

Hyde County Board of Commissioners' Meeting
March 19, 2007
Minutes

The Regular Meeting of the Hyde County Board of Commissioners was called to order by Chairman Charles Ray Spencer on March 19, 2006 at 7:00 PM in the Mattamuskeet School Cafeteria. Board Members present were Charles Spencer, Chair; Tom Davis; Alice Armstrong; and Barry Swindell. Commissioner Nathan Sears was absent.

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

Chairman Spencer called the meeting to order, Tom Davis offered prayer.

OLF Statement

After consideration, Mr. Davis moved to approve the OLF Statement as presented, 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, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears. Chairman Spencer was excused to go to the OLF Public Meeting to make the adopted statement on behalf of the Board. Vice-Chairman Davis presided over the Board meeting in Chairman Spencer's absence.

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

Approval of Agenda

After consideration, Mr. Swindell moved to approve the agenda as amended, to which Ms. Armstrong seconded. Hearing no further discussion, Vice-chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Approval of Minutes February 19, 2007

After consideration of amendments by Vice-Chairman Davis, Mr. Swindell moved to approve the minutes of the March 5, 2007 Board of Commissioners Regular Meeting as submitted by the Clerk, to which Ms. Armstrong seconded. Hearing no further discussion, Vice-Chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Public Comments

Vice-Chairman Davis asked for any comments from the public related to Hyde County Parks and Recreation. Bob Chestnut, Ocracoke sent an email related to the issue. Vice-Chairman Davis asked for general public comments. Ann Carter inquired as to how to have a dog declared vicious according to the Animal Control Ordinance. Interim County Manager was instructed to review and present information to Ms. Carter. Hearing no further comments, Vice-Chair Davis continued with the agenda.

Public Hearing –Fiscal Year 2006 Community Development Block Grant Revitalization Strategies Program

Ms. Armstrong moved to open a Public Hearing for the purpose of receiving comments from the public regarding Fiscal Year 2006 Community Development Block Grant Revitalization Strategies, 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, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Reed Whitesell, Holland Consulting Planners gave an overview of the CDBG-RS Program. The purpose of the hearing was to consider a program amendment to reduce the housing activity line items and increase the economic development line items in the Year Five Budget of the CDBG-RS project. Vice-Chairman Davis asked for comments from the public. Hearing no comments from the public, Mr. Swindell moved to close the Public Hearing, to which Ms. Armstrong seconded. Hearing no further discussion, Vice-chair Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Budget Revisions and Transfers

After discussion, Ms. Armstrong moved to approve the Budget Revisions and Transfers as submitted, to which Mr. Swindell seconded. Hearing no further discussion, Vice-Chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer. Budget Amendment covering rent increase was pulled to be discussed later in meeting.

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

Board of Equalization and Review Meeting Schedule

After discussion, Ms. Armstrong moved to approve the meeting date for the Board of Equalization and Review for April 16, 2007 at 5:30 PM, to which Mr. Swindell seconded. Hearing no further discussion, Vice-Chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Hyde County Contract Award Policy for HMGP/CDBG Programs

After discussion, Ms. Armstrong moved to table the Hyde County Contract Award Policy for HMGP/CDBG Programs until the April 2, 2007 meeting, to which Mr. Swindell seconded. Hearing no further discussion, Vice-Chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Operational Agreement – Soil and Water Personnel and Fiscal Management

After discussion, Mr. Swindell moved to approve the Operational Agreement –Soil and Water Personnel and Fiscal Management as presented, and authorized the County Manager to sign all documents and take such other actions as are necessary in support of this action, to which Ms. Armstrong seconded. Hearing no further discussion, Vice-Chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer. The Agreement specially provides that the Administrative Assistance will act as a Department Head for the Hyde County Soil and Water Conservation District. The Department Head shall act in accordance with County personnel policies.

County Vehicle Policy Amendment

After discussion, Ms. Armstrong moved to table the County Vehicle Policy Amendment until the April 2, 2007 meeting, to which Mr. Swindell seconded. Hearing no further discussion, Vice-Chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Ponzer Volunteer Fire Department (VFD) Loan

After discussion and by consensus of the Board Interim County Manager Carl Classen will meet with Ponzer VFD and review alternatives related to this issue and bring back to the Board at the April 2, 2007 meeting.

Commissioners Reports

None received.

Manager's Business

Water Treatment Plant Waste Discharge Study: After discussion, Mr. Swindell moved to accept the Water Plant Discharge Study as presented by Rivers & Associates and instructed the Interim County Manager to investigate changes in the Ponzer Plant as per the Study's recommendation, to which Ms. Armstrong seconded. Hearing no further discussion, Vice-Chairman Davis called for a vote. The motion passed upon the following vote: Aye – Commissioners Armstrong, Davis, and Swindell; No – None; Absent or Not Voting – Sears and Spencer.

Engelhard Water Treatment Plant: The Interim County Manager asked the Board to continue to retain Rivers for the Engelhard Water Treatment Plant Project as they have begun to meet permit deadlines imposed by the Manager. If Rivers does not meet the terms of this agreement, the County Manager is prepared to solicit proposals from alternative engineering firms who can complete the Project. There being no objection, Vice-chair Davis so ordered.

Beaver Management Assistance Program: The County Manager requested the Boards instructions as to whether \$4,000 should be included in the FY2007-08 budget for participation in the Beaver Management Program. The Board instructed the Manager to research the need for participation and report back.

Old Courthouse Paint Choice: The Board instructed the County Manager to gather costs to repair the Old Courthouse and the cost of demolition, bring issue back to the Board.

Rent Increase Budget Amendment: After discussion, Ms. Armstrong moved to approve rent increase budget amendment as submitted and, 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, Davis, Swindell and Chair Spencer; No – None; Absent or Not Voting – Sears. County Manager Classen was instructed to draft amendment to Contract with Phillip Carawan for rent on Topping Building.

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|-----------|--------------|-------------|--|------------|------------|
| 27 | Water | 608100.1500 | Maintenance & Repairs | \$8,000.00 | |
| | | 603710.0000 | Water Charges | | \$8,000.00 |
| | | | Increase Maintenance & Repairs – Distribution using anticipated water revenues increase necessary to replace materials used to repair several leaks and new meter service installation – anticipated to cover expenses through June 30, 2007 | | |

Meeting recessed for 10 minutes.

Meeting reconvened and Chairman Spencer returned.

Albemarle Mental Health Local Business Plan and Crisis/Detox Center: Barbara Moore, Tideland Mental Health Director presented the issues. After discussion, Ms. Armstrong moved to authorize Chairman Spencer to sign the letter of support for the crisis/detox center, 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, Davis, Swindell and Chair Spencer; No – None; Absent or Not Voting – Sears.

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|-----------|--------------------|-------------|--|-------------|-------------|
| 25 | Maintenance | 105000.1350 | Rent | \$20,000.00 | |
| | | 103990.0000 | Fund Balance Appropriated | | \$20,000.00 |
| | | | Increase Rent Line to Cover Temporary Office Space | | |
| 34 | DSS | 106100.4611 | Income Maintenance Verification-Birth Certificates | \$500.00 | |

Regional Jail Facility: The Board discussed instructing the County Manager to research a regional jail facility. Hearing no objection, Chair Spencer so ordered.

Closed Session

After consideration, Ms. Armstrong moved to enter into closed session for personnel issues and for legal council, 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, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

With no further discussion, Mr. Davis moved to come out of closed session, 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, Davis, Swindell, and Chairman Spencer; No – None; Absent or Not Voting – Sears.

After discussion, Mr. Swindell moved to make the following appointments to the Hyde County ABC Board: Seat 1 Jay Etheridge, Engelhard one year term; Tom Davis, Swan Quarter Seat 2 two year term; and Charles Spencer, Swan Quarter Seat 3 three year term, 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, Davis, Swindell and Chairman Spencer; No – None; Absent or Not Voting – Sears.

Adjournment

The meeting adjourned at 9:15 PM.

Submitted by:

Connie Burleson, Clerk to the Board of Commissioners

Approved this __ day of April, 2007:

Charles Spencer, Chairman,
Hyde County Board of Commissioners

**Statement on Proposed Navy Outlying Field (OLF) – Site C
Hyde County Board of Commissioners**

March 19, 2007

The Hyde County Commissioners strongly supports the United States Navy, along with all branches of the military and intelligence services. We deeply appreciate the service these men and women provide to the safety and security of our nation.

The Navy is considering a site (Site D) in Hyde County approximately four miles northwest of Engelhard for an Outlying Field (OLF). Such a site would be devastating to our environment, our existing aviation, and our economy. Just as in 2004, the County strenuously opposes that site and such opposition is outlined in the attached Resolution adopted by the Hyde County Chamber of Commerce. The Draft SEIS does show that the impact on the quality of life, the economy and especially the environment would be significant.

With 31,625 Field Carrier Land Practice (FLCP) operations daily (or one every 16 minutes), this will be a very busy and very noisy place! The negative impacts of selecting Site D are outlined in the Draft SEIS but they include direct aviation conflict¹ with jets and pilots using the bombing ranges in Dare County. Site D also represents significant negative impact on migratory waterfowl the endangered red wolf habitat. The Draft SEIS states (page 36): *“This is one of the most productive areas for red wolf recovery.”*

According to recent newspaper reports (Daily News, Washington, NC March 19, 2007; page 1), Site D is not a preferred site for the OLF and is not recommended by the Navy. However, according to the same press, Site C in nearby Washington County is the preferred OLF site of Navy planners. Rear Admiral David Anderson is quoted to have said *“...he wanted to ‘reiterate that a decision has not been made’ about the site of the proposed OLF when he spoke at a Navy-called press conference at Cherry Point last month. But Anderson was not able to name the military’s second choice for a landing field that he says is necessary to train pilots.”*

In summary, the Navy proposes to move its existing training facility (NALF Fentress, Chesapeake) from the developed areas of southeastern Virginia to a site between Oceana Naval Air Station (Virginia Beach) and Cherry Point Naval Air Station (Carteret County). The reason for the move is that the Navy has found that *“... NALF Fentress training is less than optimal due to alterations in flight patterns forced by encroachment.”*² The Navy proposes moving several squadrons of the advanced F-18 Hornet jets to Cherry Point from Oceana.

This increase in jobs in one North Carolina County will be offset by significant negative impacts to other area counties if Site C is chosen:

- The increased noise in Washington County and surrounding counties (Beaufort, Hyde, Pamlico, Martin, Tyrell) will cause less people to want to reside in the area, thus negatively impacting existing industries/jobs from home construction to retail trade to economic development site location.
- Eco-tourism is a large part of the Hyde County economy and a growing part with people traveling to this area for waterfowl and “birding” events, including both bird watching and hunting. The noise of the jets and their collisions with the waterfowl will hinder both existing eco-tourism trade and impede needed growth. To the extent that the Navy takes wildlife management measures to remove or dissuade waterfowl and other birds from traveling through the area then it negatively impacts the local eco-tourism economy.
- General and commercial aviation (especially general aviation) in the area is increasingly being restricted by activities from military facilities and Hyde County is concerned that creation of the OLF at Site C will further restrict commercial and general aviation. Such additional restriction will negatively impact the tourist economy and potential economic development opportunities.

As a reasonable alternative to choosing Site C and thus severely damaging the quality of life and economic opportunities of eastern North Carolina, we urge the Navy to continue utilizing its existing facility in southeastern Virginia and to purchase additional property in that area to encompass the 33,000 acres the Navy says it needs for the facility. The extra time for jets from Cherry Point to travel to southeastern Virginia is minimal and the Navy already has sufficient personnel in southeastern Virginia to staff that OLF.

¹ Page 35 of the Draft SEIS understatedly describes the Site D possibility of mid-air collisions as *“...the potential for significant airspace impacts...”*

² Found on Navy OLF website -- <http://www.efaircraft.ene.com/description.aspx>

As a further alternative, Navy could relocate its Oceana NAS facility to Cherry Point and place the OLF in Carteret County. Past press reports state that Carteret County is willing to host the OLF. The OLF facility – and its many negative impacts – should not be burdened on others in North Carolina who will not experience any commensurate benefits.

The Hyde County Commissioners reiterates its support for all the branches of the United State military and intelligence services. We appreciate the contributions of the military and we thank the men and women for their selfless service. We also understand the need for training facilities that keep our service people in readiness to defend our nation. However, we hope it is not the Navy's desire to burden the people of eastern North Carolina with this facility, which will do significant damage to our environment, our economic prospects and our quality of life.

Adopted this 9th day of March 2007 by the Hyde County Board of Commissioners

Charles Ray Spencer, Chairman

Attest:

S E A L

Connie Burleson, Clerk to the Board

Exhibit B

Revisions:

| | | | | | |
|-----------|--------------------------------------|---|--|-------------|-------------|
| 24 | Soil & Water Conservation | 106062.2600 | Soil & Water Projects & Grants | \$1,000.00 | |
| | | 103460.0024 | Soil & Water Projects & Grants Revenue | | \$1,000.00 |
| | | Increase Budget to reflect grant funds from NC Foundation for S&W Conservation Inc (Ck #1141 Dated 2/27/2007 used to fund project at Mattamuskeet Elementary School | | | |
| 25 | Maintenance | 105000.1350 | Rent | \$20,000.00 | |
| | | 103990.0000 | Fund Balance Appropriated | | \$20,000.00 |
| | | | Increase Rent Line to Cover Temporary Office Space | | |
| 34 | DSS | 106100.4611 | Income Maintenance Verification-Birth Certificates | \$500.00 | |
| | | 106100.1700 | Maintenance & Repairs – Machines | | \$500.00 |
| | | Increase Income Maintenance Verification due to increase applications and change in rules & regs | | | |
| 35 | DSS | 106100.4504 | Contract Interpreter | \$500.00 | |
| | | 106100.1700 | Maintenance & Repairs – Machines | | \$500.00 |
| | | Increase Contract Interpreter due to new rules and regs | | | |
| 36 | DSS | 106100.3200 | Office Supplies | \$1,000.00 | |
| | | 106100.1200 | Postage | | \$1,000.00 |
| | | | Increase Office Supplies due to need and 3 months left in Budget | | |
| 37 | Sheriff | 105200.4701 | Inmate Safekeeping | \$55,605.00 | |
| | | 105200.0200 | Salaries | | \$55,605.00 |
| | | | Increase inmate safekeeping line utilizing vacant jailer salaries unexpended portion | | |