

**Hyde County Board of Commissioners' Meeting**  
**June 18, 2007**  
**Minutes**

The Regular Meeting of the Hyde County Board of Commissioners was called to order by Chairman Charles Ray Spencer on June 18 2007 at 7:00 PM in the Mattamuskeet School Cafeteria. Board Members present were Charles Spencer, Chair; Alice Armstrong; Gene Ballance; and Barry Swindell.

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

Chairman Spencer called the meeting to order and Gene Ballance 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, Swindell, and Chairman Spencer; No – None; Absent or Not Voting –Davis.

**Approval of Minutes June 4, 2007**

After consideration of amendments by Chairman Spencer, Mr. Swindell moved to approve the minutes of the June 4, 2007 Board of Commissioners Meetings as amended, 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.

**Public Comments**

**Annual Mattamuskeet Refuge Update – Bruce Freske, Refuge Manager:** Bruce Freske, Refuge Manager gave an update of projects completed and being implemented by Mattamuskeet Refuge.

**Public Comments:** Chairman Spencer asked for comments from the public. Hearing none he continued with the agenda.

**Appointments – Albemarle Regional Solid Waste Management Authority Board**

After discussion, Ms. Armstrong moved to appoint Barry Swindell and County Manager to the Albemarle Regional Solid Waste Management Authority Board, 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.

**Appointments – Nursing Home Community Advisory Committee**

Issued was tabled.

**Appointments – Jury Commission**

After discussion, Mr. Swindell moved to reappoint Doris Weston to the Jury Commission, 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.

**Budget Revisions and Transfers**

After discussion, Mr. Swindell moved to approve the Budget Revisions and Transfers as submitted, 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.

**Budget Revision #39:** Ms. Armstrong moved to approve Budget Revision #39 as submitted, 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.

**Budget Revision #57:** Ms. Armstrong moved to approve Budget Revision #39 as submitted, 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.

CLERK'S NOTE: A copy of the approved budget amendments are attached to these minutes as Exhibit A and incorporated herein by reference.

### **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 \$2,860.49 by the Mainland Occupancy Tax Board to purchase a trailer equipped with portajon and a mower to be donated to the Mattamuskeet Refuge, to which Mr. Swindell seconded. Refuge Manager Bruce Freske will draft a memorandum of understanding related to the donation and usage of the equipment. 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.

### **2007-08 Radio Maintenance Contract**

Mr. Swindell moved to approve the 2007-08 Radio Maintenance Contract with Gately Communications for \$20,703.60 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 – None; Absent or Not Voting – Davis.

### **Public Safety Generator Maintenance**

Mr. Ballance moved to approve the Public Safety Generator Maintenance Contract with National Power Corporation 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. Swindell 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.

### **NC DOT Debris Pickup Release Contract**

Mr. Swindell moved to approve the NC DOT Debris Pickup Release Contract 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 – None; Absent or Not Voting – Davis.

### **Pre-positioned Contract for Disaster Debris and Removal Services**

Mr. Swindell moved to approve the Pre-positioned Contract for Disaster Debris and Removal Services with J.B. Coxwell Contracting, Inc and prequalification of Phillip & Jordan as an alternate vendor 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 Ms. Armstrong seconded.

County Manager is to express to the contractor the importance of utilizing qualified local subcontractors. 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.

### **Update of Hyde County Fire Inspections Procedures**

Ms. Armstrong moved to approve the recommended revision to the Hyde County Fire Code Enforcement Program Procedures as presented by Tony Spencer, Fire Marshal, 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.

### **Conflict of Interest – Tom Davis**

County Attorney Sid Hassell presented an email from Commissioner Davis related to a conflict of interest pertaining to Mr. Davis representing the Hyde County for of Social Services matters. After Discussion, the Board agreed to take action on the issue later in the meeting.

### **Appointment – Negotiated Rulemaking Representative**

After discussion, Mr. Swindell moved to nominate Commissioner Gene Ballance as the Negotiated Rulemaking Representative Alternate for Hyde County, 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.

### **Request for Public Hearing Relative to Proposed Beach Closure**

After discussion, Mr. Swindell moved to request a public hearing be conducted in Hyde County by Federal Agencies relative to beach closure related to the Piping Plover, 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.

### **Commissioners Reports**

Commissioner Swindell stated he had been speaking with citizens on the proposed budget.

Commissioner Ballance stated the Ocracoke Fish House was moving forward and the Ocracoke Planning Board would be meeting on June 20, 2007.

### **Freezing of Hyde County Vacant Positions**

Ms. Armstrong moved to freeze all County vacant positions except for one duty position until June 30, 2007, if an offer of employment has been made and accepted prior to 7:00PM, June 18, 2007, it will be honored, 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, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis.

### **Board of Commissioners Meeting Schedule**

Ms. Armstrong moved to hold one regular Board meeting per month on the first Monday of the month; quarterly meetings will continue to be held on Ocracoke and to pay County Commissioners monthly, 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, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Davis.

Commissioner Spencer spoke on the progress of the Albemarle Mental Health Board.

## **Manager's Business**

**Albemarle Regional Solid Waste Authority:** County Manager Carl Classen updated the Board on the Albemarle Regional Solid Waste Authority activities.

**Outer Banks Scenic Byway Committee:** County Manager Carl Classen updated the Board on the Outer Banks Scenic Byway Committee activities.

### **Proposed 2007/08 Budget Session:**

- Budget \$300,000 for back tax collection
- Budget \$500,000 from reserve
- Tax Rate with five cents increase

## **Oyster Shell Legislation**

Mr. Ballance moved to endorse legislation to prevent the use of oyster shells in landscaping or highway beautification projects by the Department of Transportation or any other governmental unit, 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

## **Recess**

The meeting recessed until 6:45 PM on June 25 in the Mattamuskeet School Band Room.

## **Reconvene**

The June 18, 2007 recessed meeting of the Hyde County Board of Commissioners was reconvened by Chairman Charles Ray Spencer on June 25, 2007 at 7:00 PM in the Mattamuskeet School Cafeteria. Board Members present were Charles Spencer, Chair; Alice Armstrong; Gene Ballance; and Barry Swindell.

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

After a brief discussion on the conflict of interest related to Commissioner Davis and his service as attorney to the Hyde County Department of Social Services, the Board of Commissioners' meeting adjourned.

Submitted by:

\_\_\_\_\_  
Connie Burleson, Clerk to the Board of Commissioners

Approved this \_\_\_ day of May, 2007:

\_\_\_\_\_  
Charles Spencer, Chairman,  
Hyde County Board of Commissioners

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

Exhibit A

39	<b>OCRACOKE O-TAX</b>	764920.7405	BUILDING PAYMENT	\$ 4,857.85	
		764920.7406	BUILDING PAYMENT-INTEREST	\$ 407.46	
		763290.0000	INTEREST ON INVESTMENT		\$ 5,265.31
			<b>INCREASE BUILDING PAYMENT BUDGET TO COVER FINAL PAYMENT FROM INTEREST ON INVESTMENT EXCESS COLLECTED --THE OCRACOKE COMMUNITY CENTER BLDG LOAN HAS BEEN PAID OFF</b>		
55	<b>COOP EXT</b>	106050.7400	EQUIPMENT	\$ 450.00	
		106050.3300	DEPARTMENTAL SUPPLIES		\$ 450.00
			<b>TRANSFER TO EQUIP TO UPGRADE MONITORS FOR COMPUTERS</b>		
56	<b>DSS</b>	106100.4504	CONTRACT INTERPRETER	\$ 220.00	
		106100.7400	EQUIPMENT		\$ 220.00
			<b>TRANSFER TO COVER CONTRACT INTERPRETER SERVICES</b>		
	<b>DSS</b>	106120.1900	SAA-SAD DRAFTS	\$ 9,000.00	
		106120.1902	MEDICAID DRAFTS		\$ 9,000.00
			<b>TRANSFER TO COVER SAA-SAD DRAFTS THRU YEAR END</b>		

57	SHERIFF	105100.7425	EQUIPMENT - CAPITAL OUTLAY	\$ 10,300.00	
		105100.3100	GAS, OIL, TIRES		\$ 10,300.00
			TRANSFER TO COVER PURCHASE OF A DRUG DOG AND THE EQUIPMENT NECESSARY		

Exhibit B