

**Hyde County Board of Commissioners' Meeting  
November 6, 2006  
Minutes**

The Hyde County Board of Commissioners held its regular meeting on Monday, November 6, 2006 at 7:00 PM in the Mattamuskeet School Cafeteria.

Board Members present were:

Bea Emmert, Chair	Charles Spencer
Alice Armstrong	Jane Hodges

Staff members present were:

Kevin Howard, County Manager  
 Connie Burlison, Clerk to the Board  
 Sid Hassell, County Attorney

Chair Emmert called the meeting to order, Mr. Jones offered prayer and Bea Emmert led the Pledge of Allegiance.

**Approval of Agenda**

Upon motion made by Alice Armstrong, seconded by Charles Spencer, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the agenda as amended. The following issues were added:

Closed Session Litigation Beaufort County v. Ricco Harris  
 Flood Damage Prevention Ordinance #121 Amendment #2  
 Resolution Adding O'Neal Lane to State Maintained Road System

**Public Comments**

The meeting was opened to receive public comments. Comments received on the following:

Iris Falkson – Timberline LLC  
 Janet Russ – Policy for addressing old business or tabled items  
                   General Liability for new Government Center and Public Safety Center  
 Odessa Jarvis – Status of old courthouse

**Approval of Minutes October 2, 2006**

Upon motion made by Charles Spencer, seconded by Alice Armstrong, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the October 2, 2006 minutes as submitted.

**Budget Revisions and Transfers**

Upon motion made by Charles Spencer, seconded by Alice Armstrong, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the following Budget Revisions and Transfers as submitted:

(FO USE) BR #	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	DEBIT	CREDIT
4	EDUCATION	106810.0977	QZAB RENOVATION EXPENDITURES	\$97,172.13	
		103650.0200	QZAB BOND REVENUES		\$97,172.13
			<b>INCREASE BUDGET FROM RESERVE FUNDS/ BOND PROCEEDS-- ANTICIPATE FINAL EXP THIS FY</b>		
5	SHERIFF	105100.7425	EQUIPMENT (CAPITAL OUTLAY \$5000+)	\$ 6,974.00	
		103650.0000	SALE OF SURPLUS FIXED ASSET		\$6,974.00
			<b>INCREASE SHERIFF OFFICE BUDGET TO SET UP FUNDS FOR PURCHASE OF NEW K-9 APPROVED 08 21 06 MINUTES</b>		
6	MAINLAND OTAX	754921.4500	MOWING CONTRACT-LAKE ROAD	\$ 2,500.00	
		754921.1800	CONTRIBUTION-MATT REFUGE BIRD WATCHING PATH	\$ 9,000.00	
		754921.1800	CONTRIBUTION-MATT REFUGE WEED EATERS LAKE ROAD	\$ 1,016.00	
		753990.0000	FUND BALANCE APPROPRIATED		\$ 12,516.00
			<b>INCREASE BUDGET TO REFLECT ITEMS APPROVED 08 07 2006 MINUTES</b>		
7	EMERG MEDICAL	105920.4505	EMS BILL COLLECTION FEE 10% OCRA	\$ 2,500.00	
		103603.0000	EMS BILLS BY COLLECTION SERV-OCRA		\$ 2,500.00
			<b>INCREASE BUDGET TO REFLECT POTENTIAL COLLECTIONS FOR OCRA RESCUE APPROVED 10 02 06 MINUTES</b>		



**Inez Dudley, Tideland Consumer Family Advisory Committee**

Ms. Dudley introduced herself and gave a brief overview of the Tideland Consumer Family Advisory Committee and its goal.

**Darrick Smith, Timberline LLC**

Upon motion made by Alice Armstrong, seconded by Jane Hodges, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Timberline LLC Letter of Credit.

**Mark Carawan, Mainland O-Tax Board – Porta Johns**

Mr. Carawan requested approval to locate a porta john on Lake Road to be paid for with O-Tax Funds. Charles Spencer made a motion for allow the O-Tax Board to use funds to locate one porta john on Lake Road for a six months trial period. Alice Armstrong seconded the motion. The Motion failed with a vote of 2 to 2. Commissioners Emmert and Hodges cast the opposing votes.

**Beverly Paul, Hyde Transit 2007/08 Memo of Understanding**

Upon motion made by Jane Hodges, seconded by Charles Spencer with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Transportation Memorandum of Understanding for NC DOT Public Transportation Division Community Transportation Program between Hyde County Non-Profit Private Transportation Corporation, Hyde County DSS, Hyde County Health Department, Mattamuskeet Senior Center, Tideland Mental Health Center, Mattamuskeet Opportunities and the County of Hyde.

**Linda Basnight, Tax Administrator**

Ms. Basnight presented several items to the Board.

- 1. **Tax Accounts Found in Error and Need to be Released** – Upon motion made by Jane Hodges, seconded by Charles Spencer with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the following:

Release Account #207039 Christopher Beckwith – mobile home moved to Pitt Co. in December 2002  
\$27.63 2003 tax  
\$100.10 2004 tax

Release Account #204079 Jimmy Clayton – mobile home condemned in 1997  
\$56.44 1998 tax  
\$63.00 1999 tax  
\$63.00 2000 tax  
\$66.5 2001 tax

Release Account #203127 Charlene S. Jeffries – State took oyster bed  
\$.53 1996 tax  
\$.54 1997 tax

Release Account #204635 Vance W. Selby – mobile home lost in bankruptcy in 1994  
\$149.54 1996 tax  
\$141.20 1997 tax  
\$134.40 1998 tax  
\$151.20 1999 tax  
\$151.20 2000 tax  
\$159.60 2001 tax  
\$159.60 2002 tax  
\$117.60 2003 tax  
\$120.12 2004 tax

Release Account #201657 Rosa Jennette Heirs – County Tax Foreclosure – now owned by Hyde County  
\$17.62 1996 tax  
\$17.82 1997 tax  
\$15.84 1998 tax  
\$17.82 1999 tax  
\$17.82 2000 tax  
\$18.81 2001 tax  
\$18.81 2002 tax  
\$50.82 2003 tax  
\$51.91 2004 tax  
\$51.91 2005 tax

Release Account #201541 Melissa Harris Heirs – County Tax Foreclosure Now owned by Hyde County.  
\$51.18 1996 tax  
\$51.78 1997 tax  
\$46.00 1998 tax  
\$51.75 1999 tax  
\$51.75 2000 tax  
\$54.63 2001 tax  
\$54.63 2002 tax  
\$52.50 2003 tax  
\$53.63 2004 tax  
\$53.63 2005 tax

Release Account #205328 Yreka Bio-Mass-American Peat Co Building Charged for not on property.

\$110.49	1996 tax
\$111.22	1997 tax
\$123.86	1998 tax
\$131.22	1999 tax
\$131.22	2000 tax
\$189.90	2001 tax
\$189.90	2002 tax
\$195.98	2003 tax
\$197.61	2004 tax
\$227.61	2005 tax

Release Account #202591 Fuel Teck, Inc- American Peat Co. Building charged for sold in 1996.

\$335.43	1996 tax
\$338.70	1997 tax
\$326.06	1998 tax
\$358.70	1999 tax
\$358.70	2000 tax
\$430.01	2001 tax
\$430.01	2002 tax
\$309.00	2003 tax
\$313.05	2004 tax
\$343.05	2005 tax

Release Account #205931 Ernest R. Renwick – mobile home moved from Riverside Campground in 1996.

\$64.80	1997 tax
\$82.60	1998 tax
\$84.80	1999 tax
\$84.80	2000 tax
\$178.32	2001 tax
\$178.32	2002 tax
\$122.80	2003 tax
\$146.14	2004 tax

Release Account #203676 Barbara Jean Gibbs—solid waste charges

\$120.00	solid waste	\$15	Interest	2004
\$150.00	solid waste	\$14.25	Interest	2005
\$150.00	solid waste			2006
\$449.25	Total Release			

Credit/Refund	\$120.00	solid waste	\$3.30	2003
	\$120.00	solid waste	\$5.10	2002
	\$248.40	Total Credit/Refund		

2. **Deputy Tax Assessor/Collector/Mapper Job Description** – Upon motion made by Jane Hodges, seconded by Charles Spencer BE IT RESOLVED THAT the Board approved the Deputy Tax Assessor/Collector/Mapper Job Description as submitted. The motion carried with a vote of 3 to 1. Commissioner Armstrong cast the opposing vote.

**Tony Spencer, EM Coordinator**

Mr. Spencer presented several issues to the Board.

1. **Acceptance of 2006 Homeland Security Grant Funds** –Upon motion made by Jane Hodges, seconded by Charles Spencer, with all Board members voting in favor BE IT RESOLVED THAT the Board accepted the 2006 Homeland Security Grant Funds in the amount of \$36,046.34.
2. **Inter County Mutual Aid Agreement** – Upon motion made by Jane Hodges, seconded by Charles Spencer with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Regional Public Safety Mutual Aid Agreement as presented.

**Manager’s Business**

Mr. Howard presented several issues to the Board.

1. **Budget Revision #13 Emergency Management** – Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the following Budget Revision:

**NOTE: MINUTES 09 05 2006 APPROVED 2 DEPUTY EMERG MGT COORD/FIRE MARSHALS AND INDICATED FUNDS ALREADY SET ASIDE OR ELIMINATED IN IDT#13 WERE TO BE UTILIZED.....THERE NEEDS TO BE CLARIFICATION OF THE CHANGES IN THE EMERG MGT DEPT IN THE MINUTES TO ENABLE FINANCE TO KNOW WHERE TO TAKE THE FUNDS FROM TO PAY THE DEPUTY EMERG MGRS APPROVED ON 09 05 2006....UNDOING 07 17 06 BOARD ACTION....THE IDT#13 BELOW WOULD BE NECESSARY TO ACCOMPLISH THE TRANSFER FROM FT SALARY TO PT SALARY (CELL PHONE ALLOWANCE SETUP PREVIOUSLY) TO FUND THE DEPUTY POSITIONS....**

13	<b>EMERG MGT</b>	105250.2020	SALARY PART TIME	\$ 6,500.00	
		105250.0200	SALARY		\$ 6,500.00

2. **Correction to July 17, 2006 Minutes** – Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the correction to the July 17, 2006 minutes as follows: Contract to Jay Paul Construction with low Bid of \$35,000 is corrected to low bid of \$35,800.
3. **Animal Control Services** – Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Animal Control Services Budget Revision as follows:

16	<b>ANIMAL CONTROL</b>	105990.0500	FICA	\$ 200.00
		105990.1400	TRAVEL	\$ 500.00
		105990.2020	SALARY PT	\$ 2,500.00
		105990.3300	DEPT SUPPLIES	\$ 250.00
		105990.5300	KENNEL FEES	\$ 750.00
		105990.7402	EQUIPMENT	\$ 700.00
		105990.9800	TRAINING	\$ 500.00
			ANIMAL CONTROL	
		105990.4500	CONTRACT	\$ 5,400.00
			<b>ESTABLISH BUDGET FOR ANIMAL CONTROL FROM CONTRACT LINE</b>	

4. **CDBG-E-1495 Grant Agreement Hyde Davis Business Enterprise Center Project and Funding Approval**– Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the CDBG #05-E-1495 Grant Agreement Hyde Davis Business Enterprise Center Project and funding approval.
5. **CDBG-EI-Grant Administration Contract** –Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board awarded the CDBG-EI Grant Administration Contract to Eastern Carolina Council not to exceed \$15,500.
6. **NC DENR Grant Contract No. S07007 Project Ordinance** – Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the NC DENR Grant Contract No. S07007 Project Ordinance as submitted.
7. **Zoning** -- the Board was presented a list of interest person for consideration on the Hyde County Planning Board and requested to provide additional names.
8. **Application Public School Building Capitol Fund** – Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Application Public School Building Capitol Fund for \$197,000.
9. **Letter of Support 6-Bed Addition The Outer Banks Hospital** – Upon motion made by Jane Hodges, seconded by Charles Spencer, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Letter of Support for The Outer Banks Hospital 6-Bed Addition.
10. **Request from NC DOC to Waive Water Bill Penalties** – Upon motion made by Charles Spencer, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board approved giving NC DOC Hyde Correctional Institute credit for \$3,241.60 water and sewer penalties paid in September 2006.
11. **Swan Quarter Dike Utilities** – issued was tabled
12. **Far Creek Dredge Spoil Site Improvements** – Issue was tabled
13. **Resolution Supporting Bridge Repair On North Lake Road** – Upon motion made by Charles Spencer, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board adopted the Resolution Supporting Bridge Repair on North Lake Road.
14. **Resolution Regarding the Rental Policy for the Mattamuskeet Senior Center** – Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board adopted the Resolution Regarding the Rental Policy for the Mattamuskeet Senior Center.
15. **Flood Damage Prevention Ordinance #121 Amendment #2** – Upon motion made by Charles Spencer, seconded by Jane Hodges, with all Board members voting in favor, BE IT RESOLVED THAT the Board approved the Flood Damage Prevention Ordinance #121 Amendment #2 as submitted.
16. **Resolution Requesting NC DOT Add O’Neal Lane, Ocracoke to the State Maintained Road System** – Upon motion made by Jane Hodges, seconded by Alice Armstrong with all Board members voting in favor, BE IT RESOLVED THAT the Board adopted the Resolution Requesting NC DOT Add O’Neal Lane, Ocracoke to the State Maintained Road System.

**Closed Session – Litigation and Personnel**

Upon motion made by Jane Hodges, seconded by Charles Spencer with all Board members voting in favor, BE IT RESOLVED THAT the Board entered into closed session at 9:03 PM for Litigation and Personnel.

Upon motion made by Jane Hodges, seconded by Charles Spencer with all Board members voting in favor, BE IT RESOLVED THAT the Board came out of closed session at 9:33 PM

**Delmar Sadler—Property**

Upon motion made by Bea Emmert, seconded by Alice Armstrong BE IT RESOLVED THAT the Board requested County Manager Kevin Howard to send a letter to Delmar Sadler offering him \$4,545 for his property regarding the Swan Quarter Dike Project. The motion carried with a vote of 3 to 0. Commissioner Hodges abstained.

### **Informational Items**

- Options Invitation to Joint Presentation November 14, 2006
- October Minutes Mainland Occupancy Tax Bd
- Government Center Monthly Report September 06
- Government Center Monthly Report October 06
- Public Safety Center Monthly Report September 06
- Public Safety Center Monthly Report October 06
- September Minutes Hyde Soil and Water Conversation District
- EMS Monthly Report September 2006
- EMS Monthly Report August 2006
- Monitoring Visit CDBG Number 05-C-1379
- Albemarle RC&D Newsletter
- Letter from Lyndo Tippett NC DOT Re: Herbert C. Bonner Bridge
- Letter to Gary Thompson Office of Geodetic Survey Re: Hyde County Airport – PACS and SACS
- The Albemarle Commission Notice Re: Delegates Meeting Scheduled November 16, 2006
- Letter From Dr. Boyette Re: Appointment to Tideland Mental Health Board Dr. Tom Penders
- Ocracoke Jail Inspection Report October 18, 2006

### **Additional Attachments**

- Flood Damage Prevention Ordinance Amendment #2
- Resolution Re: Addition of O’Neal Lane to State Maintained Secondary Road System
- Budget Revision #16 Animal Control
- List of Interested Persons for Planning Board Members
- Contingency Line Balance \$41,457.00
- Memo from Tony Spencer Re: Engelhard Fire Department
- Email from VFIS Re: Engelhard Fire Department Notice of Cancellation being Rescinded
- Hyde County Government Center Summary of Cash Flow Period 9-22-06 to 10-30-06

### **Recessed**

The meeting recessed to reconvene on Tuesday, November 14, 2006 at 4:00PM in the Board of Education Conference Room, O.A. Peay School.

### **Reconvened**

The meeting reconvened on Tuesday, November 14, 2006 at 4:00PM in the Board of Education Conference Room, O.A. Peay School.

Board Members present were:

Bea Emmert, Chair	Charles Spencer
Alice Armstrong	Jane Hodges

Staff members present were:

Kevin Howard, County Manager  
Connie Burleson, Clerk to the Board  
Rainey Holbrook, Attorney

Chair Emmert reconvened the meeting and Charles Spencer offered prayer.

### **Closed Session – Personnel**

Upon motion made by Jane Hodges, seconded by Charles Spencer, with all Board members voting in favor, BE IT RESOLVED THAT the Board entered into closed session at 4:05 PM for personnel issues.

Upon motion made by Charles Spencer, seconded by Jane Hodges with all Board members voting in favor, BE IT RESOLVED THAT the Board came out of closed session at 7:00 PM.

### **Termination of County Manager Kevin Howard**

Upon motion made by Jane Hodges, seconded by Alice Armstrong BE IT RESOLVED THAT the Board relieved County Manager Kevin Howard of his duties effective Wednesday, November 15, 2006 with a minimum of 12 months before reconsideration. Mr. Howard will receive six months severance pay. Connie Burleson will be Interim Manager. The motion carried with a vote of 3 to 1. Commissioner Spencer cast the opposing vote.

### **Adjournment**

Upon motion made by Alice Armstrong, seconded by Charles Spencer with all Board members voting in favor, BE IT RESOLVED THAT the meeting adjourned at 7:10 PM.

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Clerk \_\_\_\_\_ Chair \_\_\_\_\_  
Hyde County Board of Commissioners