

1 Minutes

2
3 **Board of County Commissioners**
4 **Hyde County**
5 **May 16, 2011**
6

7 Chairman Sharon Spencer called the Meeting of the Hyde County Board of
8 Commissioners to order at 7:30 PM on Monday, May 16, 2011 in the Hyde
9 County Government Center, Multi-Use Room and the Ocracoke School
10 Commons Area using electronic conferencing equipment. The following
11 members were present on the mainland: Commissioners Anson Byrd, Sharon
12 Spencer, Barry Swindell and Dick Tunnell; County Manager, Mazie Smith;
13 Deputy Clerk to the Board Shelley Carawan; County Attorney Fred Holscher;
14 and members of the public. The following members were present on
15 Ocracoke: Commissioners Darlene Styron; Deputy Clerk, Jamie Tunnell and
16 members of the public.

17 Following the opening prayer given by Commissioner Tunnell and the Pledge
18 of Allegiance, the meeting was called to order.

19
20 **Consideration of the Agenda:**

21 Chairman Spencer asked for any changes to the May 16, 2011 meeting
22 agenda as presented by the Clerk.

23 Manager Smith requested that the following item be added to the agenda:
24 Item VI. M. Other Matters- Dare County Fire Inspection Agreement

25 She also requested the reversal of Item VI. F: Approval of Contract Awards-
26 FY09 CDBG-CR Program with Item VI. H: Award of Administrative
27 Management Contract for FY 10 CDBG Scattered Sites.

28 She also requested the moving of Item VI. L: Dress Code Policy under Item
29 VI. C: Internet Usage Policy.

30 Attorney Holscher asked that his name be replaced by Wilson Daughtry's on
31 Item VI. I: East Carolina Soybean Lease.

32 Commissioner Byrd asked for the addition of Item VI. N: Ponzer Community
33 Building.

34 Commissioner Tunnell made a motion to approve the agenda as amended.
35 Mr. Byrd seconded the motion.

36 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

1 Nays: None

2

3 **Consideration of Minutes:**

4 Chairman Spencer asked for approval of the May 2, 2011 regular meeting
5 minutes.

6 Commissioner Tunnell moved to approve the May 2, 2011 regular minutes as
7 presented by the Clerk. Mr. Swindell seconded the motion.

8 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

9 Nays: None

10

11 **Public Comments**

12 Chairman Spencer called for comments from the public.

13 **Ward Garrish**, Ocracoke, asked the Board why he should pay the \$35 trash
14 bill monthly for a cottage that doesn't produce trash.

15 **Ben Simmons**, Fairfield, commented that he has a son who plays ball on the
16 mainland and that the children currently do not have a flag or flagpole to use
17 when they say the pledge of allegiance. He asked the Board for permission
18 to install a flag pole.

19 **Robert Hayes**, Engelhard, owner of Hotel Engelhard said that Chairman
20 Spencer had visited his business and they had discussed the new solid waste
21 proposal. Mr. Hayes expressed his disapproval with the idea of taxing
22 properties that don't produce trash. He said charging him to take his own
23 trash to the convenience site is a step backwards and is robbing people.

24 **Odessa Jarvis**, Swan Quarter, asked the Board how the charges for solid
25 waste would be handled for those who lease property. Ms. Jarvis said she
26 didn't feel like she should be responsible for her tenant's trash.

27 **Jack Clark**, Ponzer, mentioned his dissatisfaction over the activities
28 associated with a party held at the Ponzer Building. He stated there were
29 over 300 people in attendance who were using narcotics, alcohol, and
30 brothel-like activities. He said the party lasted until 2 am and the disturbance
31 and lewd behavior are making it impossible for him to run his Bed and
32 Breakfast.

33 **J.W. Tomlinson**, Engelhard, said he was opposed to the proposed tax
34 increase for solid waste because people do not have the choice whether to

1 pay for trash like they do for water. He suggested that the water and trash
2 bills be lumped together.

3 **Chris Harris**, Engelhard, Treasurer for Engelhard VFD, said that he was
4 informed the first responder money had run out. He asked as volunteer fire
5 fighters if they were required to respond. He said he wasn't complaining but
6 he wanted to know how his department was going to pay their bills if they
7 weren't reimbursed for the cost of doing first responder calls.

8 **Leslie Simmons**, Fairfield, told the Board that businesses further than five
9 miles from highway 264 are unable to advertise because of the Scenic Byway
10 designation. He asked that something be done to help businesses advertise.

11

12 Manager Smith asked Chairman Spencer to amend the agenda by adding:
13 Item V. A: under "Ordinances and Resolutions" to add a proclamation for
14 National EMS Week.

15 She also asked the board to add Item V. B under Ordinances and Resolutions
16 to support a grant application from Ocracoke for the Scenic Byway Signage
17 Program,.

18

19 **Appointment of ABC Board**

20 Commissioner Byrd made a motion to appoint Jerry Armstrong of Fairfield for
21 a three year term. Mr. Swindell seconded the motion.

22 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

23 Nays: None

24

25 **Appointment to the Airport Advisory Board**

26 Commissioner Styron made a motion to appoint Sharon Spencer to the
27 Airport Advisory Board. Mr. Byrd seconded the motion.

28 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

29 Nays: None

30

31 **Appointment to the Coastal Resources Advisory Council**

32 Commissioner Tunnell made a motion to appoint Kris Noble to serve on the
33 CRAC. Mr. Swindell seconded the motion.

1 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

2 Nays: None

3

4 **Appointment to the Hyde Transit Board**

5 Commissioner Byrd made a motion to appoint Barry Swindell to serve on the
6 Hyde Transit Board. Mr. Tunnell seconded the motion.

7 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

8 Nays: None

9

10 **National EMS Week Proclamation**

11 Chairman Spencer read a proclamation for National EMS Week. Deputy EM
12 Director Brian Carter recognized his EMS staff on Ocracoke, and Deputy EM
13 Director Jeff Hibbard recognized his EMS staff on the Mainland. All
14 employees were awarded a certificate in honor of their services.

15 Commissioner Swindell made a motion to recognize the week of May 15-21,
16 2011 as National EMS week. Mr. Byrd seconded the motion.

17 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

18 Nays: None

19

20 **Outer Banks National Scenic Byway Resolution**

21 Manager Smith presented to the Board a letter supporting the efforts of
22 Ocracoke citizens to apply for a grant to secure matching funds for signage
23 as part of the national Scenic Byway Program.

24 Commissioner Styron made a motion in support of project to secure matching
25 funds for signage. Mr. Tunnell seconded the motion.

26 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

27 Nays: None

28

29 **Fairfield Methodist Church Variance**

30 Ben Simmons, member of Fairfield Methodist Church, told the Board that the
31 members of the church would like to have the fellowship hall/parsonage

1 repaired and in order to do that, they would need a variance to keep the floor
2 levels the same, otherwise they will have to build the floor to code making it
3 higher.

4 Manager Smith said she had researched the matter and advised the group to
5 get a letter from the State Historic Register stating that the church should
6 remain at its current floor level in order to maintain its historical integrity. After
7 that, she felt it should be easy to get the variance.

8

9 **Closed Session**

10 Commissioner Byrd made a motion to enter into closed session pursuant to
11 NC GS 143-318.11. Ms. Styron seconded the motion.

12 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

13 Nays: None

14 Commissioner Swindell made a motion to come out of closed session. Mr.
15 Byrd seconded the motion.

16 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

17 Nays: None

18

19 **Internet Usage Policy- Corrinne Gibbs**

20 Corrinne Gibbs, Human Resources Director, asked the Board to table the
21 Dress Code Policy that had been handed to them before the meeting until the
22 next scheduled Board meeting.

23 Chairman Spencer made a motion to table the Dress Code Policy until the
24 next scheduled Board meeting. Mr. Byrd seconded the motion.

25 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

26 Nays: None

27 Chairman Spencer expressed her satisfaction with the internet usage policy.
28 She felt that it was covered well and complete.

29 Commissioner Byrd made a motion to accept the internet usage policy as
30 presented. Mr. Tunnell seconded the motion.

31 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

1 Nays: None

2

3 **Audit Contract-Jessica Gibbs**

4 Jessica Gibbs, Finance Director, asked the Board to renew the contract with
5 Andrew Harris for auditing services. She stated the contract amount has
6 increased from \$20,000 to \$20,500 to cover increased costs for gas and other
7 expenses.

8 Commissioner Swindell made a motion to renew the contract with Andrew
9 Harris for auditing services. Mr. Byrd seconded the motion.

10 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

11 Nays: None

12

13 **Phone Bill Audits-Jessica Gibbs**

14 Jessica Gibbs, Finance Director, presented to the Board an overview of two
15 companies who could handle auditing the County's phone bills. She stated
16 that the audit would cost a onetime fee of 50% of the savings achieved from
17 the audit in the first year and no cost after that.

18 Commissioner Spencer questioned why she was favoring Audit Head over
19 Accubill as a provider. Mrs. Gibbs answered that Audit Head could handle
20 utility bills as well as phone bills.

21

22 **Award of Administrative Management Contract for FY10 CDBG**
23 **Scattered Sites Project-Alice Keeney**

24 Alice Keeney, Planning Director, presented to the Board the Administrative
25 Contract for FY10 CDBG Scattered Sites Project.

26 Commissioner Styron asked if only low income housing was being replaced.

27 Mrs. Keeney replied that it was for replacement or repair.

28 Commissioner Byrd made a motion to authorize County staff to negotiate an
29 administrative management contract for FY10 CDBG Scattered Site Grant
30 and approve subsequent execution of that contract for FY10 CDBG-Scattered
31 Site Grant with Holland Consulting Planners, Inc., contingent upon receipt

1 and execution of Grant Approval and Funding Agreement for FY2010 CDBG
2 Scattered Site Project. Mr. Tunnell seconded the motion.

3 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

4 Nays: None

5

6 **Approval of Contract Awards-Fy09 CDBG-CR Program-Chris Hilbert**

7 Chris Hilbert, Holland and Consulting, presented to the Board the bids for the
8 two properties that need to be rehabilitated.

9 Commissioner Tunnell made a motion to award the rehabilitation of the two
10 dwellings on Lake Swamp Rd to the lowest bidder, B & B Construction. Mr.
11 Byrd seconded the motion.

12 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

13 Nays: None

14

15 **Approval of Program Policies-FY10 CDBG-SS Program-Chris Hilbert**

16 Chris Hilbert, Holland and Consulting, presented the Board a resolution
17 adopting the FY10 CDBG-Scattered Site policies.

18 Commissioner Byrd made a motion to pass a resolution adopting the FY10
19 CDBG-Scattered Site policies. Chairman Spencer seconded the motion.

20 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

21 Nays: None

22

23 **East Carolina Soybean Lease-Wilson Daughtry**

24 Commissioner Swindell made a motion to excuse Commissioner Tunnell from
25 the East Carolina Soybean Lease discussion. Mr. Byrd seconded the motion.

26 Ayes: Byrd, Spencer, Styron, Swindell

27 Nays: None

28 Wilson Daughtry, Chairman of the East Carolina Soy Processors, LLC,
29 educated the Board on the history of ECSP. He said that in early 2010 the

1 ECSP Board realized they weren't reaching their profitability goals due to a
2 shortage of marketing, technical resources and a lack of sufficient capital.
3 The owners of the business invested \$3 million dollars and borrowed \$2
4 million dollars. In order for the business to prosper and move forward, the
5 Board has voted to partner with Perdue farms, and in return Perdue will
6 change the name of the company to East Carolina Oilseed Processors. Mr.
7 Daughtry requested that the Board approve ECSP signing over the lease the
8 County holds for equipment to the new company.

9 Commissioner Swindell made a motion to allow ECSP to sign over their lease
10 to the new Perdue Company called East Carolina Oilseed Processors,
11 contingent on successful completion and allowing Mazie Smith to authorize
12 any documents. Mr. Byrd seconded the motion.

13 Ayes: Byrd, Spencer, Styron, Swindell

14 Nays: None

15

16 **Legislative Goals Agenda**

17 Manager Smith discussed the Legislative Day taking place on May 25th.
18 Commissioners Byrd, Spencer and Tunnell want to participate.

19

20 **Noise Ordinance**

21 Manager Smith mentioned that Attorney Fred Holscher and Ocracoke
22 resident/business owner were working on the noise ordinance. Mrs. Smith
23 said that the draft needed to be approved before the summer season and that
24 part of the ordinance could address the problems of the Ponzer Community
25 building.

26 Commissioner Swindell asked if the noise ordinance is passed and not
27 enforced, what will happen.

28 Sheriff Mason said that Ponzer has had a noise problem for years. He said
29 that the Ponzer community building generates \$1600/yr but costs the County
30 more for dealing with the problems that arise from renting it out. He said that
31 when the Sheriff's Department responds to a noise complaint, the noise has
32 usually stopped by the time they arrive, and when they leave, it begins again.

1 After much discussion, Mr. Holscher said that there needs to be a deposit
2 charged when the building is rented and the County needs to pass an
3 ordinance regarding alcohol on County property.

4 Mac Gibbs, Cooperative Extension Director, stated that he had taken over the
5 responsibility of the Ponzer building about two years ago. He mentioned the
6 trouble they had had with certain tenants and not being able to deny renting
7 to them because they used a different person to rent it each time even though
8 it was the same group of people who showed up at the facility.

9 Manager Smith expressed her concern with safety at the Ponzer building.
10 She suggested that she, along with the Sheriff and Mr. Gibbs would meet
11 about the situation and determine a solution to the problem and bring results
12 to next meeting.

13 **Jack Clark**, Ponzer, said that his neighbors were afraid to come out of their
14 house because of this situation.

15 Commissioner Tunnell made a motion to table the noise ordinance until the
16 next meeting. Mr. Byrd seconded the motion.

17 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

18 Nays: None

19

20 **Agreement with Dare County**

21 Commissioner Tunnell made a motion to renew the fire inspection agreement
22 with Dare County for three years. Mr. Swindell seconded the motion.

23 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

24 Nays: None

25

26 **Budget Revisions**

27 **4-H---\$7,473.00---**Money received from the NC Dept of Agriculture grant for
28 pesticide container recycling program in Hyde County for \$7,473.00; **does**
29 **increase the budget.**

30 **EMS ---\$29,000.00---**Transfer of funds from contingency to fund EMS for rest
31 of the fiscal year for \$29,000.00; **does increase the budget.**

- 1 **EMS**---\$41,995.00---Transfer of funds to cover EMS for rest of the fiscal year
2 for \$41,995.00; **does not increase the budget.**
- 3 **Emergency Services**---\$26,000.00--- Transfer of funds to fund EM for the
4 rest of the fiscal year; \$26,000.00 **does increase the budget.**
- 5 **Health-Child Health**---\$4,870.00---Transferring funds to cover expenses for
6 construction of a concrete slab outside the More at Four classrooms at
7 Mattamuskeet Elementary School and purchase of start-up supplies for
8 Newborn Home Visitation program. \$4,870.00 **does not increase the**
9 **budget.**
- 10 **Health-Bioterrorism**---\$6,500.00---Transfer of funds for purchase of 5
11 computers. \$6,500.00 **does not increase the budget.**
- 12 **Health-General Health**---\$1,200.00---Transfer of funds for postage, gas, oil
13 and tires to carry out through rest of the fiscal year. \$1,200.00 **does not**
14 **increase the budget.**
- 15 **Health-Environmental Health**---\$1,000.00--- Transfer of funds for postage,
16 gas, oil and tires to carry out through rest of the fiscal year. \$1,000.00 **does**
17 **not increase the budget.**
- 18 **Health-Private Wells**---\$100.00--- Transfer to postage line to carry out
19 through rest of the fiscal year. \$100.00 **does not increase budget.**
- 20 **Home Health**---\$1,000.00---Transfer of funds to gas, oil and tires to carry out
21 through rest of the fiscal year. \$1,000.00 **does not increase the budget.**
- 22 **Health-Maternal**---\$650.00---Transfer of funds to postage to carry out
23 through rest of the fiscal year. \$650.00 **does not increase the budget.**
- 24 **Maintenance**---\$1,000.00---Price of fuel increased. \$1,000.00 **does not**
25 **increase the budget.**
- 26 **Solid Waste**---\$5,271.00---Price of postage and fuel increased. Security
27 lights have been installed and storm debris has been cleaned up. \$5,271.00
28 **does not increase the budget.**
- 29 Justin Gibbs, acting ES Director, explained to the Board that the Emergency
30 Services transfer was needed due to inadequate budgeting and poor
31 administration of the budget. Mr. Gibbs stated that the budget revision done
32 previously by Jared Holz accomplished nothing because it just shifted debt
33 from one line to another. He also mentioned that overtime had been under
34 budgeted.

1 Commissioner Styron asked how money could be swapped out of each
2 department like that.

3 Commissioner Swindell asked what the contingency fund balance was.

4 Mr. Gibbs answered that it was \$34,000 after the transfers.

5 Commissioner Swindell made a motion to approve the 4-H budget revision.

6 Mr. Byrd seconded the motion.

7 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

8 Nays: None

9 Commissioner Byrd made a motion to approve the Emergency Services and
10 EMS budget revisions. Mr. Tunnell seconded the motion.

11 Ayes: Byrd, Spencer, Styron, Tunnell

12 Nays: Swindell

13 Commissioner Byrd made a motion to approve the Health Department budget
14 revisions. Mr. Swindell seconded the motion.

15 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

16 Nays: None

17 Commissioner Byrd made a motion to approve the Maintenance and Solid
18 Waste budget revisions. Mr. Swindell seconded the motion.

19 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

20 Nays: None

21

22 **Commissioner Reports**

23 **Commissioner Styron** said that she had nothing to report but she was
24 looking forward to the Hurricane Exercise coming up on Ocracoke.

25 **Commissioner Swindell** had nothing to report.

26 **Commissioner Byrd** made a motion to accommodate the little league field
27 and allow them to have a flag pole and moved that the County buy the pole
28 and the flag. Mr. Swindell seconded the motion.

29 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

1 Nays: None

2 **Commissioner Tunnell** reported he attended the Mideast housing meeting.

3 **Commissioner Spencer** said she has been in contact with Representative
4 Spear regarding mosquito control.

5

6 **County Manager's Report**

7 Manager Smith said she will be attending and speaking at the Chamber
8 Issues Luncheon on May 20th .on the island. She also reported there is an
9 Airport Advisory Meeting on May 23rd, that the NCACC Legislative Day will be
10 in Raleigh on May 25th, and that everyone should remember the Firemen's
11 Ball on Ocracoke on May 28th. She also announced that the stained glass
12 that has been created by art students on the mainland will be installed on May
13 27th.

14

15 Commissioner Swindell made a motion to adjourn the May 16, 2011, Meeting
16 of the Hyde County Commissioners. Commissioner Swindell seconded the
17 motion.

18 Ayes: Byrd, Spencer, Styron, Swindell, Tunnell

19 Nays: None

20

21 The May 16, 2011 Regular Meeting of the Hyde County Board of
22 Commissioners adjourned at 9:43 PM.

23

24 Respectfully submitted:

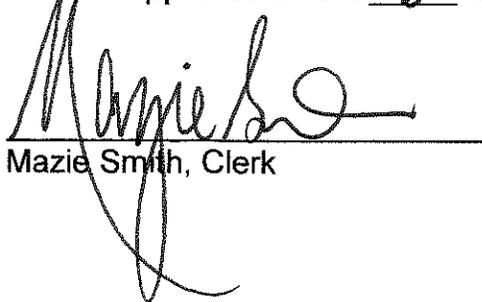
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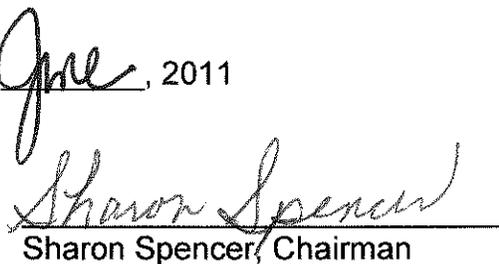
26 Minutes approved on the 6 day of June, 2011

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28

29


Mazie Smith, Clerk


Sharon Spencer, Chairman