Meeting Minutes

Board of County Commissioners
Hyde County

August 15, 2011

Chairwoman Sharon Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, August 15, 2011 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Information Highway Room using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Dick Tunnell, and Sharon Spencer; County Attorney Fred Holscher; County Manager Mazie Swindell-Smith; Deputy Clerk to the Board Shelley Carawan; and members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk to the Board Jamie Tunnell; and, members of the public. Commissioner Barry Swindell was absent.

Following the pledge of allegiance and opening prayer by Commissioner Byrd the meeting was called to order.

Consideration of Minutes:

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Byrd moved to approve the July 18, 2011 Commissioners Regular Meeting Minutes as presented by the Clerk. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Agenda:

Chairwoman Spencer asked for any changes to the August 15, 2011 meeting Agenda as presented by the Clerk.

Commissioner Styron moved to approve the agenda as presented by the Clerk with *Item 5 – Appointments* moved to follow Item 2; *Item 3 – Public Comments* moved to Item 4; *Item 7 – Proclamations* held over; and, *Item 10 – Increase Employee Spending Approval to $1000* removed from the Agenda. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Appointments:

Clerk of Court Sharon Sadler swore in Lois Stotesberry as Deputy Clerk to the Hyde County Board of Commissioners. County Manager Smith thanked Shelley Carawan for serving as Deputy Clerk and Ms. Stotesberry joined the Board for the balance of the meeting.

Public Comments:

Chairwoman Spencer called for comments from the public.

There being no comment from the public, Chairwoman Spencer continued the meeting.

Public Hearings:

Use of Tobacco Products on County Owned Property

Commissioner Styron moved to open Public Hearing on Use of Tobacco Products on County Owned Property. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Manager Smith reported that the Hyde County Board of Health has passed a resolution in support of banning the use of tobacco products on all property owned by the County. At the July 18 Board of Commissioners meeting, Health Director Wesley Smith and the County Manager introduced an Ordinance that would do the same. Besides the obvious health benefits, the passage and enforcement of such an ordinance along with participation in other wellness activities should maintain or reduce the cost of employee health insurance.

Commissioner Byrd asked how the ordinance would be enforced and what the penalty would be.

Health Director Smith stated that violation of the ordinance is a misdemeanor punishable by a $50 penalty with no court costs assessed. Mr. Smith recommended the prohibition of tobacco use on County property and stated the Board could draft an amended Ordinance.

Art Keeney, Lake Landing – asked if the ban of tobacco use on County property included county-owned vehicles.

Amanda Schmitt, Engelhard – recommended the Board also address obesity.

Ken Collier, New Lake – expressed opposition to the ban of tobacco use on County property stating that the County should not take away the inalienable rights of citizens.

Barbara Jean Gibbs, Engelhard – stated that she is a smoker and therefore pays a higher insurance premium because she smokes. Ms. Gibbs recommended higher insurance premiums for overweight employees.

Chairwoman Spencer reported that the State was locally challenged and had to do away with policy that had State employees pay a higher premium if overweight.

County Attorney Fred Holscher asked if premiums would be lowered if an employee quit smoking.

Manager Smith stated that premiums will remain the same, possibly lower, with cessation of smoking by County employees.

Commissioner Styron stated that smoking in front of the Courthouse is not attractive, and that nonsmokers do not like to walk through cigarette smoke when entering the building.

Fred Westervelt, Ocracoke – addressed the issue of second hand smoke and stated there is no such thing as safe exposure to smoke.

Ken Collier, New Lake – stated he is against the ban. He agreed with a ban on smoking in automobiles and buildings but believes smoking should be allowed outside in a designated area.

Odessa Jarvis, Swan Quarter – asked if there would be a ban on smoking at County owned buildings. She asked if renters would be banned from smoking at the Ponzer Park Building.

There being no further comment from the public, Mr. Byrd moved to close the Public Hearing on Use of Tobacco Products on County Property. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

No action was taken by the Board.

Manager Smith will prepare a policy revision for Board consideration to include approved smoking areas on County property. Cigarette waste containers will be placed outside of the Government Center.

Other Matters:

Flood Plain Variances for New Solid Waste Collection Sites

Utilities Director Clint Berry reported that the County of Hyde is adding new solid waste disposal facilities at 10438 Piney Woods Road in Fairfield, NC and at 3961 Sladesville-Credle Road in Scranton, NC.

According to the Hyde County Flood Damage Prevention Ordinance, a variance is needed to add the new facilities because the properties are located within the 100-year flood plain. A variance may be issued for solid waste disposal facilities that are located in special flood hazard areas provided that all of the following conditions are met:

1. The use serves a critical need in the community.
2. No feasible location exists for the use outside the special flood hazard area.
3. The reference level of any structure is elevated or flood-proofed to at least the regulatory flood protection level.
4. The use complies with all other applicable federal, state and local laws.
5. The county has notified the Secretary of State Department of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.

Hyde County will make every effort to comply with all five conditions described above.

Commissioner Byrd moved to grant the variances for new solid waste convenience sites as presented by Utilities Director Clint Berry. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Payment to First Rersponder for Calls

County Manager Smith reported that the contractual agreement between the County and area fire departments to serve as first responders in emergencies obligates the County to pay $50 per call. Receipts for calls billed in the previous fiscal year exceeded the $20,000 budgeted amount by approximately $8,750. The County Manager and Director of Emergency Services seeks guidance as to how to pay for these calls.

Manager Smith also noted that the contract automatically renewed in May, but efforts are underway to implement a new contract which should better utilize the services of first responders and extend the effectiveness of the funds allocated in the current year budget.

Chairwoman Sharon Spencer stated the County needs to pay the volunteer fire departments for all first responder calls performed.

Manager Smith reported that the debt could be paid from last year's left over funds. The first responder contract is a legal document that must be paid unless the volunteer fire departments forgive the debt.

Interim Emergency Services (ES) Director Justin Gibbs stated that he is negotiating a new contract with the volunteer fire departments to set a flat rate fee for FY2011-12. No current fiscal year invoices will be paid until an agreement is reached. Mr. Gibbs recommends that 70 percent of all calls dispatched to each fire department be responded to in order to receive payment.

Commissioner Tunnell recommended paying for calls made.

Commissioner Styron recommended checking on which calls to respond to.

County Manager Smith reported that no other counties pay for first responder services and recommends monitoring what calls require first responder services.

Interim ES Director Justin Gibbs is working on guidelines to respond to calls. Medical Director Doctor Charles O. Boyette will review and set the guidelines to be followed.

County Manager Smith believes part of the issue is the way first responders are dispatched.

Interim ES Director Justin Gibbs recommends continuing education training with EMS for dispatchers to improve their general medical knowledge.

Use of Revolving Loan Funds for Sewer Improvements to the Historic Courthouse

Planner/Developer Alice Keeney reported that Hyde County has a Revolving Loan Fund (RLF) that can be used for either (1) loans for land, buildings, equipment, privately-owned utilities improvements and/or working capital; or (2) grants for publicly-owned water, sewer, roadway or drainage improvements to serve the eligible project.

The County of Hyde has been working with the Swan Quarter Service Group and the Friends of Hyde County's Historic 1854 Courthouse Group to develop and implement a sound economic strategy for the preservation and utilization of the Historic Courthouse in order to promote community, cultural, educational, ecological and economic development.

Hyde County has utilized NC STEP (Small Towns Economic Prosperity) Funds since 2006 and is in the process of finalizing the completion of the renovation of the first floor of the Historic Courthouse. On May 21, 2007, several strategies were approved and adopted by the Hyde County Board of Commissioners for the Hyde County 21st Century Community Project to encourage business and industry recruitment efforts, to support the expansion and development of the infrastructure (water, sewer, energy, transportation, communication) necessary to recruit, expand and retain business and industry and to determine the nonprofit intermediary institution needed to bridge gaps between local government agencies, the business sector, community groups and residents.

Unexpected sewer line corrections had to be made in order to connect the sewer service to the building. Funds expended include:

Swan Quarter Sanitary District	$18,615.73
D&W Contracting, Inc.	$ 5,000.00
Total Infrastructure Improvements	$23,615.73

Because these corrections create an eligible project to be funded by the RLF it is requested that the Board of Commissioners, as outlined in the County of Hyde Economic Development RLF Program Guidelines, allow $23,615.73 infrastructure improvements to be paid from the RLF.

It should be noted that Hyde County RLF Grants have been awarded for other infrastructure improvements including a $400,000 award to the Hyde County Water Department to bridge the financing gap between USDA and Rural Center funding for the Engelhard Water Plant. These funds were awarded by the Board of Commissioners seated on October 5, 2004.

Commissioner Tunnell moved to award Revolving Loan Funds in the amount of $23,615.73 to Hyde County for infrastructure payable to Swan Quarter Sanitary District. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Animal Control Issues

Health Director Wes Smith and Environmental Health Coordinator Hugh Watson reported that recent cases of rabies in Hyde County have increased the need for additional duties by the Animal Control Officer in order to keep citizens safe. Director Smith and his staff members are spending more time on animal control issues and less time performing the duties required in their positions. Mr. Smith recommended extending the County's current contract with Officer J. M. Eakes and consideration of hiring a full-time Animal Control Officer.

County Manager Smith feels that the talents of Director Smith and of EH Coordinator Hugh Watson can be better utilized if they are allowed to focus on running the Health Department and doing health inspections rather than animal control.

Ken Collier, New Lake – asked to speak on this issue and was permitted by Chair Spencer. Mr. Collier stated the County needs to get a place to keep the animals before hiring anybody.

Chair Spencer reported that a new animal compound would cost approximately $150,000.

No action was taken by the Board.

Chairwoman Spencer called for a five minute recess.

The meeting reconvened at 8:22 p.m.

Budgetary Matters:

Transfer of Rural Operating Assistance Program (ROAP) Funds for Hyde Transit

Hyde Transit Director Beverly Paul reported that the Rural Operating Assistance Program (ROAP) is a state-funded public transportation grant program administered by the NC Department of Transportation, Public Transportation Division. ROAP consolidates the Elderly and Disabled Transportation Assistance Program (EDTAP), the Employment Transportation Assistance Program (EMPL), and the Rural General Public (RGP) Transportation Program into a single application package.

Ms. Paul reported a total of 16,886 trips over the past year with ridership up by 13 percent over the past two years. She requested funds in the amount of $728.73 be transferred from under expended programs to over expended programs in order to close out the ROAP program for the fiscal year.

Commissioner Tunnell moved to approve transfer of $217.25 from Ocracoke EDTAP funds (106500.1410) to Mattamuskeet EDTAP funds (106500.1409); $511.48 Ocracoke EDTAP funds (106500.1410) to HCT EDTAP funds (106500.1400); and, $100 from Interest Allocation (106500.1403) to Rural General Public Program (106500.1402). Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Administrative Budget Transfers

County Manager Smith approved the Health – Promotions and Health – Bioterrorism budget revisions administratively as per the FY2011-12 Hyde County Budget Ordinance.

Health – Promotion: $3,100.00; in funding from Nourishing North Carolina Community Garden Grant. In collaboration with Hyde County Schools, and Hyde County Cooperative Extension, the funds will be utilized to support a Community Garden at Mattamuskeet Elementary School. This will increase the overall budget for Health Promotion.

Health - Bioterrorism: $8,365.00; in Activity 514 Bioterrorism – NC Public Health Preparedness & Response (PHP&R) System funds that the Hyde County Health Department was allowed to carry over into FY2011-12. The funds are to be used to support additional PHP&R activities and projects as identified in the Agreement Addendum's Scope of Work & Deliverables, and must be

used by the end of the grant period, August 9, 2011. Funds will be used to purchase two (2) Viper XTS2500 870 MHZ radios, with chargers, and programming for the new radios, as well as six (6) other Viper radios the Health Department received from Hyde County EMS. These funds were approved by the Board of Commissioners last fiscal year and will increase the budget for Bioterrorism/PHP&R for this fiscal year.

County Commissioners Reports:

Commissioner Styron reported that she attended a re-entry stickers presentation by Brian Carter; the Ocracoke Development Ordinance Board will discuss camper trailer issues; she has received positive comments about the Ocracoke ABC store; and, the National Park Service announced a lighthouse civil war enactment event scheduled for August 27. Ms. Styron suggested that a copy of the Public Broadcast Service (PBS) DVD on the "War of 1812" be put in the public library; requested a new list of all Ocracoke Boards with term dates; stated the Mosquito Board budget needs to be on the County website; and, announced that Bob Peele of Wanchese Seafood Industrial Park complimented Alice Keeney and Kris Noble for work done on the Engelhard Marine Industrial Park project.

Commissioner Tunnell reported that the Swan Quarter Dike Committee is cooperating well with maintenance concerns. Mr. Gerald Brinn is working on dike issues.

Commissioner Byrd had nothing new to report.

Commissioner Spencer thanked the citizens of Ocracoke for hospitality shown to her and her family while on vacation on the Island; announced that she and Manager Smith will attend the NCACC Conference in Concord, NC on August 18; and, stated that the Engelhard Sanitation District uncollected debts issue will be on the September 6 Agenda.

County Manager's Report:

County Manager Mazie Smith read a letter from the family of Jeanne Tackett commending Hyde County Dispatch and EMS personnel for the quick response and care provided to their mother on August 3; thanked Ocracoke Emergency Services Deputy Director Brian Carter and Deputy Clerk/Public Information Officer Jamie Tunnell for a job well done on July 19 during the shark bite incident on Ocracoke Island; reported that 30 people attend the Waste Management Training presentation; that she attended the Chamber of Commerce Issues Luncheon and, that she will be attending the NCACC Conference in Concord, NC on August 24; announced that County offices will be closed on September 5 in observance of Labor Day, therefore the next scheduled Board of Commissioners meeting will be conducted on Tuesday, September 6; congratulated Shelley Carawan on her recent engagement.

Manager Smith also reported that the new County website will be online soon. High resolution pictures of Hyde County are needed for the website and can be forwarded to msmith@hydecountync.gov. Ms. Smith reserves the right to select which pictures will be used on the website.

Department Monthly Reports:

- Animal Control Officer
- Health Department
- Inspections
- Economic Development and Planning
- EMS Collections
- Tax office Collections

Supplemental Information:

- Minutes of Albemarle Commission Transportation Advisory Committee
- Letter from Blythe Davis of Swan Quarter about Mattamuskeet Lake
- Health Department Focus Group Flyer

- Hyde Transit Public Hearing Flyer
- Employee Training Calendar

Closed Session:

Commissioner Byrd moved to enter closed session pursuant to G.S. N.C.G.S. 143-318.11(a)(2). Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Chair Spencer moved to come out of closed session. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

Commissioner Styron moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Tunnell, Spencer, and Styron
Nays – None
Absent or Not Voting – Swindell

The meeting adjourned at 9:36 P.M.

Respectfully submitted:

Minutes approved on the 6th day of September, 2011.

Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners

Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments: (none)