

Hyde County Board of Commissioners' Meeting
July 2, 2007
Minutes

The Regular Meeting of the Hyde County Board of Commissioners was called to order by Chairman Charles Ray Spencer on July 2 2007 at 7:00 PM in the Mattamuskeet School Cafeteria. Board Members present were Charles Spencer, Chair; Alice Armstrong; Gene Ballance; Tom Davis; and Barry Swindell.

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

Chairman Spencer called the meeting to order and Tom Davis offered prayer.

Approval of Agenda

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

Approval of Minutes June 18, 2007 and June 25, 2007

After consideration of amendments by Chairman Spencer, Mr. Ballance moved to approve the minutes of the June 4, 2007 Board of Commissioners Meetings as amended, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote: Aye – Commissioners Armstrong; Balance; Davis; Swindell; and Chairman Spencer; No – None; Absent or Not Voting –None.

Public Comments

Public Hearing Rural Operating Assistance Program: Mr. Davis moved to open the Public Hearing to receive comments on the Rural Operating Assistance Program, to which Ms. Armstrong seconded. Chairman Spencer called for a vote: Aye – Commissioners Armstrong; Balance; Davis; Swindell; and Chairman Spencer; No – None; Absent or Not Voting –None.

Chairman Spencer asked for comments. Beverly Paul, Hyde Transit gave an overview of the Rural Operating Assistance Program. Gloria Spencer, Social Services, Director stated in previous years Social Services was included in the funded but this year they were not included and requested to be included.

Mr. Davis moved to close the Public Hearing, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote: Aye – Commissioners Armstrong; Balance; Davis; Swindell; and Chairman Spencer; No – None; Absent or Not Voting –None.

Mr. Swindell moved to accept the Rural Operating Assistance Program as submitted, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote: Aye – Commissioners Balance; Davis; Swindell; and Chairman Spencer; No – Armstrong; Absent or Not Voting –None.

Public Comments: Chairman Spencer asked for comments from the public. Glen Hockney stated that requested records and they were not available from the Inspection's Office but he received the records from the Health Department. He stated property had been improved in the County and Inspections had failed to provide the Tax Department records to add to the County tax base. Hearing no further comments, Chair Spencer continued with the meeting.

Public Hearing CDBG-Supplemental Assistance Project Amendment: Mr. Davis moved to open the Public Hearing to receive comments on the CDBG-Supplemental Assistance Project Amendment, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote: Aye – Commissioners Armstrong; Balance; Davis; Swindell; and Chairman Spencer; No – None; Absent or Not Voting –None.

Chairman Spencer asked for comments. Chris Hilbert, Holland Consulting Planners gave an overview of the project and requested approval to submit a project amendment with revised budget.

Mr. Swindell moved to close the Public Hearing, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote: Aye – Commissioners Armstrong; Ballance; Davis; Swindell; and Chairman Spencer; No – None; Absent or Not Voting –None.

Mr. Davis moved to approve submitting Project Amendment with revised budget, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote: Aye – Commissioners Armstrong; Ballance; Davis; Swindell; and Chairman Spencer; No – None; Absent or Not Voting –None.

Resolution In Support of an Act to Direct the Secretary of the Interior to Conduct a Study of the Suitability and Feasibility of Establishing the Northeastern North Carolina Heritage Area in North Carolina

After discussion, Mr. Swindell moved to adopt the Resolution In Support of an Act to Direct the Secretary of the Interior to Conduct a Study of the Suitability and Feasibility of Establishing the Northeastern North Carolina Heritage Area in North Carolina, to which Mr. Spencer seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Swindell, and Chairman Spencer; No – Davis; Absent or Not Voting – None.

CLERK’S NOTE: A copy of the approved Resolution is attached to these minutes as Exhibit A and incorporated herein by reference.

Resolution Securing State Funding for Extending the Waste Water Line from Engelhard to the Mattamuskeet Lodge

After discussion, Mr. Davis moved to adopt the Resolution Securing State Funding For Extending the Waste Water Line from Engelhard to the Mattamuskeet Lodge, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Resolution Establishing Hyde County Board of Commissioners Meeting Dates

After discussion, Ms. Armstrong moved to adopt the Resolution Establishing Hyde County Board of Commissioners Meeting Dates, to which Mr. Ballance seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion failed upon the following vote: Aye – Commissioners Armstrong and Ballance; No – Commissioners Davis, Swindell and Chairman Spencer; Absent or Not Voting – None.

Appointments – Nursing Home Community Advisory Committee

Issued was tabled.

Appointments – Hyde County Solid Waste Advisory Committee

After discussion, Mr. Swindell moved to appoint Tom Davis and Barry Swindell as Chair and Vicechair to the Hyde County Solid Waste Advisory Committee and each commissioner would select two persons from their township to serve on the committee, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting –None.

Award of Contract for Davis Ventures Community Kitchen Improvements

After discussion, Mr. Davis moved to approve a contract of \$66,365 to Jay Paul Construction of Bath, NC, the low responsible bidder for completion of renovation to the community kitchen at the Davis School in Engelhard and authorize the Chairman, County Manager, Finance Officer, Clerk and any other

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

HMGP Elevation Contract Awards and Change Orders

After discussion, Mr. Swindell moved to approve contract awards and change orders for the HMGP Elevation Project as submitted and authorize the Chairman, County Manager, Finance Officer, Clerk and any other necessary officers of the County to sign and execute documents in support of this action, to which Mr. Ballance seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Swindell, and Chairman Spencer; No – Davis; Absent or Not Voting –None.

CDBG-Capacity Building Grant Agreement and Funding Approval

After discussion, Mr. Davis moved to accept the CDBG-Capacity Building Grant Agreement and authorize the Chairman, County Manager, Finance Officer, Clerk and any other necessary officers of the County to sign and execute documents in support of this action , to which Mr. Ballance seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting –None.

Slade's Point Subdivision –Preliminary Plat

Issued tabled.

Mainland Occupancy Tax Board Request for Release of Funds

After discussion, Ms. Armstrong moved to grant the request for release of funds in the amount of \$587.11 by the Mainland Occupancy Tax Board to purchase a mower to be donated to the Mattamuskeet Refuge, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Animal Control

Board requested Commissioner Charles Spencer, Interim County Manager Carl Classen and J.M. Eakes met and bring a proposal back to the Board.

Overview of Backup EOC/911 Center

Tony Spencer, EM Coordinator presented the Board an overview of the Existing Emergency Operations Center & Backup 911 Receiving Point.

Hyde County CAMA Land Use Plan

After discussion, the Board agreed to hold a workshop at 5:30PM on July 16, 2007, in the O.A. Peay Board Room and to conduct a public hearing on August 6, 2007 at the same location.

Commissioners Reports

Commissioner Ballance updated the Board on funds received from USDA for the Ocracoke Fish House and on issues involving the Ocracoke Ocracoke Planning Advisory Board.

Mr. Davis moved to conduct the next three regular Board meetings in the O.A. Peay Conference Room, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote.

The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Commissioner Spencer reported on the progress of the Albemarle Mental Health Board, the ABC Board and the Airport Board.

Manager's Business

Fiscal Management Issues: After discussion Mr. Davis moved to ratify existing purchase order policy and approve amendment recommended by Interim County Manager as submitted, to which Mr. Ballance seconded. The existing policy of requiring a purchase order be signed by a department head and either the Finance Officer or County Manager prior to any purchase of goods or services exceeding \$100, except where travel has been pre-approved. Prior to submitting a purchase order for approval, the department head shall have adequately addressed the following questions:

- Is the item available from a Hyde County supplier? At what cost?
- Is the item available on State Contract? At what cost?
- If the item was available on State contract and from a Hyde County supplier, was the Hyde County supplier given the opportunity to meet the State contract cost?
- Have at least three suppliers been contacted? If no, why not?

Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Ocracoke EMS Continuation Management Agreement: Mr. Ballance declared that he had a conflict of interest on this matter and asked to be excused during consideration. Mr. Swindell moved to excuse Mr. Ballance from all matters relating to Ocracoke EMS Continuation of Management Agreement, to which Mr. Davis seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Davis, Armstrong, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Ballance. Mr. Ballance left the room and was not present for discussion concerning the issue to return after the issue was resolved.

Mr. Swindell moved to authorize Ocracoke EMS Continuation Management Agreement, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Ballance.

Delinquent Tax Collection: Mr. Davis moved to approve Linda Basnight, Tax Administrator bidding on Tax Foreclosures equal to adjusted amounts owed the County, to which Mr. Swindell seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Rural Economic Development Center Building Reuse and Restoration Grant: Mr. Ballance moved to accept the \$25,000 Rural Economic Development Center Building Reuse and Restoration Grant, to which Mr. Swindell seconded. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Rural Economic Development Center Economic Innovation Grant (Ocracoke Island's Fishing Industry): Mr. Ballance moved to accept the \$325,000 Rural Economic Development Center Economic Innovation Grant (Ocracoke Island's Fishing Industry), to which Mr. Davis seconded. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Worker's Comp Light Duty Positions: Mr. Davis moved to authorize Interim County Manager Carl Classen to establish light duty positions for employees receiving worker's comp, to which Mr. Ballance seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Ballance, Davis, Swindell, and Chairman Spencer; No – Armstrong; Absent or Not Voting – None.

Resolution Conflict of Interest: Mr. Davis asked to be excused during consideration. Mr. Swindell moved to excuse Mr. Davis from all matters relating to Conflict of Interest pertaining to Mr. Davis representing the Hyde County Department of Social Services, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis. Mr. Davis left the room and was not present for discussion concerning the issue to return after the issue was resolved.

Ms. Armstrong moved to adopt the Resolution Relative to Conflict of Interest for Tom Davis from December 4, 2006 – June 30, 2007, to which Mr. Ballance seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis.

Ms. Armstrong moved to adopt the Resolution Relative to Conflict of Interest for Tom Davis from July 1, 2007 – June 30, 2008, to which Mr. Ballance seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis.

Rural Operating Assistance Program: Mr. Davis made a motion to reconsider the Rural Operation Assistance Program, to which Ms. Armstrong seconded. Hearing no further discussion, Chairman Spencer called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – None.

Mr. Davis moved to rescind the previous motion to approve the Rural Operating Assistance Program as submitted and to authorize Commissioners Spencer and Armstrong to work with Beverly Paul to submit the Rural Operating Assistance Program.

Adjournment

The meeting adjourned.

Submitted by:

Connie Burleson, Clerk to the Board of Commissioners

Approved this ___ day of July, 2007:

Charles Spencer, Chairman,
Hyde County Board of Commissioners

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

