

1 **Minutes**

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3 **Board of County Commissioners**  
4 **Hyde County**

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6 **May 5, 2008**

7 Chairman Charles Spencer called the Regular meeting of the Hyde County Board of  
8 Commissioners to order at 7:00 PM on Monday, May 5, 2008 in the Multi-Use Room in the  
9 Government Center, Swan Quarter, NC. The following members were present: Gene Ballance,  
10 Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager  
11 Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of  
12 the public.

13 Following a pledge of allegiance to the flag and opening prayer by Mr. Ballance the  
14 meeting was called to order.

15 Agenda:

16 Chairman Spencer asked for any changes to the May 5, 2008 meeting Agenda as  
17 presented by the Clerk. Commissioner Swindell moved to accept the Agenda with Item V. F.  
18 Land Mitigation and Item VI. D. EMS Update added to the Agenda.

19 Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance,  
20 Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

21 Consideration of Minutes:

22 Chairman Spencer asked for approval of the draft April 7, 16 and 21, 2008 meeting  
23 minutes. Commissioner Davis moved to allow time for review and to approve the April 7, 16,  
24 and 21, 2008 minutes at the May 18, 2008 Commissioners meeting. Mr. Ballance seconded the  
25 motion. The motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and  
26 Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

27 Public Comments:

28 Chairman Spencer called for comments from the public.

29 Mr. Rhae Carawan, Fairfield, asked the Board to review a grant application that several  
30 Fairfield and vicinity residents have completed requesting financial assistance from the Rural  
31 Center for submittal on June 30, 2008 entitled “Learning from Our Fathers for a Greener North  
32 Carolina.

33 Other Matters:

34 Budget Revisions and Transfers:

35 Carl Classen, Interim County Manager reviewed with the Board budget revision/transfer  
36 requests from Administration (\$600); Water Department (\$20,000); Sheriff’s Office (\$487.56);  
37 Tax Department (\$1,300); Health Department (\$7,075) (\$1,000); and a transfer of EMS funds  
38 (\$3,842) needed to take advantage of special pricing of an ambulance that was otherwise  
39 approved within the FY2007-08 Budget but utilizes the additional funds already in the budget to  
40 cover the total cost of \$93,842.00.

41 After review and discussion Commissioner Swindell moved to approve all of the requested  
42 budget revisions, amendments and/or transfers. Mr. Davis seconded the motion. The motion  
43 passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays –  
44 none; Absent or Not Voting – Armstrong.

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

1 FY08 NCHFA Policies

2 Hyde County Planner Alice Keeney presented a package of grant program policies  
3 requiring approval in order to carry out the 2008 North Carolina Housing and Finance Agency  
4 (NCHFA) Single-Family Rehabilitation (SFR) Program.

5 After review and discussion Commissioner Davis moved to adopt the Hyde County 2008  
6 NCHFA Single-Family Rehabilitation Program Policies: 1) Resolution Approving  
7 Administrative guidelines and Policies, 2) Financial Management Resolution, 3) Citizen  
8 Participation Plan, 4) Temporary Relocation Policy, 5) Local Economic Benefit Plan (Section  
9 3) for Low and Very Low Income Persons, 6) Rehabilitation Contract Award Policy, 7) Equal  
10 Employment and Procurement Policy, and 8) Policy of The Board of Commissioners of Hyde  
11 County Concerning Code of Conduct For Officers, Employees or Agents. Mr. Swindell  
12 seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis,  
13 Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

14 After further discussion Commissioner Davis moved to adopt the Hyde County 2008 NCHFA  
15 Single-Family Rehabilitation Program Project Budget Ordinance (\$200,000). Mr. Ballance  
16 seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis,  
17 Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

18 *CLERK'S NOTE: A copy of the "Hyde County 2008 NCHFA Single-Family Rehabilitation*  
19 *Program Project Budget Ordinance" is attached herewith as Exhibit B and incorporated herein*  
20 *by reference.*

21 FY07 CDBG-SBEA Policies

22 Hyde County Planner Alice Keeney presented a package of grant program policies  
23 requiring approval in order to carry out the FY07 Community Development Block Grant  
24 (CDBG) Small Business Entrepreneurial Assistance (SBEA) Program.

25 After review and discussion Commissioner Davis moved to adopt FY07 CDBG-SBEA Program  
26 Policies: 1) Resolution Approving Administrative Guidelines and Policies For the FY2007  
27 CDBG-SBEA Program, 2) Financial Management Resolution, 3) Construction Contract Award  
28 Policy, 4) Local Economic Benefit For Low and Very Low Income Persons Plan, 5) Equal  
29 Employment and Procurement Policy, 6) Policy Concerning Code of Conduct For Officers,  
30 Employees or Agents, 7) Policy Prohibiting The Use of Excessive Force By Law Enforcement  
31 Officials Against Individuals Engaged In Nonviolent Civil Rights Demonstrations, 8) Section  
32 519 Certification, and 9) Designation of Labor Standards Enforcement Officer. Mr. Ballance  
33 seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis,  
34 Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

35 After further discussion Commissioner Davis moved to adopt the Hyde County FY07  
36 Community Development Block Grant (CDBG) Small Business Entrepreneurial Assistance  
37 (SBEA) Program Project Budget Ordinance (\$250,000). Mr. Swindell seconded the motion.  
38 The motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman  
39 Spencer; Nays – none; Absent or Not Voting – Armstrong.

40 *CLERK'S NOTE: A copy of the "Hyde County FY07 Community Development Block Grant*  
41 *(CDBG) Small Business Entrepreneurial Assistance (SBEA) Program Project Budget*  
42 *Ordinance" is attached herewith as Exhibit C and incorporated herein by reference.*

43 Mid-East Regional Housing Authority

44 After discussion about possible cost savings, Commissioner Davis moved to support a  
45 local bill combining the Mid-East Housing Authority with Washington Housing Authority.  
46 Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance,  
47 Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

48 Solid Waste - Ocracoke

49 After receiving report from recent solid waste on Ocracoke meetings and discussion,  
50 Commissioner Swindell moved to instruct the Manager to move forward to develop a Pay-As-  
51 You-Throw program for Ocracoke. Mr. Ballance seconded the motion. The motion passed on

1 the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – none;  
2 Absent or Not Voting – Armstrong.

3 Commissioner Davis moved to extend David’s Trash Service Contract through June 30, 2008.  
4 Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance,  
5 Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

6 Land Use Mitigation

7 After receiving presentation by Mr. Wade Hubers, Daren Armstrong, and Frank Waters,  
8 Commissioner Swindell moved to instruct the Manager and County Attorney to continue looking  
9 into land use mitigation issues in Hyde County. Mr. Ballance seconded the motion. The motion  
10 passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays –  
11 none; Absent or Not Voting – Armstrong.

12 Boards and Committees:

13 Joint School Facilities Committee – Commissioner Spencer reported that the Committee  
14 plans to meet with Senator Marc Basnight soon.

15 Ocracoke Occupancy Tax Board – Commissioner Ballance agrees with Medical Center  
16 funding (\$120,000) needed in the FY2008-09 budget year.

17 ABC Board – Commissioner Spencer reported that volunteers are needed to fill his and  
18 Commissioner Davis’ seats on the Board.

19 County Commissioners Report:

20 Commissioner Davis reported that he and Mr. Classen attend the ORV hearing in Raleigh  
21 earlier this week and that US District Court Judge Terrence W. Boyle signed the consent decree  
22 allowing for regulated beach access.

23 Commissioner Swindell reported the Ponzer Dump Site needs to be cleaned up.

24 After discussion, Commissioner Swindell moved pending any legal ramifications to approve a  
25 three year lease between Hyde County and Daren Armstrong with an option to continue at the  
26 going rate of farmland with a clause included stating if the County needs the land he would  
27 remove his property. Mr. Ballance seconded the motion. The motion passed on the following  
28 vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not  
29 Voting – Armstrong.

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

32 County Manager’s Report:

33 Interim County Manager Carl Classen stated that the draft FY2008-09 budget will be  
34 presented at the May 19, 2008 Commissioners Meeting; Golden LEAF project applications must  
35 be postmarked no later than Friday, May 9, 2008; negotiation is underway to reduce/dismiss  
36 additional NCDOT fees of \$45,000 for road improvements at Jackson Circle, Ocracoke; the  
37 National Park Service announced the first major closures under the recently implemented ORV  
38 Consent Decree; Ocracoke Development Ordinance Planning Advisory Board member Leonard  
39 Meeker resigned from the Board; repairs to the Engelhard Sanitary District lagoon will be funded  
40 by the County and reimbursed from grant proceeds; letter celebrating commissioning of the USS  
41 North Carolina was sent; request from US Cellular to erect a tower near Engelhard will be on the  
42 June 3, 3008 Agenda; and that NC DSS is working to re-align its foster care program.

43 After discussion, Commissioner Swindell moved to approve the requested Ocracoke Occupancy  
44 Tax budget transfer in FY2007-08 for \$18,000. Mr. Ballance seconded the motion. The motion  
45 passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays –  
46 none; Absent or Not Voting – Armstrong.

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1 NC Home and Community Care Block Grant Monies for FY2007-08:

2 To further support seniors with needs Hyde County DSS has received an additional  
3 allocation of \$754 with a required local match of \$84 to enhance existing HCCBG contracts  
4 from The Albemarle Commission.

5 Commissioner Swindell moved to authorize signature of the Provider Contract DOA 732 by the  
6 Hyde County Finance Officer to make the \$754 state and federal revision with the understanding  
7 it will be subsidized by the required \$84 match. Mr. Ballance seconded the motion. The motion  
8 passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays –  
9 none; Absent or Not Voting – Armstrong.

10 Summary of EMS Test Responses:

11 At the requests of Chairman Spencer, EMS Director David Warren (driver) and Jeffrey  
12 Stotesberry (observer) conducted response time test from the proposed Mattamuskeet EMS site  
13 to Engelhard Volunteer Fire Department (12 min. and 17 sec.) (11 min. and 59 sec.), Fairfield  
14 Volunteer Fire Department, (5 min. and 17 sec.) Scranton Volunteer Fire Department (17 min.  
15 and 53 sec.), and Swan Quarter Volunteer Fire Department (7 min. and 53 sec).

16 Mr. Warren reported that the rescue units four way flashers were the only warning lights used.  
17 Most vehicles moved over, however some did not and were passed at the next safe passing zone.  
18 It should be noted that a unit running lights/sirens would be able to complete these responses  
19 slightly faster.

20 Closed Session:

21 Mr. Davis moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6)  
22 regarding personnel matters and NCGS 143-318.11 (a) (3). Mr. Swindell seconded the motion.  
23 The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and  
24 Chairman Spencer; Nays – none; Absent or Not Voting – none.

25 The Commissioners entered closed session at 8:50 PM.

26 Mr. Davis moved to return from Closed Session. Mr. Ballance seconded the motion. The  
27 motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer;  
28 Nays – none; Absent or Not Voting – Armstrong.

29 The Commissioners re-entered regular session at 9:05 PM.

30 Over-time:

31 Commissioner Swindell moved to authorize payment of over-time earned by Building  
32 Inspector Jerry Hardison while performing extra duties on Ocracoke Island. Mr. Ballance  
33 seconded the motion. The motion passed on the following vote: Ayes – Ballance, Davis,  
34 Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

35 Commissioner Ballance moved to authorize hiring contracted EMS Director David  
36 Warren as a County employee at Grade 78 with salary to experience. Mr. Swindell seconded the  
37 motion. The motion passed on the following vote: Ayes – Ballance, Davis, Swindell, and  
38 Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

39 Commissioner Swindell moved to remove the Hyde County Personnel Policy pay scale  
40 midpoint salary range limitation. Mr. Ballance seconded the motion. The motion passed on the  
41 following vote: Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent  
42 or Not Voting – Armstrong.

43 There being no further matters to come before the Commissioners, Mr. Davis moved to adjourn  
44 the meeting. Mr. Ballance seconded the motion. The motion passed on the following vote:  
45 Ayes – Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting –  
46 Armstrong.

47 The meeting adjourned at 9:15 PM.

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1 Respectfully submitted:

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Lois Stotesberry, Clerk to the Board of Commissioners

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Charles Spencer, Chairman  
Hyde County Board of Commissioners

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16 ATTACHMENTS:

17 Exhibit A – *“Budget Ordinance Amendment”*

18 Exhibit B – *“Hyde County 2008 NCHFA Single-Family Rehabilitation Program Project Budget  
19 Ordinance”*

20 Exhibit C – *“Hyde County FY07 Community Development Block Grant (CDBG) Small Business  
21 Entrepreneurial Assistance (SBEA) Program Project Budget Ordinance”*