

Meeting Minutes

Board of County Commissioners Hyde County

November 1, 2010

Vice-Chairwoman Sharon Spencer called the Regular Meeting of the Hyde County Board of Commissioners to order at 7:10 PM on Monday, November 1, 2010 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 Sharon Spencer, Anson Byrd, and Ken Collier; County Attorney Sid Hassell; Interim County Manager/Clerk to the Board David Smitherman; Deputy Clerk to the Board Justin Gibbs; 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.

Following the opening prayer given by Commissioner Anson Byrd and the Pledge of Allegiance, the meeting was called to order.

Consideration of the Agenda

Vice-Chairwoman Spencer asked for any changes to the November 1, 2010 meeting agenda as presented by the Clerk.

Commissioner Spencer asked for the addition of Item II. B. (1) Special Presentation – Presentation of the Order of the Long Leaf Pine Award to Ruth Harrell.

Commissioner Byrd made a motion to approve the agenda with the addition requested by Commissioner Spencer. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Consideration of Minutes

Vice-Chairwoman Spencer asked for the approval of minutes from the October 18, 2010 Special Meeting and the October 18, 2010 Regular Meeting.

Commissioner Byrd made a motion to approve the October 18, 2010 Special Meeting Minutes. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Commissioner Styron made a motion to approve the October 18, 2010 Regular Meeting Minutes. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Public Comments

Doug Gibbs, Engelhard Resident – Mr. Gibbs said he had raised public and private funds to continue the Hyde County Newsletter. Mr. Gibbs informed the Board that the first edition will be released on Wednesday, November 3, 2010. Mr. Gibbs thanked Randy Hignite, Pam Sawyer, and Sandra Tunnell for their assistance.

Franklin Swindell, Engelhard Resident – Mr. Swindell said he had an incident with EMS personnel recently. He stated that on Saturday October 30, 2010 Hyde County EMS received a call on Farrow Fork Road in Engelhard and he was in the immediate vicinity; he observed the Paramedic QRV, 2 ambulances, and the Engelhard Fire Department respond to the call. Mr. Swindell stated the EMS personnel were not on scene long and he decided to follow the ambulances because he had assumed it was a major call due to the number of emergency responders that were dispatched. Mr. Swindell informed the Board that the ambulances were traveling at a speed of 65 mph with no lights or sirens and when they arrived at the EMS Station, he decided to ask them a few questions. Mr. Swindell said he asked the EMS personnel why a second ambulance responded to the call, why they traveled at a speed of 65 mph back to the station, and what they were dispatched for. Mr. Swindell stated that the EMS personnel would not answer any of his questions and he had informed them that they needed to resign immediately if they could not answer the questions of the Hyde County citizens they were serving.

Ann Ehringhaus, Ocracoke Resident – Ms. Ehringhaus informed the Board that three outdoor events on Ocracoke had been disturbed by noise and recently a family turned down affordable housing on the island due to outdoor amplified music. Ms. Ehringhaus said in April, she sent the Commissioners correspondence containing noise ordinances from surrounding counties and was wondering if any progress has been made regarding the adoption of a noise ordinance.

Public Hearings – Mattamuskeet Lodge Flood Variance Request

Commissioner Byrd made a motion to open the public hearing for the Mattamuskeet Lodge Flood Variance Request. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Mr. Williard, architect for the Mattamuskeet Lodge Repair and Renovation Project, said the North Carolina Department of Insurance handled the code enforcement for the Mattamuskeet Lodge, but a variance from the Hyde County Flood Damage Prevention Ordinance would have to be granted by the County. Mr. Williard informed the Board that there had been no change in flood hazard, but the building would serve new functions such as educational and conservational functions. Mr. Williard said the base flood elevation extends only fourteen inches above the lowest basement floor and all the new equipment installed in the structure was required to be two inches above the base flood elevation. Mr. Williard also informed the Board that the parking area and booster pump would be two feet above sea level.

With no public comments, Vice-Chairwoman Spencer asked for a motion to close the public hearing.

Commissioner Byrd made a motion to close the public hearing for the Mattamuskeet Lodge Flood Variance Request. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Collier made a motion to approve the variance from the Hyde County Flood Damage Prevention Ordinance contingent upon plans being provided that show the booster pump being elevated two feet above sea level. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Public Hearings – FY 2009 CDBG-R Closeout

Commissioner Byrd made a motion to open the public hearing regarding the FY 2009 CDBG-R Closeout. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Mr. Hilbert, Holland Consulting and Planners, said this grant consisted of \$300,000.00 to repair or replace 3 homes in Hyde County and the public hearing was being held to closeout this particular CDBG-R FY 2009 grant.

With no public comments, Vice-Chairwoman Spencer asked for a motion to close the public hearing.

Commissioner Styron made a motion to close the public hearing regarding the FY 2009 CDBG-R Closeout. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Public Hearings – CDBG-SS FY 2010 Application

Commissioner Styron made a motion to open the public hearing regarding the CDBG-SS FY 2010 Application. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Mr. Hilbert, Holland Consulting and Planners, said this public hearing was relative to the intention of the County to apply for FY 2010 CDBG Scattered Site Program funding under Title I of the Housing and Community Development Act. Mr. Hilbert stated that Hyde County intends to submit an application for a grant of approximately \$400,000.00 in CDBG Scattered Site funds to undertake improvements to substandard housing within the County.

Rehab-clearance and reconstruction of 4 units	\$360,000.00
Planning	\$ 7,000.00
Administration	\$ 33,000.00
Total	<u>\$400,000.00</u>

With no public comments, Vice-Chairwoman Spencer asked for a motion to close the public hearing.

Commissioner Styron made a motion to close the public hearing regarding the CDBG-SS FY 2010 Application. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Collier made a motion to approve the application for FY 2010 CDBG-SS funding. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Special Presentations – Presentation of the Order of the Long Leaf Pine Award to Ruth Harrell

Vice-Chairwoman Spencer presented Ruth Harrell with the Order of the Long Leaf Pine Award.

Ms. Harrell said she had done volunteer work for 55 years and it was an honor to receive such a prestigious award.

Ordinances and Resolutions – Resolution Requesting House Speaker Joe Hackney to Reverse the Ban on Sectarian Prayers

Vice-Chairwoman Spencer said the Speaker of the North Carolina House of Representatives has banned the use of sectarian prayers by volunteer ministers during the opening prayer for the North Carolina House of Representatives and the resolution before the Board requests that ban to be reversed.

Commissioner Byrd made a motion to approve the resolution requesting House Speaker Joe Hackney to reverse the ban on sectarian prayers. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Ordinances and Resolutions – Resolution for the Designation of Applicant’s Agent for FY 2011 Elevation Program

Mr. Hilbert, Holland Consulting and Planners, stated that Hyde County had previously submitted an application in 2009 for Hazard Mitigation Assistance (HMA) Funds for the elevation of eight homes in Hyde County, but the grant was deferred due to the delay in approval of the County’s Hazard Mitigation Plan Update. Mr. Hilbert said the full application is due to be received by FEMA on November 15, 2010 and as part of the application process, the Hyde County Board of Commissioners must approve the attached Resolution Designation of Applicant’s Agent for the North Carolina Division of Emergency Management.

Commissioner Byrd made a motion to approve the resolution designating Alice Keeney as the primary agent for the County and Jessica Gibbs as the secondary agent for the County. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Appointments – Albemarle RC & D

Commissioner Collier made a motion to appoint Dick Tunnell to the Albemarle RC & D Board. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Appointments – BHM Regional Library Board

Commissioner Styron made a motion to appoint Robin Turner to the BHM Regional Library Board. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Other Matters – Budget Revisions and Transfers

The Interim County Manager informed the Board that there were four budget revisions/transfers for their consideration and they were as follows:

Emergency Management – Transferring \$7,361.47 from the Emergency Management budget to replace the funds utilized from contingency in order to hire an Emergency Management Coordinator for a period of sixty days. This will not increase the budget.

Health Department – Transferring \$3,500.00 from the Salaries Part-Time line item in the CAP budget to the Travel line item in the CAP budget to ensure that there is sufficient funding to cover staff travel in this program. This will not increase the budget.

4-H – Depositing SHIP Grant funds from the State in the amount of \$2,787.00. This will increase the overall budget.

Jail – The employee that is paid out of this line item is a Deputy and is reported to the State as Law Retirement. This will transfer funds in the amount of \$2,957.26 from the Retirement Expense-Law line item within Jail budget to the Retirement Expense-Local line item. This will not increase the budget.

Commissioner Byrd made a motion to approve the budget revisions and transfers, with the exception of the SHIP Grant. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Other Matters – Budget Amendment for EMS

The Interim County Manager requested the Board to allow the addition of two paramedic positions to the EMS roster and the deletion of three vacant EMT positions.

Commissioner Collier made a motion to approve the addition of two paramedic positions to the EMS roster and remove three vacant EMT positions from the EMS roster.

Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Other Matters – Hyde County Personnel Policy Changes

Mr. Smitherman stated that at the October 18, 2010 Regular Meeting of the Hyde County Board of Commissioners, the Board approved the changes to or implementation of the following personnel policies:

1. On-Call Time
2. Compensatory Time
3. FMLA
4. Declared Disaster
5. Holidays
6. Shared Leave

Mr. Smitherman requested that the Board adopt the changes and the revised personnel policy.

Commissioner Collier asked if the County would be compensating EMS personnel for on-call time because being on-call confines the employees to the County. Mr. Smitherman replied that there would be no compensation for on-call time because it does not confine the employees to a specific site. Commissioner Collier requested the Interim County Manager to consider revising the on-call policy to compensate these employees at a reduced rate because they are confined to the County. The County Attorney said the County could adopt a more generous policy if deemed necessary by the Board.

Commissioner Styron asked if the shared leave policy would be revised to reflect the cap requested by the Board at the October 18, 2010 meeting. Mr. Smitherman said the policy could be revised in the near future but requested the Board to approve the policy before them because currently the County did not have any policy regarding shared leave.

The County Attorney and Vice-Chairwoman Spencer requested two wording changes to the proposed personnel policies.

Commissioner Byrd made a motion to adopt the changes and the revised personnel policy with the changes requested by the County Attorney and Vice-Chairwoman Spencer. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, and Styron
Nays – Commissioner Collier

Vice-Chairwoman Spencer asked the County Manager to expedite the production of the revised Hyde County Personnel Policy and for a copy of the policy to be posted on the County's website for public access.

Other Matters – CDBG-CR Project Administrative Guidelines and Policies Adoption

Mr. Hilbert, Holland Consulting and Planners, said Hyde County has been granted FY 2009 CDBG-CR funds by the North Carolina Division of Community Assistance. Mr. Hilbert informed the Board that as part of obtaining a Release of Funds, the County must adopt certain plans and policies to comply with the Federal requirements, but all of the policies before the Board had been adopted for similar projects in the past.

Commissioner Collier made a motion to adopt the CDBG-CR Project Administrative Guidelines and Policies. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Other Matters – Hyde County ABC

The Interim County Manager reported that he was working with the ABC Board to obtain the reports requested by the Hyde County Board of Commissioners, more particularly the request that all revenues and expenditures be itemized by store locations.

Commissioner Byrd said he was disturbed by the letter written by the Chairman of the ABC Board because in the letter the Chairman of ABC Board stated that he did not have the time to produce the nit-picky reports requested by the Hyde County Board of Commissioners.

Vice-Chairwoman Spencer said she felt the Commissioners should address the letter written by the Chairman of the ABC Board. The County Attorney suggested that the Board address the matter further in closed session.

Commissioner Styron made a motion to table the discussion regarding the Hyde County ABC Store until closed session. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Other Matters – North Carolina’s Veterans Park

Mr. Smitherman said the County received a letter from Cumberland County regarding the opening of North Carolina’s Veterans Park next year and requesting the County to contribute some soil and a veteran’s hand print to be placed in the park.

Commissioner Spencer suggested that the County contact the Hyde County VFW, asking them to recommend a veteran to represent the County in North Carolina’s Veterans Park.

The Board designated Vice-Chairwoman Spencer as the contact person for the County on this project.

Reports – County Commissioners’ Reports

Commissioner Styron – Commissioner Styron said AT&T started extending the cell phone tower on Ocracoke and requested that a letter be sent to AT&T asking about the progress of this project. The Interim County Manager said the Code Enforcement Officer was in close contact with the contractor completing the work for AT&T and suggested that Commissioner Styron contact the Code Enforcement Officer regarding this project.

Commissioner Collier – Commissioner Collier made a motion for the EMS personnel that had submitted incorrect timesheets to be paid before Friday, November 5, 2010 contingent upon correct timesheets being submitted. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Collier, and Styron
Nays – Commissioner Byrd

Commissioner Byrd – Commissioner Byrd said he was unaware that Sally Messick, Engelhard Medical Center Nurse Practitioner, had resigned from the Engelhard Medical Center. Commissioner Byrd asked if it was possible for the Engelhard Medical Center to hire a physician. Art Keeney, Engelhard Medical Center Board, replied that they were in the process of seeking two physicians and it was very likely that they would be able to fill the positions.

Commissioner Spencer – Commissioner Spencer reported that she attended a Southern Albemarle Association meeting and was informed that the equity formula was in jeopardy of being changed. Commissioner Spencer said that Stan White, NCDOT Board, reported that they should have an answer regarding the Bonner Bridge Replacement Project by some time in November.

Commissioner Spencer also requested that there be continuity in employees assisting with the Mattamuskeet Sewer Project because when the previous county manager was

terminated, there was no one familiar with the project. Commissioner Spencer suggested that an employee of the Planning Office be involved with the Mattamuskeet Sewer Project.

Reports – County Manager’s Report

Mr. Smitherman recommended that the County Manager Application Review Committee meet to review the final 14 or 15 applications. The Interim County Manager said he was hoping the County Manager would be hired before the Christmas break to allow for a shadowing period of approximately 30 days.

The Interim County Manager said he met with the Northeast Workforce Development Commission regarding funding for EMS training and was informed that there are 3 community colleges offering online paramedic courses.

Mr. Smitherman reported that the County received two applications for the paramedic positions being advertised. Mr. Smitherman further stated that the EMS System was in the process of converting to automated timesheets and that new time keeping policies would be implemented by December 1, 2010. The Interim County Manager said the EMS System had implemented a 48/144 floater schedule that would rotate personnel on the Mainland, as well as rotate personnel between Ocracoke and the Mainland due to the fact that they are down one EMT position on the island.

Mr. Smitherman addressed the public comment by Ms. Ehringhaus, stating that the Commissioners had tested the decibel meter before the meeting.

The Interim County Manager asked the Board to approve the job description for the Operations Manager position. Mr. Smitherman said the position would replace the Emergency Services Director position and would be broader in scope, but with more emphasis on management. Commissioner Styron replied that she was unsure if someone would be able to handle the broad scope of this position.

Commissioner Collier made a motion to approve the Operations Manager job description and for the position to be advertised and filled. Commissioner Byrd seconded the motion, the motion did not carry by the following vote:

Ayes – Commissioners Byrd and Collier
Nays – Commissioners Spencer and Styron

Commissioner Spencer said she would need more time to review the job description and discuss the responsibilities of this position with the Interim County Manager.

Mr. Smitherman said the flooring at the ADAP Center is not safe due to moisture and deterioration and it need to be repaired.

Commission Byrd made a motion to solicit bids to complete the work necessary to repair the floor at the ADAP Center in Fairfield. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Art Keeney, Engelhard Medical Center Board, informed the Commissioners that there would be an open house to honor Sally Messick for her dedicated service to the Engelhard Medical Center and the citizens of Hyde County on November 14, 2010 at the Engelhard Medical Center. Commissioner Spencer recommended that the Board approve a resolution of appreciation for Sally Messick.

Commissioner Byrd made a motion to approve a resolution of appreciation for Sally Messick's dedicated service to Hyde County. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Closed Session

Commissioner Byrd made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a) (3). Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Collier made a motion to return from closed session. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

Commissioner Byrd made a motion to adjourn the November 1, 2010 Regular Meeting of the Hyde County Board of Commissioners. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron
Nays – None

The November 1, 2010 Regular Meeting of the Hyde County Board of Commissioners adjourned at 9:18 PM.

Respectfully submitted:

Minutes approved on the 15th day of November, 2010.

Justin L. Gibbs

Justin L. Gibbs, Deputy Clerk – Hyde County Board of Commissioners

Tom Davis

Tom Davis, Chairman – Hyde County Board of Commissioners

