

Meeting Minutes

**Board of County Commissioners
Hyde County**

June 21, 2010

Chairman Tom Davis called the Regular Meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, June 21, 2010 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic meeting equipment. The following members were present on the mainland: Commissioners Tom Davis, Sharon Spencer, Anson Byrd, Ken Collier; County Attorney Sid Hassell; Interim County Manager/Clerk to the Board David Smitherman; Deputy Clerk to the Board Justin Gibbs; and members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk to the Board Jamie Tunnell; and members of the public.

Following the opening prayer given by Commissioner Byrd and the Pledge of Allegiance, the meeting was call to order.

Agenda:

Chairman Davis asked for any changes to the June 21, 2010 Meeting Agenda as presented by the Clerk.

Commissioner Spencer moved to approve the agenda as presented by the Clerk with the addition of Item III. Ordinances and Resolutions (C) ABC Store Lease Agreement and Item IV. Appointments (D) Cross Creek Advisory Board. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Chairman Davis proposed amending the second paragraph of page four regarding the AT&T Tower Extension Application to read as follows:

“After further discussion, Chairman Davis moved to approve the AT&T application and the variance request from ...”

Commissioner Spencer also requested amending the second sentence of Administration under Budget Amendments subsection on page six, regarding the transfer of funds to purchase the ABC Store, to read as follows:

“Commissioner Spencer asked the County Attorney if, in his opinion, the Board had the legal authority to acquire the property and the County Attorney stated that in his opinion the Board is authorized under the law to acquire that property.”

Commissioner Byrd moved to approve the June 7, 2010 meeting minutes as presented by the Clerk, with the proposed changes by Chairman Davis and Commissioner Spencer. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays-none

Public Hearings: (none)

Special Presentations:

E9-1-1 Call Taking Equipment Contract Approval

Interim County Manager, David Smitherman, asked the Board for permission to give Chairman Davis the authority to execute the contract with CenturyLink, pending the outcome of HB1691-Use of 911 Funds.

Commissioner Byrd moved to approve the proposal by the Interim County Manager allowing Chairman Davis to execute the contract with CenturyLink, pending the outcome of HB-1691-Use of 911 Funds. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays-none

NCDOT Secondary Roads Construction Program and Bridge #79 on SR 1319 (Roper Lane) Inspection Report

Sterling Baker, P.E., Division Maintenance Engineer presented the FY2009-2010 & FY2010-2011 Secondary Roads Improvement Program Budget. Mr. Baker reported that the FY2009-2010 budget was not presented last year to due budgeting constraints. Mr. Baker also stated that all unpaved road improvement is currently on hold due to issues relating to obtaining right-of-ways.

Chairman Davis asked Mr. Baker about the Bridge #79 Inspection Report. Mr. Baker stated that NCDOT recently reduced the weight limit of the bridge on Roper Lane from 10,000 pounds to 3,000 pounds due to the condition of the bridge. Due to the reduced weight limit, trucks and buses are no longer allowed to crossover the bridge. The Division Maintenance Engineer reported that the NCDOT would not repair the bridge due to location and environmental factors, but they had considered three options regarding the future of the bridge on SR 1319 (Roper Lane):

- 1) Move the bridge to another location along Far Creek.
- 2) Only allow pedestrians to cross the bridge.
- 3) Remove the bridge on SR 1319.

The Division Maintenance Engineer stated that moving the bridge was not a viable option because the project would take at least five years to complete; the NCDOT was concerned about damaging surrounding businesses due to their close proximity to the bridge and creek, and potential environmental impacts.

Sterling Baker, P.E., Division Maintenance Engineer requested that the Hyde County Board of Commissioners submit a Resolution of Support for the NCDOT Secondary Roads Improvement Program.

Commissioner Byrd motioned for the Board of Commissioners to submit a Resolution of Support for the NCDOT Secondary Roads Improvement Program. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Public Comments:

Barry Swindell, Former County Commissioner, Scranton – asked the Board to amend the FY2010-2011 Hyde County Budget Ordinance to appropriate General Fund Balance to reinstate the employees terminated due to a reduction in force. Mr. Swindell also asked the Board to apologize to the terminated employees, their families, the county employees, and the citizens of Hyde County.

Johnny Stotesberry, Fire Chief Ponzer Volunteer Fire Department, Ponzer – stated that even though the departments generated revenue, that the revenue generated would not be enough to operate the fire departments.

Robert Gibbs Jr., Volunteer Fireman, Engelhard – asked the Board to reconsider cutting the volunteer fire departments funding.

Chuck Dunbar, Owner of Riverside Campground, Ponzer – stated that the residents of Riverside Campground were being charged for trash pickup even though the campground provided them with a centralized dumpster. Mr. Dunbar informed the Board that he contracted a private hauler for dumpster tipping and charged the residents a portion of the cost of the service. Mr. Dunbar asked the Board to address the issue because he felt that the residents were being charged in error.

Franklin Swindell, Engelhard – stated that he felt that the Board handled a number of issues in a manner that did not take the considerations of the taxpayers of Hyde County into account.

Wayne Pugh, Volunteer Fireman, Ponzer – asked to Board to reconsider decreasing the volunteer fire department funding.

Frank Brown, Ocracoke – asked for the Winnie Blount Road Closure to be placed on the next Regular Meeting of the Hyde County Board of Commissioners' Meeting Agenda.

Ordinances and Resolutions:

FY2010-2011 Hyde County Budget Ordinances

Interim County Manager, David Smitherman, presented the Board with an amended copy of the FY2010-2011 Hyde County Budget Ordinance; the amendments reflected the changes requested by the Board during the budget workshop that preceded the Regular Commissioners' Meeting.

Chairman Davis moved to approve the FY2010-2011 Hyde County Budget Ordinance as presented. The motion made by Chairman Davis failed due to want of a second.

Commissioner Byrd made a motion to approve the FY2010-2011 Hyde County Budget Ordinance as presented, but with an amendment restoring the volunteer fire departments budget to \$17,000 per department with the exception of Pungo River Volunteer Fire Department which would only receive \$5,000. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Spencer, Byrd, Collier, and Styron
Nays-Commissioner Davis

Resolution Combining the Clerk to the Board and the County Manager positions

Interim County Manager, David Smitherman, requested that the Board submit a Resolution Combining the Clerk to the Board and the County Manger positions. The Board approved appointing Mr. Smitherman as Clerk to the Board at the budget workshop prior to the Regular Commissioners' Meeting.

Commissioner Byrd moved for the Board to approve the Resolution Combining the Clerk to the Board and the County Manager positions. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

ABC Store Lease Agreement

Chairman Davis recommended executing a lease agreement between the County of Hyde and the Hyde County ABC Board for the ABC Store property. Chairman Davis asked that the Board consider leasing the property to the ABC Board for \$250.00 per month for

a period of 12 months. The County Attorney reported that the figure of \$250.00 per month was recommended by Lake Landing Realty after assessing the property.

Commissioner Spencer made a motion to lease the ABC Store property to the Hyde County ABC Board for \$250.00 per month for a period of 12 months. Chairman Davis seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Collier, and Styron

Nays-Commissioner Byrd

Appointments:

Additional Review Officer

The Interim County Manager asked that the Board to appoint the Interim Deputy Tax Administrator, Justin Gibbs, as a Review Officer for the County. Mr. Smitherman stated that the County currently had two Review Officers, Alice Keeney and Jane Hodges, but at times neither of these individuals are available to sign off on maps or plats. According to the North Carolina General Statute 47-30.2 a Review Officer must expeditiously review and sign off on a map or plat before it can be presented to the Register of Deeds, because of this requirement it is important to have more persons available to sign off as a Review Officer.

Commissioner Byrd made a motion to appoint Interim Deputy Tax Administrator, Justin Gibbs, as a Review Officer for the County of Hyde and for a resolution to be submitted to the Register of Deeds documenting the appointment. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays-none

Official Check Signatory

The Interim County Manager, David Smitherman, informed the Board that the County needed to appoint someone as an Official Check Signatory. The County Attorney, Sid Hassell, recommended that the Tax Administrator, Linda Basnight, be appointed as an Official Check Signatory.

Chairman Davis moved to appoint the Tax Administrator, Linda Basnight, as an Official Check Signatory. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays-none

Albemarle Commission (at-large seat)

Chairman Davis asked if there were any recommendations for a vacant seat on the Albemarle Commission, as a member at-large. Commissioner Collier volunteered to fill the vacant seat on the Albemarle Commission.

Commissioner Byrd moved to appoint Commissioner Collier to fill the vacant seat on the Albemarle Commission, as a member at-large. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, Styron
Nays-none

Cross Creek Advisory Board

Chairman Davis recommended that the Board remove Iris Faulkson from the Cross Creek Advisory Board, due to unprofessional conduct.

Commissioner Collier asked to be excused from the meeting during the discussion and possible action regarding the removal of Ms. Faulkson from the Cross Creek Advisory Board.

Chairman Davis made a motion for Commissioner Collier to be excused from the discussion and possible action regarding the removal of Ms. Faulkson from the Cross Creek Advisory Board. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Commissioner Davis made a motion for the Board to remove Iris Faulkson from the Cross Creek Advisory Board and to appoint Commissioner Collier to that board to fill the vacancy. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, and Styron
Nays-none
Absent-Commissioner Collier

Chairman Davis instructed the Interim County Manager to advise Ms. Faulkson of her removal in writing.

Commissioner Collier returned to the meeting.

Other Matters:

Budget Amendments

Interim County Manager David Smitherman recommended that the Board approve the following budget transfers:

Solid Waste: \$9,095.00; transferring funds from Site Improvements; Container Service – Ocracoke; Container Rent – Ocracoke; Gas, Oil, and Tires; and Container Rent – Mainland to Container Service – Mainland Line Item to cover operating expenses. This transfer will not increase the overall budget for the Utilities Department.

Finance: \$30,000.00; transferring funds collected by the Tax Department for the Ocracoke Mosquito Control Assessment District to the Ocracoke Mosquito Control Board. This budget transfer does increase the overall budget, because additional funds were collected due to the recent tax revaluation.

Finance: \$3,000.00; transferring 60% of the interest funds collected by the Tax Department on delinquent DMV accounts to the State of North Carolina. This transfer does increase the overall budget due to additional collections.

Commissioner Byrd moved to approve all the budget amendments presented. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Authority to Approve Budget Revisions for FY2009-2010 Closeout

As done in previous years, the Interim County Manager requested authority to make such amendments in the FY2009-2010 budget, including the budget worksheets, budget resolution, and budget ordinance and other related documents as are necessary to balance and close out accounts for the fiscal year.

Commissioner Byrd moved that the Interim County Manager is hereby authorized to make such amendments in the FY2009-2010 budget, including budget worksheets, budget resolution, and other related documents, as are necessary to balance and close out accounts for the fiscal year. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Swan Quarter Dike Maintenance Plan – Soil & Water Board

The Hyde Soil & Water Conservation District Board proposed a yearly assessment rate of \$0.06 per \$100.00 of taxable value for a total assessment of \$16,190.11 for the purpose of flood control. The Soil & Water Board originally estimated that the dike maintenance

would cost approximately \$10,000. Mr. J.W. Spencer informed the Commissioners that the Soil and Water Board over looked the mitigated property within the flood control district which would increase the maintenance costs and that the board felt that a surplus should be accrued during the initial stages of the flood control district implementation.

Chairman Davis made a motion to approve the Swan Quarter Flood Control District assessment rate of \$0.06 per \$100 of taxable value. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Recovery Act Funds – Energy Efficiency Grant

County Planner/Economic Developer, Alice Keeney, informed the Board that in February 2010 County Manager Carl Classen authorized Kathleen Pullen of PETRA Engineering to apply for an energy grant on behalf of Hyde County. Hyde County has received an award letter from the North Carolina Department of Commerce - Energy Division stating that the County was awarded \$187,056 from the Energy Efficiency Community Block Grant Program, but a purchase order will not be issued until the County has submitted all of the required documents. It was recommended that the Hyde County Board of Commissioners authorize the Chairman to sign the required documents on behalf of the County. Ms. Keeney also stated that no County matching funds will be required.

Commissioner Collier moved to authorize the Chairman to sign the required documents on behalf of the County accepting the Energy Efficiency Community Block Grant awarded to Hyde County. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, Styron
Nays-none

Amendment to Ponzer Dump Lease Agreement

Interim County Manager, David Smitherman, recommended that the Board approve the amended lease agreement between Hyde County and the Pungo River Lime Company; the lease agreement required amendment because the Ponzer Convenience Site reopened and utilizes 150' of the front of the property owned by Pungo River Lime Company. The lease agreement has been amended by the County Attorney to reflect these changes.

Commissioner Byrd moved to approve the amended lease agreement between Hyde County and Pungo River Lime Company. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Seaboard Surveying & Planning, Inc. – Authorization to Pay Invoice #12250

The Interim County Manager reported that Mr. Ray Meekins, Seaboard Surveying, is requesting payment of \$3,675.00 for Invoice #12250 for work done at the Ocracoke School.

Chairman Davis stated that former County Manager Carl Classen ordered the survey work in preparation for the QZAB – School Improvements Project. Chairman Davis asked Mr. Meekins if the surveying work had been completed and if not, how much of the work was left to be completed. Mr. Meekins stated that ¼ of the work remained. Chairman Davis asked Mr. Meekins how much the remaining survey work would cost; Mr. Meekins estimated that the remaining survey work would be approximately \$1,500.00.

Chairman Davis moved to pay Seaboard Surveying for Invoice #12250 and to place a limit of \$5,500.00 on the entire surveying project. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Animal Shelter Contract

The Interim County Manager informed the Board that the Animal Control Shelter Contract would expire on June 30, 2010. The Board of Commissioners reduced the total FY2010-2011 Animal Control budget to \$15,000.00 in the preceding budget workshop. The Animal Control Officer, JM Eakes, had previously requested \$15,000.00 to maintain the animal shelter. Chairman Davis recommended that the Board consider extending the Animal Control Shelter and Animal Control Officer Contracts on a month to month basis, but after considering the amendment to the Animal Control budget amended his recommendation to extending the contracts for one month.

Commissioner Byrd moved to extend the Animal Control Shelter and Animal Control Officer Contracts for a period of one month. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Add Tax Clerk as an Authorized Position

The Interim County Manager, David Smitherman, recommended that the Board authorize the addition of Tax Clerk to the Hyde County Position Classification & Salary Study. The Tax Clerk position is a combination of the Tax Assessment Technician and Tax Collection Technician positions.

Commissioner Spencer made a motion to authorize the addition of Tax Clerk to the Hyde County Position Classification & Salary Study. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier and Styron
Nays-none

Solid Waste Grant Acceptance

Clint Berry, Utilities Director, reported to the Commissioners that the Utilities Department had been awarded a grant in the amount of \$20,958.00 for recycling containers. The Utilities Director stated that the grant required a local match of \$4,192.00 and the Interim County Manager informed the Board that the local match had been budgeted for.

Commissioner Spencer moved to accept the Solid Waste Grant contingent on the County Attorney's approval. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Albemarle LMC/ECBH Consolidation Agreement

The Interim County Manager informed the Commissioners that the County had not approved the Albemarle LMC/ECBH Consolidation Agreement. Chairman Davis recommended that the County propose a "No More Onerous Deal," meaning that Hyde County is not obligated to pay for services that are not being rendered and that East Carolina Behavioral Health (ECBH) is not obligated to render services that the County is not paying for.

Commissioner Davis moved to sign the Albemarle LMC/ECBH Consolidation Agreement contingent on the County Attorney's approval. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

County Commissioner Reports:

Commissioner Davis had nothing to report.

Commissioner Spencer reported that the Commissioners adopted the FY2010-2011 Hyde County Budget because they felt that the budget reflected what was in the best interest of the citizens of Hyde County due to the current economic conditions.

Commissioner Byrd had nothing to report.

Commissioner Collier had nothing to report.

Commissioner Styron reported that the Board took the budget matters to heart.

Interim County Manager's Report:

Interim County Manager, David Smitherman, reported that he was working with the Emergency Services Director to make sure that the County was prepared for hurricane season.

Mr. Smitherman also reported that he was concerned about the County Staff's ability to administer the inspection services for Swan Quarter Dike - Phase XIII.

Closed Session: (none)

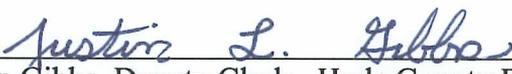
Commissioner Byrd moved to adjourn the meeting. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes-Commissioners Davis, Spencer, Byrd, Collier, and Styron
Nays-none

Due to no further matters being brought before the Hyde County Board of Commissioners for consideration, the meeting adjourned at 9:00 PM.

Respectfully submitted:

Minutes approved on the 19th day of July, 2010


Justin Gibbs, Deputy Clerk - Hyde County Board of Commissioners


Tom Davis, Chairman – Hyde County Board of Commissioners

Attachments: A - Resolution of Support for the NCDOT Secondary Roads Improvement Program
B - FY2010-2011 Hyde County Budget Ordinance
C - Resolution Combining the Clerk to the Board and County Manager Positions
D - Resolution Appointing Justin Gibbs Plat Review Officer



