

Minutes

Board of County Commissioners Hyde County

July 6, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, July 6, 2009 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 Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioners Gene Ballance, and Sharon Spencer; Deputy Clerk Jamie Tunnell; and members of the public.

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

Agenda:

Chairman Davis asked for any changes to the July 6, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item II. – Special Report – Ocracoke Fireworks Explosion; Item III.C. – Resolution of Commendation to Ocracoke Fireworks Explosion Volunteers; and to delay (until July 20), Item III.A. – Franchise Ordinance – Solid Waste Collectors. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Byrd moved to approve the June 15, 2009 meeting minutes as presented by the Clerk with correction to page 6 of 7, line 41 stating Chairman Davis thanked Finance Officer Jessica Gibbs and County Manager Carl Classen and the other Board members for efforts at preparing and adopting the FY2009-10 Budget and approval of the Revenue Neutral Property Tax Rate. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Special Report – Ocracoke Fireworks Explosion:

Commissioner Ballance reported on the Ocracoke Fireworks Explosion on Saturday, July 4 stating that four victims were airlifted from the scene. Mr. Ballance commended everyone who participated in the emergency rescue, firefighting, and clean up. Ocracoke Volunteer Firemen David Warren and Tony Spencer took control of the scene and provided excellent assistance. Fire Chief Albert O'Neal and Ocracoke Firemen, Ocracoke Medical Center Staff, Hyde County EMS Paramedics and EMT's, and several vacationing doctors and nurses were among the list of volunteers recognized by Mr. Ballance.

Interim Emergency Services Director Jane Hodges reported that Paramedic/Fireman David Warren and Pastor Joyce Reynolds were hospitalized due to smoke inhalation. Pastor Reynolds was treated and released on Saturday. Mr. Warren was released on Sunday afternoon. Ms. Hodges reported that David Warren's forethought and quick response (after being thrown against a fire truck) saved lives. She commended the medics who assisted with the rescue; Jamie Tunnell who handled public information; Ponzer Volunteer Fire Department members Dean Armstrong and Wayne Pugh who flew in supplies to the Island; Medical Directors Charles Boyette who retrieved supplies and medications; and Mainland Paramedic Sean Burke who assisted with flying in narcotics.

Chairman Davis thanked everyone who assisted.

Commissioner Spencer asked that condolence letters be sent to families of the victims of the July 4 fireworks explosion.

Special Presentation:

Hyde/Tyrrell Hotline – Kathy Ballance

Kathy Ballance reported that Hyde/Tyrrell Hotline has been established to assist victims of domestic violence. The Hyde County Hotline thrift shop is located in the O'Neal's Drug Store building.

Michael Lewis, Director of Outer Banks and Hyde/Tyrrell Hotline and Thrift Shop Manager, reported that the Thrift Store serves as an outreach to clients. Mr. Lewis also reported that money earned in the Thrift Store remains in the county. Hyde/Tyrrell Hotline also has a voucher program for assisting fire and flood victims.

Lynn Bryant, Executive Director of Outer Banks Hotline reported that Kathy Ballance is paid with Dare County funds in order to serve Hyde County.

Hyde County Victim Advocates are Norma Hill and Denise Swain.

Public Comments:

Chairman Davis called for comments from the public.

Rudy Austin, Ocracoke Civic & Business Association, thanked Interim EMS Director Jane Hodges and Assistant Fire Marshal Lindsey Mooney for assisting with the Ocracoke Fireworks Explosion disaster and gave special thanks to Paramedic/Firefighter David Warren and Carteret County Emergency Manager Tony Spencer for assuming command at the explosion site. Mr. Austin asked that the County re-think its decision to terminate employment of David Warren. Mr. Austin made reference to 1988 Board of Commissioners Meeting Minutes and Sylvia Gibbs.

Valarie Mason and sister Candy Gaskill, Ocracoke, stated that Paramedics David and Missy Warren took care of their sick father as if he were part of their family. Valarie and Candy believe that David and Michelle Warren are the best thing that ever happened to Hyde County EMS.

Linda Teeter-Garrish, Ocracoke, asked that the situation between David and Missy Warren and Hyde County be worked out in a peaceful way.

Larry Ihle, Ocracoke, stated he was shocked to hear that David Warren had been let go; that he was concerned that the County had been irresponsible and negligent because supplies had to be flown to Ocracoke after the fireworks explosion; questioned why a medic was not on Ocracoke earlier today; reported that Hyde County Dispatch had directed a 9-1-1 caller to get an old ambulance and drive themselves two weeks ago when no medic was available on Ocracoke; asked why only Sheriff Mason, Barbara Deese and one Deputy Sheriff took the recent dispatch training; asked why the Fireworks Application had not been signed by a responsible party; and asked why Ocracoke citizens had not heard from County officials during the fireworks explosion disaster. Mr. Eeley stated that an independent inquiry will be conducted.

Commissioner Sharon Spencer reported that she was vacationing on Ocracoke Island on July 4 and that she gave her telephone number to the Sheriff's Deputy at the scene and offered her assistance.

Amanda Windham, Paramedic on Ocracoke, reported that during the summer season medical supplies at Ocracoke EMS Station can be depleted within one to two days. Ms. Windham reported that David Warren rescued three victims from the fireworks explosion and that she is concerned who will be brought in to replace him.

Lou Armstrong, Ponzer, read a letter expressing concerns about our governing body and stated that Hyde County should re-instate Paramedic David Warren as Emergency Services Director.

Kathy Clayton, Ponzer, stated that Ocracoke citizens should direct their questions to Commissioner Sharon Spencer.

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

Public Hearing – Ten-Year Solid Waste Plan Update

Commissioner Swindell moved to open a public hearing on the Ten-Year Hyde County Solid Waste Plan. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

Utilities Director Clint Berry presented an overview of the Ten-Year Hyde County Solid Waste Plan.

In accordance with State law, a county must have a ten-year solid waste plan and the plan is to be updated every three years by the governing body following a public hearing. The update was developed by the Albemarle Regional Solid Waste Management Authority (ARSWMA) and reviewed by the Utilities Department. The public hearing was advertised in the Washington Daily News on June 12.

After conducting a public hearing, considering comments at the public hearing, and discussing any amendments to the update, the County Commissioners must adopt a resolution approving the update.

After discussion, Commissioner Swindell moved to close public hearing on the Ten-Year Hyde County Solid Waste Plan. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

Ordinances and Resolutions:

Resolution – Ten-Year Solid Waste Plan Update

Commissioner Byrd moved to approve “Resolution to Approve The Hyde County Solid Waste Management Plan Update For 2009 - 2019.” Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of “Resolution to Approve The Hyde County Solid Waste Management Plan Update For 2009 - 2019” is attached herewith as Exhibit A and incorporated herein by reference.

Resolution of Commendation – Volunteers at Ocracoke Fireworks Explosion

Chairman Davis thanked everyone who volunteered at the Ocracoke Fireworks Explosion and asked that a Resolution of Commendation be adopted and sent to everyone who volunteered.

Mr. Swindell moved to adopt a “Resolution of Commendation – Volunteers at Ocracoke Fireworks Explosion.” Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of “Resolution of Commendation – Volunteers at Ocracoke Fireworks Explosion” is attached herewith as Exhibit B and incorporated herein by reference.

Years-of-Service – Florida Farrow

Chairman Davis congratulated Ms. Florida Lee Farrow for 20 years-of-service at Hyde County Department of Social Services.

Other Matters:

Contract Award for CDBG-R (Recovery) Administration

Holland Consulting Planners, Inc. prepared the CDBG-R Housing Recovery Application under the terms of its current administration of the Hyde County FY07 CDBG-Scattered Site Project. Based on the aggressive nature of obligating funds (by Sept 30), procurement of contract administration and professional services must be expedited.

Recommendation to award Administration Contract for Hyde County CDBG-R Project to Holland Consulting Planners, Inc. for \$37,950 or 12.65% of the \$300,000 project budget is based on HCP, Inc.'s prior selection for management of Hyde County's FY07 CDBG-SS and FY08 Single-Family Rehabilitation Program.

Commissioner Spencer moved to award Administration Contract for Hyde County CDBG-R Project to Holland Consulting Planners, Inc. for \$37,950 or 12.65% of the \$300,000 project budget contingent on review by the County Attorney and approval by the Division of Community Assistance. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CDBG SBEA Grant – Applicant Approval

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

Commissioner Swindell left the meeting room.

On May 18, 2009, a Public Hearing was held to inform Hyde County Citizens and the Hyde County Board of Commissioners about an opportunity that Hyde County has to apply for a CDBG SBEA Grant.

The County of Hyde has received applications from four small businesses that were reviewed by the Revolving Loan Committee on July 1. The Revolving Loan Committee's recommendations were distributed to the Commissioners prior to the July 6 Board meeting. The completed grant application is due no later than July 27, 2009.

Commissioner Byrd moved to accept the Revolving Loan Committee's recommendations; to hold public hearing; to authorize County Planner Alice Keeney to work in conjunction with County Manager Carl Classen to re-submit the list of approved applicants if someone withdraws; and to send a thank you letter to the Revolving Loan Committee for work done. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, and Chairman Davis; Nays – None; Absent or Not Voting – Swindell.

Commissioner Swindell returned to the meeting.

Fire Department Contracts

Each fiscal year, the County is supposed to execute a contract with each fire department for services provided to the County. In 2008, the County proposed a one-year contract that would be automatically renewable four additional years but did not include the specific budget amount, which would be determined in each year's budget cycle. Since FY2006-07, the amount per Hyde County fire department has increased from \$12,000 to \$17,000 in FY2009-10, plus now includes additional funding for the First Responder program.

Fire department contracts were not executed in FY2008-09 but, at the recent Fire Chiefs meeting, the attached multi-year contract showing the first responder allocation was reviewed and approved subject to further review by the County Attorney.

Lindsey Mooney, Chairman, Fire Chiefs Association, stated he is thankful for First Responder Program support from the County and asked the commissioners to keep inflation costs in mind.

Commissioner Swindell moved to approve the multi-year contract with the fire departments and authorize the Chairman, Clerk, County Manager and other County officials to sign and execute documents in support of this action contingent upon review by the County Attorney and subsequent approval by each of the Fire Departments serving Hyde County. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Water Tower Use Agreement – Tri-County Telecom

County Manager Carl Classen presented a five-year agreement with Tri-County Telecom to allow Tri-County use of the Ponzer Water Tower for the provision of wireless telecommunications services in the Ponzer area (as reached by the equipment placed on the water tower). In return for providing access to the water tower, Tri-County would provide Hyde County agencies in range of the service from the Power Water Tower complimentary service (Internet access) from the equipment on the tower.

Commissioner Swindell moved to approve the water tower use agreement with Tri-County Telecom and authorize the Chairman, Clerk, County Manager and other County officials to sign and execute documents in support of this action contingent upon review by the County Attorney. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Talent Enhancement Demonstration Grant

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

Commissioner Swindell left the meeting room.

During the March 16, 2009, regular meeting of the Hyde County Board of Commissioners a public hearing was held to receive public comments prior to the application for a \$75,000 Talent Enhancement Demonstration Grant offered through the State of North Carolina Office of Rural Development Programs for developing capacity. The funds will be used to develop capacity to undertake grant related activities that Hyde County has been previously unable to carry out. The Talent Enhancement Demonstration Grant must result in a future Community Development Block Grant application within 24 months of the grant award.

On May 29, 2009, upon successful application, Hyde was notified that the County will receive the full grant award of \$75,000. In order for Hyde to move forward in undertaking the Talent Enhancement Demonstration Grant (TEDG) program, the following documents must be approved by the Hyde County Board of Commissioners and executed by the Chairman:

1. Grant Agreement
2. Funding Approval
3. Signatory Form and Certification

After submittal of the above mentioned documentation, funds for the administrative activity may be drawn. Memorandum of Understanding between Hyde County and East Carolina University will be presented at the July 21 Commissioners meeting.

Commissioner Ballance moved to authorize submittal of the \$75,000 Talent Enhancement Demonstration Grant. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Ballance, Byrd, Spencer, and Chairman Davis; Nays – None; Absent or Not Voting – Swindell.

Commissioner Swindell returned.

County Commissioners Reports:

Commissioner Byrd attended the Department of Social Services (DSS) board meeting. DSS and the State are researching the client funding level for Mattamuskeet Opportunities ADAP Center.

Commissioner Swindell attended the Board of Health meeting. Mr. Swindell commends Health Department staff for presentation of ways to improve the department. New Board of Health members were welcomed. Discussion to move Animal Control under Health Department management continues.

Commissioner Spencer attended the Albemarle Commission meeting. Stimulus funding for Hyde County was discussed. Ms. Spencer applauds the Ag-Extension Department for work done at the 4-H District Activity Day.

Commissioner Ballance commends Ocracoke Health Center for its efforts to build Ocracoke EMS and David Warren for continuing growth of Ocracoke EMS. Mr. Ballance hopes Paramedic David Warren can work for EMS on Ocracoke.

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

County Manager's Report:

Position Vacancies

County Manager Carl Classen reported that Hyde County has seven EMS vacancies (EMT-B; EMT-I; and EMT-Paramedic) needing to be filled plus a solid waste code enforcement officer that was authorized in the FY2009-10 budget. The EMS vacancies will be filled through the use of an assessment team, skills testing, physical abilities testing, and background checks.

Commissioner Swindell moved to authorize the County Manager to advertise EMS vacancies (EMT-B; EMT-I; and EMT-P). Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Commissioner Swindell moved to authorize the County Manager to advertise one Solid Waste Code Enforcement Officer position as authorized in the FY2009-10 budget. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Projects Updates

Mr. Classen reported the Mattamuskeet EMS Station project is complete and has approval from Office of Emergency Medical Services (OEMS) contingent upon compliance; Swan Quarter Dike Phase 12 is underway and Phase 13 in preparation for bidding Fall 2009; Public Safety Center repairs are essentially complete and the building is in use with plans to change out temperature controls, install outside stairs, and a humidifier in Emergency Operations Center (EOC); and Mattamuskeet Lodge Sewer grant funding is expected shortly after July 1.

Other Issues

Mr. Classen reported that transportation needs for Mattamuskeet Opportunities are being discussed; Mental Health services will be moved into the Health Department and the Water Department will move into the former Albemarle Mental Health Center trailer; Hyde County mental health services will be continued through Pungo District Hospital (PDH).

Mr. Classen also reported six items are currently listed for sale on GovDeals; the Scenic Byways Committee has established a new website which will encourage travel along the Byway; in order to provide greater access to county information, Assistant Register of Deeds Pam Sawyer will help with answering public records requests and maintain the Hyde County Website; and stated that he attended the "4-H Wild Ones Program" at Mattamuskeet Lodge last week where over 80 children were in attendance.

In response to citizens concerns, Mr. Classen reported that the Ocracoke Fireworks Application was not signed by Ocracoke Civic & Business Association.

Public Comment

Fred Westervelt, Ocracoke, stated the audio portion of the electronic meetings equipment was awful.

County Manager Carl Classen reported that funding has been approved for upgraded microphones for use as part of the electronic meeting system.

Closed Session:

Chairman Davis moved to enter Closed Session in accordance with NCGS §143A-318.11(a)(6) to discuss personnel matters and NCGS §143A-318.11(a)(3) for consultation with legal counsel. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 9:10 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, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners re-entered regular session at 9:55 P.M.

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

The meeting adjourned at 10:00 PM.

Respectfully submitted:

Minutes approved on the 20th day of July, 2009.


Lois Stotesberry, Clerk - Hyde County Board of Commissioners


Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – "Appendix A - Resolution to Approve The Hyde County Solid Waste Management Plan Update For 2009 - 2019"

Exhibit B – "Resolution of Commendation – Volunteers at Ocracoke Fireworks Explosion"