

Minutes

**Board of County Commissioners
Hyde County**

August 20, 2007

Chairman Charles Spencer called the Regular meeting to order at 7:00 PM on Monday, August 20, 2007 in the Gymnasium of the Ocracoke School, Ocracoke. 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, various staff members, and members of the public.

Following a prayer offered by Mr. Hassell, Chairman Spencer a pledge of allegiance to the flag,

Agenda: Chairman Spencer asked for any changes to the August 29, 2007 meeting Agenda. Commissioner Swindell moved to approve the August 20, 2007 meeting Agenda as submitted. Commissioner Ballance seconded the motion. The motion passed on the following vote: with Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Minutes: Chairman Spencer asked for any amendments to the August 6, 2007 minutes as submitted by the Clerk. Mr. Davis asked that the word “motion” be inserted on the first page so the minutes read, “...months, Mr. Swindell moved to appoint Mr. Classen as Interim Clerk...” and that the dollar signs be corrected on page 4 so the minutes read “...Pearson Appraisal Services (\$29.20 per parcel; estimated 8,600 parcels – total \$251,120; ...” Hearing no further requests for changes to the draft minutes, Mr. Davis moved to approve the August 6, 2007 minutes as submitted with the correction requested by Commissioner Davis. Ms. Armstrong seconded the motion. The motion passed on the following vote: with Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Public Comments: Chairman Spencer asked for comments to the Board from the public.

Rudy Austin, Ocracoke, spoke of his service on the Solid Waste Advisory Committee, the work of the Committee, and his hope that the fee increase to \$375 per household can be avoided or delayed.

No additional comments were offered and Chairman Spencer continued with the meeting agenda.

Ordinance Relating to the Ocracoke Burn Ban: After reviewing comments from an August 15 public information meeting held on Ocracoke and discussing the structure of the draft Ordinance, Commissioner Davis moved to refer the matter to the County Attorney for review and re-drafting of the Ordinance. Commissioner Ballance seconded

the motion. The motion passed on the following vote: with Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Ordinance Relating to Amending the Ocracoke Development Ordinance Regarding Lot Area Calculation: Mr. Classen reviewed the recommendations from the Ocracoke Development Ordinance Planning Advisory Board regarding the calculation of lot size under the terms of the Ocracoke Development Ordinance. He also reviewed the process for adoption of an amendment to the Development Ordinance, plus the Advisory Board's recommendation that the Commissioners should not wait until the Commissioners meet again on Ocracoke to hold the public hearing but to hold the public hearing after Geographic Information System (GIS) data and maps are available to assist them. Mr. Hassell passed out a draft of an Ordinance written in conformity with the Advisory Board's recommendation. After discussion, Commissioner Davis moved to refer the draft Ordinance to the Advisory Board for comment and to schedule a public hearing on the Ordinance in conjunction with the October 1 Regular Commissioners meeting. The motion failed for lack of a second.

After further discussion, Commissioner Ballance moved to refer the Ordinance to the Advisory Board and to schedule a public hearing on the Ordinance in conjunction with the October 1 Regular Commissioners meeting, which would be moved from the mainland to Ocracoke in lieu of the November meeting being held on Ocracoke. Commissioner Armstrong seconded the motion. The motion passed on the following vote: with Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Resolution Relating to Hyde County CAMA Land Use Plan. Mr. Classen, noting that the Commissioners adopted the CAMA Land Use Plan on August 6, 2007, reviewed a Resolution required by the State for transmittal of the Hyde County CAMA Land Use Plan to the Coastal Resources Commission (CRC) for their review and possible certification. Mr. Swindell moved to approve A RESOLUTION OF THE BOARD OF COMMISSIONER OF HYDE COUNTY, NORTH CAROLINA, ADOPTING THE COUNTY'S CAMA CORE LAND USE PLAN. Commissioner Armstrong seconded the motion. The motion passed on the following vote: with Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: *A copy of the approved RESOLUTION, which has numbered Resolution Number 2007-08-01, is attached hereto as Exhibit A and hereby incorporated into these minutes.*

Budget Revisions and Transfers: Mr. Classen reviewed revisions and transfers proposed for the FY200-08 budget:

- A. Social Services Department: An amendment to the FY2007-08 Social Services Department budget to reflect additional funds being received from the State for Crisis Intervention services and TANF services.

Mr. Ballance moved that the transfer and revision to the FY2007-08 budget be approved as submitted by the Interim County Manager. Mr. Davis seconded the motion. The motion passed on the following vote: with Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK’S NOTE: *A copy of the approved revision and transfer to the FY2007-08 budget is attached hereto as Exhibit B and hereby incorporated into these minutes.*

Brandon M. and Adriane S Marshall Minor Subdivision Application; Lake Landing Township: In accordance with the Subdivision Ordinance, Brandon M. and Adriane S Marshall were applying for a one-lot minor subdivision along US264, Lake Landing Township. County Planner Alice Kenney stated that the application was in conformity with the County Subdivision Ordinance. Commissioners Davis and Swindell stated they had a conflict of interest in regards to this mater and asked to be excused. Commissioner Armstrong moved to excuse Commissioner Davis and Swindell from the meeting. Commissioner Balance seconded the motion. The motion passed on the following vote: with Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Commissioners Davis and Swindell left the room.

After discussion, Commissioner Armstrong moved to approve the Marshall Minor Subdivision application conditioned upon appropriate signatures being applied to the final plat and the application meeting all other requirements of the Hyde County Subdivision Ordinance. Commissioner Ballance seconded the motion. The motion passed on the following vote: with Ayes - Armstrong, Balance and Chairman Spencer; Nays – none; Absent or Not Voting – Commissioners Davis and Swindell.

At this time, Chairman Spencer called Commissioners Davis and Swindell to return to the meeting.

Tim Kincaide Minor Subdivision Application; Lake Landing Township: In accordance with the Subdivision Ordinance, Tim Kincaide was applying for a one-lot minor subdivision along SR1303, in New Lake, Lake Landing Township. County Planner Alice Kenney stated that the application was in conformity with the County Subdivision Ordinance.

After discussion, Mr. Davis moved to approve the Kincaide Minor Subdivision application conditioned upon appropriate signatures applied and it meeting all other requirements of the Subdivision Ordinance. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Disaster Operations Vehicle Policy: Mr. Classen reviewed a Disaster Operations Vehicle Policy prepared by the Emergency Management Coordinator. After discussion, Mr.

Davis moved to approve the proposed Disaster Operations Vehicle Policy as presented. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK’S NOTE: *A copy of the approved Disaster Operations Vehicle Policy is attached hereto as Exhibit C and hereby incorporated into these minutes.*

Hyde County Emergency Debris Management Plan: After laying over this matter from the August 6 meeting and after further discussion, Commissioner Davis moved to lay this matter over to the September 4 Regular Commissioners meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Fire Sprinkler Maintenance Agreements: Mr. Classen presented a proposed maintenance agreement with Williams Fire Sprinkler Co., Inc. for maintenance of the Fire Sprinkler systems in the new Government Center and Public Safety Center. The agreement extends for one year through July 5, 2008 but is automatically extended unless terminated by the County or by Williams upon thirty (30) days notice. After discussion, Commissioner Davis moved to lay this matter over to the September 4 Regular Commissioners meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Board and Committee Reports: Draft minutes from the Solid Waste Advisory Committee (August 7, 2007) and the Ocracoke Development Ordinance Planning Advisory Board (August 14, 2007) were distributed to the Commissioners.

Commissioner Reports: Chairman Spencer asked for reports from each of the Commissioners.

Commissioner Davis and Commissioner Swindell reported on work of the Solid Waste Advisory Committee, noted that the next meeting would be held the following evening in the Information Highway Rooms of Mattamuskeet and Ocracoke schools, and urged people who have concerns about solid waste issues to attend and participate.

Commissioner Ballance noted that a tax increase in FY2007-08 was avoided by shifting to full cost recovery by the solid waste fees and that he supports a way that the more trash people create, the more they should pay. He also provided examples of how GIS is available on the Dare County web site.

Commissioner Armstrong stated she had received complaints about people parking near Gibbs Enterprises, Engelhard, causing sight problems for the Andy Midgett residence. Hearing no objection, Chairman Spencer directed the County Manager to review the matter and report back to the Commissioners.

Commissioner Spencer reported on continuing work with Albemarle Mental Health and noted an upcoming meeting.

County Manager's Report: Chairman Spencer called upon Mr. Classen for a report.

CENSUS 2010 – LOCAL EFFORT: Mr. Classen had replied to the Census Bureau that Hyde County did not have the staff or resources to assist with the 2010 census and had asked for help from the Bureau. The Bureau responded asking that they receive assurance that the governing body had been made aware of the County Manager's response. Commissioner Davis moved to ratify the County Manager's decision regarding the Census Bureau request and to authorize this position to be transmitted to the Census Bureau. Mr. Armstrong seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK TO THE BOARD: Mr. Classen reported on efforts to replace the permanent Clerk to the Board, who also serves as Administrative Assistant to the County Manager and as a Personnel Clerk. He thanked Elsie Modlin for her interim help and stated she would be returning to school full time following her last day on August 24, 2007.

OCRACOKE OYSTER PROJECT: Mr. Classen reviewed a project being developed to restore the Ocracoke Oyster, which is a 5-year project that would restore oyster beds behind Ocracoke and nearby islands. The project, which is being developed through the Ocracoke Foundation, would aid local fishermen with a wintertime harvest and enhance water quality through oysters' filtering systems. A permit was being sought from the National Park Service (NPS) to allow oyster clutch to be off-loaded at the Hatteras Ferry Terminal and distributed to selected points in Pamlico Sound. Mr. Classen stated that the Foundation would be seeking grants to fund the five-year project. After discussion, Commissioner Ballance moved to endorse the Ocracoke Oyster Project and to endorse an application to the National Park Service for a clutch transfer site at the Hatteras Ferry Terminal. Commissioner Armstrong seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

ANIMAL CONTROL CONTRACTS: Mr. Classen handed out copies of the executed Animal Control Officer contract and Animal Shelter contract between the County and Mr. Eakes. He stated that the Animal Control Officer contract included a provision for the reimbursement to Mr. Eakes for liability insurance, a matter that was inadvertently overlooked in the original contract approved by the Commissioners. Mr. Classen stated the County was seeking a similar Animal Control Officer contract for Ocracoke. No action was taken.

VEHICLE REPLACEMENT – WATER DEPARTMENT: Mr. Classen distributed a Water Department request to waive the requirement to delay purchase of new vehicles until a Vehicle Replacement and Disposal Plan is adopted by the Commissioners is adopted. The Water Department wishes to replace a 1996 vehicle with transmission problems that

has 265,000 miles on the odometer. Commissioner Davis moved to authorize – within the limitations of budgetary authority - replacement of any vehicles older than ten years and having more than 265,000 miles on the odometer. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

GOVERNMENT CENTER AND PUBLIC SAFETY CENTER: Mr. Classen reported that both buildings are 99% completed but that code issues and other details remaining problems to allowing the County to take possession of the buildings and move into them. He hopes the matters will be resolved quickly and the County will move during September. No action was taken.

OCRACOCKE HORSE WASTE: Mr. Classen reported on numerous complaints he and the Commissioners had received regarding horse manure being found along the main roads On Ocracoke and that the waste was coming from horses used by a horseback riding tour operator. Mr. Classen handed out comments from NCDOT about the issue. He stated that the Ocracoke Development Ordinance Enforcement Officer had spoken with the tour operator and asked him to clean up after his animals. Mr. Classen stated that he did not recommend action at this time in hopes that the operator would comply with the Officer's request. No action was taken.

SALARY ADJUSTMENTS – CERTIFICATIONS: Mr. Classen reviewed aggregate salaries are budgeted and how individual salaries are adjusted under the under the existing Personnel Policy. Several departments have requested salary adjustments due to employees being certified to perform additional duties but the Commissioners suspended all certification adjustments on June 7, 2004. Mr. Classen sought reinstatement of certification adjustment authority under the existing Personnel Policy. After discussion about the need for a plan so that only necessary certifications are authorized and compensated, Commissioner Swindell moved to maintain the existing suspension of certification pay authority and to direct eh County Manager to provide a draft certification pay adjustment policy at the September 4, 2007 Commissioners meeting. Commissioner Davis seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – none.

FINANCE OFFICER – RESIGNATION: Mr. Classen advised the Board that Janet Dodge, Finance Officer, had resigned her position effective September 14, 2007.

Mr. Classen noted additional information items that were included in the Commissioners packets.

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

Chairman Spencer adjourned the meeting at 8:20 PM.

Respectfully submitted:

Carl Classen, County Manager (Interim)
Interim Clerk to the Board of Commissioners

Minutes approved on September 4, 2007

Charles Spencer, Chairman

ATTACHMENTS: Exhibit A – Resolution regarding CAMA Core Land Use Plan
 Exhibit B – FY2007-08 Budget Revisions and Transfers
 Exhibit C – Disaster Operations Vehicle Policy