

Minutes

**Board of County Commissioners  
Hyde County**

September 17, 2007

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Tuesday, September 4, 2007 in the Board Room of the O.A. Peay Building, Swan Quarter. The following members were present: 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 pledge of allegiance to the flag by Chairman Spencer, Commissioner Ballance offered a prayer.

Mr. Classen reported that Commissioner Armstrong was absent due to a family emergency. Mr. Davis moved to excuse Ms. Armstrong from the meeting. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes -Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong.

Agenda: Chairman Spencer asked for any changes to the September 17, 2007 meeting Agenda as revised and handed out by staff that evening. Mr. Davis moved to approve the September 4, 2007 meeting Agenda as revised and further amended. 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 – Armstrong (excused).

Minutes: Chairman Spencer asked for any amendments to the September 4, 2007 minutes as emailed the prior day and handed out by the Clerk. Mr. Davis moved to defer action on the September 4, 2007 minutes until the October 1 meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Balance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

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

Mr. Jerry Harris, Swan Quarter, submitted a series of questions regarding the number of county managers in recent years, the Government Center project and the Public Safety Center project. He urged the Commissioners to conduct a project evaluation after completion of the Government Center and Public Safety Center projects and volunteered to assist in this effort.

Ms. Jane Gibbs, Fairfield, stated the July 16 minutes were in error regarding comments about the judge's bench in the Government Center.

David Fletcher, Engelhard asked if the County Planning Board had been created, that one is needed before increasing development causes further problems, and that he did not see where receipts were being given out by inspectors so as to avoid problems such as those raised the prior month about the hunting lodges, and that the meeting location should be posted at the former meeting location (Mattamuskeet School).

Ms. Odessa Jarvis, Swan Quarter, asked if there was a mosquito control board for the mainland as there is for Ocracoke and she stated she wanted more done to control mosquitoes on the mainland.

Ms. Barbara Jean Gibbs, Engelhard, asked about the \$84,000 in bad debts written off by the Commissioners at the last meeting and she asked about the status of the \$25,000 feasibility grant regarding the old courthouse.

Chairman Spencer responded regarding the Planning Board and asked the Commissioners and Mr. Classen to respond to other questions raised orally at the meeting. Commissioner Davis responded regarding the bad debts written off in the Water Fund and Mr. Classen responded regarding mosquito issues and the old courthouse feasibility study grant.

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

Northeastern Region Workforce Development Board: Mr. Classen distributed a letter received from the Northeastern Workforce Development Board requesting re-appointment of Dave Mason to the Board. Hearing no objection, Chairman Spencer directed this matter to be placed on the October 1 agenda for action.

Legal Counsel – Board of Health: Chairman Randy Clayton, Hyde County Board of Health, discussed the need for the Board of Health to have direct and sometimes quick access to legal counsel in order to aid in enforcement of its ordinances and State law. After discussion, Mr. Davis moved to authorize the Board of Health to engage an attorney, including the County Attorney, as necessary to carry out its functions and for the County Manager to prepare a budget amendment for review at a future Commissioners meeting. Commissioner Ballance seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

Subdivision Applications: The County Commissioners reviewed subdivision applications from Lester Berry, Thomas and Susie Newman, and Chris Harris. Mr. Davis declared a conflict of interest on all three applications and asked to be excused. Mr. Swindell moved to excuse Commissioner Davis from the meeting during the deliberation of the Lester Berry, Thomas and Susie Newman, and Chris Harris subdivision applications.

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

At this time, Commissioner Davis left the room.

**LESTER BERRY SUBDIVISION APPLICATION:** Mr. Classen stated that the application appeared to be in general conformity with the Hyde County Subdivision Ordinance but needed further review by the Planner.

**THOMAS AND SUSIE NEWMAN SUBDIVISION APPLICATION:** Mr. Classen stated that the application reflected a nonconforming situation that could likely be brought into general conformity with the Hyde County Subdivision Ordinance but needed further review by the Planner.

**CHRIS HARRIS SUBDIVISION:** Mr. Classen stated that the application had not been submitted before the meeting but that the applicant had met with the Chairman the Planner and the Planner felt the application appeared to be in general conformity with the Hyde County Subdivision Ordinance but needed further review by the Planner.

After discussion, Mr. Ballance moved to approve the Lester Berry, Thomas and Susie Newman, and Chris Harris application conditioned further review by the Planner and possible subsequent amendment, the application meeting all other requirements of the Hyde County Subdivision Ordinance, and upon appropriate signatures being applied to the final plat. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes –Balance, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Commissioners Armstrong (excused) and Davis (excused).

At this time, Chairman Spencer called Commissioner Davis to return to the meeting.

Unified Government: The Commissioners received copies of a binder of materials from the North Carolina Association of County Commissioners on unified government efforts in Camden and Currituck counties, plus they received additional materials from Camden County. The Commissioners reviewed what unified government means and how it could impact Hyde County. Issues discussed included the additional funding available, the loss of the ability for communities to incorporate, and the additional authority – especially as to road building and maintenance. Hearing no objection, Chairman Spencer directed the County Manager to begin preparation of public information materials on unified government, to propose a format for and schedule of public information meetings, and for the matter to be placed on the October 1 agenda for further discussion.

HMGP Demolition Contract Award: This matter had been laid over from the September 4 Commissioners meeting. After discussion and hearing a report from the Chairman of the Swan Quarter Service Group that the Group would not wish to use the existing Stotesberry structure as a public restroom facility, Mr. Swindell made the following motions:

1. Award HMGP Demolition Contract to Coastal Clearing based on the low bid of \$23,800.
2. Authorize expenditure of up to \$11,000 from Capital Reserve for the demolition of the County-owned old library building in Swan Quarter.
3. Direct the County Manager to work with the Swan Quarter Service Group on a plan to construct low-maintenance public restrooms on the Statesberry property, Swan Quarter, and report back to the Boards of Commissioners.

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

Mattamuskeet Lodge Improvements: The Commissioners received a report on improvements funded by the State at the Mattamuskeet Lodge facility, plus the sewer line/system improvements for connecting the Lodge wastewater to the Engelhard Sanitary District wastewater system. After discussion, Mr. Davis moved the following:

1. Authorize the chairman to sign a statement supporting improvements to the Mattamuskeet Lodge so that it can be used for conservation purposes; re-state support waste water from Mattamuskeet Lodge being transported to the Engelhard waste water system (including necessary improvements), and authorize the County Manager to appoint persons to an ad hoc advisory Committee to assist the Wildlife Resources Commission in the development of the Mattamuskeet Lodge.
2. Send a letter of thanks from the Board to Senator Basnight and Representative Spears thanking them for their support of the Mattamuskeet Lodge project and for their hard work securing funds for the project, plus a letter to Senators Burr and Dole and Representative Jones thanking them for their efforts getting the Lodge transferred to the State.

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

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

SOLID WASTE ADVISORY BOARD: Commissioners Davis and Mr. Swindell reported on the work of the Solid Waste Advisory Committee and stated that the Committee would be meeting again the following evening in the Information Highway Rooms of Mattamuskeet and Ocracoke schools.

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

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

SUBDIVISION ORDINANCE AMENDMENT – MINOR SUBDIVISIONS: Mr. Swindell asked about language amending the Hyde County Subdivision Ordinance relating to minor subdivisions. Mr. Classen noted that this matter had previously been requested by the Board but it had been discussed as part of a complete updating of the Subdivision Ordinance, which the staff has not yet undertaken. After discussion, Mr. Davis moved to direct the County Attorney to draft an amendment to the Hyde County Subdivision Ordinance allowing for administrative approval of minor subdivisions and to set such ordinance for public hearing in conjunction with the October 15 Regular Commissioners meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

No other reports were received from Commissioners so Chairman Spencer continued with the Agenda.

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

COMMUNITY DEVELOPMENT GRANT (CDBG) SMALL PURCHASE WORK ORDER: Mr. Classen discussed with the Board a CDBG small purchase work order on rehabilitation to a unit located at 13914 Highway 264, Swan Quarter, and delegation of authority to the County Manager for approval of future CDBG small purchase work orders. Mr. Davis moved to approve the \$1,200 small purchase work order for 13914 Highway 264, Swan Quarter, and no action on the delegation of authority. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

COMMUNITY DEVELOPMENT BLOCK GRANT – CAPACITY BUILDING (CDBG-CB) NO. 06-C-1607 SECTION 3 PLAN: Mr. Classen presented a Local Economic Benefit for Low- and Very Low-Income Persons Plan (so-called “Section 3 Plan”), which is identical to the Section 3 Plan adopted in August 2006 by the County Commissioners but which must be adopted again for the CDBG-CB grant. Mr. Davis moved to approve the Local Economic Benefit for Low- and Very Low-Income Persons Plan (so-called “Section 3 Plan”) for the CDBG-CB grant No. 06-C-1607. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

COMMUNITY DEVELOPMENT BLOCK GRANT – CAPACITY BUILDING (CDBG-CB) NO. 06-C-1607 EQUAL EMPLOYMENT AND PROCUREMENT PLAN: Mr. Classen presented an Equal Employment and Procurement Plan, which is identical to the Section 3 Plan adopted in August 2006 by the County Commissioners but which must be adopted again for the CDBG-CB grant. Mr. Swindell moved to approve the Equal Employment and

Procurement Plan for the CDBG-CB grant No. 06-C-1607. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

PROJECT ORDINANCE – COMMUNITY DEVELOPMENT BLOCK GRANT - CAPACITY BUILDING (CDBG-CB) NO. 06-C-1607 SECTION 3 PLAN: Mr. Classen presented a Project Ordinance to implement the \$75,000 Community Development Block Grant – Capacity Building (CDBG-CB) received from the State. Mr. Balance moved to approve Project Ordinance No. 2007-09-02 Community Development Block Grant Hyde County Community Development Corporation Project (CDBG-CB Grant #06-C-1607). Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

CLERK’S NOTE: A COPY OF *PROJECT ORDINANCE NO. 2007-09-02 COMMUNITY DEVELOPMENT BLOCK GRANT HYDE COUNTY COMMUNITY DEVELOPMENT CORPORATION PROJECT (CDBG-CB GRANT #06-C-1607)* AS APPROVED IS ATTACHED HERETO AND MADE PART OF THESE MINUTES.

COMMUNITY DEVELOPMENT BLOCK GRANT - CAPACITY BUILDING GRANT (CDBG-CB) NO. 06-C-1607 AND CDBG – ENTREPRENEURIAL INITIATIVE 05-E-1495– SIGNATORY FORMS: Mr. Classen presented a signatory form for use on Community Development Block Grant - - Capacity Building grant (CDBG-CB) No. 06-C-1607 and Entrepreneurial Initiative grant 05-E-1495. Mr. Davis moved to approve the signatory form and for Interim County Manager Carl Classen and County Planner/Economic Development Director Alice Keeney be authorized signatories for Community Development Block Grant - - Capacity Building Grant (CDBG-CB) No. 06-C-1607 and 1607 and Entrepreneurial Initiative grant 05-E-1495. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

COMMUNITY DEVELOPMENT BLOCK GRANT – SMALL BUSINESS ENTERPRISE ENTREPRENEURIAL ASSISTANCE (CDBG-SBEA) GRANT PUBLIC HEARING: Ms. Alice Keeney, County Planner and Economic Development Director, stated that an initial public hearing was held June 4, 2007 prior to submitting a Community Development Block Grant application under the Small Business Entrepreneurial Assistance program. The County has been invited by the North Carolina Department of Community Assistance to submit a final application by October 15, 2007 and second public hearing needs to be held October 1 to meet that requirement. Mr. Davis moved to set a second public hearing on the Community Development Block Grant – Small Business Enterprise Entrepreneurial Assistance (CDBG-SBEA) Grant application in conjunction with the October 1, 2007 Regular County Commissioners meeting. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

GOVERNMENT CENTER AND PUBLIC SAFETY CENTER: Mr. Classen gave a report on work continuing on the Government Center and the Public Safety Center. No action was taken.

Finance Officer Appointment: Chairman Spencer asked for any other matters to come before the Board. Mr. Davis made a motion to have the County Commissioners appoint the Finance Officer rather than the County Manager. Mr. Swindell seconded the motion. Following discussion, Mr. Davis made a motion to table the matter until the October 1 Regular meeting agenda. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes - Ballance, Davis, Swindell and Chairman Spencer; Nays – none; Absent or Not Voting – Armstrong (excused).

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

Chairman Spencer adjourned the meeting at 8:27 PM.

Respectfully submitted:

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

Minutes approved on October 1, 2007

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Charles Spencer, Chairman

ATTACHMENTS:

*Exhibit A – Project Ordinance No. 2007-09-02 Community  
Development Block Grant Hyde County Community  
Development Corporation Project (CDBG-CB Grant  
#06-C-1607)*