

Minutes

Board of County Commissioners Hyde County

July 7, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:10 PM on Monday, July 7, 2008 in the Multi-Use Room, Government Center, Swan Quarter, NC. The following members were present: Alice Armstrong, 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; and members of the public.

Commissioner Davis moved to excuse Commissioner Gene Ballance as he could not attend due to another commitment. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Following a pledge of allegiance to the flag and opening prayer by Chairman Spencer the meeting was called to order.

Agenda:

Chairman Spencer asked for any changes to the July 7, 2008 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to accept the Agenda as presented by the Clerk with removal of Item V.B. – Variance Application – Telecommunications Tower Ordinance – US Cellular at the request of the applicant; addition of Item V.B. – Ponzer Convenience Site Lease; and addition of Item V.L. – Surplus Property – Joint with Schools. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Consideration of Minutes:

Chairman Spencer asked for approval of the draft May 22, 2008 Special Meeting Minutes; June 16, 2008 Special Meeting Minutes; and June 16, 2008 Meeting Minutes.

Commissioner Davis moved to approve the May 22, 2008 Meeting Minutes as presented by the Clerk; June 16 Special Meeting Minutes; and June 16, 2008 Meeting Minutes with page 4 of 7, line 21 stating Commissioner Davis moved to approve going forward with the Ponzer Convenience Site Lease as Disposal of Surplus Property Agreement between Hyde County and Daren Armstrong and page 5, line 46 through page 6 of 7 line 1-4 stating after further discussion by the Board, Commissioner Davis amended his motion with the approval of Barry Swindell to include the Hyde County FY2008-09 Budget – line .4205, page 84/85 – Ocracoke Occupancy Tax – Ocracoke Preservation budget will be increased \$6,000 to remain at the proposed \$12,500. After remarks by, Chairman Spencer Mr. Davis again amended the motion with the approval of Barry Swindell to provide that the Sheriff's Department equipment line 246, page 13 remained at \$20,000.

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

Public Comments:

Chairman Spencer called for comments from the public.

Animal Control Officer J. M. Eakes presented the Board an update on the Animal Control Department, including budget concerns for the upcoming fiscal year.

Item II.A.ii. – Crisis Situation with H2-B Workers Update was not presented as Ms. Sherrie Carawan could not attend. Crisis Situation with H2-B Workers update by Ms. Sherrie Carawan will be presented at a later date.

Barbara Jean Gibbs, Engelhard, asks when the Old Courthouse Project - Objective C would come before the Board of Commissioners.

Interim County Manager Carl Classen reported that Ben Cahoon of Cahoon & Kasten Architects is scheduled to present Objective C during the July 2, 2008 Board of Commissioners meeting.

Clifton Cox, Fairfield, questioned the process used to garnish wages of Hyde Correctional employees. Mr. Cox also believes citizens should not be charged interest on taxes from 1999.

Jane Gibbs, Fairfield, asks why tax blocks weren't put on the vehicle taxes. Ms. Gibbs also asked the Commissioners to speak into their microphones.

Although comments requesting assistance are not usually addressed during the Public Comment session, Interim County Manager Carl Classen reported that the Tax Department has developed new policies and procedures to follow and that notification letters will be sent prior to garnishment, blocks on vehicle taxes will be done monthly, and all taxes will be collected or put under collection procedure yearly.

Ordinances and Resolutions:

Resolution of Albemarle Mental Health Center In Opposition To Tier II Designation Pursuant To The Mercer Report:

After discussion, Commissioner Davis moved to support the Resolution of Albemarle Mental Health Center in Opposition To Tier II Designation Pursuant To The Mercer Report. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Resolution of The Hyde County Board of Commissioners Supporting A Proposed Committee Substitute For S1967 Resulting In Workable Coastal Stormwater Rules:

After discussion and agreement that the proposed session law language is in conformity with the compromise language developed, Commissioner Davis moved to adopt the Resolution of The Hyde County Board of Commissioners Supporting A Proposed Committee Substitute For S1967 Resulting In Workable Coastal Stormwater Rules. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

CLERK'S NOTE: A copy of the "Resolution of The Hyde County Board of Commissioners Supporting A Proposed Committee Substitute For S1967 Resulting In Workable Coastal Stormwater Rules" is attached herewith as Exhibit A and incorporated herein by reference.

Other Matters:

Budget Revisions and Transfers:

Interim County Manager Carl Classen reviewed with the Board a request from Tax Administrator Linda Basnight to release the 1993, 1995, 1996, and 1997 Ad Valorem taxes totaling \$16,223.19 and 1997 DMV tax totaling \$69,188.45 that we can no longer initiate enforcement collection remedies in accordance with GS 105-378(a).

After discussion, Mr. Davis moved to release the 1993, 1995, 1996, 1997 ad valorem and motor vehicle taxes that exceed the statute of limitation to the extent appropriate. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Interim County Manager Carl Classen also reviewed with the Board a report of all tax collections by the Hyde County Tax Office during the month of June; and budget revisions necessary to balance the FY2007-08 year end budget.

Project Ordinance Amendment 2 – County Government Center and Public Safety Center:

Interim County Manager Carl Classen reported that (based upon work done by Jessica Gibbs Finance Officer) additional funding as noted in the proposed Project Ordinance

Amendment 2 is expected to be sufficient to cover construction and other costs related to the two structures finance under this Project Ordinance. Mr. Classen also reported that some construction issues with Brennan & Associates have been resolved and remaining issues are expected to be resolved in the near future.

After discussion, Mr. Swindell moved to approve Project Ordinance Amendment 2 – County Government Center and Public Safety Center. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

CLERK'S NOTE: A copy of the "Project Ordinance Amendment 2 – County Government Center and Public Safety Center" is attached herewith as Exhibit B and incorporated herein by reference.

RES: 2008-07-01 - Ponzer Convenience Site Lease Agreement:

After discussion, Mr. Davis moved to approve a Resolution to execute the Ponzer Convenience Site Lease Agreement between Hyde County and Pungo River Lime Company. Ms. Armstrong. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

CLERK'S NOTE: A copy of the "Resolution to Execute The Ponzer Convenience Site Lease Agreement" is attached herewith as Exhibit C and incorporated herein by reference.

New Engelhard Wastewater Treatment Facility – Rural Center Grant:

On June 23, 2008 Hyde County received notification from The Rural Center that the supplemental grant for \$500,000 for the New Engelhard Wastewater Treatment Facility has been approved. No action required.

Subdivision Applications:

Thomas R. Twiddy & Shannon O. Twiddy – Minor Subdivision Application

Ray Meekins of Seaboard Surveying & Planning, Inc. presented a final plat of the Twiddy's 3.66 acre parcel which they wish to subdivide into six lots.

Mr. Davis moved to approve the Thomas R. Twiddy & Shannon O. Twiddy Subdivision Application contingent upon the Fire Marshal's review and approval as long as all driveways are internal as requested by Mr. Derrick Lee, NC DOT. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Balance.

Kathryn C. Hodges – Subdivision Application

Hyde County Planner Alice Keeney presented to the Board a subdivision application to divide 1.22 acres of property from a 76.16 acre parcel of property which belongs to Kathryn C. Hodges.

Mr. Davis moved to approve the Kathryn C. Hodges Subdivision Application contingent upon proper certification by Faye Sadler, power of attorney for her sister. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Richard Cornell & Cheryl Cornell – Request for Variance for Subdivision Approval

Commissioner Davis declared a conflict of interest with the subdivision application and asked to be excused.

Hyde County Planner Alice Keeney presented to the Board a request for variance for subdivision of Parcel A1 (previously divided from an 11.43 acre parcel of land owned jointly by Richard & Cheryl Cornell and Arthur & Marnette Graff). Parcel A1 – 1 will consist of 1.48 acres and Parcel A1 – 2 will consist of 4.27 acres.

Mr. Swindell moved to approve the Richard Cornell & Cheryl Cornell Subdivision Application with the variance on Parcel A1 1 being noted on the Mylar when recorded. Ms.

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

Mr. Davis returned.

Golden LEAF Foundation Grantee Acknowledgement & Agreement for Mattamuskeet Lodge Sewer Project Funding:

Hyde County has been awarded a Golden Leaf Foundation Grant in the amount of \$417,000 for the “Mattamuskeet Lodge Sewer Project Engineering” project.

Mr. Davis moved to accept the \$417,000 Golden LEAF Grant award and to authorize execution of the Grantee Acknowledgement and Agreement. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Golden LEAF Foundation Grantee Acknowledgement & Agreement for Wanchese Seafood Industrial Park – Engelhard Expansion Project Funding:

Hyde County has been awarded a Golden Leaf Foundation Grant in the amount of \$265,800 to support the extension of water and sewer (only) infrastructure to a proposed working waterfront business park in Engelhard that could serve to help the Wanchese Seafood Industrial Park expand and bring marine related businesses to Hyde County.

Mr. Davis moved to accept the \$265,800 Golden LEAF Grant award and to authorize execution of the Grantee Acknowledgement and Agreement. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Hiring of Home Health Aides for Ocracoke:

Hyde County Health Department, d/b/a Hydeland Home Care Agency requests approval to hire two to three certified nursing assistants to provide home health aide services to residents of Ocracoke Island. Hydeland Home Care Agency has entered into an agreement with Dare County Home Health to provide skilled nursing and physical therapy services on Ocracoke. However, Hydeland Home Care Agency is required to provide at least one component of the skilled service that is not under contract, and will need to employ the nursing assistants on a part-time basis. The nursing assistants selected currently work part-time with Community Home Health and Hospice, out of their Engelhard office, providing hospice services to residents on Ocracoke. Once hired, they will be available on an as-needed basis.

Mr. Swindell moved to authorize Hyde County Health Department to advertise and hire on a PRN basis two to three part-time nursing assistants to provide home health aide services to residents of Ocracoke Island. Mr. Spencer seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

MSAG Street Name Applications (3):

Berkley Club, LLC has submitted three street names to be used within the Berkley Club Subdivision on Ocracoke. After consultation and clarification, the Emergency Management Department is satisfied the applications are consistent with the Hyde County Street Addressing Policy.

Mr. Davis moved to approve the addition of Berkley Road, Nolan Court, and Sam Jones Court to the Hyde County multiple Street Address Guide and to give authority to the Emergency Management Department to take all required actions to incorporate these streets into our addressing, GIS and other data. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Economic Development Advisory Group:

The Economic Development Advisory Group is a group that the Commissioners approved as a part of the FY2008-09 Budget Resolution. The County Commissioners and County Manager will be discussing a list of business people who might wish to serve on this

group. The group will receive regular updates from staff on economic development activities and data relating to economic development in Hyde County, both from mainland and Ocracoke. The purpose of this committee is to provide recommendations to the County Commissioners as appropriate for economic efforts at developing quality job availability and sales tax base. No action required at this time. A list of names will be presented at the July 21, 2008 Board of Commissioners meeting.

Surplus Property – Joint with Schools:

State law provides for a method of declaring and disposing of surplus government property. Chairman Spencer has spoken with School Superintendent Gregg Todd about a joint surplus property sale later this summer or fall. Additionally, the County has been contacted by local non-profit agencies (e.g., fire departments) asking for donations of surplus property.

The first step is to catalog all proposed surplus property. Following that, the list of surplus property must be approved by the Board of Commissioners (or Board of Education, as applicable). A procedure is outlined in law for transferring surplus property to eligible non-profits, if such transfer is approved by the applicable governing board. The remainder of the surplus property is then auctioned off.

Ms. Armstrong moved to authorize the County Manager to work with the School Superintendent to review the possibility of a joint surplus property sale and report back to the Board. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Boards and Committees:

Subdivision Ordinance Board – Commissioner Davis presented a draft proposed Subdivision Ordinance.

County Commissioners Report:

Chairman Spencer presented an update on Albemarle Mental Health. Mr. Spencer also reminded the Board that he wishes to be removed from the ABC Board.

No other Board or Committee reports were offered so Chairman Spencer continued with the Agenda.

County Manager's Report:

Interim County Manager Carl Classen reported on operations going on within the County, and gave update on the Mattamuskeet Lodge Sewer Project; elevation of Outfall Canal Bridge response from NC DOT and NC Wildlife Resources; Swan Quarter Park Project; Swan Quarter Dike Project; Ocracoke Building/Recycling Center Repair Project; Certification Pay Program; Beaver Management Program; West Quarter District; sample contract for County employee training; Codification Project contract; Safety Committee – Worker's Compensation; and employee health insurance plan changes.

Mr. Classen also reported to the Board that an overpayment to Animal Control Officer J. M. Eakes (for mileage) has been corrected. Based on Mr. Eakes' report that additional facility costs are anticipated (trailer, medications, fans, sun curtain, etc.) the FY2008-09 Budget – Animal Control line item should be increased.

Commissioner Davis moved to authorized County Manager to work with Chairman Spencer and J. M. Eakes to outline a plan for Animal Control budget needs. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Ballance.

Mr. Classen reported to the Board that the NCDOT has provided a contract to allow for the County to pave Landing Road as part of the Swan Quarter Dike Project with NCDOT paying up to \$89,000 of the cost.

Commissioner Davis moved to authorize County Manager to approve the agreement and to accept funding from NCDOT for paving Landing Road. Mr. Swindell seconded the motion.

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

Closed Session:

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

The Commissioners entered closed session at 8:51 PM.

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

The Commissioners re-entered regular session at 9:15 PM.

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

The meeting adjourned at 9:20 PM.

Respectfully submitted:

Lois Stotesberry, Clerk to the Board of Commissioners

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – *“Resolution of The Hyde County Board of Commissioners Supporting A Proposed Committee Substitute For S1967 Resulting In Workable Coastal Stormwater Rules”*

Exhibit B – *“Project Ordinance Amendment 2 – County Government Center and Public Safety Center”*

Exhibit C – *“Resolution of The Hyde County Board of Commissioners to Execute The Ponzer Convenience Site Lease Agreement”*