

## Minutes

### **Board of County Commissioners Hyde County**

**June 16, 2008**

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:10 PM on Monday, June 16, 2008 in the Multi-Use Room, 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; and members of the public.

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

#### Agenda:

Chairman Spencer asked for any changes to the June 16, 2008 meeting Agenda as presented by the Clerk. Commissioner Davis moved to accept the Agenda as presented by the Clerk with the addition of Items II.A. Belhaven Breakwater Resolution Presentation - Mayor Adam O'Neal; II.B. Evans Road Fire Briefing – Virgil O'Neal, NC Forestry; IV.A. BHM Regional Library Board Appointment – Sharra Chilcoat; V.A.i. Tax Pick-ups and Releases; and V.G. Solid Waste Contract. 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.

#### Consideration of Minutes:

Chairman Spencer asked for approval of the draft June 2, 2008 meeting minutes.

Commissioner Swindell moved to approve the June 2, 2008 Meeting Minutes as presented by the Clerk. 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.

#### Public Comment:

Chairman Spencer called for comments from the public.

Belhaven Mayor Adam O'Neal requested Hyde County join with Belhaven in support of a Resolution for Emergency Repair to the Belhaven Breakwater Bulkhead.

Commissioner Swindell moved to amend the Agenda to include consideration of the Resolution requested by Belhaven Mayor Adam O'Neal. 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.

#### Presentation:

NC Forest Service Representative Virgil O'Neal presented a PowerPoint briefing to the Board on the Evans Road Fire and answered questions.

#### Appointments:

##### BHM Regional Library Board:

Interim County Manager Carl Classen reported that (in a letter to the Board) Maryjane Carbo, BHM Regional Library Director informed the Board that Geri Pittman has rotated off from her duties as Hyde County representative to the Library Board, having served for twelve years and that the Library Board would like to nominate Mrs. Shara Chilcoat of Engelhard to fill the vacancy.

After discussion, Mr. Spencer moved to appoint Shara Chilcoat to fill the vacant position on the BHM Regional Library Board. 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.

Ordinances and Resolutions:

Belhaven Breakwater Bulkhead Repair:

Commissioner Swindell moved to adopt a Resolution for Emergency Repair to Belhaven Breakwater Bulkhead. 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.

*CLERK'S NOTE: A Copy of the "Resolution of The Board of Commissioners of The County of Hyde for Emergency Repair to Belhaven Breakwater Bulkhead" is attached herewith as Exhibit A and incorporated herein by reference.*

Hyde County FY2008-09 Budget Ordinance:

After review and discussion of revisions proposed for the FY2008-09 Budget, the Board discussed recessing the meeting and to continue discussion until Thursday, June 19, 2008 at 6:00 PM in the Multi-Use Room at the Government Center. No action was taken.

Other Matters:

Budget Revisions and Transfers:

Interim County Manager Carl Classen reported costs to Hyde County for the Evans Road Fire is approximately \$213,307.21 (fuel not included). A Project Ordinance was presented. Commissioner Swindell moved to adopt the Evans Road Fire Project Ordinance. 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.

*CLERK'S NOTE: A Copy of the "Evans Road Fire Project Ordinance" is attached herewith as Exhibit B and incorporated herein by reference.*

Interim County Manager Carl Classen stated the Finance Officer has been given authority in prior years to make amendments to the budget to close out the books for the fiscal year. Mr. Davis moved that the County Manager may approve and execute such amendments to the FY2007-08 Budget Ordinance and budget as may be necessary to close out the FY2007-08 books. 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.

No budget revisions or transfers requested.

Engelhard Water Treatment Plant Production Wells:

Public Service Director Clint Berry presented the bid tab and recommendation from Rivers and Associates, Inc. to award the Engelhard Water Treatment Plant Production Wells contract to Magette Well & Pump Co. for the base bid amount of \$193,880.

After discussion, Commissioner Davis moved to accept the bid and authorize the County Manager to execute award of the contract to Magette Well & Pump Co. for the base bid amount of \$193,880 pending the amendments received from the Rural 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.

Tax Department Pick-Ups and Releases:

Acting Tax Administrator Sue Gurganus presented to the Board a list of tax bills recommended for release.

<u>Year</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
1999	Ballance, Alton Moore	\$ 28.18	Double Listing
1999	Berry, David	\$ 57.12	Double Listing

<u>Year</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
1999	Berry, Henry Ervin	\$ 28.20	Double Listing
1999	Blizzard, Christine Hawke	\$229.51	Double Listing
1999	Cahoon, Eric Kelly	\$278.71	Double Listing
1999	Chandler, Myra G.	\$ 82.49	Double Listing
1999	Cuthrell, Minnie Lou	\$130.00	Double Listing
2003	Gibbs, Beadie Payne	\$ 25.41	Assessed Value Keyed Incorrectly
1997	Johnson, Charmaine	\$ 54.50	Incorrect Billing
1997	Johnson, Charmaine	\$ 45.09	Incorrect Billing
1998	Johnson, Charmaine	\$ 70.49	Incorrect Billing
1999	Johnson, Charmaine	\$ 61.74	Incorrect Billing
2000	Johnson, Charmaine	\$ 52.80	Incorrect Billing
1999	Johnson, Lyndon Baines	\$ 37.45	Double Listing
1997	O'Neal, Roy W.	\$ 44.15	Court Ruled No Ownership in Church at Rose Bay
1998	O'Neal, Roy W.	\$ 37.35	Court Ruled No Ownership in Church at Rose Bay
1999	O'Neal, Roy W.	\$ 40.10	Court Ruled No Ownership in Church at Rose Bay
1999	Sadler, Joseph Frank	\$356.08	Double Listing
1998	Williams, Melody C.	\$ 60.17	Do Not Own Mobile Home
2001	Williams, Melody C.	\$ 41.32	Do Not Own Mobile Home
2003	Williams, Melody C.	\$ 27.48	Do Not Own Mobile Home
1999	Wyant, Janice W.	\$ 16.57	Double Listing

After review and discussion Commissioner Davis moved to release all of the tax bills presented for the amounts listed. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Davis, Swindell, and Chairman Spencer; Nays – Ballance; Absent or Not Voting – None.

Mattamuskeet Inn/Duck Blind Tavern – Rural Center Grant Request:

Interim County Manager Carl Classen reported that the Board had received a request from Lake Mattamuskeet Inn and Duck Blind Tavern to have Hyde County apply for a Grant (anticipated to be \$380,000) with a 3% match to be provided by Hyde County and a dollar for dollar match to be provided by Lake Mattamuskeet Inn and Duck Blind Tavern.

Commissioner Davis moved to deny the Mattamuskeet Inn/Duck Blind Tavern Rural Center grant request. 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.

NCHFA-SFR Applicant Selection – Preliminary Awards:

Commissioner Armstrong requested to be excused due to conflict of interest.

Chairman Spencer moved to excuse Ms. Armstrong during discussion of the NCHFA-SFR Applicant Selection – Preliminary Awards. 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.

Chris Hilbert, Holland Consulting Planners, Inc. reported that twelve applications were considered for rehabilitation assistance through the FY07 NCHFA-Single Family Rehabilitation Program. Five preliminary awards recommended for approval by the Board included: Unit 1 – 649 Goshen Back Road, Engelhard; Unit 2 - North Lake Road, Engelhard; Unit 3 – 4668 Sladesville Credle Road, Scranton; Unit 4 – 261 Quarter Road, Swan Quarter; and Unit 5 –

118 High Road, Engelhard. An alternate award (if one of the above is determined ineligible) is approved to: Unit 6 – 20 Greenhill Road, Engelhard.

Commissioner Davis moved to approve the NCHFA-SFR Preliminary Awards based on the adopted rating system. 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.

#### HMGP Elevation Contract Award:

The Board received request from Chris Hilbert, Holland Consulting Planners, Inc. to approve HMGP Elevation Assistance Contract Award (under HMGP grant #1448-0086) to Gilbert Everett the new low bidder (the forth bid package previously approved for HMGP Elevation) in order to expedite construction of Unit – H015 and Unit H035, the final two units in the elevation program. The previously approved contractor, NEMI, Inc. has rescinded their bids prior to execution of contracts.

Approval of HMGP Elevation Assistance Contract Award has been laid over for review by legal counsel to the June 19, 2008 recessed meeting.

#### Solid Waste Contract Award - David's Trash Service:

After discussion, Commissioner Davis moved to execute the Hyde County Solid Waste Contract as presented by Rob Cuthrell, David's Trash Service. 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.

#### Ponzer Convenience Site Lease/Disposal of Surplus Property:

After discussion and instruction to the County Attorney Sid Hassell to verify all information before the add is run, 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. 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.

#### Boards and Committees:

Subdivision Ordinance – Commissioner Davis reported that work continues on solid waste issues.

#### County Commissioners Report:

Commissioner Armstrong reported that she worked with DSS on their budget.

Commissioner Ballance reported that he had attended a Rural Health Conference in Greensboro.

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

#### County Manager's Report:

Interim County Manager Carl Classen commended staff and volunteers for efforts at the Evans Road Fire Command Post. Mr. Classen reported on operations going on within the County, and gave update on the Mattamuskeet Lodge Sewer Project; Pay-As-You-Throw on Ocracoke; utilities billing to include solid waste fee; Golden LEAF Grant awards announced; Evans Road Fire Project Ordinance and Evans Road Fire is now under NC Forestry management.

#### Off-Road Vehicle Use On Cape Hatteras National Seashore:

Commissioner Davis moved to send a letter of support for U.S. Senators Elizabeth Dole and Richard Burr and U.S. Representative Walter Jones legislation to allow off-road vehicle use on Cape Hatteras National Seashore. 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.

Mason/Harris Property Litigation:

Commissioner Davis asked to be excused due to conflict of interest.

Commissioner Swindell moved to excuse Mr. Davis. 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.

After discussion, Commissioner Swindell moved to authorize payment of \$5,200 as presented by County Attorney Sid Hassell for property obtained from Sherman Mason/Walter Harris Litigation for the Swan Quarter Dike. 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.

Closed Session:

Ms. Armstrong moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6) regarding personnel matters. 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.

The Commissioners entered closed session at 8:30 PM.

Mr. Davis moved to return from Closed Session. 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.

The Commissioners re-entered regular session at 8:50 PM.

There being no further matters to come before the Commissioners, Mr. Davis moved to recess the meeting until Thursday, June 19, 2008 at 6:00 PM. 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.

Chairman Charles Ray Spencer recessed the meeting to Thursday, June 19, 2008 at 6:00 PM.

The meeting recessed at 9:00 PM.

Chairman Charles Ray Spencer reconvened the June 16 Regular meeting of the Hyde County Board of Commissioners at 6:10 PM on Thursday, June 19, 2008. 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; and members of the public.

Agenda:

Chairman Spencer asked for any changes to the June 16, 2008 meeting Agenda as presented by the Clerk. Commissioner Davis moved to accept the Agenda as presented by the Clerk with the addition of Old Courthouse/Swan Quarter Revitalization Project; HMGP Elevation Project Contract Award; Budget Ordinance Revisions; Ponzer Convenience Site Agreement; and Closed Session – Personnel. 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.

Hyde County FY2008-09 Budget Ordinance:

After review and discussion of revisions proposed for the FY2008-09 Budget, Mr. Davis moved to adopt the Hyde County FY2008-09 Budget with the addition of one Deputy Sheriff Narcotics Officer and to direct Emergency Manager Tony Spencer to reduce the EM Department budget by \$6,000. Mr. Swindell seconded the motion.

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

After modifications were discussed and approved, the Board agreed to pass the motion to adopt the FY2008-09 Budget Ordinance 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 "Hyde County FY2008-09 Budget Ordinance" is attached herewith as Exhibit C and incorporated herein by reference.*

Hyde County FY2008-09 Budget Resolution:

After review and discussion, the Board agreed to pass the motion to adopt the FY2008-09 Budget Resolution 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 "Hyde County FY2008-09 Budget Resolution" is attached herewith as Exhibit D and incorporated herein by reference.*

Other Matters:

Ponzer Dump Site Agreement:

After further discussion and confirmation from County Attorney Sid Hassell that all information had been verified as correct, Commissioner Davis moved to approve the Ponzer Convenience Site Lease/Disposal of Surplus Property Agreement between Hyde County and Daren Armstrong. 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.

Old Courthouse Ordinance:

After discussion and review, Mr. Davis moved to approve the Old Courthouse/Swan Quarter Revitalization Project Ordinance. 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.

*CLERK'S NOTE: A Copy of the "Old Courthouse/Swan Quarter Revitalization Project Ordinance" is attached herewith as Exhibit E and incorporated herein by reference.*

HMGP Contract Award:

After further discussion and review of a request received from Chris Hilbert, Holland Consulting Planners, Inc. on June 16, Commissioner Davis moved to approve the HMGP Elevation Assistance Contract Award (under HMGP grant #1448-0086) to Gilbert Everett in order to expedite construction of Unit – H015 and Unit H035, the final two units in the elevation program. 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.

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

The Commissioners entered closed session at 6:30 PM.

Mr. Davis moved to return from Closed Session. 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.

The Commissioners re-entered regular session at 6:50 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, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

The meeting was adjourned at 6:55 PM.

Respectfully submitted:

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Lois Stotesberry, Clerk to the Board of Commissioners

SEAL

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Charles Spencer, Chairman  
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A: *“Resolution of The Board of Commissioners of The County of Hyde for  
Emergency Repair to Belhaven Breakwater Bulkhead”*

Exhibit B: *“Evans Road Fire Project Ordinance”*

Exhibit C: *“Hyde County FY2008-09 Budget Ordinance”*

Exhibit D: *“Hyde County FY2008-09 Budget Resolution”*

Exhibit E: *“Old Courthouse/Swan Quarter Revitalization Project Ordinance”*