

Minutes

Board of County Commissioners Hyde County

June 2, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, June 2, 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. Davis the meeting was called to order.

Agenda:

Chairman Spencer asked for any changes to the June 2, 2008 meeting Agenda as presented by the Clerk. Commissioner Davis moved to accept the Agenda 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.

Consideration of Minutes:

Chairman Spencer asked for approval of the draft May 19, 2008 meeting minutes.

Commissioner Davis moved to approve the May 19, 2008 Meeting Minutes as presented by the Clerk with page 1, line 29 stating Ms. Armstrong seconded the motion; and line 37 stating a local Bill authorizing the merger combining the Mid-East Housing Authority with Washington Housing Authority. 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.

Presentation:

Ben Cahoon, Cahoon & Kasten Architects, presented Objective B (the second part of three reports) on the Old Courthouse Reuse Project.

Public Comments:

Chairman Spencer called for comments from the public.

Ms. CherylN Brickhouse, Fairfield, is a retired County employee asked how retirees will be affected by proposed County health insurance changes. Ms. Brickhouse will be contacted by the Hyde County Insurance Representative for further discussion.

Mr. Steve Bryan, Swan Quarter Service Group applauded Ben Cahoon for his work on the Old Courthouse Reuse Project and thanked the County for its continued support.

Public Hearing:

FY2008-09 Budget:

Commissioner Davis moved to open Public Hearing. 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.

Ms. Sharon Spencer, Fairfield asked if the additional Ocracoke Middle School Math/Science Teacher position requested by Ms. Gwen Austin during the May 19, 2008 Commissioners Meeting on Ocracoke was included in the Budget.

Interim County Manager Carl Classen explained that teaching positions are allocated and funded by the Hyde County Board of Education not the Hyde County Board of Commissioners.

With no further public input received, Commissioner Davis moved to close Public Hearing. 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.

Ordinances and Resolutions:

Hyde County FY2008-09 Budget Ordinance:

After receiving an update and reported changes to the proposed FY2008-09 Budget from Interim County Manager Carl Classen the Board decided to schedule a Budget Workshop for Thursday, June 5, 2008 at 4:00 PM in the Multi-Use Room at the Government Center. No action was taken.

Proposed Hyde County FY2008-09 Budget Resolution:

Unlike the Budget Ordinance, no public hearing needs to be held prior to adoption of the Budget Resolution nor does State law require its adoption. However, the Resolution identifies issues the Commissioners want highlighted and/or accomplished in the coming fiscal year. No action was taken.

Appointments:

Ocracoke Planning Advisory Board:

Interim County Manager Carl Classen reported that to date, one written request for appointment to the Ocracoke Planning Advisory Board (3-year term ending June 3, 2011) has been received in the Manager's office. Mr. Randy Barrow, who owns property on Ocracoke and who works at the Castle Bed & Breakfast, Ocracoke requested consideration for the position.

Commissioner Ballance reported that William Nathan Spencer, Ocracoke has volunteered for the position.

After discussion, Mr. Ballance moved to appoint Mr. William Nathan Spencer to fill the vacant position on the Ocracoke Planning Advisory Board. 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.

Hyde County Community Advisory Committee:

As requested by Ms. Deborah Sheard, Regional Long Term Care Ombudsman of The Albemarle Commission and subsequently confirmed by Ms. Geraldine Weatherly, RN, LNHA of Cross Creek Health Care the committee members terms have expired and are due re-appointment. Commissioner Armstrong moved to re-appoint Mr. David Fletcher, Engelhard; Mr. Scott Sukeforth, Engelhard; Ms. Hortense Burrus, Scranton; Ms. Iris Falkson, Belhaven; Mr. Frank Falkson, Belhaven; and Emeritus Member Ms. Charlotte Jennette, Swan Quarter. 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.

Other Matters:

Budget Revisions and Transfers:

Carl Classen, Interim County Manager, reported on a budget change regarding EMS to adjust the existing EMS budget to accommodate expenses from last winter's Ocracoke Bridge Project.

Mr. Classen also submitted a budget amendment request Soil & Water for repair expense authorized in FY2006-07 but not completed until FY2007-08. The West Quarter Fund has approximately \$28,000 of unrestricted fund balance from which the expense can be paid.

After discussion, Mr. Davis moved to approve budget revision and transfer requests Soil & Water Conservation Services (\$28,000). 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.

CLERK'S NOTE: A copy of the "Budget Ordinance Amendment" is attached herewith as Exhibit A and incorporated herein by reference.

Solid Waste Services Contract:

A report and bid tab of proposals accepted from persons or firms interested in performing solid waste collection and hauling services for Hyde County accepted on May 30, 2008 was presented to the Board for approval. The following five persons or firms have been ranked: 1) David's Trash Service; 2) Pak-R-Disposal; 3) Meek's Disposal; 4) Waste Industries; and 5) "Goin Green" Technologies.

After discussion Mr. Davis moved to accept the bid tab ranking as presented. 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 Cablevision Offer of System:

Jerry Stender of Hyde County Cablevision has informed the Board that he will be discontinuing cable service on mainland Hyde County and has offered to transfer the equipment and accounts of the mainland cable system to the County.

Mr. Davis moved to thank Mr. Stender for the offer but to decline acceptance of the mainland operations of Hyde County Cablevision and acknowledge by letter to Mr. Stender with a copy to the Attorney General. 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.

US Cellular Telecommunication Tower Ordinance Variance Application:

USCellular, in an application submitted on behalf of the firm by James Norment, Ward & Smith, New Bern, requested a variance from setback requirements in the Hyde County Wireless Telecommunication Tower Ordinance. Mr. Paul Fleming, of Ward & Smith, made a presentation along with others acting as consultants to USCellular. Mr. Classen reviewed the application and issues with the Commissioners. Given changes in responses by USCellular since the staff and Mr. Norment had reached an agreement on terms of the variance the previous week, Mr. Classen asked that the matter be laid over. Hearing no objection, Chairman Spencer ordered the application laid over to allow for further review.

Amend Fee Schedule – NC Fire Inspections:

Hyde County Fire Marshal Tony Spencer told the Board that the Hyde County fees schedule for inspections has not changed in approximately five years or more, and is the same for every building, regardless of size or use. The proposed fee schedule represents the level of complexity and is designed to lessen the impact on other funds as costs escalate.

Commissioner Swindell moved to approve the proposed fee schedule effective immediately for use by the Office of the Fire Marshal/Emergency Management and the Inspections Department. 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.

Appointment of Deputy Fire Marshal:

Hyde County Fire Marshal Tony Spencer recommends that Justin Myers be appointed as a Deputy Fire Marshal for Hyde County to assist in state mandated fire inspections and fire investigations in accordance with N.C.G.S.

Commissioner Davis moved to appoint Justin Myers as Hyde County Deputy Fire Marshal. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – Armstrong; Absent or Not Voting – None.

Evans Road Wildfire – Ponzer Community of Hyde County:

Hyde County Fire Marshal Tony Spencer reported that a possible lightening strike occurred sometime around noon on Sunday, June 1, 2008 igniting a fire in a wooded area northwest of Gall Road, Belhaven, NC (Hyde County). As of 3:00 PM on Monday, June 2, 2008

approximately 1,700 acres have been involved. Hyde County Emergency Management and NC Emergency Management are on scene with various resources, including satellite Voice/Data communications. The NC Department of Transportation has provided warning signs in the area for the traveling public.

Boards and Committees:

Subdivision Ordinance – Commissioner Davis reported changes to the Ordinance are being drafted.

County Commissioners Report:

Commissioner Spencer reported that the State will resume mental health care for prisoners.

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 sewer line project, Engelhard Sanitary District, Golden LEAF Grant funding, and tax collection to date.

Commissioner Swindell moved to accept Objective B – Old Courthouse Reuse Project as presented by Ben Cahoon, Cahoon & Kasten Architects. 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.

Commissioner Swindell moved to authorize the County Manager to advertise for solid waste convenience site employees. 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.

Commissioner Davis moved to send a letter of support to Dr. Charles Boyette, Senator Marc Basnight, and Representative Tim Spear expressing Hyde County support for Pungo District Hospital providing mental health care to inmates. 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:

Mr. Davis moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6) regarding personnel matters. 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 entered closed session at 9:00 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 9:25 PM.

There being no further matters to come before the Commissioners, Mr. Davis moved to adjourn the meeting. 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 meeting adjourned at 9:30 PM.

Respectfully submitted:

Lois Stotesberry, Clerk to the Board of Commissioners

SEAL

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – *“Budget Ordinance Amendment”*