

## Meeting Minutes

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

**May 17, 2010**

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, May 17, 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 Anson Byrd, Ken Collier, Tom Davis, and Sharon Spencer; County Attorney Sid Hassell; Interim County Manager David Smitherman; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Gene Ballance; Deputy Clerk to the Board Jamie Tunnell; and, members of the public.

Following the pledge of allegiance and opening prayer by Commissioner Byrd the meeting was called to order.

#### **Agenda:**

Chairman Davis asked for any changes to the May 17, 2010 meeting Agenda as presented by the Clerk.

Commissioner Byrd moved to approve the agenda as presented by the Clerk with addition of Item I. Opening (F) Introduction of Interim County Manager David Smitherman; Item V. Other Matters (H) – In-house Solid Waste Collection Timetable; and Item VII. Closed Session – (A) Pending Personnel and Legal Issues. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

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

Chairman Davis asked for approval of meeting minutes.

Commissioner Byrd moved to approve the May 3, 2010 Commissioners Regular Meeting Minutes with Page 5 – Line 2 stating *workshops begin on Thursday, May 6*. Mr. Collier seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

#### **Introduction – Interim County Manager:**

Commissioner Spencer introduced Mr. David Smitherman. Mr. Smitherman of Bear Strategies, Inc., Winston Salem, NC, began work as Interim Hyde County Manager on Wednesday, May 12, 2010. Mr. Smitherman previously served as Interim County Manager in Lee County and Onslow County and has experience in city management as well.

Mr. Smitherman thanked the Board for its confidence in him. He also thanked the Hyde County Government Department Heads for their assistance with preparation of the FY2010-2011 Budget.

Mr. Smitherman will hold the Interim Manager position until new Board members are seated in December, 2010. Mr. Smitherman will not be applying for the permanent County Manager position.

#### **Special Presentation:**

##### **Gang Assessment & Awareness**

Per direction from the 2009 General Assembly, each Juvenile Crime Prevention Council (JCPC) was required to fund a gang assessment in the current fiscal year.

JCPC Research Consultant Linda Hester, Research Consultant presented the Hyde County Gang Violence Assessment Report dated May 2010. Ms. Hester recommends the Hyde County JCPC

Committee and their law enforcement representatives become more knowledgeable about GangNet criteria for populating the gang assessment and awareness database.

#### **E-9-1-1 Call Taking Equipment Update**

E-9-1-1 Call Taking Equipment update was presented by Justin Gibbs. Mr. Gibbs reported the estimated cost to purchase the equipment is approximately \$170,000. Installation is expected in approximately six months after purchase. Mr. Gibbs reported that Hyde County will further reduce costs by paying the maintenance contract over the first year.

#### **Greater Hyde County Chamber of Commerce**

Greater Hyde County Chamber of Commerce President Sandra Tunnell presented the Chamber Annual Report, FY2009-10 Budget, and request for renewal of the Chamber contract.

#### **Consideration of Nutrition Sites**

Mattamuskeet Senior Center Director Darlene Berry reported that Ocracoke clients will now receive hot meals provided by a local restaurant and that "Meals on Wheels" has been requested by Fairfield citizens.

Interim County Manager David Smitherman reported that consideration of Ocracoke and Fairfield nutrition sites will be addressed in the FY2010-2011 Hyde County Budget Workshop.

#### **Hyde County Schools – Budget Message FY2010-2011**

Superintendent Greg Todd reported that the proposed Hyde County Schools FY2010-2011 Budget reflects suggested reduction in staffing from the NC Department of Public Instruction and the Governor's office. Mr. Todd reported that neither option represents the final budget and that the final budget will be appropriated by the Legislature. Mr. Todd requested addition of two teaching positions in the Board of Education's Local Current Expense Budget in order to maintain the instructional level and integrity that we now have in our schools.

Interim County Manager David Smitherman reported that consideration of Hyde County Schools Budget requests will be addressed in the FY2010-2011 Hyde County Budget Workshop.

#### **Hyde County Water Department Consumer Confidence (CCR) Report**

Utilities Director Clint Berry presented the Hyde County Water Department Consumer Confidence Report (CCR). The 2009 Annual Drinking Water Quality Report for Hyde County Water system is provided to keep citizens informed about the excellent water and services delivered to citizens over the past year. Mr. Berry reported that Hyde County drinking water is safe and meets Federal and State requirements.

#### **Water Meter Replacement**

Utilities Director Clint Berry presented Hyde County Water Department proposal to install new water meters within the County. Mr. Berry reported that replacing the water meters would greatly reduce the number of lost gallons of water. The new meters come with a twenty year/ 2.5 million gallons replacement warranty.

#### **Public Comments:**

Chairman Davis called for comments from the public.

Jason Elicker, Ocracoke – asked the Board to reconsider Pay-As-You-Throw solid waste fees.

Al and Linda Scarborough, Ocracoke – were not present but did ask that their May 16, 2010 e-mail requests that the Board reconsider Pay-As-You-Throw and encourage recycling be read during the meeting. Commissioner Ballance read the e-mail.

There being no further comment from the public, Chairman Davis continued the meeting.

**Ordinances and Resolutions: (none)**

**Appointments:**

**ARSWMA Board – Appointment**

Former County Manager Carl Classen was the designated representative for Hyde County with Albemarle Regional Solid Waste Management Authority (ARSWMA).

Per request from Anne Blindt, ARSWMA, the Solid Waste Authority will have its annual board meeting in June and will need for Hyde County to send a representative who will vote on behalf of the County. The meetings are usually held in Hertford in the late morning and include a lunch. Proposed dates for the meeting are June 10, 11, 17 or 18.

Hearing no objection, appointment of a County representative to the Albemarle Regional Solid Waste Management Authority (ARSWMA) is held over to the June 7, 2010 Commissioners meeting.

**Contract(s) Administrator**

Former County Manager Carl Classen was designated contracting officer and/or project administrator on several County projects as listed below:

<u>Project</u>	<u>Responsibility</u>
1) Engelhard Water Treatment Plant	Clint Berry, Utilities Department
2) Far Creek Maintenance & Dredging (project closed, but more work proposed)	Kris Noble, Grants Technician
3) Revolving Loan Fund	Alice Keeney, Planner/Developer
4) CDBG and HMGP Projects (all managed by Holland Consulting Planner, Inc., but signed off by County Manager)	Alice Keeney, Planner/Developer
5) Swan Quarter Dike Project – Phase XIII (this phase will be handled by NRCS)	Kris Noble, Grants Technician
6) Mattamuskeet Lodge Sewer Project	Clint Berry, Utilities Department Kris Noble, Grants Technician
7) Engelhard Airport Project	Jessica Gibbs, Finance Officer Lois Stotesberry, Exec. Asst./Clerk
8) STEP Grant Projects (4) i. Nature Trail ii. Historic Courthouse iii. RV Park & Boat Ramp iv. Marketing Plan	Alice Keeney, Planner/Developer
9) Swan Quarter Park Project	Alice Keeney, Planner/Developer

Commissioner Byrd moved to designate David Smitherman, Interim County Manager, as Contract Officer/Project Administrator for all projects previously overseen by former County Manager Carl Classen. Mr. Collier seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

**Other Matters:**

**Budget Amendments**

Interim County Manager David Smitherman reported to the Board that in accordance with the FY2009-10 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

**Health – Public Health Preparedness: \$2,500.00;** transferring funds to Temporary Contract Biomedical Disposal Line from Travel Line to cover ½ of the annual cost for medical waste

disposal and OSHA training related to H1N1 vaccinations. This transfer will not increase the overall budget for the Health Department.

Commissioner Byrd moved to approve the Health Department (\$2,500) budget amendment as presented by Interim County Manager David Smitherman. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

**Home Health: \$12,000.00;** transferring funds to Contract P/T from Contract O/T to cover anticipated expenditures for Physical Therapy to our Home health clients for the remainder of the current fiscal year. This transfer does not increase the overall budget for Home Health.

Commissioner Collier moved to approve the Home Health (\$12,000) budget amendment as presented by Interim County Manager David Smitherman. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

**Department of Social Services (DSS): \$9,000.00;** transferring funds to DSS Crisis Intervention from DSS Administration for additional funding received from the State for County crisis intervention program. This transfer does increase the overall budget for DSS.

Commissioner Byrd moved to approve the DSS (\$9,000) budget amendment as presented by Interim County Manager David Smitherman. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

**Water Department: \$5,000.00;** transferring funds to Telephone Line from Waterline Replacement Line for additional phones needed in new office. This transfer will not increase the overall budget for the Utilities Department.

**Water Department: \$100,000.00;** transferring funds to Maintenance & Repairs Distribution Line from Waterline Replacement Line to replace old water meters with new efficient technology. This transfer will not increase the overall budget for the Utilities Department.

Commissioner Byrd moved to approve the Water Department (\$5,000) budget amendment as presented by Interim County Manager David Smitherman; and, to approve the (\$100,000) water meter replacement budget amendment as presented by Utilities Director Clint Berry contingent upon contract review/approval by County Attorney Sid Hassell. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

**Soil & Water: \$2,000.00;** transferring funds to Soil & Water Office Supplies from Beaver Management Program for Administrative Soil & Water technician to replace the NRCS \$3,000 yearly per seat charge to use a computer provided by NRCS. This transfer will not increase the overall budget for the Soil & Water Department.

Commissioner Collier moved to approve the Soil & Water Department (\$2,000) budget amendment as presented by Interim County Manager David Smitherman contingent upon necessity for purchase of the computer. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

### **Hyde County ABC Board Financial Report**

Hyde County ABC Store Manager Charlotte Smith presented a summary update on the ABC Board financial status since the April 12, 2010 Joint Commissioners and ABC Board Meeting. Ms. Smith reported that The East Carolina Bank will loan the ABC Board \$90,000 to be repaid over a period of 15 years at approximately \$800/month with additional collateral provided by Hyde County. Ms. Smith also reported that considerable changes have been made to day-to-day operations; inventory control policies have been reconstructed and are being reconciled daily; and, salary expenses will be reduced due to the termination of a full time salary position on

Ocracoke. Ms. Smith feels confident that the ABC Board has reduced its past debts considerably and will continue to operate at a profit if given the opportunity to continue serving the citizens of Hyde County.

**Variance Request from AT&T Mobility (“AT&T”) and Carolina Telegraph Company LLC d/b/a CenturyLink (“CenturyLink”)**

Karen Kemerait, North Carolina Zoning Counsel, presented request by AT&T and CenturyLink for variance from the strict adherence of Section 40-226 of the Hyde County Code of Ordinances (the “ordinance”) on the grounds that a strict adherence to the ordinance would result in unnecessary hardship to AT&T and CenturyLink and would prevent AT&T from providing telecommunications services to the residents, workers, visitors, and fishermen of Ocracoke and Hyde County.

CenturyLink is the owner of the existing 100-foot lattice tower located at 124 Cedar Road in Ocracoke. AT&T has filed an application to co-locate its antennas on the tower so that it may provide cellular coverage in Ocracoke and Hyde County without having to construct a new telecommunications tower in Ocracoke. Specifically, AT&T will be extending the tower by 15 feet to provide space for AT&T’s antennas, and AT&T will be mounting only three antennas on pipe mounts to ensure that the antennas will have no adverse visual effect. The North Carolina Department of Cultural Resources State Historic Preservation Office (“SHPO”) has approved AT&T’s request to extend the tower by 15 feet and place its antennas on the tower, and has determined that the proposed extension and placement of antennas will not adversely affect the Ocracoke Historic District.

In order for AT&T to co-locate its antennas on CenturyLink’s tower, a variance is required because the existing CenturyLink tower (which was legally constructed on or about 1974 and before the ordinance was adopted) does not meet the setback requirement contained in Section 40-226 of the ordinance. Section 40-226 of the ordinance provides the following setback requirement:

Sufficient land shall be acquired for all tower sites to contain any ice or debris that happens to fall from the tower, antenna, or guy wires.

For monopoles or lattice towers the minimum setback from the property line shall be one-half the tower and antenna’s overall height.

The variance application that has been submitted explains in detail the factors relevant to the issuance of a variance.

After discussion, the matter was held over to June 7 for consideration.

**Selection of Consultant to Assist the Hyde County Staff with Preparation of an FY10 CDBG-SS Application and Manage the FY10 CDBG-SS Project; and Approval of Contract for Consultant Services for CDBG-SS Grant Administration Contingent upon DCA approving a Non-Competitive Negotiation Letter**

Hyde County is required to submit a formal application for FY10 Community Developers Block Grant – Scattered Site (CDBG-SS) funds in June or July of this year. The county will receive \$400,000 in CDBG-SS funds once the application is completed and submitted to the Division of Community assistance. (The county has received three previous scattered site housing grants since the CDBG-SS geographic award system was established in 2001.)

The county staff does not have the resources to complete the outreach and housing assessment components of the application process or complete the application and required environmental review in the required time frame. The county may utilize some Community Developers Block Grant – Talent Enhancement Demonstration Grant (CDBG-TEDG) funds allocated for staff time reimbursement to assist in the outreach and homeowner application review process and to

complete some components of the application. However, because the majority of the tasks required will require assistance by a consultant, the county completed a competitive negotiation process outlined in the attached letter to the Division of Community Assistance (DCA). After two solicitations, the county received only one proposal, from Holland Consulting Planners, Inc., the firm that successfully completed two of the three county's previous CDBG-SS programs. HCP also manages all housing assistance outreach efforts with the support of county staff and area non-profit agencies.

The following outlines the specific tasks that HCP will complete under the terms of the contract for preparation of the FY10 CDBG-SS application:

- 1) Prepare an FY2010 CDBG-SS application to be submitted to the NC Division of Community Assistance by the approved deadline. Application preparation will include:  
  
Assistance with Identification of households to be assisted, including preparation of list of approximately 30 households identified as priority CDBG applicants, preparation of application packages, review of applications, field assessments of priority units, and preparation of proposed beneficiary list (four units) for presentation to the board of commissioners.
- 2) Assistance with all DCA-required citizen participation activities (including attendance at two public hearings) for submittal of the CDBG Scattered Site application;
- 3) Preparation of a Citizen Participation Plan, Housing Distribution Plan, Project Administration Plan, Community Development Plan, project budget, and all forms/documents required for submittal of a final scattered site application to DCA by the specified application deadline date;
- 4) Completion of environmental assessments of all four (4) housing units and preparation of the Environmental Review at the Community Level in accordance with the requirements of G. S. 113A-1, the North Carolina Environmental Policy Act of 1971;
- 5) Preparation of preliminary work write-up and cost estimate for one proposed rehabilitation (three replacement units are proposed).

Commissioner Spencer moved to approve the Not-to-Exceed Contract of \$7,000 with Holland Consulting Planners, Inc. (HCP) to complete the required FY2010 CDBG-SS Application with the assistance of the county staff (reimbursable with CDBG-SS funds); authorize the Chairman to execute the Non-Competitive Negotiation Letter to be sent to DCA, and Approve the Contract for Consultant Services from Holland Consulting Planners, Inc. for the CDBG-SS 2010 Grant Administration provided the county attorney is comfortable with the document language and that DCA approves the Non-Competitive Negotiation Letter; and to execute Contract for Consultant Services (after DCA has approved the award on a non-competitive basis as outlined). Mr. Collier seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

#### **Request Public Hearing to be scheduled for Monday, June 7, 2010 for ECSP, LLC**

Commissioner Spencer moved to excuse Chairman Davis due to conflict of interest. Mr. Collier seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

County Planner/Developer Alice Keeney reported that on September 2, 2008, Mr. Buster Manning, Chairman of ECSP, LLC requested that the County consider East Carolina Soybean Producers, LLC as a candidate for the five-year Hyde County Economic Development Grant Program (Level III Grant) on the basis of a \$4.8 million dollar investment. On that date the commissioners authorized County Attorney Sid Hassell to prepare a Grant Agreement. However, ECSP, LLC had to wait until they paid their 2009 taxes before the agreement could be drafted.

Commissioner Collier moved to conduct Public Hearing on June 7, 2010 for ECSP, LLC's Incentive Grant. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, and Spencer; Nays – None; Absent or Not Voting – Davis.

Chairman Davis returned.

### **Swan Quarter Dike Maintenance Plan – Soil & Water Board**

Discussion of the Swan Quarter Dike Maintenance Plan (flood control assessment) is held over to the June 7 Commissioners Meeting.

Vice-chair Sharon Spencer called for a five minute recess.

### **NCACC Liability Insurance**

After discussion, Commissioner Collier moved to adopt NCACC Liability & Property Pool Insurance Quote and, NCACC Worker's Compensation Quote. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

### **Capital Purchases**

After discussion, Chairman Davis moved to freeze capital purchases until July 15, 2010 but allowing any approved earlier in Item V. A. – Budget Amendments. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

### **Hyde County Personnel Policy – County Attorney Report**

At the May 3 Board Meeting, Commissioners Collier, Spencer, and Byrd proposed three changes to the Hyde County Personnel Policy. After discussion, County Attorney Sid Hassell was asked to speak with the UNC School of Government to further research the nepotism provision of the County's Personnel Policy.

In a letter dated May 6, 2010 for inclusion in the May 17 Commissioners Meeting packet, Mr. Hassell presented his findings on Hyde County Personnel Policy – Article 5, Section 6 – Nepotism:

*Mr. Hassell spoke with Diane Juffras, who deals with public employment issues at the School of Government. She confirmed that there is no legal requirement that the County have any policy, and that some places do not. However, there is a duty to avoid conflicts of interest as stated in GS 14-234. Whether to have a policy or what that policy should provide is a policy judgment for the Board.*

*Some grant programs do require that the recipient have a policy similar to the one set out in the memo given to the Board, which acknowledges that (A) a policy such as ours may cost us the services of a valued employee who cannot be easily replaced; and, (B) there are places where persons who are entrusted with authority to make decisions for the public use those positions to favor their families and friends.*

*Mr. Hassell concluded by advising the Board that they must try to avoid the first while not enabling the second.*

Commissioner Collier reported that he spoke with Bob Joyce, UNC Chapel Hill School of Government.

Commissioner Spencer stated that she believes our Personnel Policy Nepotism Clause is discriminating to employees. Ms. Spencer referred to the Nepotism Clause in Pasquotank and Camden County Personnel Policies and recommended the Board utilize Pasquotank County's policy, which states:

*Limitation of Employment of Relatives – The employment of close relatives within the same department is to be avoided unless significant recruitment difficulties exist.*

- a) *Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.*
- b) *This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.*
- c) *Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.*
- d) *The Board of Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin as required by Chapter 153A-103 (1) of the North Carolina General Statutes.*

After discussion, Commissioner Collier moved to model Hyde County Personnel Policy – Article 5 – Section 6 after the Pasquotank County Personnel Policy nepotism clause. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Byrd, Collier, and Spencer; Nays – Ballance and Davis; Absent or Not Voting – None.

Commissioner Davis stated that he believes changing this policy will give the appearance of impropriety.

### **Hyde County Personnel Policy**

At the May 3 Board Meeting, Commissioners Collier, Spencer, Byrd, and Davis approved that the Longevity section of the Hyde County Personnel Policy be changed to begin longevity pay at \$400 at five (5) years of service as of December each year; and to keep all other longevity dates and pay the same. Article III – Section 16 was amended accordingly.

Commissioner Spencer moved to approve the amended Hyde County Personnel Policy. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

### **County Commissioners Reports:**

**Commissioner Ballance** reported on the Draft ORV Impact Statement and reminded citizens that corridors around the restricted areas may be allowed in the future.

**Commissioner Spencer** reported that she will attend “County Assembly Day” in Raleigh on Wednesday, May 19, 2010.

**Commissioner Collier** asked that management of Hyde County Animal Control be placed under direction of the Health Department; that the County purchase fuel tanks; and both items be put on the June 7 Agenda for consideration.

**Chairman Davis** stated that both Animal Control and purchase of fuel tanks will be covered in the FY2010-2011 Hyde County Budget. Mr. Davis commended Cooperative Extension Director Mac Gibbs for winning the “NC Coastal Federation’s 2009 Pelican Award” as follows:

*Among the northeast coast winners of the NC Coastal Federation’s 2009 Pelican Awards is Mac Gibbs.*

*All 12 award winners, who represent all regions of the coast, will be honored at a ceremony on Saturday, May 15, at the federation’s main office in Ocean in Carteret County.*

*The Pelican Award winners from the northeast include:*

#### ***Mac Gibbs, Hyde County Center, NC Cooperative Extension Service, Local Government***

*In 2006 when the federation staff approached Hyde County farmers looking for projects that would help protect water quality, the county’s traditionally conservative residents were hesitant to join forces with an environmental group. Gibbs took us under his wing and introduces us to a farmer who was interested in holding back some of his drainage water so it could be used for irrigation. One thing led to another, which led to an ambitious plan to restore the hydrology on 42,500 acres in the Mattamuskeet Drainage District in northeast Hyde. The project is now*

*in its initial stages and will open opportunities for oyster reef restoration in Pamlico Sound. Gibbs has also helped us identify other potential restoration projects.*

*Since its grassroots in 1982, the federation is the state's only non-profit organization that focuses exclusively on protecting and restoring the NC coast through education, advocacy and habitat preservation and restoration. It has almost 10,000 members.*

No other Board or Committee reports were offered so Chairman Davis continued with the Agenda.

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

Interim County Manager David Smitherman gave update on the Hyde County School Improvement Project.

Commissioner Spencer moved to request extension of the BB&T financing rate for an additional 45 days. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

Mr. Smitherman further reported plans to cover AMHC employees health insurance under the State Retirement Plan are not feasible on the State level. Alternative scenario(s) will be discuss by Regional Manager's when they meet on Friday, May 28.

Mr. Smitherman met with individual department heads to discuss budget line items and will conduct a Budget Workshop Meeting on Tuesday, May 25 beginning at 3:30 PM. Department directors were asked to forward budget issues to Mr. Smitherman for review.

Chairman Davis moved to cancel the July 5, 2010 Regular Commissioners Meeting in observance of Independence Day and to further amend "**Resolution No. 2009-12-01 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates**" accordingly. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

**CLERK'S NOTE: A copy of "Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates" is attached herewith as Exhibit A and incorporated herein by reference.**

Mr. Smitherman will begin every other week visits to Ocracoke Island beginning in July, 2010.

In conclusion, Mr. Smitherman reported that he would also be attending "County Assembly Day."

### **Department Monthly Reports**

Commissioner Byrd moved to accept April, 2010 Tax Collections Report. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

### **Closed Session**

Chairman Davis moved to enter closed session in accordance with NCGS 143-318.11(a)(3) – Consultation With Legal Counsel; and, NCGS 143-318.11(a)(6) – Personnel Matters. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 10:30 P.M.

Commissioner Byrd moved to return from Closed Session. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

The Commissioners entered regular session at 11:15 P.M.

Commissioner Byrd moved to authorize and send one lump sum severance payment to former County Manager Carl Classen; and, directed to sign appropriate budget amendment upon approval from the County Attorney. Mr. Collier seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

Commissioner Collier moved to authorize indemnification; give authority generally given to a County Manager in accordance with GS 153A-82 – Powers and Duties of Manager; and, immediately provide bond for Interim County Manager David Smitherman. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

Commissioner Spencer moved to authorize approval of Service Agreement by and between Hyde County and David Smitherman d/b/a Bear Strategies, Inc. providing it is no more onerous than the draft provided to the Board by Mr. Smitherman and contingent upon meeting with Mr. Smitherman and contract approval by Chairman Davis and Commissioner Byrd who will meet with Mr. Smitherman on Thursday, May 20, 2010 (copy of draft contract available in County Manager’s office). Mr. Collier seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

Commissioner Collier moved to adjourn the meeting. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 11:30 P.M.

Respectfully submitted:

Minutes approved on the \_\_\_\_\_ day of June, 2010.

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Lois Stotesberry, Clerk - Hyde County Board of Commissioners

SEAL

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Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

*Exhibit A: “Amended Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates”*