

Minutes

Board of County Commissioners Hyde County

September 15, 2008

Vice-chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, September 15, 2008 in the Ocracoke Community Center. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, and Barry Swindell. Also present were Interim County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. Chairman Charles Spencer was absent. Vice-chairman Davis presided over the meeting.

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

Agenda:

Vice-chairman Davis asked for any changes to the September 15, 2008 meeting Agenda as presented by the Clerk.

Commissioner Swindell moved to accept the Agenda as presented by the Clerk with addition of Item III.B.i. – Resolution Regarding Videotaping and Broadcasting Meetings of the Off-Road Vehicle (ORV) Negotiated Rule-Making (RegNeg) Committee Meetings; Item V.A.i. – Tax Administrator – Authority to Collect Taxes; Item V.A.ii. – Budget Revision and Transfers – Floodplain Map Fee; Item V.C. – Solid Waste Collection Contract – Dare County; and Item V.D. – Ocracoke Community Radio Project Request. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Consideration of Minutes:

Vice-chairman Davis asked for approval of meeting minutes.

Commissioner Swindell requested approval of the April 7, 2008 Board of Equalization and Review Meeting Minutes as presented by the Clerk. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Commissioner Ballance requested approval of the August 4, 2008 Meeting Minutes; August 11, 2008 Meeting Minutes; September 2, 2008 Special Meeting Minutes; and September 2, 2008 Meeting Minutes as presented by the Clerk. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Special Presentation:

American Red Cross, Washington, Director Thomas Blount presented services available to Hyde County from the American Red Cross. Mr. Blount reported that the American Red Cross will be teaching CPR for Rose Acre employees soon and offered to schedule CPR classed for County employees and Volunteer Fire Departments. Mr. Blount thanked Swan Quarter Volunteer Fire Department Chief Jeffrey Stotesberry for assisting the American Red Cross with preparation for recent storms and stated he would be replenishing supplies needed for disaster management at the Fire Station.

Public Comments:

Vice-chairman Davis called for comments from the public.

Rudy Austin, President Ocracoke Civic and Business Association stated that he attended the recent Off-Road Vehicle (ORV) Negotiated Rule-Making (RegNeg)

Committee Meeting. Mr. Austin encouraged the Board to continue its support of Dare County and recommended videotaping future meetings and to put them on the County website.

Ordinances and Resolutions:

Far Creek Maintenance Dredging Project – Amendment

Interim County Manager Carl Classen requested that (pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina) the Far Creek Grant Project Ordinance #147 be amended in order to cover the expense of project completion.

CLERK'S NOTE: A copy of the "Amendment of Far Creek Maintenance Dredging Project – Project Ordinance #147" is attached herewith as Exhibit A and incorporated herein by reference.

Resolution of The Hyde County Board of Commissioners Regarding Videotaping and Broadcasting Meetings Of The Off-Road Vehicle (ORV) Negotiated Rule-Making (RegNeg) Committee Meetings

After discussion, Commissioner Swindell moved to adopt A Resolution of The Hyde County Board of Commissioners Regarding Videotaping and Broadcasting Meetings Of The Off-Road Vehicle (ORV) Negotiated Rule-Making (RegNeg) Committee Meetings. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

CLERK'S NOTE: A copy of "Resolution of The Hyde County Board of Commissioners Regarding Videotaping and Broadcasting Meetings Of The Off-Road Vehicle (ORV) Negotiated Rule-Making (RegNeg) Committee Meetings" is attached herewith as Exhibit B and incorporated herein by reference.

Appointment:

Phill Emmert – DSS Board

Interim County Manager Carl Classen reported that Ms. Gloria Spencer, DSS Director has requested the Board re-appoint Mr. Phill Emmert to the Department of Social Services Board.

Commissioner Swindell moved to re-appoint Mr. Phill Emmert to the Department of Social Services Board for a term ending June, 2011. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Other Matters:

Budget Revisions and Transfers

Health Department – Mosquito Control

Interim County Manager Carl Classen reported to the Board that, in accordance with the FY2007-08 Budget Ordinance, he has authorized transfer of \$1,000 to cover expenses for operation of ULV machines. Due to a greater influx of mosquitoes this spraying season, the amount originally budgeted was not sufficient.

No action was required.

Tax Administrator – Authority to Collect Taxes

Interim County Manager Carl Classen presented the annual "Authority to Collect Taxes" order required to be adopted by the Board of Commissioners. Due to vacation and holiday schedules, this was not placed on the September 2 Agenda.

Mr. Classen also presented a calendar for adopting the schedule of values for the 2009 revaluation. No action is required on the calendar.

After discussion, Commissioner Armstrong moved to approve “Authority to Collect Taxes” effective September 2, 2008. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Floodplain Map Fee

Interim County Manager Carl Classen reported that in a September 9, 2008 NC Department of Crime Control and Public Safety letter counties are now required to collect an additional \$10 fee beginning October 1, 2008 when deeds of trust are recorded. The County is then required to convey this amount in its entirety to the Department of Crime Control and Public Safety beginning in November 2008.

Collection of the fee by the County and remittance of the fee to the State will increase revenues and expenditures of the County. Not knowing the number of deeds of trust to be filed between October 1 and June 30, the initial sum of \$2,000 (one per day for remaining 3/4th of the fiscal year) is suggested with an understanding it will likely be amended later in the fiscal year.

After discussion, Commissioner Swindell moved Approve FY2008-09 Budget Ordinance Amendment increasing Floodplain Fee Revenues \$2,000 and increasing State Floodplain Expense by \$2,000. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Rules of Procedure for The Hyde County Board of Commissioners

On January 2, 2001, the County Commissioners approved the Rules of Procedure for the conduct of the Commissioner Meetings. The Rules of Procedure were suggested in a document “Rules of Procedure for the Board of County Commissioners” published by the Institute of Government in 1994. These precede all current members of the Board.

At the August 6 direction of the County Commissioners, staff purchased copies of the most recent (2002) “Rules of Procedures” developed by the UNC School of Government. Later, no action was taken further due to building relocation and other matters.

After presentation of the School of Government “Rules of Procedure” tailored to the Hyde County Board of Commissioners by Interim County Manager Carl Classen the Board decided to further review and bring the Rules back for consideration on October 6.

Solid Waste Collection Contract – Dare County

Interim County Manager Carl Classen reported that the annual Solid Waste Collection Contract with Dare County for the collection of Ocracoke commercial and residential solid waste is due to be renewed. The contract amount of \$268,935 is under the FY2008-09 budgeted amount of \$322,000.

After discussion, Commissioner Swindell moved to renew the Solid Waste Collection Contract with Dare County. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Albemarle Regional Solid Waste Management Authority (ARSWMA) Contract

Interim County Manager Carl Classen discussed the proposed contract between Albemarle Regional Solid Waste Management Authority (ARSWMA) and Republic, which operates the Bertie County landfill.

No action was taken.

Ocracoke Community Radio Project

Mr. Robert Raborn of Ocracoke reported to the Board that development of a local non-commercial radio station will be a benefit to the community and its visitors and asked the Board for its support of the project.

Bylaws of Ocracoke Community Radio Inc.

Art. 1. Sec. 1.02: Purpose. WOVV's mission is to provide the Village of Ocracoke, and its visitors, with a community-enhancing medium of education, information and discourse through access to the public airwaves for locally-focused, regional and nation programming produced by, and responsive to the needs of, our unique island community. WOVV's policies, practices, and programming will always strive to support equality, peace, sustainability, democracy and social and economic justice.

After discussion, Commissioner Ballance moved to support in principal for the stated Mission and Purpose of the Ocracoke Community Radio Project as presented by Robert Raborn. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, and Swindell; Nays – None; Absent or Not Voting – Chairman Spencer.

Boards and Committees Reports:

Commissioner Gene Ballance reported that he has been attending the ORV meetings and that he supports videotaping and posting the meetings on the Hyde County website.

County Commissioner Reports:

Commissioner Barry Swindell thanked incoming Commissioner Sharon Spencer for attending the ORV meeting in Dare County earlier in the week; reported that several Health Board member's terms have expired on the Mainland and on Ocracoke; and reported that the Mainland Subdivision Ordinance will likely be on the October 6 meeting agenda.

Commissioner Tom Davis reported that the House Bill 3113 about relaxing the rules for driving on the beach is being held up by the United States Senate Committee on Energy and Natural Resources. Mr. Davis reported that every Republican member of the committee voted to send this bill to the floor, but that every Democrat voted against sending the bill out for an up or down vote. Mr. Davis provided a list of the Democrats on that committee as well as the contact information for them and asked citizens to contact each of these members and make appropriate inquiry about this bill.

County Manager – Department Reports:

Interim County Manager Carl Classen submitted monthly reports to the Board; Golden Leaf Foundation will present grant awards to the recipients on September 19, 2008 at 11:00 AM in the Multi-Use Room of the Government Center. Senator Marc Basnight, Senator A. B. Swindell, and Representative Tim Spear will attend the ceremony; a separate ceremony will be held on Ocracoke Island for the Ocracoke Fish House grant award (to be announced); preparation for electronic meetings is in progress;

Phase XII Dike Project bids could be presented this fall; research of the Ocracoke boat ramp is underway; and Ocracoke Pay-As-You-Throw (PAYT) is expected to start by late October.

Mr. Classen also reported that at the September 8 Special Meeting of the Hyde County Board of Commissioners the top five priorities for selection of a manager were determined and discussed. The search for a full-time manager continues.

Closed Session:

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

The Commissioners entered closed session at 8:16 PM.

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

The Commissioners re-entered regular session at 8:25 PM.

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

The meeting adjourned at 8:28 PM.

Respectfully submitted:

Minutes approved on the _____ day of _____, 2008.

Lois Stotesberry, Clerk
Hyde County Board of Commissioners

SEAL

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – *“Amendment of Far Creek Maintenance Dredging Project – Project Ordinance #147”*

Exhibit B – *“Resolution of The Hyde County Board of Commissioners Regarding Videotaping and Broadcasting Meetings Of The Off-Road Vehicle (ORV) Negotiated Rule-Making (RegNeg) Committee Meetings ”*