

Minutes

*Board of County Commissioners  
Hyde County*

*March 7, 2011*

Chairman Sharon Spencer called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:30 PM on Monday, March 7, 2011 in the Hyde County Government Center, Multi-Use Room and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Sharon Spencer, Barry Swindell and Dick Tunnell; County Manager, Mazie Smith; Deputy Clerk to the Board Shelley Carawan; County Attorney Fred Holscher; and members of the public. The following members were present on Ocracoke: Commissioners Darlene Styron; Deputy Clerk, Jamie Tunnell and members of the public.

Following the opening prayer given by Commissioner Dick Tunnell and the Pledge of Allegiance lead by Girl Scout Troop 2758, the meeting was called to order.

**Consideration of the Agenda:**

Chairman Spencer asked for any changes to the March 7, 2011 meeting agenda as presented by the Clerk.

Chairman Spencer requested that the Girl Scout Proclamation be read following the consideration of the agenda.

County Manager, Mazie Smith requested that the following items be added to the agenda, Item IV. G. Other Matters-ABC Board Appointment; IV. H. Other Matters-Equalization and Review Meeting Dates; IV. I. Other Matters-Personnel Policy.

Commissioner Swindell made a motion to approve the revised agenda with the following amendments, Item IV. G. Other Matters-ABC Board Appointment; IV. H. Other Matters-Equalization and Review Meeting Dates; IV. I. Other Matters-Personnel Policy. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Consideration of Minutes:**

Chairman Spencer asked for approval of the February 21, 2011 Regular meeting minutes.

Commissioner Swindell noted a change to page six under "Voting for Proposed Inspection Fees." He reminded the Board that he was excused from the voting on this proposal to avoid conflict of interest.

Chairman Spencer also noted on page three under "Economic Improvement Council-Poverty Plan," the last sentence should read: "After checking the figure, it was clarified that it was 795."

Commissioner Tunnell moved to approve the February 7, 2011 regular minutes as presented by the Clerk with the corrections to page three and page six. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Special Presentation:**

**ABC Board Report- Charlotte Smith**

Current financials from the ABC Store operations were provided to the Board by Charlotte Smith. Ken Chilcoat, ABC Board accountant, was not present as expected.

Commissioner Swindell questioned the amounts of the water and electricity bills reported for the mainland ABC store. Charlotte Smith answered that it was on an accrual basis and that the gas bills are around \$500 and light bills are \$145 making the amount rather high. Mr. Swindell said the stores are going to continue to lose equity and if things don't pick up, he doesn't see how the stores will survive.

Commissioner Styron noted that the accountant really needs to be present. She said that the Ocracoke store operates with a better profit percentage because of more volume. She asked how many times a year the inventory is checked and Mrs. Smith answered monthly.

Commissioner Byrd commented that the administrative costs are all posted to the mainland store, and that makes the Swan Quarter store look bad because Ocracoke isn't charged any of those costs.

Chairman Spencer noted that she emailed all the Board asking them to attend the ABC Board meeting. The joint meeting between the ABC Board and the Hyde County Commissioners will be held Monday, March 14<sup>th</sup> at 1:30pm in the Swan Quarter ABC Store.

### **Public Comments:**

Chairman Spencer called for comments from the public.

**Debbie Wells**, Ocracoke, told the Board that she appreciated all the work that had been done to get the draft noise ordinance published to the public quickly. She suggested that the midnight time limit be changed to ten o'clock at night. She also added that she was unclear about business' requiring permits for Saturday nights.

Mrs. Smith answered that the permits would be issued on an annual basis.

**Frank Swindell**, Engelhard, said a few of you may know why I'm here tonight. He stated that he was so misquoted in the February 7<sup>th</sup>, Meeting Minutes that it was sickening, shameful and disgusting. Mr. Swindell said that it was written like he was an ally to Mr. Glen Hockney and that wasn't so, and that he never said that Mr. Hockney was right about the methane gas. He said that Glen Hockney was mistreated and that Mr. Hockney only has one project that should be supported by the County and that is shrimp farming, not methane gas harvesting. Mr. Swindell went on to say that it is shameful to him that the group of County Commissioners got what he said so out of perspective and approved it. He said that another thing he mentioned at the February 7<sup>th</sup> meeting that wasn't in the minutes was that he said the tax dollars should be used to file a lawsuit against the engineer paid \$7,000 for inspecting the EMS Station.

Mr. Swindell asked the Commissioners to answer some of his questions during their reports at the end of the meeting. The first question he had for the Board was why did the County pay \$7,000 to an engineer to stay on top of projects such as the EMS Station and who was it? His second question was why Scott Coble and Wilson Daughtry are on the Airport Committee? Mr. Swindell commented that Mr. Coble was on the Board of Commissioners during the scandal with the old Courthouse. Mr. Daughtry is on the Airport Committee and the Airport Committee minutes say that he said there hasn't been a meeting of the Committee in over a year. The minutes also say that the Committee decided on asking for an airplane hangar and fuel farm. Mr. Swindell stated that the airport was only for a few rich people that fly in and use the airport at night, leaving before they are able to spend any money in the County for food or lodging.

Mr. Swindell also added that the Board told taxpayers they would take care of them. Regarding the ABC store, Mr. Swindell said to the Board that he knew they could draw up a form to list income and expenses for the ABC Board, that's the solution, it's that simple.

Chairman Spencer asked Mr. Swindell to wrap up his comment and Mr. Swindell said that the time limit was another thing that needed to be changed. He added that he was using a recorder and he would be bringing a timer. He thanked the Board for their time.

**Wayne Pugh**, Ponzer, asked the Board how a commissioner's meeting could be held with only three members and those members make decisions for the county? He also commented that a County Manager was hired to do a job so let Mrs. Smith and stop trying to micromanage her.

**Lou Castro**, Ocracoke, commented that a noise ordinance will affect his business. He thinks the decibal level should be lowered and that it should be in effect and limited to Saturday nights outside, not inside. He will be submitting his suggestions in writing to Mrs. Smith.

## **Resolutions and Ordinances**

### **Designating an Official to Sign Papers in Connection with Mosquito Control Resolution**

County Manager Smith presented a resolution of behalf of the Health Department asked that they designate an official to sign papers and to otherwise represent the Board in connections with Mosquito Control.

Commissioner Swindell made a motion to designate Mazie Smith as the official to sign papers in connections with Mosquito Control. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Opposition of Ferry Toll Resolution**

Manager Smith said that consideration is being given to charge a toll for all North Carolina ferries. She said a reliable source within the Ferry Division shared with her that that the fees could be \$10 for inlet ferry travel and \$30 for sound ferry travel. It is her understanding there would be no exceptions will be given unless you are an employee of the DOT and are working or if you are with Emergency Services in an emergency situation.

Mrs. Smith stated that she had not written a resolution for the Board because nothing has been introduced officially implementing the tolls or increasing the tolls, but that a meeting was being held in Raleigh on March 8<sup>th</sup> of the Joint Appropriations Subcommittee on Transportation. It was her understanding that at this meeting, the issue of tolls would be the subject of a presentation by the Department of Transportation.

Commissioner Styron said that she had spoken with Senator Stan White and he said nothing had been set in stone regarding the ferry tolls and that no specific monetary figures had been released. Ms. Styron also mentioned that these proposed ferry tolls would be devastating and that the Board needs to move aggressively to oppose them.

Chairman Spencer commented that it would be very detrimental and we need to oppose the ferry tolls and fight for our citizens.

Commissioner Styron made a motion for Mrs. Smith to travel to Raleigh and attend the subcommittee meeting regarding proposed ferry tolls and to report back to the Board. Mr. Tunnell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Other Matters**

#### **Budget Revisions**

**Admin---**\$7,000.00---Adjustment for additional administrative expenses. \$7,000.00 **does not increase the budget.**

**DSS---**\$11,640.00---These funds are reallocated CIP funds. \$11,640.00 **does increase the budget.**

**EMS, Inspections, EM---**\$45,885.13---Budget Revision to finish out the year for EMS, EM and Inspections. This revision also contributes \$4,535.49 to the contingency fund. \$45,885.13 **does not increase the budget.**

**Health-Adult Health---**\$580.00---Transfer of funds from Contract Interpreter line in Adult Health (\$200) and Contract Interpreter line in Family Planning (\$380) to Contract Labs Testing line to provide sufficient funds to cover the expense of contracting out labs for Adult Health patients. \$580.00 **does not increase the budget.**

**Health-Community Change Project---**\$12,732.00---On 1/18/11, Budget Revision #10-11 was approved in the amount of \$127,324 for the first year of a three-year grant from Kate B. Reynolds to support community-wide active and healthy programs targeting low-income individuals in Hyde County, as described in the Community Change Model grant application submitted by Hyde County Health Department. The amount actually received from KBR for the first year was \$140,056 which included \$12,732 in funds to indirect expenses associated with implementation of the grant. Budget revision #13-11 adds the additional indirect funds to the Community Change Project budget for year one. \$12,732.00 **does increase the budget.**

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Surplus Property Disposition/Transfer/Internal Sale Policy-Andrea Gregory**

Andrea Gregory with the Finance Department presented for the Board's consideration a Surplus Property Policy which provides procedures for the sale and disposition of Hyde County property and paperwork required for audit purposes. Mrs. Gregory said that the Hyde County Countywide Surplus Policy was done to help organize the surplus property stored and eventually sold by the County. She noted the policy directs each County Department to fill out the Hyde County Surplus Written Agreement Form in order to store, scrap or auction surplus property. If a department lists the property as scrap and considered of no use to anyone, for example a desk that is missing a leg or a chair that is missing an arm or a computer that is too old to be used for parts, then the policy directs how to dispose of the materials. It also spells out that if property does not sell on GovDeals after two rounds of advertising, that it will be listed as scrap and taken care of in the manner needed to scrap it. A list of the surplus property no longer needed by departments and worth greater than \$100 in value will be sent for approval to the County Commissioners to make available to non-profit organizations. The available for auction will be stored and managed by the Clint Berry.

Commissioner Tunnell made a motion to approve the Surplus Property Policy as presented. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

**Frank Swindell**, Engelhard, asked Ms. Gregory does this policy include the Sherriff's Department and the vehicles they have? Ms. Gregory answered, yes.

### **Consulting Services Contract**

The County is seeking to retain the services of Johnson Personnel Consulting Inc. to provide consulting services for the development of a comprehensive new personnel policy, operational procedures, job descriptions, pay class bands and a system of performance review. The contract would provide four hours per month of services at a fee of \$250.

Commissioner Byrd asked how long this contract would be in effect. Mrs. Smith she would like for it to be in place until at least the end of this fiscal year, and looked at again in next year's budget if needed. .

Commissioner Swindell mentioned that there was a lot of money spent two years ago for a reclassification study. He feels that the contract should be limited to six months.

Commissioner Byrd made a motion to enter into a contract for consulting services with Johnson Personnel Consulting, Inc for a time limit of four months. Chairman Spencer seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Per Diem Increase**

The current per diem policy in place for meals is lower than the state rate and Manager Smith asked the Board to consider increasing them to the current rate of reimbursement for State employees. The current fees are as follows:

	<b>Hyde County</b>	<b>State</b>
Breakfast	\$6.75	\$7.75
Lunch	\$8.75	\$10.10
Dinner	\$15.00	\$17.30

Commissioner Swindell asked if the County spends a lot on the reimbursement for meals. Finance Officer, Jessica Gibbs, stated that the per diem costs were relatively inexpensive.

Commissioner Tunnell made a motion to increase the rate of reimbursement for meals to equal the state rate. Commissioner Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

## **Noise Ordinance-Draft 2**

The second noise ordinance draft has been posted to the website for public comments. Mrs. Smith stated that the County has gotten quite a few comments. Mr. Holscher will incorporate all the new suggestions into a third draft.

Commissioner Styron asked where the \$50 permit had originated from and Mr. Holscher said that it was pulled from the air, meaning that it was just a starting point. Ms. Styron suggested checking with other counties to see what their fees are.

After much discussion, Mr. Holscher suggested just focusing on the amplified music on Ocracoke and striking out the rest. The Board concurred and directed Mr. Holscher to focus on music only for the ordinance.

## **Award of the CDBG-Contingency Contract for Administrative Services**

Hyde County expects to receive a grant agreement and funding approval for a \$600,000 FY10 CDBG Contingency Grant, Infrastructure Category that will be used to install sewer line along US Hwy 264 west of Engelhard to connect low-to-moderate income households to the Engelhard Sanitary District. The county solicited competitive proposals for turnkey project management services through public advertisement and direct mailing to five consulting firms on January 13, 2011. The county received two proposals prior to the deadline on February 4, 2011. The county planning staff reviewed the two proposals on March 3, 2011 and prepared a proposal rating sheet (attached).

Hyde County Planning staff recommend negotiation of an administrative management contract with Holland Consulting Planners, Inc., in accordance with federal procurement requirements (24CFR85.36) outlined in Hyde County's CDBG Equal Employment and Procurement Policy. Both firms Holland Consulting Planner, Inc. and Hobbs Upchurch & Associates, P.A., are well-qualified to manage Hyde County's project; however, HCP's staff is very well experienced in providing similar services in Hyde County and HCP prepared the project application. Also, HCP's hourly rates were reasonable and specific where HUA did not assign specific hourly rates to specific personnel proposed for the job. HCP also lists more staff dedicated to the project. HCP has an office in Washington N.C. giving it a geographical advantage in response to client needs. HCP uses a critical path method in their timeline and ensures program compliance for a year after grant closeout, while HUA does not. HCP lists more recent CDBG experience over HUA within the proposals. Finally HCP offers a more turnkey service while HUA states it will not be responsible and Hyde County will be responsible for additional expenses including payment of

advertising, legal services, surveys and other costs while HCP covers all expenses under one lump sum contract.

Commissioner Swindell made a motion to authorize County staff to negotiate an administrative management contract for FY10 CDBG-Contingency Grant in the Infrastructure Category and approve subsequent execution of that contract for FY10 CDBG-Contingency Grant in the Infrastructure Category with Holland Consulting Planners, Inc. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

#### **Appointment to ABC Board- Ocracoke**

Mrs. Smith noted that ABC Board member, Scott Bradley, on Ocracoke had stepped down from his position on the Board effective March 31, 2011. Mrs. Smith asked Mrs. Styron to recommend someone to fill the vacancy. Commissioner Styron said she was working on filling the spot and would have a candidate for the next Board meeting.

#### **Dates for Equalization and Review-Linda Basnight**

Linda Basnight, Tax Administrator, announced that it was time to set the dates for the Board of Equalization and Review. The dates have to be set no earlier than April 4<sup>th</sup> and no later than May 2<sup>nd</sup>. A notice of the date, hours place and purpose of the meeting must be advertised at least three times with the first publication being at least ten days prior to the first meeting date. Three Board members must be present for each meeting. Mrs. Basnight anticipates 20-30 appeals and suggest 15 minutes be given to each case.

Commissioner Swindell made a motion to set the date of April 11<sup>th</sup> at 6pm in the multi-purpose room of the Government Center and conduct all the meetings at that time. Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

At the last Board meeting, a housing allowance was approved by the Board to be included in the Personnel Policy, however the policy as a whole needed to be approved as amended.

Commissioner Tunnell made a motion to approve the amended Personnel Policy. Ms. Styron seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

### **Commissioner Reports**

**Commissioner Styron** attended the School of Progress meeting at Ocracoke regarding the gym and mentioned that it had had a few snags and changes but construction was moving forward.

She reported she met with Robin Payne and Leslie Lanier about the Comprehensive Transportation Plan Committee meeting that was held recently.

She also reported she is currently in contact with the Ocracoke Planning Board to discuss code enforcement for the island.

Ms. Styron also said she attended a wild game dinner held on the mainland and enjoyed seeing everyone there.

**Commissioner Swindell** had nothing to report.

**Commissioner Byrd** reported he joined Clint Berry, Kris Noble and Building Inspector Jerry Hardison on the new Project Review Team formed by the County Manager. He said they visited some of the current construction projects taking place in the County, and reported he learned a lot and that it's something that needs to be done on a regular basis.

**Commissioner Tunnell** reported he attended a meeting regarding the Ag High School proposed for Hyde, Tyrell, Washington, and Martin Counties in Plymouth and his concern for the lack of funding for it.

He also said that there is serious concern about Rose Acre Egg Farm and them having trouble getting permits renewed to continue business. Commissioner Byrd commented that Senator Stan White told him he would do what he could to stand behind us regarding Rose Acre.

**Commissioner Spencer** attended the Rose Acre meeting and stated we need to keep this as a high priority.

She also attended the Coastal Resources meeting and is pleased to say they did a 180 on their decision to implement regulations with consideration to sea level rise. .

She also stated she attended the Comprehensive Transportation Plan Committee meeting and that it went well.

She participated in Dr. Suess Reading Day at Mattamuskeet Elementary School and was very pleased at how well it turned out. She stated the students were wonderful and she was very impressed by their excellent manners and behavior. She shared that other County employees also participated in the program.

### **County Manager's Report**

Manager Smith stated that the conclusion of the energy grant was drawing near and that Finance Director, Jessica Gibbs, has done an excellent job with it.

She attended the State of the Region meeting on the 25<sup>th</sup> of February in Williamston and there was a lot of exciting new ideas for development coming to our region.

She also reported she met with a vendor regarding upgrading the County's website and is excited about the possibilities.

Mrs. Smith announced that the County will recognize Hyde County Volunteer Fire Department members on the mainland and the island for their dedicated services to the citizens as part of National Volunteer Week. A reception will be held one hour prior to the April 4<sup>th</sup> Commissioners meeting, and certificates will be awarded during the meeting.

She also noted that Hyde County will be turning 300 years old next year and that she would like for the Board to appoint a committee to coordinate celebration activities.

**Commissioner Styron**, responded to earlier public comments made in the meeting saying that we can't change things that happened in the past and we can't dwell on the past. She said we must look to the future and try to listen to everyone. She also said that Mrs. Smith has done an excellent job and the staff has come a long way. She ended by thanking the staff.

### **Emergency Services Update-Jared Holz**

Mr. Holz stated that there has been approximately \$20,000 received so far from old EMS billing due to stepped up collection efforts.

He extended his condolences to the families of the two victims who lost their lives in the tragic car accident last week in Swan Quarter, and thanked the Sherriff's Department, EMS, Swan Quarter Fire Department and Jeff Hibbard for all their help with the accident.

Mr. Holz reported he is currently working with Dare County to make sure we are properly staffed on Ocracoke to keep overtime at bay.

He also reported that the warranty was found for the EMS Station building and that he had paid the \$200 fee to have an inspector from the warranty company inspect the site. There was some concern that the warranty may not be in effect because the unit is being used commercially instead of residentially, but after explaining the building was used primarily as a stand-by station with sleeping quarters, the warranty should be valid. The County will not be able to sue the manufacturer of the unit because the company went out of business a year after the building was constructed.

He further reported that all emergency generators have been serviced on the mainland, and that the Ocracoke generators will be serviced in May.

Mr. Holz reported that there was a small plane crash on Ocracoke over the weekend and thanked Jason Daniels of the Sheriff's Department for his help.

It was announced that Building Inspector Jerry Hardison will be holding office hours on the mainland from 4-5pm Monday, Wednesday, and Friday and from 11-12pm on Thursdays in Ocracoke. This was instituted at the request of citizens.

In reference to a question posed earlier by Mr. Frank Swindell, Commissioner Barry Swindell commented that the EMS building wasn't inspected locally because it is a pre-fabricated structure and inspections are made while the unit is being constructed and that much of it is enclosed by the time it arrives on a site. He reported that everything that could be inspected, was inspected.

### **Closed Session**

Commissioner Styron made a motion to enter into Closed Session pursuant to N.C.G.S. 143-318.11(a)(4). Mr. Byrd seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Commissioner Tunnell made a motion to come out of closed session. Mr. Swindell seconded the motion.

Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

Nays: None

Commissioner Styron made a motion to adjourn the March 7, 2011, Regular Meeting of the Hyde County Commissioners. Commissioner Swindell seconded the motion.

The March 7, 2011 Regular Meeting of the Hyde County Board of Commissioners adjourned at 8:42 PM.

Respectfully submitted:

Minutes approved on the 21 day of March, 2011



Mazie Smith

Mazie Smith, Clerk - Hyde County Board of Commissioners

Sharon Spencer

Sharon Spencer, Chairman – Hyde County Board of Commissioners