

## Meeting Minutes

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

**September 7, 2010**

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

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

#### **Consideration of the Agenda:**

Chairman Davis asked for any changes to the September 7, 2010 revised meeting agenda as presented by the Clerk.

Chairman Davis requested that the following items be added to the agenda, Item V. – Other Matters – Hurricane Earl after Action Report by Commissioner Styron and Item V. L. – Other Matters – Unified Government.

Commissioner Byrd moved to approve the revised agenda with the following amendments; Item V. – Other Matters – Hurricane Earl after Action Report by Commissioner Styron and Item V. L. – Other Matters – Unified Government. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

#### **Consideration of Minutes:**

Chairman Davis asked for the consideration of the August 2, 2010 Regular and Special Meeting Minutes to be tabled until the September 20, 2010 Regular Meeting of the Hyde County Board of Commissioners. With the Board in agreement, the Chairman moved on with the revised agenda.

#### **Public Hearings/Special Presentations/Public Comments:**

### **Public Hearings – Application for FY 10 General CDBG Funding**

Commissioner Byrd made a motion to open the public hearing regarding the FY2010 General CDBG Funding Application. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

Nays – None

Chris Hilbert, Holland Consulting and Planners, informed the Board that this public hearing covered all applications for CDBG Funding during the FY2010. Mr. Hilbert stated that the County was working on applications for scattered site funding, as well as contingency/infrastructure funding in reference to the Swan Quarter Sewer Force Main Project. Mr. Hilbert extended his congratulations to the County in regards to the \$850,000 grant that the County received for improvements on Lake Swamp Road in Engelhard.

Chairman Davis asked if there were any questions for Mr. Hilbert regarding the FY2010 General CDBG Funding Application.

David Smitherman, Interim County Manager, stated that for clarification that he wanted to be sure that everyone understood that this public hearing was for any application for CDBG Funding in FY2010, not just for the two projects that Mr. Hilbert referenced. Mr. Hilbert replied that the Interim County Manager's statement was correct.

Chairman Davis asked Commissioner Styron if there were any questions or comments from the audience in attendance on Ocracoke. Commissioner Styron replied that there were no addition comments from the audience, with no further comments the Chairman asked for a motion to close the public hearing.

Commissioner Collier made a motion to close the public hearing regarding the FY2010 General CDBG Funding Application. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

Nays – None

### **Public Hearings – FY2009 CDBG-SBEA**

Commissioner Byrd made a motion to open a public hearing regarding the FY2009 CDBG-SBEA Project. Commissioner Styron seconded the motion, the motion passed by the following vote:

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

Nays – None

Chris Hilbert, Holland Consulting and Planners, informed the Board that the purpose of the FY2009 CDBG-SBEA public hearing was to submit an amendment for the Small Business Entrepreneurial Assistance Project. Mr. Hilbert stated that the SBEA Project helps local businesses expand and develop. He further stated that the original application sought assistance for three businesses, but two of the businesses had pulled out of the program for various reasons. Mr. Hilbert reported that an additional business had applied for assistance, so the County would have to submit an amendment to the original application. Mr. Hilbert said that the remaining original applicant would have additional expansion beyond the scope previously submitted by the applicant.

Commissioner Styron made a motion to close the public hearing regarding the FY2009 CDBG-SBEA Project. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

Nays – None

**Special Presentation – BHM Regional Library Bookmobile – Termination of Services**

Mary Jane Carbo, Director of Beaufort-Hyde-Martin Regional Library, stated that the BHM Regional Library was not able to obtain enough funding to continue the bookmobile services in the three counties within the region. Ms. Carbo informed the Commissioners that the regional library would continue to provide boxes of books to the childcare facilities within the County and at some point the library would build in services for the homebound patrons. The Director said that the library would continue to utilize the vans to provide the proposed services, but that the vans would be staff by library employees. Ms. Carbo stated that the regional library would like to apply for an outreach grant in the near future, in order to expand the proposed services, but support from the counties within the region would be necessary. The Director said that the BHM Regional Library would need to receive an additional \$9,800.00 from Hyde County in order to continue the services previously provided by the bookmobile.

Commissioner Spencer stated that Hyde County differed from Beaufort and Martin Counties because the County only has one library on the mainland. Commissioner Spencer further stated that the townships within the County are so geographically dispersed that one library does not adequately serve the citizens of Mainland Hyde County. Commissioner Spencer said she felt the County was regressing because at one time there were libraries in Swan Quarter, Engelhard, and Fairfield.

Commissioner Collier stated that the Commissioners did not cut the funding to BHM Regional Library for the provision of the bookmobile services, but the Board did not grant the \$5,000.00 enhancement that was requested by the library. Ms. Carbo stated that Mr. Collier was correct; but since the library was not granted the enhancement, funds were reallocated from staffing to purchase books, dvds, and audio books. The Interim

County Manager asked if Beaufort and Martin Counties funded the bookmobile at the same level as last year. Ms. Carbo replied that Beaufort and Martin Counties funded the library at the same level but the State funding had decreased by more than \$30,000.00 over the past three years.

Commissioner Collier requested for the Interim County Manager to conduct a cost comparison between providing book delivery services through Hyde Transit and the services being proposed by the BHM Regional Library.

Chairman Davis said that he felt the regional library targeted the county with the most critical need when they decided to cut the bookmobile services and that he felt the termination of services resulted from allocation issues, as well as funding issues. The Chairman further stated that for the amount of money being requested by the regional library, the library could purchase a device for each of the patrons that would allow them to download a book a week.

Commissioner Spencer said she felt the people of Hyde County were being slighted, but the County would support a grant if that is what it would take to reinstate the bookmobile services. Commissioner Spencer also stated that she did not feel the proposed services would reach the people that truly needed it and that unless the services could be restored she did not believe the County would participate.

### **Public Comments**

Chairman Davis asked if there were any public comments from the audience in attendance on Ocracoke Island.

Francis Frank, Ocracoke resident, stated that he has observed a number of people speeding on Back Road and felt it was a problem that needed to be addressed immediately.

Chairman Davis asked if there were any public comments from the audience in attendance on the mainland.

Glenn Hockney, resident of Middleton, stated that he had received approval from CAMA to install a pilot station to remove methane gas from the water in the Middleton area and requested that the Board submit a letter supporting the installation of the pilot station.

David Mason, Hyde County Sheriff, requested for the Board revisit the Animal Control issue within the County, because they had encountered several major issues with dogs being killed and poultry being killed.

### **Resolution Requesting Revision of the Division of Water Quality Buffer Rules**

Chairman Davis stated as he understood the matter, back in 2000 the Division of Water Quality implemented buffer rules which did not exempt properties that were platted

before the rules became effective. Chairman Davis further stated that the Division of Water Quality allowed for land owners to apply for a variance, but the variances are not transferable. Mr. Davis said that not allowing the variances to transfer would have a tremendous affect on various landowners throughout the County, but in the aggregate it would drastically affect the tax base in Hyde County.

Chairman Davis made a motion to adopt a resolution identical to the resolution written by Pamlico County, but amended to make it pertain to Hyde County and the Tar-Pamlico Drainage Basin. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

Nays – None

#### **Resolution of Support – Recommending Ruth Harrell for the Order of the Long Leaf Pine**

Chairman Davis reported that he had received a letter from the Albemarle Commission recommending Ruth Harrell for the Order of the Long Leaf Pine.

Commissioner Byrd made a motion for a resolution of support to be submitted recommending Ruth Harrell for the Order of the Long Leaf Pine. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

Nays – None

#### **Appointments – Northeastern Workforce Development Board**

Commissioner Spencer said that someone was being considered for this appointment, but a commitment had not been received.

#### **Appointments – Ocracoke Board of Adjustment**

Commissioner Styron stated that she had received two commitments, but that she was having difficulty locating an appointee for the one remaining position on this committee. Commissioner Styron requested that the appointments for the Ocracoke Board of Adjustment be tabled until the next regular meeting.

#### **Appointments – Albemarle Resource Conservation and Development Council**

No appointment was offered.

#### **Other Matters – Hurricane Earl After Action Report (Commissioner Styron)**

Commissioner Styron reported that the Ocracoke Control Group operated efficiently under the direction of Mr. Smitherman and that she received reports that reentry was a major issue for the citizens of the island. Commissioner Styron said that she was excited about the EOC Exercise that would be taking place on Ocracoke and that she hoped that the participants would be able to address some of the minor issues that occurred during Hurricane Earl.

David Smitherman, Interim County Manager, stated that he was looking forward to the exercise and that it would be a great opportunity to address the minor issues that occurred during this event. Mr. Smitherman said he felt that the Ocracoke Control Group made the right decisions regarding reentry to the island, but felt the execution of the decisions on the ground could have gone better than they did. Mr. Smitherman further stated that he did not question any of the decisions the Ocracoke Control Group made.

As far as the Mainland EOC, Mr. Smitherman stated that Mr. Lindsey Mooney and Mr. Justin Gibbs did a great job in the incident commander and deputy incident commander roles respectively. Mr. Smitherman informed the Board that there were some issues that needed to be worked out in the EOC, mainly concerning coordination between the two entities.

Chairman Davis thanked all of the people that gave their time during the Hurricane Earl event and said that he felt things went as smoothly as anyone could have hoped for.

#### **Budget Revisions and Transfers**

The Interim County Manager stated that the revision included the budget amendment approved by the Board, which extended the Animal Control Services through July 2010, and the attached invoices. Mr. Smitherman informed the Board that funds were not provided for the July period of the contract extension.

Chairman Davis stated that second revision was requested by the Health Department in the amount of \$724.00 of additional funding received from the Department of Public Health, Women's and Children's Health Section, Women's Health Branch, to assist local health departments and departments of social services devise and implement strategies to serve the community's needs relative to the prevention of out of wedlock births among TANF eligible clients and among those at risk of becoming eligible as the result of unintended pregnancies.

Commissioner Collier made a motion to approve the requested budget revisions and transfers. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

Nays – None

#### **Other Matters – Budget Revision – CDBG-R Program**

Chris Hilbert, Holland Consulting and Planners, requested that the Board approve a minor budget revision moving \$6,833.00 from the rehabilitation line item to the relocation assistance line item and authorize the Chairman to sign the project budget revision form.

Commissioner Byrd made a motion to approve the budget revision moving \$6,833.00 from the rehabilitation line item to the relocation assistance line item and authorize the Chairman to sign the project budget revision form. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

Nays – None

### **Other Matters – Board of Education – OSCB Debt Application**

Dr. Randolph Latimore, Superintendent of the Hyde County School System, informed the Commissioners that the Board of Education was considering another funding option that would be discussed in greater detail at the meeting scheduled for September 8, 2010. Dr. Latimore stated that the School Board was considering applying for USDA Rural Development funding. The Superintendent of the Hyde County School System reported that a meeting was held on Ocracoke Island on August 19, 2010 and at that meeting they discussed funding the cafeteria at Ocracoke School through the USDA. Dr. Latimore said that a representative from the USDA proposed funding the Mattamuskeet and Ocracoke renovations in totality with Rural Development funds. The Superintendent stated that the Board of Education had not obligated to pursue this funding option at this point, but that it would be a topic of discussion at the September 8<sup>th</sup> regular meeting. Dr. Latimore said that if the Board of Education decided to move forward with the USDA funding that he would be in contact with Mr. Smitherman because the County would have to be actively involved in that process.

The County Attorney stated that he was confused as to why the Board of Education would propose a construction project that the Commissioners are suppose to arrange funding for, but the Board of Education is seeking additional funding sources because he assumed that it would be the primary responsibility of the Commissioners to determine where, when, and how the funding would be obtained. Chairman Davis replied that the County Attorney was correct, but that he wanted to get the Board of Education's preference.

Chairman Davis asked Dr. Latimore if the plan was for the Commissioners to proceed with the agreed method of funding, as if the USDA proposed funding never existed. Dr. Latimore replied that the Chairman's statement was correct.

The Interim County Manager stated that there were several benchmarks that had to be met and that the process of applying for USDA funding was very lengthy. Mr. Smitherman further stated that he was also concerned about the availability, which

Branch Banking and Trust has been very gracious to work with because they have been continually extending the term of the very advantageous tax free funding.

Dr. Latimore stated that it was his belief that the Board of Education's intent is to move forward with the BB&T funding because there were benchmarks that had to be met in order to comply with the overall deadline of the project. Mr. Smitherman replied that in order to take advantage of the present bids and the BB&T funding, an application must be submitted to the Local Government Commission by their meeting on the third Tuesday in October and that the Board of Commissioners may need to call a special meeting to approve the Board of Education's decision regarding the funding source. Chairman Davis recommended that the Board of Commissioners approve the BB&T funding as if the proposed USDA funding did not exist because of the time constraints surrounding the application to the Local Government Commission.

The County Attorney asked if the Board of Education was considering completing the work through a construction manager and if so, if it was a construction manager at risk. Dr. Latimore replied that it was a construction manager at risk and there was a representative present from the firm. The County Attorney stated that when the County went through the bid process during its most recent construction project, there were issues with the USDA over the type of contract and the relationship they would require when a construction manager was involved.

The Interim County Manager informed the Board that the finance officer had prepared reasonably detailed information to help the Commissioners make a decision regarding how the County would pay for this project. Mr. Smitherman stated that a tax increase would be necessary in order to pay for this project, but there were several options prepared that could affect the amount of the tax levy. Mr. Smitherman further stated that they had researched the possibility of paying for the project with the revenue generated by enacting a unified government initiative. The Interim County Manager said that he estimated the unified government utilities franchise tax proceeds would be close to \$250,000.00, but that he was unsure of the exact amount. Mr. Smitherman urged the Board to adopt a resolution documenting the intent of the governing body to fund this project with revenue generated by enacting a unified government initiative.

Commissioner Spencer informed the Board that she had contacted Camden and Currituck Counties regarding unified government, although Currituck County did not pass unified government during their last referendum. Commissioner Spencer further stated that Currituck County does intend to place unified government on another ballot in the future and that she had reviewed the Currituck County's public education brochure. Commissioner Spencer recommended that the County prepare a brochure to be passed out during town meetings in each community; she said that the proposed town meetings would provide a forum for the citizens of the County to ask questions regarding unified government. Commissioner Spencer further stated that once the town meetings had been conducted, a referendum should be placed on the next available ballot because she felt that a unified government would be good for Hyde County. Commissioner Spencer suggested that the County proceed with the process that she mentioned because this

project would be ideal to fund with the unified government utilities franchise tax proceeds, but she understood that the contract approval could not be contingent upon the unified government referendum passing.

Commissioner Byrd asked if the unified government referendum did not pass, that a tax increase had been mentioned and he was wondering how much of a tax increase would be required to pay for this project. The Interim County Manager replied that the finance officer had prepared several different scenarios, all of which would require a tax increase. Mr. Smitherman stated that the County currently had three funding sources available, but even a combination of these funds would not be enough to pay for this project. Mr. Smitherman reported that the three funding sources were the Lottery Fund, the Average Daily Membership Fund, and a portion of the Article 40 Sales Tax that the school system has not been utilizing in order to create a reserve. The Interim County Manager explained the following scenarios:

#### Option A

Mr. Smitherman informed the Board that this option would include levying a 2.1 cent tax increase and utilizing the expired QZAB payments. Mr. Smitherman said that this combination of funds would allow the County to pay off the QSCB project in fifteen years and that it does not include the use of any Lottery, ADM, or Article 40 Sales Tax Funds. Mr. Smitherman stated that the Lottery and ADM Funds were not included because the availability is uncertain and the Article 40 Sales Tax Funds are being saved to create a reserve.

#### Option B

The Interim County Manager said that this option was a flat amortization and it would only levy the funds necessary to pay for this project. This option would require a 2.4 cent tax increase.

#### Option C

Mr. Smitherman stated that this option considered the use of all reserve funds and future receipts of ADM and Lottery Funds. This would require a 1.4 cent tax increase.

Commissioner Styron said that she felt Option C was risky due to the uncertainty of availability. Mr. Smitherman stated that he was concerned about the Average Daily Membership Funds because they are currently frozen and that he was unsure if those funds would be available in the near future.

Commissioner Spencer stated that she was glad that the finance officer included the County's current debt ratio using Tyrrell County as a benchmark, because it shows that the County has a current debt ratio of four percent and the Local Government Commission allows up to fifteen percent. Commissioner Spencer further stated that if the County chose to fund this project, the debt ratio would only increase to seven percent and

would require a tax increase of two cents but if the unified government passed it would offset the estimated tax increase.

Commissioner Spencer made a motion to approve the proposed financing through Branch Banking and Trust for the renovation project and to make application to the Local Government Commission. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Spencer, Collier, and Styron

Nays – Commissioners Davis and Byrd

### **Swan Quarter Watershed Construction Project – Professional Inspection Services Contract Award**

Chairman Davis stated that the County received two bids for professional inspection services for Phase XIII of the Swan Quarter Dike Project, the two bids were from Mattamuskeet Management and Consulting and Applied Troubleshooting Techniques. Chairman Davis said that Mattamuskeet Management and Consulting was the low bidder. The Interim County Manager stated that he believed that Mattamuskeet Management and Consulting was a responsible bidder and that they were very pleased with both bidders.

Commissioner Spencer asked to be excused from the discussion and vote regarding the award of the contract because she is related to one of the bidders. Chairman Davis said that for the record, Ms. Spencer was related to Benjamin Simmons of Mattamuskeet Management and Consulting and that the relation was that Mr. Simmons was Commissioner Spencer's nephew.

Chairman Davis made a motion to excuse Commissioner Spencer from the discussion and vote regarding the professional inspection services contract award for Phase XIII of the Swan Quarter Dike Project. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

Nays – None

Mr. Smitherman stated that both bidders were very well qualified, but if the companies had bid the exact same amount they would have still recommended Mattamuskeet Management and Consulting because it had a stronger team.

Commissioner Byrd made a motion to award the contract for professional inspection services for Phase XIII of the Swan Quarter Dike Project to Mattamuskeet Management and Consulting. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Byrd, Collier, and Styron

Nays – None

Absent – Commissioner Spencer

Commissioner Spencer returned to the meeting.

**ARRA Round I Energy Conservation Grant – Project Management Bids**

The Interim County Manager stated that it was his intent to interview these firms before the Hurricane Earl event, but due to the circumstances that he was unable to do so. Mr. Smitherman said that he was concerned that there was a timeliness to this issue because the federal budget year concluding at the end of September, but he was also concerned about the disparity between the two bidders. Mr. Smitherman further stated that even though he was concerned by the disparity, that both the bids were within the scope of the grant and would not require any County appropriation. The Interim County Manager said that he was unsure if the Board was comfortable with him awarding the contract contingent upon the stipulation that it is no more burdensome than what was originally presented, but it may be necessary for the Board to consider that in order for him to interview the firms.

Chairman Davis recommended that the Board allow the Interim County Manager to award the contract contingent upon the firms being interviewed and the County Attorney approving the proposed contracts.

The County Attorney stated that he had reviewed the proposed contracts and that he recommended requiring the firms to attach a copy of the request for proposal, because without it you cannot determine what the firms are proposing to do or the scope of work to be completed.

Commissioner Spencer made a motion to authorize the Interim County Manager to award the contract after interviews had been conducted to ascertain a rationale explanation for the disparity in the bids; the bidders submit a copy of the request for proposals attached to their proposed contracts and contingent upon the County Attorney's approval of the proposed contracts. Commissioner Byrd seconded the motion.

Commissioner Byrd stated the proposed contracts submitted, state that a scope statement will be prepared, but how can the County award a contract without knowing the scope of work. The County Attorney said that he believed that the request for proposal was the scope statement. The Interim County Manager stated that the request for proposals satisfied at least a portion of Commissioner Byrd's concerns, but that the contract was for project management and that the project contained approximately fifteen elements. Mr. Smitherman further stated that the firm would prepare a scope statement for each element of the project.

The motion passed by the following vote:

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

Nays – None

**Holland Consulting – Contract for CDBG Contingency/Infrastructure Category Grant Application**

Mr. Smitherman stated that the County was seeking CDBG funds for the Mattamuskeet Sewer Project in the amount of \$600,000.00 to assist with residential hook-ups, as well as a small portion of force main construction. Mr. Smitherman further stated that the public hearing conducted earlier in the meeting and it will be used to make the County eligible for the funding. The Interim County Manager informed the Board that the County solicited bids and Holland Consulting was the lowest responsible bidder.

Commissioner Spencer made a motion to authorize the execution of the contract with Holland Consulting and Planners contingent upon the County Attorney's approval. Commissioner Collier seconded the motion, the motion passed by the following vote:

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

**Hobbs Upchurch – Proposal for Additional Services for Funding Coordination on the Mattamuskeet Sewer Project**

The Interim County Manager said that the County received an invoice from Hobbs Upchurch for additional services for funding coordination on the Mattamuskeet Sewer Project in the amount of \$12,860.00 and he understood that this invoice was not related to a previous invoice that the Board had considered months ago. Chairman Davis stated that the previous invoice resulted from additional work being completed and there was not a contract in place for the services. Mr. Smitherman stated that there had been a great deal of work completed to satisfy multiple funding agencies, so he asked Hobbs Upchurch to prepare an additional services scope. The Interim County Manager said that the request was intended to prevent work from being completed without formal authorization.

Commissioner Spencer made a motion to approve payment of the invoice from Hobbs Upchurch for additional services for funding coordination and the contract for additional services being provided by Hobbs Upchurch on the Mattamuskeet Sewer Project. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

**Airport Property Lease Agreement – Bid Review**

Chairman Davis stated that the County received three bids to lease a portion of the Engelhard Airport property and the bid amounts were \$37,800 per year, \$50,085 per year, and \$36,000 per year. Commissioner Styron asked why one of the bids was for three years and the other two were on an annual basis. Chairman Davis replied that it made no difference because the bids could be divided, but that the lease agreement was for a three

year term. Commissioner Byrd stated that the Board had discussed this matter previously and decided that the term would be for five years, but he was also concerned because the bid advertisement stated that the bids would not be opened until September 30, 2010 and one of the bidders was confronted by another bidder regarding their bid due to the bids being opened prematurely. Commissioner Byrd inquired as to how another bidder was notified of the bids if they were not supposed to be opened until September 30, 2010. Mr. Smitherman replied that he understood there was an erosion of confidence in the bid process and that his recommendation would be to reject all the bids and to advertise the airport property lease agreement once again.

Commissioner Byrd made a motion to rebid the Engelhard Airport farm lease agreement due to procedural defects. Commissioner Collier seconded the motion.

Commissioner Spencer stated that she did not think it was fair to the bidders to rebid the lease agreement and asked the County Attorney if that would be allowed. The County Attorney replied that he did not believe that there was an issue with rebidding the lease agreement, but that he did have an issue with the bid advertisement because it did not reflect the term of the lease and it is not clear that an agricultural lease was being offered for a certain period of time. The County Attorney further stated that after inspection of the bids, he was under the impression that one of the bidders was confused by the advertisement and believed that he was producing a crop in connection with the County. Commissioner Byrd said that the bid advertisement was vague at best.

The motion passed by the following vote:

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

Nays – None

Chairman Davis asked the Interim County Manager to explain how the procedural defects occurred. Mr. Smitherman stated that the insinuation of impropriety would be investigated.

**Revolving Loan Fund – Request for Approval of \$52,270 Five Year Term Loan to Precision Pallet, LLC**

Alice Keeney, County Planner, stated Precision Pallet, LLC is in need of a short term loan to purchase some equipment because they recently received a 1.7 million dollar contract and that the cash flow for Precision Pallet, LLC indicates that they are generating more than enough revenue to cover a five year debt or security to buy equipment. The County Planner further stated that their credit reports are excellent and that this would allow Precision Pallet, LLC to hire three new employees.

Commissioner Collier made a motion to approve the five year term loan to Precision Pallet, LLC in the amount of \$52,270.00. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

### **Code Enforcement Office – Change in Rate Schedule**

The Interim County Manager informed the Board that the Code Enforcement Officer has requested a change in their rate schedule because they believe that the County could realize some additional revenue by increasing fees and adding new charges. Mr. Smitherman further stated that a comparison was conducted between Beaufort, Washington, and Tyrrell Counties to produce a fee schedule comparable to the surrounding counties.

Commissioner Byrd made a motion to approve the change in rate schedule for the Code Enforcement Office. Commissioner Spencer seconded the motion, the motion failed by the following vote:

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

### **Hyde County Public Safety Answering Point – Computer Aided Dispatch Upgrade**

Justin Gibbs, E9-1-1 Database Administrator, stated that during the process of budgeting for the this fiscal year for the Hyde County E9-1-1 Fund, the Hyde County Sheriff's Office provided him with a quote that they had obtained from Interact Public Safety Systems to upgrade the Computer Aided Dispatch System at the Hyde County Public Safety Answering Point. Mr. Gibbs informed the Board that he had budgeted \$50,000 for this project, but due to the County opting to finance the 9-1-1 Telephone System upgrade there were additional funds available to pay for the proposed CAD upgrade. The E9-1-1 Database Administrator further stated that the upgrade would consist of updating the software for the CAD and mapping systems, upgrading the records management system at the Hyde County PSAP on the mainland, installing a records management system at the Ocracoke Sheriff's Office, and updating the hardware for the CAD. Mr. Gibbs said that this upgrade would provide additional functionality, as well as increased efficiency when dispatching 9-1-1 calls.

Deputy Legan informed the Board that the upgrade would eliminate the need for the Ocracoke Sheriff's Office to send their hard copy records to the mainland to be input into the records management system and in correlation with the CAD it would allow the dispatcher to view previous call information or involvements.

Commissioner Spencer made a motion to approve the quote provide by Interact Public Safety Systems for the Computer Aided Dispatch upgrade. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

## **Unified Government**

Chairman Davis said that he understood the Board's intent is to move forward with public education meetings in each township regarding the pros and cons of unified government and asked the Interim County Manager if he would be available to attend these meetings along with each of the Commissioners to deliver this information to each township. Mr. Smitherman replied that he could be available for these meetings.

Chairman Davis also stated that the County Attorney had compiled some information regarding unified government and asked the County Attorney if he could retrieve that information to prepare a document that could be distributed at these town meetings. The County Attorney stated that he could adapt the information for Hyde County and could distribute the information that he had gathered thus far to each of the Commissioners. The County Attorney also stated that he would contact the North Carolina Department of Revenue to ascertain an estimate of what revenue Hyde County could expect to see from the utilities franchise tax.

The County Attorney suggested that the Board make a motion to have a referendum placed on the next available ballot and the Board appoint a subcommittee to oversee the County's efforts to obtain and disseminate information regarding unified government.

Chairman Davis asked Commissioner Styron, Commissioner Spencer, and the Interim County Manager to serve on the subcommittee of the Board, with no objections from the Board, the nominees were appointed to serve on the Unified Government Subcommittee.

Chairman Davis made a motion to place a unified government referendum on the next available ballot. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

Nays – None

Commissioner Collier requested that the Interim County Manager investigate the possibility of producing a newsletter to inform the public of important County government events and actions, to reduce the rumors throughout the County. The Interim County Manager replied that he could obtain some cost estimates and discuss the matter with County Staff in order to discern the availability of staff willing to take on the added responsibility because in order to quash rumors the newsletter would have to be released in a timely manner.

## **Reports**

Chairman Davis asked for authorization to sign the monthly tax report provided by the Tax Office. With no opposition from the Board, the Chairman signed the monthly department report.

## County Commissioners' Reports

**Commissioner Styron** – stated that everyone did an excellent job during Hurricane Earl and that she was looking forward to the exercise of the EOC on Thursday.

**Commissioner Byrd** – said that he wanted to thank all of the people that were involved in staffing the Ocracoke and Mainland Emergency Operations Centers.

Commissioner Byrd stated that he would like the ABC Board to prepare a more detailed report for their monthly report.

**Commissioner Spencer** – stated that the Board is required to adopt a code of ethics by December and that she would like a subcommittee of the Board to be appointed to complete the code of ethics.

Commissioner Spencer also stated that she would like the Board to appoint a contract liaison to oversee County construction projects because of the deficiencies in the work being completed at the Engelhard Airport.

Commissioner Spencer also suggested that a five member committee be appointed for employee recognition to help the morale of the County employees. Lastly,

Commissioner Spencer thanked the Board for allowing her to submit an application on behalf of the County for the County Courthouse Award.

**Commissioner Collier** – said that he also wanted to thank the people that were involved in staffing the Ocracoke and Mainland Emergency Operations Centers.

Commissioner Collier reported that the runway lights at the Engelhard Airport remain on at all times and they should be radio controlled because the lights remaining on is costing the County a substantial amount of money.

Commissioner Collier stated that he had received numerous calls regarding animal control and asked Wesley Smith the Health Director to come and address the issues that had been reported to him.

Commissioner Collier asked the County Attorney if the County was within the parameters of the law, in reference to the animal control services being provided. The County Attorney replied it was his understanding that the County's animal control operation was designed to meet the requirements of the North Carolina General Statutes.

Commissioner Collier asked the Health Director if he was aware of any statutes that the County was not in accordance with. Mr. Smith replied that the contracts what were prepared by the County addressed all of the general statutes that the County was required to abide by and that he did not think that was an issue. Commissioner Collier asked if the

statutes addressed leash laws, boarding fees, and stray animal pickups. The Health Director stated he had prepared a call breakdown by call type and that they had received 19 calls or requests for service in August, of those calls nine nuisance calls, 4 dog bite calls, five other/miscellaneous calls, and one suspected rabies case. Mr. Smith said that most of the calls resulted due to the fact that previously Mr. Eakes was so readily accessible. Mr. Smith further stated that of the calls received Mr. Eakes was dispatched five times, he was dispatched to three calls on Ocracoke and two calls on the Mainland. The Health Director reported that Mr. Eakes had been dispatched four times thus far in the month of September and the Health Department was having trouble determining the nature of the calls. Mr. Smith said that he agreed with the Sheriff that the animal control services needed to be reevaluated, but he felt that with the services being placed under the supervision of the Health Department that the services could be fine tuned. Mr. Smith stated that he was meeting with the Sheriff and that he would bring their recommendations to the Board with an estimated cost.

Commissioner Byrd asked if there was a leash law. Mr. Smith replied that there was not a County ordinance, but the North Carolina General Statutes state that animals shall not be allowed to roam freely. The Health Director further stated that most animal control officers do not have the time to enforce the statute or conduct surveillance.

Commissioner Collier stated that an unconfirmed 39 people have been fired from the nursing home and since the last meeting he had received calls that three more people had been fired. Commissioner Collier further stated that he is not trying to have the nursing home shut down, but he feels that something needs to be done. Commissioner Collier said that he wanted to retract his statement that things were getting better at the nursing home.

**Commissioner Davis** – reported that the Medical Director Dr. Boyette would like to attend the EMS Review Committee meeting and is available on September 22, 2010 in the afternoon and September 29, 2010 in the morning or afternoon, but Dr. Boyette preferred meeting on September 29<sup>th</sup>.

The Board decided to schedule the EMS Review Committee Meeting for September 22, 2010 at 3:30 PM, but the location and specifics would be determined.

Commissioner Styron stated that someone would have to be appointed as a clerk for that meeting because the current deputy clerk would not be able to attend.

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

The Interim County Manager asked that the Board to approve a surplus disposition list to be sold on GovDeals. Mr. Smitherman stated that most of the items were surplus electronic equipment.

Commissioner Spencer made a motion to approve the surplus disposition list to be sold on GovDeals. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

Nays – None

Mr. Smitherman stated that at a previous meeting the Board decided that the County Manager Application Review Committee would meet in Washington at the County Attorney's Office to review the applications, but Mr. Smitherman reported that Commissioners Spencer and Collier had asked if there was an easier way to complete the review process. The Interim County Manager asked if he could pick up the applications and bring them back to the County to be reviewed by the committee.

Chairman Davis made a motion to approve the Interim County Manager to pick up the County Manager applications and bring the back to the County to be reviewed by the County Manager Application Review Committee. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

Nays – None

The Interim County Manager thanked all the people involved in the Hurricane Earl event, he stated that he did not think that it could have gone any better and that they would continue to refine the minor issues that were encountered during the event.

Commissioner Collier stated that he had previously requested for someone to come and survey the road that provides access to the Waterway Landing Subdivision, due to the wetlands mitigation project being completed by PCS Phosphate. Mr. Collier reported that neither Brandon Marshall nor Mac Gibbs had contacted him to schedule the requested survey. Mr. Smitherman stated that he had discussed the matter with Brandon Marshall of the Soil and Water Department recently, but that he would check into the status of that request.

### **Closed Session**

Chairman Davis made a motion to enter closed session pursuant to N.C.G.S. 143-318.11(a) (3), for consultation with legal counsel to discuss the resolution of a claim. Commissioner Spencer seconded the motion, the motion passed by the following vote:

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

Nays – None

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

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

Commissioner Styron made a motion to adjourn the September 7, 2010 meeting of the Hyde County Board of Commissioners. Commissioner Byrd seconded the motion, the motion passed by the following vote:

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

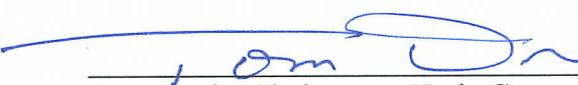
The September 7, 2010 Regular Meeting of the Hyde County Board of Commissioners adjourned at 10:38 PM.

Respectfully submitted:

Minutes approved on the 4<sup>th</sup> day of October, 2010.

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



  
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Tom Davis, Chairman – Hyde County Board of Commissioners

