resolution – Hyde County CAMA Core Land Use Plan

After discussion with Chris Hilbert of Holland Consulting Planners, Commissioner Davis moved to approve *Resolution of the Board of Commissioners of Hyde County, NC, Adopting the County's CAMA Core Land Use Plan*. Commissioner Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A copy of the approved *Resolution of the Board of Commissioners of Hyde County, NC, Adopting the County's CAMA Core Land Use Plan* is attached hereto as Exhibit E and incorporated herein by reference.

Appointment - Albemarle Commission Board - Alice Armstrong

Chairman Spencer moved to re-appoint Ms. Alice Armstrong to serve a two-year term beginning January 1, 2008 as the Hyde County elected representative to the Albemarle Commission Board. 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.

Appointment – Assistant Medical Director for Hyde County EMS - Dr. John Moore

After a recommendation by David Warren, Acting EMS Director, Commissioner Ballance moved to appoint Dr. John Moore as Assistant Medical Director for Hyde County EMS serving as backup to Dr. Boyette. 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.

Appointments – Southern Albemarle Commission

Ms. Carolyn Williford, County Vice President of the Southern Albemarle Commission, submitted names of persons from Hyde County to serve on the Southern Albemarle Commission Executive Committee. Commissioner Armstrong moved to approve the following to the Southern Albemarle Commission Executive Committee: Carolyn Williford, Engelhard – County Vice President; Mary Armstrong, Fairfield; Lora Byrd, Fairfield; David Fletcher, Fairfield; Doug Gibbs, Engelhard; Jane Gibbs, Fairfield; Janet Russ, Fairfield; Sharon Sadler, Swan Quarter; and John Shafer, Engelhard. Commissioner 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.

Budget Revisions

Commissioner Davis moved to approve budget revision for a new revenue/expenditure for Crisis Intervention Payment funded by the Federal Low Income Home Energy Assistance Funds Block Grant in the amount of \$8,928. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Additional Jailer – Sheriff David Mason

Sheriff David Mason discussed need for a new jailer position in his department with request for a yearly salary of \$23,500 for the position. No action was taken at this time.

Solid Waste Service Plan

Mr. Davis and Mr. Swindell outlined the Solid Waste Service Plan for Hyde County as recommended by the Solid Waste Advisory Committee. They reviewed the proposals for both the mainland and for Ocracoke, plus they reviewed the comments received during the five public input meetings held on the Committee's recommendations. Mr. Classen reviewed

possible fees on Ocracoke at the convenience site to make those volume fees comparable to the mainland convenience site fees where scales will be used.

Mr. Bob Oakes of Ocracoke Island Realty asked the Commissioners to consider phasing in solutions for trash pickup and to proceed cautiously. He stated that his company would be offering recycling services to its renters beginning this summer.

After extensive discussion, Commissioner Davis moved to hold a Public Hearing on the recommendations of the Solid Waste Advisory Committee, as more fully outlined by the County Manager, in conjunction with the January 22, 2008 Commissioners meeting. Mr. Spencer 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.

Chamber Request for Furniture

The Greater Hyde County Chamber of Commerce has made request to the County for surplus furniture to be used in its office. Although state law provides a method for the County to transfer surplus property to a non-profit organization decision has been made to develop a list of surplus property and to sell it at auction in the Spring. No action is required at this time.

Solid Waste Fees – Waiver Requests

Solid Waste Fee Waiver Requests were received from Charlene S. Jeffries, Paul L. Boyd and Kevin Credle. Chairman Spencer asked if any of the applicants were in attendance; none responded. The waiver requests were discussed. No action was taken at this time.

Hazard Mitigation Grant Program (HMGP) Elevation Contract Awards

Chris Hilbert, Holland Consulting Planners, presented results from the December 18, 2007 Hazard Mitigation Grant Program (HMGP) Elevation Contract bid opening. In four of the ten bids, Holland recommended the second lowest bidder so that the elevations could be completed prior to the next hurricane season. After discussion, Commissioner Swindell moved to approve the recommended following awards based on the Certified Bid Tabulation. Commissioner Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell and Chairman Spencer; Nays – Davis; Absent or Not Voting – none.

<u>Unit#</u>	<u>Scope</u>	<u>Contact</u>	<u>Price</u>	<u>Notes</u>
H015	Foundation	NEMI, Inc.	\$41,500	Low Bidder
H024	Foundation	Gilbert Everett	\$45,500	2 nd Low Bidder
H026	Foundation	Gilbert Everett	\$56,500	2 nd Low Bidder
H035	Foundation	NEMI, Inc.	\$34,100	Low Bidder
H036	Foundation	NEMI, Inc.	\$34,000	Low Bidder
H015	Elevation	Steiner & Daughters	\$10,100	Low Bidder
H024	Elevation	Worth Hare & Sons	\$13,900	2 nd Low Bidder
H026	Elevation	Steiner & Daughters	\$12,800	Low Bidder
H035	Elevation	Worth Hare & Sons	\$ 8,550	2 nd Low Bidder
H036	Elevation	Steiner & Daughters	\$ 6,000	Low Bidder

CLERK'S NOTE: A copy of the Certified Tabulation for the Hazard Mitigation Grant Program (HMGP) Elevation Contract bids received on December 18 is attached hereto as Exhibit F and incorporated herein by reference.

Board and Committee Reports

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

Airport Board Committee: The Upcoming Airport Board meeting has been postponed until later in January when plans for the fence and wind cone repair are ready for review.

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 reminded everyone that a Public Hearing on the Solid Waste Advisory Committee recommendations would be held during the Tuesday, January 22, 2008 Board of Commissioners meeting and a public input meeting would be held by Commissioner Ballance at the Ocracoke Community Center on Wednesday, January 23, 2008.

Commissioner Barry Swindell reported the Hyde County Health Board needs to hire a new Health Director. Linda Mayo, Former Health Director retired December, 2007. Randy Clayton is Interim Health Director at present.

Charles Spencer reported the Albemarle Mental Health program is heading in the right direction. He also reported the Engelhard Airport lights are installed and a security gate will be erected soon.

County Manager Report

Ponzer Fire Department Driveway Paving Project: Approval from the Hyde County Commissioners is needed to permit NCDOT funded driveway pavement to be provided at the Ponzer Volunteer Fire Department. Commissioner Swindell moved for the County to approve amending the FY2007-08 NCDOT Secondary Road Improvement Plan to include the pavement project at the Ponzer Volunteer Fire Department. 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.

New Walk Path – Hyde County Health Department: Approval from the Hyde County Commissioners is needed to permit construction of a new State funded walk path at the Hyde County Health Department. Commissioner Swindell made motion to approve the walk path project as presented. 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.

Mileage Rate Increase: Commissioner Davis moved to increase the allowable employee mileage reimbursement rate to coincide with IRS mileage rates at 50.5 cents per mile. 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.

School Capital Improvement Joint Committee: Hearing no objection, Chairman Spencer appointed himself and Commissioner Ballance to serve on a joint School Capital Improvement Plan Committee. Board of Education members will be Thomas Midgett and Gregg Gibbs. Superintendent, Greg Todd and the County Manager will also serve on the Committee.

Government Center - Blinds: Numerous staff in the new Government Center have complained of headaches, high heat, glare, and other problems due to morning and afternoon sun coming through the windows. Estimates for blinds in the Hyde County Government Center were received. Commissioner Davis moved to approve MacThrift Office Furniture to install the blinds for an estimated total of \$14,705.00 plus a \$10.00 delivery charge per blind. Chairman Spencer 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.

Position Vacancy – Ocracoke – Building Inspector/Development Ordinance Enforcement Officer: Request was made to hire a full-time Building Inspector/Ocracoke Development Ordinance Officer. Nat van Nortwick, current contract part-time Inspector will retire effective January 19, 2008. Commissioner Swindell recommended assigning Ocracoke inspections and ordinances to the existing Mainland inspector until building inspections needs pick up. After discussion, Commissioner Ballance made motion to advertise the position as part-time equal to the current contract pay rate. Chairman Spencer seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Chairman Spencer; Nays – Commissioner Swindell; Absent or Not Voting – none.

Tony Spencer, Emergency Management Coordinator Commended: The North Carolina Department of Insurance, Office of State Fire Marshall (OSFM) commends Tony Spencer, EM Director for his assistance with activation of a VIPER site in the Hyde County area.

Water Department Update: Clint Berry, Manager, Hyde County Water Department presented an update on the Engelhard Water Treatment Plant Project and summarized Water Department issues.

Closed Session – Personnel and Legal Counsel

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

The board entered into Closed Session at 9:58 PM.

Mr. Swindell moved to come out of Closed Session. 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.

The Board entered Open Session at 10:49 PM.

There being no further matters to come before the Commissioners, Mr. Swindell 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 10:50 PM.

Respectfully submitted:

Lois Stotesberry, Clerk to the Board

Minutes approved on: _____

Charles Spencer, Chairman

ATTACHMENTS:

- Exhibit A – Resolution of the Hyde County Board of County Commissioners Establishing Regular Meeting Dates
- Exhibit B - Hyde County Resolution Approving Administrative Guidelines and Policies for the FY2007 CDBG Scattered Site Program
- Exhibit C - FY07 Community Development Block Grant Scattered Site Project Ordinance
- Exhibit D - Financial Management Resolution – FY07 CDBG Scattered Site Program
- Exhibit E - Resolution of the Board of Commissioners of Hyde County, NC, Adopting the County's CAMA Core Land Use Plan
- Exhibit F - Certified Tabulation for the Hazard Mitigation Grant Program (HMGP) Elevation Contract