

## Meeting Minutes

### **Board of County Commissioners Hyde County**

**September 20, 2010**

Chairman Tom Davis called the Regular Meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, September 20, 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 Tom Davis, 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.

Due to internet connectivity issues, Chairman Davis asked for a motion to recess the Regular Meeting of the Hyde County Board of Commissioners.

Commissioner Byrd made a motion to recess the September 20, 2010 Hyde County Board of Commissioners' Meeting until Wednesday, September 22, 2010 at 5:30 PM. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

The September 20, 2010 Regular Meeting of the Hyde County Board of Commissioners recessed at 7:10 PM.

Vice-Chairwoman Sharon Spencer reconvened the recessed September 20, 2010 Regular Meeting of the Hyde County Board of Commissioners at 5:40PM on September 22, 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 Tom Davis, 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 Clerks Paula Privett and 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 September 20, 2010 meeting agenda as presented by the Clerk.

Commissioner Byrd made a motion to approve the agenda as presented by the Clerk. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Byrd, Collier, and Styron

Nays – None

Absent – Commissioner Davis

### **Consideration of Minutes:**

Vice-Chairwoman Spencer asked for the approval of minutes from the August 2, 2010 Special Meeting, the August 2, 2010 Regular Meeting, the September 1, 2010 Emergency Meeting, and the September 7, 2010 Special Meeting.

Commissioner Byrd made a motion to approve the minutes from the August 2, 2010 Special Meeting, the August 2, 2010 Regular Meeting, the September 1, 2010 Emergency Meeting, and the September 7, 2010 Special Meeting. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **ABC Board Operations Update**

Commissioner Collier made a motion to table the ABC Board Operations Update due to a representative not being present at the meeting. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

Commissioner Styron asked that the ABC Board prepare a more detailed expense report. The Interim County Manager stated that he would contact the ABC Board and inform them of the Commissioner's request.

### **Cross Creek Nursing Home – Operations Update**

Interim County Manager David Smitherman informed the Board that the administrator of the nursing home asked for this item to be removed from the agenda.

## **Public Comments**

Leslie Lanier, Ocracoke Resident – stated she thinks the paramedic level of service is needed due to the transport time to the nearest hospital and she understands that the County wants to train the current staff members to the paramedic level, but experienced paramedics are needed.

Dr. Erin Baker, Ocracoke Health Clinic Family Practitioner – said the paramedics are needed on Ocracoke and they aid the Ocracoke Medical Center on numerous occasions. Dr. Baker also stated that there is very little an EMT-Basic or an EMT-Intermediate can do for cardiac arrest.

Susan Dodd, Ocracoke Health Clinic Board – emphasized the need for paramedics on Ocracoke due to the increasing number of elderly citizens and children.

Gale Covington, Ocracoke Health Clinic Nurse Practitioner – stated that she appreciated the Commissioners interests in providing the best emergency medical services for the County, but the reason she returned to Ocracoke was because of the paramedic services being offered. Ms. Covington also stated she was concerned about reducing the level of service because of the increasing number of boaters and the number of people that had drowned recently.

Lyda Jones, Ocracoke Resident – said she recently moved from Memphis, TN to Ocracoke and she considered the medical services when she moved.

Cheryl Ballance, Ocracoke Health Clinic Administrative Director – said that the Lead Paramedics prepared a wonderful presentation and that decreasing the level of service would affect everyone. Mrs. Ballance further stated that the Ocracoke Health Clinic could lose medical providers if the service was decreased and that fifty percent of the calls received on Ocracoke originated at the Ocracoke Health Center. The Administrative Director informed the Board that she would be willing to help in any way that she could.

## **Resolution – QSCB Funding for the Hyde County School System**

The Interim County Manager informed the Commissioners that the proposed resolution was intended to formalize the actions taken by the Board at the September 7, 2010 Meeting of the Hyde County Board of Commissioners regarding its intent to fund the Hyde County School System's renovation project with the funds received through implementing a unified government and the County's intent to place a unified government referendum on the next available ballot. Mr. Smitherman stated the November ballot had been finalized and there was no May election scheduled. Mr. Smitherman said it would cost approximately \$13,000 to \$14,000 to hold a special election.

Commissioner Collier said he did not believe that a unified government would pass. Commissioner Byrd replied that either a unified government would need to pass or taxes would be raised.

Commissioner Spencer made a motion to approve the resolution regarding the QSCB funding for the Hyde County School System. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **Northeastern Workforce Development Board**

Commissioner Spencer informed the Board that the Albemarle Commission decided to restructure the Northeastern Workforce Development Board and was seeking new appointments. Alice Keeney, Economic Developer, stated the Albemarle Commission wanted business owners to be appointed to the Northeast Workforce Development Board and that she would supply the Commissioners with a list of potential candidates because she had several people in mind.

### **Eastern Water and Wastewater Network – Emergency Assistance Network**

Clint Berry, Utilities Director, said the Eastern Water and Wastewater Network was formed in 1997 to provide assistance to members of the network. Mr. Berry stated the County had used their leak detection equipment on several occasions. The Utilities Director recommended that the Board approve the Emergency Assistance Agreement with the Eastern Water and Wastewater Network.

Commissioner Byrd made a motion to approve the emergency assistance agreement with the Eastern Water and Wastewater Network. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **Engelhard Airport – Farm Lease Agreement**

The Interim County Manager stated he was asked to place the farm lease agreement on the agenda due to issues with the bid process.

Commissioner Byrd said he felt the contract should be awarded to the highest bidder, which was Williford Farms.

The County Attorney informed the Board that there was no legal requirement to advertise, but the Commissioners needed to pass a resolution stating the County would

not need to utilize this property during the term of the lease and an intent to award the contract needed to be published at least 10 days before the contract is executed.

Commissioner Byrd made a motion to adopt a resolution of finding stating that the County did not foresee a need for utilizing the property during the term of the lease, for the County Attorney to draft a three year lease agreement, and for the County to publish an advertisement declaring its intent to enter the lease agreement. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **Hyde County Revolving Loan Fund – The Lone Goose Steakhouse, LLC**

Alice Keeney, Economic Developer, stated Christopher P. Gibbs, Charles G. Gibbs Jr., and Deanna Gibbs are 100% managing owners of the Lone Goose Steakhouse, LLC, DBA. Mrs. Keeney said the Lone Goose Steakhouse in Fairfield is in the process of purchasing Harris Steak and Seafood Restaurant, Inc. from the current owner. The Economic Developer informed the Board that the new owners have come to the County of Hyde to request a \$90,000.00 loan to be used toward the down payment on the restaurant. Mrs. Keeney said the balance of the purchase price will be financed through the new owners' capital contributions and previous owner take back financing. The Hyde County Revolving Loan Fund Committee recommended approval of the fifteen year term loan, in the amount of \$90,000.00 with principal and interest payments monthly at an interest rate of five percent secured by a first lien deed of trust on the capital contributions and with the personal guarantees of Christopher P. Gibbs, Charles G. Gibbs Jr., and Deanna Gibbs. Mrs. Keeney reported that the Lone Goose Steakhouse in Fairfield will retain fifteen jobs and create ten new jobs for Hyde County citizens.

Commissioner Spencer made a motion to approve the fifteen year term loan to the Lone Goose Steakhouse, LLC in the amount of \$90,000.00. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **Proposed Road Name – Meekins Landing**

Chairman Davis said Mr. Michael Meekins had applied for a road name for the right-of-way that provides access to the Meekins Landing Campground in Engelhard and that the proposed name of Meekins Landing does not conflict with any previously assigned road names in the County.

Commissioner Byrd made a motion to approve the proposed road name. Commissioner Collier seconded the motion, the motion passed by the following vote:

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

### **County Manager Application Review Committee**

Commissioner Spencer informed the Board that the committee had reviewed approximately thirty applications and that they would be meeting again soon to narrow the number of candidates to five or six for the Board's consideration. Commissioner Spencer further stated the importance of hiring a County Manager before January because they would need time to shadow the Interim County Manager.

The Interim County Manager said that he had spoken with the County Attorney and would like to develop a form to rank the candidates based on the characteristics that the Board considered of high priority when selecting a new County Manager. Mr. Smitherman further stated a few of the candidates may no longer be available and the County may need to advertise the position again. Chairman Davis recommended that the committee verify the availability of the candidates before advertising the position.

Chairman Davis asked if the incoming Commissioner would be allowed to have input when selecting the new County Manager. The County Attorney replied that the Board would lose the ability to keep the selection and applicants confidential. The County Attorney also said there may be some Open Meeting Law issues, but he could verify and report to the Board at the next meeting.

Mr. Smitherman asked the County Attorney if his office could draft a letter confirming the availability of the applicants. The County Attorney replied that his office could draft a letter to applicants.

### **County Commissioners' Reports**

**Commissioner Collier** – reported the Health Board discussed issuing a radio to Animal Control Officer for emergency communication with the Hyde County Sheriff's Office.

**Commissioner Spencer** – stated she attended the Relay for Life and the event raised approximately \$58,000.00.

**Commissioner Byrd** – Nothing to report.

**Commissioner Davis** – Nothing to report.

### **County Manager's Report**

Mr. Smitherman informed the Board that the new 9-1-1 telephone equipment had arrived for the Hyde County Sheriff's Office.

The Interim County Manager said that both firms had revised their proposals for the energy grant.

Mr. Smitherman reported there were several personnel policy changes being discussed regarding the holiday schedule and allowing exempt employees to be paid for overtime during disasters.

The Interim County Manager reported there were four employees in the Department of Social Services that needed to be compensated for added duties and employee reclassification resulting from employees retiring. Mr. Smitherman further stated that not all of the new job descriptions had been approved by the Office of State Personnel and that any compensation would be contingent upon the classifications being approved.

Mr. Smitherman asked if this matter should be considered by the Department of Social Services Board. Commissioner Byrd replied that the DSS Board did not consider personnel related issues.

The Board of Commissioners approved compensation for three positions, but asked that the Interim County Manager investigate the remaining position further before the Board would grant compensation.

The Interim County Manager asked for direction from the Board regarding how to move forward with Emergency Medical Services, as far as the level of service being provided.

Commissioner Byrd said he felt that the Board would need accurate information before a decision could be made because the numbers presented for the collections and call breakdown were not correct.

Mr. Smitherman said he would work with the Lead Paramedics to acquire concrete information and he would present the Board with a recommendation on how to proceed.

Commissioner Byrd made a motion to adjourn the September 20, 2010 Regular Meeting of the Hyde County Board of Commissioners. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

The September 20, 2010 Regular Meeting of the Hyde County Board Commissioners adjourned at 7:12 PM.

Respectfully submitted:

Minutes approved on the 18<sup>th</sup> day of October, 2010.

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

  
Tom Davis, Chairman – Hyde County Board of Commissioners

