

Hyde County Board of Commissioners' Meeting
October 15, 2007
Minutes

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, October 15, 2007 in the Multi-Purpose Room of the Hyde County Government Center, Swan Quarter. The following members were present: Alice Armstrong; Gene Balance, Tom Davis, Charles Spencer, and Barry Swindell. Also present were Interim County Manager Carl Classen, County Attorney Sid Hassell, various staff members, and members of the public.

Carolyn Williford represented the Hyde County Chamber of Commerce in presentation of new United States and North Carolina flags for the Multi-Use Room. The pledge of allegiance to the flag was led by Chairman Spencer. Commissioner Davis offered prayer.

Agenda: Chairman Spencer asked for any changes to the October 15, 2007 meeting Agenda. Modifications were made to Item III. Ordinances and Resolutions. Mr. Swindell moved to approve the agenda as amended. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Commissioners Armstrong, Balance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Minutes: Chairman Spencer asked for any amendments to the October 1, 2007 Minutes as distributed by the Clerk. Mr. Swindell asked that Mr. Davis' name be corrected on page 5, line 39. Mr. Davis moved to approve the minutes of the October 1, 2007 Board of Commissioners meeting as submitted with the correction requested by Mr. Swindell. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

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

Beaufort County Commissioner Hood Richardson requested that Hyde County join with Beaufort County in opposing the Phase II Stormwater Rules – New Regulations.

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

Chairman Spencer responded asking that the October 15, 2007 Agenda be amended and the Resolution be considered later in the October Agenda "Ordinances and Resolutions".

Ordinances and Resolutions:

Phase II Stormwater Rules – New Regulations. Beaufort County Commissioner Hood Richardson made a presentation regarding the proposed Phase II stormwater rules applicable to coastal counties. The Commissioners reviewed a copy of the Resolution already adopted by the Beaufort County Commissioners and information provided by Carteret County were included and reviewed. Commissioner Richardson asked that Hyde County join Beaufort County in

opposing the proposed Phase II Stormwater Rules. After discussion, Mr. Davis moved to adopted *A Resolution* Mr. Swindell seconded the motion. The motion passed on the following vote: The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

CLERK’S NOTE: A COPY OF *A RESOLUTION* ..., WHICH WAS APPROVED BY THE BOARD OF COMMISSIONERS IS ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY REFERENCE.

Appointments:

Clerk to the Board. Mr. Classen reported that Lois Stotesberry has accepted the position of Administrative Assistant to the County Manager. Mr. Swindell moved to appoint Lois Stotesberry as Clerk to the Board of Commissioners and Carl Classen as Deputy Clerk to the Board. Commissioner Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Northeast Region Workforce Development Board. Ms. Armstrong moved to appoint David Mason to the Northeastern Workforce Development Board representing a Community Based Organization for a term expiring on October 3, 2009. Commissioner Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Budget Revisions and Transfers: Following discussion, Mr. Davis moved to approve the Budget Amendments and Transfers from the Health Department as submitted. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK’S NOTE: A copy OF THE APPROVED BUDGET AMENDMENTS ARE ATTACHED TO THESE MINUTES AS EXHIBIT B AND INCORPORATED HEREIN BY REFERENCE.

Subdivision Applications: The County Commissioners reviewed subdivision applications from John Robbins, Hood Richardson, and T. J. Mann. Mr. Davis declared a conflict of interest on Mr. Mann’s application and asked to be excused. Mr. Ballance moved to excuse Commissioner Davis from the meeting during the deliberation of the T. J. Mann subdivision application. Commissioner Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Far Creek, LLC Subdivision– Sketch Plan Discussion. Although not required under the Hyde County Subdivision Ordinance Far Creek LLC, Mr. John Robbins and Mr. Eduardo (Eddie) J. Valdivieso of Quible & Associates submitted a sketch plan for consideration and approval as part of a subdivisions application for a 180-unit condominium project along Far Creek, Engelhard. An application review fee was paid to the County and a CAMA permit will be obtained in approximately six to eight months. As per the Subdivision Ordinance, Chairman Spencer asked if the Board wanted the applicant to

submit any additional information with the Preliminary Plat application. Hearing no motion from a Board member, Chairman Spencer stated that no additional information would be required.

South Oak Subdivision (H. E. Whichard, Jr.). Mr. Hood Richardson represented Mr. Whichard with a final plat application for the South Oak Subdivision. All necessary signatures have been obtained on the plat. Approval of the South Oak Subdivision application is recommended by Alice Keeney, County Planner, upon assurance of the letter of credit from First Citizens Bank & Trust Company in the amount of \$162,500.00 and that the application and plat are in conformity with Hyde County Subdivision Ordinance, and appropriate signatures applied.

T. J. Mann Subdivision Application. Mr. Davis declared a conflict of interest on Mr. Mann's application and asked to be excused. Mr. Ballance moved to excuse Commissioner Davis from the meeting during the deliberation of the T. J. Mann subdivision application. Commissioner Armstrong seconded the motion. The motion passed on the following vote: Ayes –Armstrong, Ballance, Swindell, Davis, and Chairman Spencer; Nays – None; Absent or Not Voting – None. At this time, Commissioner Davis left the meeting room. Approval of the Mann Subdivision application is recommended contingent to finding by the Plat Review Officer that the application and plat are in conformity with Hyde County Subdivision Ordinance and appropriate signatures applied.

After discussion, Mr. Swindell moved to approve the Far Creek LLC Subdivision application, the South Oak Subdivision application, and the T. J. Mann Subdivision application contingent upon reconciliation of the set backs on the T. J. Mann map and contingent upon each application meeting all other requirements of the Hyde County Subdivision Ordinance and upon appropriate signatures being applied to the final plat. Commissioner Armstrong seconded the motion. The motion passed on the following vote: Ayes - Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Commissioner Davis.

Commissioner Davis returned to the meeting room.

Unified Government: Carl Classen, Interim County Manager discussed the concept of Unified Government explaining impacts of unified government on Hyde County. Chairman Spencer stated that Unified Government can be placed on the May 2008 Ballot for voters to approve or reject and he asked for any questions from the public. No action was taken and Chairman Spencer continued with the Agenda.

Fire Service Requests: Tony Spencer, Emergency Manager and County Fire Marshal reported on a recommendation from the County fire chiefs that the County Manager work with the Fire Marshal to submit a proposal for a review of local fire services to create a fire service strategic plan that included improvement of fire department service, recruitment and retention of volunteers, alternative and improved fire service funding, and improvement of fire insurance rating. Mr. Spencer also reported on another recommendation from the County fire chiefs that the Fire Marshall work with the County Manager to investigate provision of high speed Internet

service to the fire stations and report back to the Commissioners. Mr. Swindell made motion to direct the County Manager work with the Fire Marshal to submit a proposal for a review of local fire services to create a fire service strategic plan that included improvement of fire department service, recruitment and retention of volunteers, alternative and improved fire service funding, and improvement of fire insurance rating. He further moved that the Fire Marshal work with the County Manager to investigate provision of high speed Internet service to the fire stations and report back to the Commissioners. Commissioner Ballance seconded the motion. The motion passed upon the following vote: Ayes –Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

CDBG Scattered Site Grant Award: Hyde County has been approved for a CDBG Scattered Site Grant Award in the amount of \$366,649.00. After discussion, Mr. Davis moved to authorize acceptance, to authorize the Chairman, County Manager, Clerk and other necessary County officials to sign and execute the funding approval and grant agreement following review by the County Attorney and to authorize execution of the signature cards for signature by the Planner (Alice Keeney) and the County Manager (Carl Classen, Interim). Commissioner Ballance seconded the motion. The motion passed upon the following vote: Ayes –Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Boards and Committees: Chairman Spencer asked for reports from various boards and committees.

SOLID WASTE ADVISORY COMMITTEE: Commissioners Davis and Mr. Swindell reported on the work of the Solid Waste Advisory Committee and stated that the Committee was working to form a self-funding garbage system. Three options will be presented to each mainland community and other options are being considered for Ocracoke.

OCRACOKE AIRPORT ADVISORY COMMITTEE: Committee member Phil Plat passed away earlier in the month. Commissioner Ballance regretfully reports an open position on the Advisory Board.

SUBDIVISION ORDINANCE AMENDMENT COMMITTEE: Commissioners Davis and Mr. Swindell report no action taken.

FINANCE OFFICER APPOINTMENT: Commissioner Davis reports he is researching job descriptions of other counties.

No other board or committee reports were offered so Chairman Spencer continued with the Agenda.

County Commissioner Reports:

Commissioner Spencer spoke on the progress of the Albemarle Mental Health Board.

The Clerk of Court has a new State phone system in place at the Government Center. Others will follow at a later date. At this time the Internet is slow.

Staff members are moving into the Public Safety Building. Sheriff Mason will move this week

Kerry Campbell (Maintenance Director) oversaw the move into the new Government Center with the assistance of Hyde Correctional Inmate crews and will oversee the move into the new Public Safety Center. In addition, one moving company's services were used.

County Manager's Report: Chairman Spencer asked for a report from the Interim County Manager.

GOVERNMENT CENTER: Mr. Classen reported that the Multi-Use Room of the Government Center will be available to Government amenities for upcoming meetings and to the public. No fee would be charged at this time.

PUBLIC SAFETY CENTER: Mr. Classen reported the Sheriff will move into the new Public Safety Center this week.

FAR CREEK DREDGING SPOILS SITE PROJECT: Mr. Classen reported the project is completed. Charles Gibbs has offered use of a spoil site for future dredgings.

HYDE COUNTY AIRPORTS – ENGELHARD AND OCRACOKE: Mr. Classen reported problems with the overlay at the Engelhard Airport runway and parking lot and that it will be corrected by the State.

SWAN QUARTER DIKE PROJECT: Mr. Classen reported the project is completed. Mr. Hassell stated he will meet with NRCS in Raleigh on Friday and will give report at the next Commissioners meeting.

FINANCIAL REPORTS: Mr. Classen reported on second quarter expenditures.

POSITION CLASSIFICATION, SALARY SURVEY, AND PERSONNEL POLICY UPDATE: Mr. Classen reported that salary research will be completed in late November or early December.

DRUG TESTING POLICY IMPLEMENTATION: Mr. Classen reported that he has spoken with representatives of SafetyNet, an employee drug testing firm currently utilized by Hyde County Schools and numerous other school systems. For all County employees to be tested individually, the cost would be approximately \$5,000 and \$5,000 annually thereafter. Testing would be done at the Hyde County Health Department and at Ocracoke Health Center. For the initial fee, SafetyNet would review the existing County Alcohol and Drug Free Workplace Policy and submit suggested amendments. Commissioner Armstrong moved to budget the necessary funds and to authorize the County Manager to enter into an agreement for alcohol and drug testing services with SafetyNet. Commissioner Spencer seconded the motion. The motion passed on the following vote: Ayes –Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

EMPLOYEE EVALUATION PROGRAM: Mr. Classen reported that a regularly scheduled employee evaluation program is still in development.

OCRACOKE FISH HOUSE GRANT/LOAN: Mr. Classen reported a Fish House Grant meeting is scheduled for October 23, 2007 where he will review the terms of the grant with the fisherman.

MATTAMUSKEET LODGE IMPROVEMENTS: Mr. Classen reported work on the improvements proposed for Mattamuskeet Lodge and that the County is being asked by the Wildlife Resources Commission to assist with the waste water improvements to Engelhard. He stated that he was working with Hobbs Upchurch & Associates on the wastewater project.

Closed Session: Mr. Spencer moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6) regarding personnel matters. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None. Mr. Davis made motion to excuse Clerk Lois Stotesberry. Mr. Davis seconded the motion. Sid Hassell, County Attorney was asked to attend.

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

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

Respectfully submitted:

Lois Stotesberry, Clerk to the Board of Commissioners

Minutes approved on the 22nd day of January, 2007.

Charles Spencer, Chairman,
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – Resolution Relating

Exhibit B - Approved Financial Report

--- Exhibits begin on the next page ---

Attachment A

A RESOLUTION OF THE HYDE COUNTY BOARD OF COMMISSIONERS
OPPOSING PROPOSED AMENDMENTS TO THE
STORMWATER RULES AFFECTING COASTAL COUNTIES

Whereas, the coastal stormwater rule proposed for amendment is codified at 15A NCAC 7H.1005, and is entitled “Stormwater requirements: Coastal Counties”; and

Whereas, the NC DENR’s Division of Water Quality issued public notice for public hearings and public comments on proposed amendments to 7H.1005 to expire at midnight on October 15, 2007; and

Whereas, the Hyde County Board of Commissioners adamantly requests that the expiration for public comments be extended at least thirty days due to (1) the complexity of the proposed amendments, (2) the unintended economic consequence to our County and its owners of real property, (3) the failure of the formal NC DWQ public notice to indicate as new text a newly proposed much lower ground disturbance threshold of 10,000 sq. ft. that would not only trigger a stormwater permit but a CAMA Major Permit causing the Division of Coastal Management officials to express concern over its ability to process the increased number of applications, (4) the inadequacy of the current fiscal note estimating the economic impact of the proposed rule to the regulating agency, local governments, and property owners, and (5) the lack of consensus among interested parties on the scientific basis for the proposed rule; and

Whereas, Hyde County respectfully requests NC DWQ, the Environmental Management Commission, the Rules Review Commission, and the North Carolina General Assembly to balance the impact to property owners against the proposed stringent new density limits and required engineered stormwater controls when information provided by NC DWQ in its public notice and fiscal note suggest that such amendments “cannot succeed in improving shellfish area water quality” if existing density levels in the watershed already exceed ten to twenty percent; and

Whereas, Hyde County suggests that should property owners suffer expense and or loss in highest and best use of real property, the entities named above must explicitly define the engineered solution and the measurable outcome not only to future land disturbing activity but existing build upon areas in order to earn the public’s trust through a careful regulatory approach that addresses a specific scientific outcome; and

Whereas, NC DWQ has failed to define engineered solutions with measurable outcomes by relying on selective subject matter that the proposed amendments will accomplish the desired affect; and

Whereas, NC DWQ has justified the need for the proposed amendments due to degradation of shellfish waters as a result of increased presence of bacterial contamination without identifying the sources of the bacterial contamination and how these sources may or may not be improved by the proposed amendments; and

Now Therefore Be It Resolved, for the general reasons as stated above the Hyde County Board of Commissioners opposes both the process and the substance of the proposed amendments to 15A NCAC 7H.1005 that allow the regulatory agency to erode property rights by requiring at least some if not all of the following:

- (1) A stormwater permit requiring high density engineered controls for land disturbance exceeding 10,000 square feet regardless of whether or not a private citizen homebuilder has purchased in years past a residential property that previously gained all necessary regulatory approval which ignores the concept of “grandfathering” in a way that the existing Phase II rules do not,
- (2) A stormwater permit requiring high density engineered controls for proposed development of raw land with a lower impervious surface threshold after excluding all coastal and freshwater wetland areas within the project site from the threshold calculation which is a method not recognized as part of the existing Phase II rules,
- (3) A stormwater permit requiring high density engineered controls known as infiltration systems (which seem to prohibit less costly retention ponds) and requiring that the bottom of such systems achieve two feet of separation from the high water table making unavailable the use of the required control for development in Hyde County,
- (4) That the amendments to 15A NCAC 7H.1005 apply to all remaining 17 CAMA counties some of which have low levels of built upon density and high levels of poverty (Hyde County being among both categories) and, thereby, subjecting the poorest of the State’s counties to the most intrusive of the State’s stormwater regulations resulting in future economic loss to our government and our citizens for an unspecified environmental gain that may or may not exist.

Chairman, Charles R. Spencer

ATTEST: _____
Lois Stotesberry, Clerk to the Board
October 15, 2007

Attachment B

MEETING DATE
10/15/2007

(FO USE) BR # OR IDT#	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	BUDGET	
				"+" EXP BUDGET	"-" EXP BUDGET
				"-" REV BUDGET	"+" REV BUDGET
				DEBIT	CREDIT
08-08	Health - Homemaker	10-6150- 0200	Salaries		\$ 20,000.00
		10-6150- 4500	Contract - Good Health Services	\$ 20,000.00	
<p align="center">Effective 11-1-07 some of the homemaker/ chore providers will be procured through a staffing agency, Good Health Services. \$20,000 is being transferred from salaries to Contract - Good Health.</p>					
08-08	Health - Homemaker	10-6150- 0200	Salaries		\$ 20,000.00
		10-6150- 4500	Contract - Good Health Services	\$ 20,000.00	
<p align="center">Effective 11-1-07 some of the homemaker/ chore providers will be procured through a staffing agency, Good Health Services. \$20,000 is being transferred from salaries to Contract - Good Health.</p>					
07-08	CAP/PCS/Chore	51-5845- 0200	Salaries		150,00
		51-5845- 4500	Contract - Good Health Services	\$ 150,000.00	
<p align="center">Effective 11-1-07 personnel to staff aide and chore services will be acquired through a staffing agency, Good Health Services. \$150,000 is being transferred from Salaries to Contract -Good Health.</p>					

06-08	Health - General	10-5900-3300	Departmental Supplies	\$	800.00	
		10-5900-4504	Contract Interpreter	\$	4,200.00	
		10-5900-4505	Contract - Walking Trail	\$	10,000.00	
	Revenue	10-3480-0033	Aid to Counties			\$ 15,000.00

\$15,000 additional state aid-to-counties funding was received, which cannot supplant local funding, and must be used for one or more of the 10 Essential Public Health Services. This revision establishes the line items to fund activities that will develop plans that will support individual and community health efforts and services that will link people, in minority populations, with needed personal health services.

05-08	Health - General	10-5900-1900	Local Advisory Board Expense	\$	500.00	
	Revenue	10-3482-0002	Northeast North Carolina Partnership for Public Health			\$ 500.00

This Fiscal year several state programs require input from the community. The Board of Health approved a local advisory board which will serve to meet that purpose. This revision establishes a line item to cover the cost of meetings of that board. Revenue is a mini-grant received from the Northeast Partnership for Public Health.

	10-5960-0700	Retirement Expense	\$	1,015.00	
	10-5900-1400	Travel	\$	500.00	
	10-5960-2600	Advertising	\$	300.00	
	10-5960-3200	Office Supplies	\$	500.00	
	10-5960-4501	Administrative Cost	\$	760.00	
Revenue	10-3482-0001	Hyde Co. Schools			\$ 27,425.00

At the last meeting of the Board of Health, a school health nurse (PHN II) position was approved. This budget revision establishes the line items necessary to support that activity. Revenue to cover cost will be from a contract, forthcoming from Hyde Co. Schools, whereby health department will provide school health nursing full-time for school system. Position will not be filled until contract in place.

07-08	CAP/PCS/Chore	51-5845-0200	Salaries		150,000
		51-5845-4500	Contract - Good Health Services	\$	150,000.00

Effective 11-1-07 personnel to staff aide and chore services will be acquired through a staffing agency, Good Health Services. \$150,000 is being transferred from Salaries to Contract -Good Health.