Meeting Minutes

Board of County Commissioners
Hyde County

November 7, 2011

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Monday, November 7, 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, Sharon Spencer, Darlene Styron, Dick Tunnell and Barry Swindell; Attorney Fred Holscher; County Manager Mazie Smith; Deputy Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Deputy Clerk to the Board Jamie Carter and members of the public.

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

Agenda:

Chairwoman Spencer asked for any changes to the November 7, 2011 meeting Agenda as presented by the Clerk.

Commissioner Tunnell moved to approve the agenda as presented by the Clerk with the addition of Item 16 (a) – Swan Quarter Dike Maintenance Update. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Consideration of Minutes:

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Swindell moved to approve the October 17, 2011 Commissioners Regular Meeting Minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Public Comments:

Chairwoman Spencer called for comments from the public.

Isabelle Holmes, Engelhard – stated that the gym at Davis Ventures is widely used by citizens and asked the Board to save the building.

Pastor Redden Leggett, Mt. Pilgrim Church in Engelhard – stated that the Davis Ventures gym has provided a safe environment for local children and asked the Board to build the gym back in Engelhard.

Tim Flowers, McCamie's Trash Service employee – stated that McCamie's was the low bidder ($271,000) for the Hyde County Solid Waste Contract.

Mike Adams, Director, Davis Ventures – stated that the Davis Youth Center has provided services to children with no problems reported. He reported that the old Davis School Building

has decades of cultural significance since 1954 and that Davis Ventures has been a great asset to the County. Mr. Adams asked the Board to consider the many volunteers and citizens who have utilized the building since 2003 when they deliberate whether or not to repair the Davis Gym.

Alice Mackey, Engelhard – reported that after Hurricane Isabelle, Mt. Pilgrim Church was housed at Davis for eight years. She asked County leaders to consider saving the Davis Gym.

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

Closed Session:

Commissioner Swindell moved to enter closed session pursuant to G.S. N.C.G.S. 143-318.11 (6) personnel matters and to G.S. N.C.G.S. 143-318.11 (7) legal counsel.

County Attorney Fred Holscher referenced the Gibbs versus Hyde County case.

Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

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

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

The meeting reconvened at 7:10 P.M.

Other Matters:

Solid Waste Hauling Contract

Utilities Director Clint Berry recommended awarding the Hyde County Solid Waste Services Agreement to David's Trash Service, Inc.

Commissioner Swindell moved to award the Hyde County Solid Waste Services Agreement to David's Trash Service, Inc. for a period of five years, beginning on January 1, 2012. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Adjustment to Solid Waste Fees

Utilities Director Clint Berry recommended a reduction of fees to be charged for mainland solid waste collection until curbside pickup is discontinued in December to allow adequate time to order and install dump site compactors.

$22,170.25/month x 3 month extension = $66,510.75						
Mainland	**No.**	**Bill/month**	**Total/month**	**Bill/month**	**Total/month**	**Total Revenue**
Residential	**1779**	**$25.00**	**$44,475.00**	**$11.50**	**$20,458.50**	
Small Business	**36**	**$40.00**	**$ 1,440.00**	**$19.00**	**$ 682.00**	
			$45,915.00		**$21,142.50**	**$67,057.50**

Commissioner Swindell moved to end all curbside solid waste collection on December 31, 2011 and to approve the reduced fees schedule for mainland solid waste collection as presented by

Utilities Director Clint Berry until curbside pickup is discontinued. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Community Development Block Grant – Community Revitalization (CDBG-CR) Local Option Funds Contract

Grants Administrator Kris Noble reported that the Hyde County Board of Commissioners has previously approved the elevation of 5771 US Hwy 264, Scranton, NC through the local option funds in the CDBG-CR Project. Bid tabs were opened on November 2, 2011 at 3:00 p.m. and evaluated by the Office of Economic Development and Planning and Holland Consulting Planners. Ms. Noble recommended awarding the bid to Paul Woolard Construction (lowest responsible bidder) for the elevation, rehabilitation and septic work at 5771 US Hwy 264, Scranton, NC.

Billy Earp Construction	**$60,315.00**
Paul Woolard Construction	**$56,519.55**
B & B Construction	**$79,780.00**

Commissioner Byrd moved to approve the bid tab as presented by Grants Technician Kris Noble and to award the 5771 US Hwy 264 elevation/rehabilitation/septic work contract to Paul Woolard Construction. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Engelhard Sanitary District

Chairwoman Spencer reported that the Engelhard Sanitary District has received a Notice of Violation and Recommendation of Enforcement (NOV-2011-PC-0577-Permit No. WQ0017625) regarding the wastewater treatment and disposal system in Engelhard. The violation states that if the conditions are not corrected, a moratorium on the system may be issued, which would prevent the County from going forward with the planned sewer line extension project. Civil penalties in the amount of $25,000 per day could be assessed against the district.

Tommy Ethridge, Engelhard Sanitary District Chairman and Allen Bleven, EnviroTech employee, reported to the Board that poor design and engineering errors in 2002 caused air pockets to form underneath the lagoon barrier material and that wave action during Hurricane Irene in September, 2011 caused the barrier to rip. Mr. Bleven stated that he reported the damage to the Division of Water Quality (DWQ) and to the Engelhard Sanitary District Board immediately after the storm.

Grants Administrator Kris Noble and Public Utilities Director Clint Berry recommended that the county ask FEMA for assistance with repair of the lagoon under Hyde County's existing FEMA claim when they meet with FEMA representatives on Tuesday, November 8.

Mr. Ethridge reported to the Board that the Engelhard Sanitary District has neither the money, time, knowledge nor manpower to do the necessary lagoon repairs. He also reported concerns about collecting $80,000 in old debt that the Sanitation Board was owed prior to the Hyde County Utilities Department taking over the Sanitary District's billing in 2009.

Utilities Director Clint Berry and County Attorney Fred Holscher reported that Hyde County could not collect debts owed to the Engelhard Sanitary Board prior to its 2009 contract. Mr.

Holscher advised Mr. Ethridge to contact the Sanitary Board's attorney about collections and legal actions.

Environmental Health Coordinator Hugh Watson reported that DWQ will issue a notice of violation when a system fails and when a system empties into the Pamlico Sound penalties could be accessed. Mr. Watson reported that Al Hodge with DWQ in Washington, NC is available to talk with the Board and/or groups interested in resolving this issue.

The Board of Commissioners agreed that in order to continue the planned sewer line extension, sewer force main extensions -- including the Mattamuskeet Lodger Sewer project, community revitalization (CR), the Engelhard Marine Industrial Park, and the CDBG – SBEA economic development projects, it is recommended that an oversight committee be established to guide and monitor the repair of the Engelhard lagoon.

After discussion, Commissioner Byrd moved to set up the oversight committee, consisting of members of the Engelhard Sanitary District Board; Kris Noble of the County Department of Economic Development and Planning; Clint Berry, Public Utilities Director; Hugh Watson, Environmental Health Coordinator; and, Commissioner Sharon Spencer. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Variance for Chamber Office/Waiver of Permit Fees Request

Commissioner Swindell moved to excuse Commissioners Byrd and Tunnell due to potential conflicts of interest for the agenda item in consideration. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes Spencer, Styron and Swindell
Nays – None
Absent or not voting – Byrd and Tunnell

Hyde County Chamber of Commerce member Randy Hignite requested a variance of the freeboard requirements to set up the doublewide modular trailer the Chamber plans to use as an office at the intersection of Highways 264 and 94. Mr. Hignite stated that he is aware that Hyde County Ordinance requires the building to be at a height of at least base flood level, but given the building would be used as a business rather than a residence, he hoped the board would grant the request. He also asked the Board to waive the $200 building permit fee generally charged to set up such a unit.

Commissioner Swindell moved to waive the variance of freeboard requirements and to waive set up fees. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes Spencer, Styron and Swindell
Nays – None
Absent or not voting – Byrd and Tunnell

Commissioners Byrd and Tunnell returned.

Hyde County Board of Education Request for Use of ADM Funds

County Manager Mazie Smith reported that she received a request from Superintendent of Hyde County Schools Dr. Randolph H. Latimore, Sr., to use Average Daily Membership (ADM) funds from the Public School Building Capital Fund for the purchase of computers. The use of funds under this category does not require a local match. The Hyde County Board of Education approved this request on October 17, 2011.

Commissioner Tunnell moved to approve request to use ADM funds from the Public School Building Capital Fund for the purchase of computers. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

County Request for Lottery Funds for Bond Payment

County Manager Mazie Smith proposed requesting $64,000 of funds from the Public School Building Capital Building Fund, North Carolina Education Lottery, to be used toward payment of the first bond installment for the classroom and gymnasium construction projects at Mattamuskeet and Ocracoke Schools respectively. This amount was included in the FY2011-12 Budget for this purpose.

Commissioner Styron moved to approve request to use $64,000 of funds from the Public School Building Capital Fund, North Carolina Education Lottery toward payment of the bond installment. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Fee Schedule for Public Records Requests

County Manager Mazie Smith presented a fee schedule for public records requests and a request form. As defined in NCGS-132-1(a) (b) it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. Minimal cost means the actual cost of reproducing the public record or public information. NCGS-132-6.2 states that public agencies may assess different fees for different media as prescribed by law. Ms. Smith recommended a cost of $.10 per copy page and $5 per compact disc.

Citizens requesting public information will complete the request form and present it to the Public Information Officer (PIO) who will then retrieve and copy the information for the citizen. Copies will be provided in a timely manner.

Commissioner Styron moved to approve the Public Records Requests Fee Schedule. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Amendment to Project Ordinance – Engelhard Seafood Park

Grants Administrator Kris Noble reported that the original project ordinance No. 2001-05-02 for the Wanchese Seafood Industrial Park Project has been modified to accurately reflect current revenues and expenditures as shown in amended Project Ordinance No. 2011-10-01 Engelhard Marine Industrial Park. The total project budget was increased by $30,367.76 consisting of revenues coming from the NC Seafood Industrial Park Authority. Project expenditures have also changed respectively. Expansion of water service now includes sewer service as well. Roadway improvements and Stormwater BMP for the entire site are being postponed at this time, however Hyde County is working cooperatively with the NC Seafood Industrial Park Authority for development of the entire site, include roadways, storm water measures and shoreline restoration. Grading and excavation has been modified to include site work and geotechnical testing. This was a considerable difference from the original estimates because of the soil types found on the site and the flood elevations of the site as well. The electrical estimate was reduced through contract negotiations. Wetland delineation and engineering fees are being paid by the NC Seafood Industrial Park Authority. The contingency line item was increased slightly.

Adoption of the amended Project Ordinance 2011-10-01 was tabled at the October 17, 2011 commissioners meeting.

Commissioner Swindell moved to approve "Amendment to Project Ordinance No. 2011-10-01 Engelhard Seafood Park." Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

CLERK'S NOTE: A copy of "Amendment to Project Ordinance – Engelhard Seafood Park" is attached herewith as Exhibit A and incorporated herein by reference.

Appointment: Beaufort Hyde Regional Library Board

County Manager Mazie Smith reported that Shara Chilcoat has resigned from the BHM Regional Library Board after relocating to Pitt County. Library Director M. J. Carbo has suggested that Gwen Mullen be appointed to fill Ms. Chilcoat's unexpired term.

Commissioner Tunnell moved to appoint Gwen Mullen to fill Shara Chilcoat's unexpired term. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Holiday for Employees

County Manager Mazie Smith reported that the Christmas holiday falls on Sunday in 2011. According to the Hyde County Personnel Policy, county employees must observe the same schedule as State employees, unless the Board grants additional days off. Because County employees have worked many long, stressful hours to help the citizens recover from Hurricane Irene, and because no funds are available for pay raises, the County Manager requested that employees be given Friday, December 23, 2011 off as a way to say "thanks" for the extra effort and jobs well done.

Commissioner Swindell moved to approve December 23, 2011 a holiday for County employees. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Board of Commissioners Retreat

County Manager Mazie Smith reminded the Board that they had expressed a desire at their spring planning retreat in April, 2011 to hold a second retreat mid-fiscal year to examine progress toward Board goals and begin early planning for the 2012-2013 budget. Ms. Smith recommended Saturday, January 21st for this retreat.

After discussion, Board members agreed to conduct the retreat on Saturday, February 11, 2012.

Swan Quarter Dike Update

Commissioner Dick Tunnell presented an update on the Swan Quarter Dike. Mr. Tunnell reported that several small projects needed to be completed in order to bring the dike up to standard so regular maintenance can be performed.

Commissioner Swindell moved to use Maintenance Department employees to bring maintenance

of the Swan Quarter Dike up to standards. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Budgetary Matters:

County Manager Mazie Smith approved one Health Department budget revision in the amount of $6,384 in additional funds received from the NC Division of Public Health administratively as per the FY2011-12 Hyde County Budget Ordinance.

Budget Transfers

Department of Social Services - LIEAP: $9,726.00; (remaining balance) federal low income home energy assistance funds received for State Fiscal Year 2011-12. Does increase the budget.

Department of Social Services - Crisis Intervention: $31,638.00; additional funds to be received from DSS Crisis Intervention. Does increase the budget.

County Commissioners Reports:

Commissioner Swindell – reported that repairs need to be made and/or paving of the Sheriff's Department, Health Department and Utilities Department parking lots and roads.

Utilities Director Clint Berry will get estimates and research possible grant funding for the parking lots/roads repair project.

Commissioner Swindell moved to amend "RES No. 2010-12-02 – Resolution of the Hyde County Board of Commissioners Regular Meeting Dates" to begin regular board meetings at 6:00 p.m. through December 5, 2011. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

CLERK'S NOTE: A copy of "Amendment to RES No. 2010-12-02 – Resolution of the Hyde County Board of Commissioners Regular Meeting Dates" is attached herewith as Exhibit B and incorporated herein by reference.

Commissioner Styron – discussed the Ocracoke Travel Trailer Ordinance and reported that County Attorney Fred Holscher will present the revised Ordinance at the November 21, 2011 Board meeting. Ms. Styron also attended the "Swan Quarter" Ferry Dedication Ceremony.

Commissioner Byrd – stated that the new "Swan Quarter" Ferry will be an asset to the citizens of Hyde County. Mr. Byrd commended the speakers who presented their concerns regarding the old Davis School gymnasium repairs and stated that the County needs to do something for our children in the area of recreation. Mr. Byrd recommended that the County pursue a recreational director/recreation department both on the mainland and on Ocracoke Island.

Due to a power outage on Ocracoke Island, the meeting was adjourned.

Commissioners Spencer and Tunnell will report their activities during the November 21, 2011 regularly scheduled Board of Commissioners meeting.

County Manager's Report:

The County Manager will give report during the November 21, 2011 regularly scheduled Board of Commissioners meeting.

Supplemental Information: (will be distributed to Board members on November 21, 2011)

Department Reports

Finance Department
Tax Department Annual Tax Relief Report
Senior Center Report
EMS Billing Report

Other Information

2011 Rural Partners Forum
Albemarle Rural Planning Organization Board Meeting Minutes
Hyde County Chambergram
Disaster Recovery Center Update
DSS Christmas Cheer Letter
Food Bank of Albemarle Press Release about Tyson Foods
Letter from Scott Bradley re: Ocracoke Square Taxes
Letters to and from FEMA Coordinating Officer
Ocracoke Observer Editorial
Virginian Pilot Article about Fishing Resolution
ECBH Area Board Meeting on 10-25-2011

Calendar Notes:

November

11-06-2011	Daylight Savings Time Ends; Board Meetings Resume ~~6:30~~ p.m. Start Time (see attachment B for clarification of meeting time)
11-11-2011	Veteran's Day Holiday (all County offices closed)
11-16-2011	Albemarle Commission Rural Planning Meeting at 11:00 a.m. in Hertford, NC
11-16-2011	264 Association Meeting at Swan Quarter VFD at 12:00 noon
11-21-2011	Board of Commissioners Meeting at 6:00 p.m.
11-28-2011	Hyde County Airport Advisory Committee at Engelhard Airport at 1:30 p.m.

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

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

The meeting adjourned at 9:00 P.M.

Respectfully submitted:

Minutes approved on the 21st day of November, 2011.

Lois Stotesberry

Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners

Sharon P. Spencer

Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments:

Exhibit A – *"Amendment to Project Ordinance No. 2011-10-01 Engelhard Seafood Park"*
Exhibit B – *"Amendment to RES No. 2010-12-02 – Resolution of the Hyde County Board of Commissioners Regular Meeting Dates"*