

Minutes

Board of County Commissioners Hyde County

March 17, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, March 17, 2008 in the Community Center, Ocracoke, 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. Swindell the meeting was called to order.

Agenda:

Chairman Spencer asked for any changes to the March 17, 2008 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to accept the Agenda with addition of Item III.B. – Resolution Regarding Naming Ferry – Swan Quarter, and Item IV.A. – Swan Quarter Sanitary Board Appointment, and deletion of Item VI.A.i. – Subdivision Amendment Committee Report. 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 that approval of the draft March 3, 2008 meeting minutes be laid over to the April 7, 2008 Commissioners meeting. Hearing no objection, the Chairman so ordered.

Public Comments:

Chairman Spencer called for comments from the public.

Wayne Teeter, Ocracoke, asked why the County gas card bill and the Medical Center rent for three months had not been paid. Interim County Manager, Carl Classen informed Mr. Teeter that he had been given incorrect information and assured everyone that the bills are paid.

B. J. Oelschlegal, Ocracoke, asked if the NC12 center turn lane proposal could be discussed. Chairman Spencer noted the issue was next on the Agenda.

Public Hearing – NC12 Center Turn Lane:

Commissioner Davis moved to open a Public Hearing on a proposal to request NCDOT to install a center turn lane on NC12 in Ocracoke Village from approximately Howard's Pub to East Carolina Bank. 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 informed the public that he had received substantial negative feedback from residents regarding the suggestion for a center turn lane on NC12 in Ocracoke.

Jim Borland, Ocracoke, believes adding the center turn lane would endanger bicyclist and pedestrians.

B. J. Oelschlegal, Ocracoke, feels adding the center turn lane would add to the chaos and not simplify traffic concerns. Ms. Oelschlegal recommends putting "No Passing on Right" signs at the edge of town.

Allen Sutton, Ocracoke, stated that adding the center turn lane on NC12 would take away parking space for his business. Mr. Sutton recommends slowing down traffic instead.

B. J. Oelschlegal, Ocracoke, recommends installing speed bumps.

Wayne Teeter, Ocracoke, informed the Board that “No Passing on Right” signs have been installed in some areas already.

Gerald Sigal, Ocracoke, stated this proposal could be seen as a form of population control.

Mickey Baker, Ocracoke, represented UPS driver, Graham McDonald, stating that he has experienced no interruption in service due to traffic turning off of NC12 and sees no need for the center turn lane.

B. J. Oelschlegal, Ocracoke, ask what is the County Commissioners position on beach closing for off road vehicles.

Commissioner Davis moved to close the 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.

Upon closure of the Public Hearing, Commissioner Davis stated he recommended dropping the NC12 Center Turn Lane suggestion. Hearing no objection, Chairman Spencer so ordered.

Ordinances and Resolutions:

After recommendation by Interim County Manager Carl Classen, Commissioner Davis moved to adopt a Project Ordinance for Community Development Block Grant Jumpstart Hyde Project (CDBG-SBEA Grant # 07-C-1702) for \$250,000 for Small Business Entrepreneurial Assistance. 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.

CLERK’S NOTE: A copy of the “Project Ordinance for CDBG-SBEA Grant #07-C-1702 Jumpstart Hyde Project” is attached herewith as Exhibit A and incorporated herein by reference.

Commissioner Davis moved to pass a Resolution naming one of two new ferries “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.

CLERK’S NOTE: A copy of the “Resolution Regarding Naming Ferry – Swan Quarter” is attached herewith as Exhibit B and incorporated herein by reference.

Interim County Manager Carl Classen reported that a total \$1.4 million delinquent taxes are due Hyde County. Commissioner Davis moved to pass a Resolution regarding collection of Delinquent Property Taxes when property is Transferred and make the date effective July 1, 2008. 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.

CLERK’S NOTE: A copy of the “Resolution Regarding Collection of Delinquent Property Taxes when Property is Transferred” is attached herewith as Exhibit C and incorporated herein by reference.

Appointments:

Commissioner Davis moved to appoint Ms. Sally Carter to the vacant position on the Swan Quarter Sanitary Board. Commissioner Davis stated that Ms. Carter has the support of

three out of four current Board members. 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.

Other Matters:

Budget Revisions and Transfers:

Commissioner Swindell moved to adopt further amendments to Ordinance No. 2007-06-01 “An Ordinance of the Board of County Commissioners of Hyde County, North Carolina, Relating to the FY2007-08 Budget”. 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.

CLERK’S NOTE: A copy of the “Budget Ordinance Amendment” is attached herewith as Exhibit D and incorporated herein by reference.

Larry P. Sadler and Melissa Sadler Subdivision – Swan Quarter Township:

After discussion, Commissioner Davis moved to approve the “Larry P. Sadler and Melissa Sadler Subdivision” with the following conditions:

- A. The applicant shall first record in the Hyde County Registry a plat as depicted on the plat for the “Larry P Sadler and Melissa Sadler Subdivision” subdivision application plat;
- B. The applicant shall obtain approved letters as required and/or valid signatures for all signature blocks as shown on the “Larry P. Sadler and Melissa Sadler Subdivision” subdivision application plat;
- C. Authorize the Chairman of the Board of Commissioners to sign the appropriate signature block on behalf of the Hyde County Board of Commissioners;
- D. The application is found by the Plat Review Officer to otherwise be in accordance with the Hyde County Subdivision Ordinance; and,
- E. The Plat Review Officer may not sign the plat until all of the above conditions have been met. The Plat Review Officer is hereby authorized to approve minor amendments to the Subdivision Application following approval by the Board of Commissioners and shall report such changes approved to the Board of Commissioners at their next Regular Meeting.
- F. The final Plat of the Subdivision Application for “Larry P. Sadler and Melissa Sadler Subdivision” as presented shall be recorded in the Hyde County Registry within ninety (90) days of the meeting when the Board of Commissioners has approved the Subdivision Application or such approval by the Board of Commissioners shall be null and void.

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.

Home Health Services on Ocracoke:

At their March 3 meeting, the Commissioners voted to ask that a representative of the Health Department come to the March 17 Commissioners meeting and discuss issues regarding the provision of home health care services on Ocracoke Island.

Randy Clayton, Interim Health Director, reported that Health Director Wesley Smith would start on Monday, March 24. Mr. Clayton stated that North Carolina Medicaid and Medicare Rules could not be adhered to with the limited staff available to cover mainland and Ocracoke clients.

Rita Clayton, Hydeland Home Care Supervisor, reported that the agency is limited by time, distance, and lack of personnel. The agency only has two nurses at present and will begin advertising soon. Ms. Clayton stated that North Carolina Home Health policy requires a new client be seen by a nurse within forty-eight hours of referral.

North Carolina Representative, Azezy Collins reported that Hyde County is in noncompliance with state law (GS 131-E-137).

Wayne Teeter, Ocracoke, suggested moving Ocracoke out of the County.

Chairman Spencer suggested asking Dare County to assist Hydeland Home Health on Ocracoke.

Ms. Clayton stated that Physical Therapy in Buxton is only available to assist on Monday and Wednesday.

Mr. Jeff Horton, Department of Health and Human Services, in an e-mail to Interim County Manager Carl Classen recommends asking EMS to help.

Cheryl Ballance, Director of Ocracoke Medical Center, suggested the Center have its own contract for home health services. Ms. Ballance further stated there are only a few referrals because there are no services available on Ocracoke.

Chairman Spencer asks if physical therapy could be provided through telemedicine.

David Warren, EMS Director, suggested paramedic assistance with RN supervision through the Health Center for occupational therapy and/or physical therapy skilled care.

David Styron, Ocracoke, reported that he started the issue about home health care on Ocracoke. He stated that the elderly have to stay in the hospital because home health is not available on Ocracoke Island.

Nikki Baker, stated there is a need for home health on the Island and Ocracoke citizens do need help.

Leslie Lanier, Ocracoke, stated that taking the ferry to the mainland for jury duty is the same distance as taking the ferry to Ocracoke for nurses to provide home health services. Ms. Lanier said doing something is better than doing nothing.

Jim Borland, Ocracoke, asked what the alternative is if no action is taken.

Interim County Manager Carl Classen asked David Warren, EMS Director; Cheryl Ballance, Ocracoke Medical Center Director; and the State Representatives to work together with Rita Clayton, Hydeland Home Health Director, and Wesley Ballance, Health Director to suggest a solution to providing home health care on Ocracoke. Hearing no objection, Chairman Spencer so ordered.

Mattamuskeet EMS Station:

EMS Director David Warren updated the Board on research done to determine the costs involved in leasing or purchasing a building for an EMS Station near Mattamuskeet School. A lease would cost the County \$30,000/year and a loan on a new modular building at 6% interest would cost the County \$15,000/year. Mr. Warren noted that upgrading mainland services to paramedic level would increase billing options to compensate for some of the costs.

Commissioner Swindell suggested that the EMS Units be kept in a garage. Mr. Davis suggested an elevated building to provide parking space for the ambulances underneath.

Hearing no objection, Chairman Spencer ordered that the Mattamuskeet EMS Station plan be refined for another presentation at the April 7, 2008 Commissioners meeting.

Tax Collections – Advertisement:

In accordance with NCGS 105-369, the Acting Tax Administrator, who serves as the Acting Tax Collector in the absence of the Tax Administrator, provided a report on uncollected 2007 taxes. State law also requires an order by the Board to advertise the delinquencies. Letters

to all delinquent taxpayers (2007 and earlier delinquencies) were mailed during the week of February 11 through 15, 2008.

After receiving the report, Commissioner Davis moved to order advertisement of delinquencies as per NCGS 105-369. 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.

Boards and Committees:

Joint School Facilities Committee – Commissioner Ballance and Spencer reported on continued discussion of a gym on Ocracoke and items needed in mainland schools.

Jail Use Committee – Commissioner Spencer and Swindell met with Sheriff David Mason and discussed deputy salaries, vehicle replacement program, drug dog on Ocracoke, public auction this Spring (deputy cars), and the need for a Crime Stop Program (community program) to address drug problems in Hyde County.

County Commissioners Report:

Commissioner Armstrong gave no report.

Commissioner Ballance reported that the Oyster Cultch Project and Fish House Project need support; that a decision will be made next month on the ORV (Off Road Vehicle) lawsuit.

Commissioner Davis reported that Hyde and Dare County joined together to oppose the National Park Service's (ORV) Off Road Vehicles on beaches rules. Mr. Davis asked citizens to write to Senators Burr and Dole and to Congressman Jones with opposition to these rules.

Commissioner Spencer stated the County and schools can work together on a Recreation Program. After meeting with Congresswoman Dole and Senator Basnight to discuss grant options, Mr. Spencer recommends presenting the whole package. He thanked Ms. Dole and Mr. Basnight for any assistance they can give.

Mr. Spencer also reported that extending the Mattamuskeet Lodge Sewer Project to Mattamuskeet School would free up fifteen acres of land for school use.

Commissioner Swindell represented Hyde County at the Ponzer Volunteer Fire and Rescue Department dedication on February 23, 2008. Mr. Swindell also gave a presentation of County projects to the Sladesville Civic Club.

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

County Manager's Report:

ORV: Mr. Classen noted a copy of Senator Basnight's letter was in the Commissioners packet and commented on Hyde County intervention in the lawsuit.

Solid Waste: The service RFP should be complete next week. Interim County Manager Carl Classen thanked the business volunteers and Jamie Tunnell for the assistance in developing an alternative plan for Ocracoke Dumpster Fees. Ocracoke citizens have requested an incinerator, which will be pursued at a later date.

David's Trash Service contract has been renewed through May 31, 2008.

Election: The Ocracoke Commissioner seat remains with Mr. Gene Ballance if no one runs. Interim County Manager, Carl Classen reported that no-one has filed to run for County Commissioner on Ocracoke, and reviewed material from the Board of Election on the matter.

Albemarle Mental Health: Hyde County hosted a meeting with Charles Franklin, Albemarle Mental Health Center Executive Director, county managers, and sheriffs on Friday, March 14, to discuss improving mental health inmate patient's transport issues.

Swan Quarter Dike Project: The Hyde County Steering Committee for Swan Quarter Watershed Project met on Thursday, March 13 to discuss NRCS beginning Phase XII of the Swan Quarter Dike Project.

Historic Courthouse: Flood insurance coverage for the old courthouse is very high. An appeal for lower coverage will be sent to FEMA for consideration.

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

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS: Exhibit A – *“Project Ordinance for CDBG-SBEA
Grant #07-1702 Jumpstart Hyde Project”*
Exhibit B – *“Resolution Regarding Naming Ferry – Swan Quarter”*
Exhibit C – *“Resolution Regarding Collection of Delinquent Property
Taxes when Property is Transferred”*
Exhibit D – *“Budget Ordinance Amendment”*