

Minutes

Board of County Commissioners Hyde County

May 4, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, May 4, 2009 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, Tom Davis, Sharon Spencer, and Barry Swindell; County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Gene Ballance, Deputy Clerk Jamie Tunnell; and members of the public.

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

Agenda:

Chairman Davis asked for any changes to the May 4, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item III.B. – Hyde County Health Department; Item VI. D. i. – Dumpster Fee Enforcement; Item VI. F. – Mattamuskeet Opportunities; VI. G. – Request Paving Secondary Street on Ocracoke; and Item VIII. C. – Acquisition of Property; pursuant to NCGS 143A-318.11 (a) (5). Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Byrd moved to approve the April 20, 2009 meeting minutes. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Public Comments:

Chairman Davis called for comments from the public.

David Fletcher, Lake Landing, stated he agreed with Franklin Swindell that items added to the Agenda should be discussed at a later date; that EMT jobs were not advertised correctly; and that Dr. Boyette reportedly said to a Hyde County EMT that the County plans to hire 27 paramedics in the next year.

Mr. Fletcher was asked to discuss his concerns further with County Manager Carl Classen after the meeting adjourned.

Ann Warner, Ocracoke, stated the proposed dumpster tipping fee will create an extreme burden.

Jen Escham, Blue Herron Realty, Ocracoke, discussed Pay-As-You-Throw (PAYT) concerns.

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

Presentation:

Greater Hyde County Chamber of Commerce

Chamber President Carolyn Williford gave an annual report. No action was taken.

Hyde County Health Department

Health Director Wesley Smith and Public Health Nurse II, Preparedness Coordinator Margie Keech gave report on H1N1 Flu. Citizens were reminded to remember the flu is treatable, and to practice good hygiene.

Ordinances and Resolutions:

Hyde County Code

A proof of the proposed Hyde County Code was provided for review by the Board. The purpose of a codification is not to change the policy of existing ordinances. Rather, it is to re-format existing ordinances and put them in an order that allows the public, the County and the Courts to better know the laws of Hyde County. In a few instances, staff may recommend substantive changes if existing ordinance language is contrary to federal or State law. If the Commissioners want to change policy contained in any existing Ordinance (or repeal any existing Ordinance), staff will prepare draft ordinances to amend the Code – but recommends consideration of such policy change after the Code is adopted.

Because the Hyde County Code will contain land use ordinances (e.g., Subdivision Ordinance; Ocracoke Development Ordinance) and even though the Code doesn't change the policy contained in those Ordinance, staff feels it would be prudent to adopt the Code only after conducting a public hearing in accordance with State law for anytime a land use-related ordinance is amended. Again, staff is not recommending any policy changes to an ordinance except as necessary to bring it in compliance with federal or State law.

Commissioner Spencer moved to direct the County Manager to set a public hearing on the proposed County Code as soon as practicable (May 18 or June 1) and in accordance with statutes governing amendment to land use-related ordinances. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Proof of the proposed Hyde County Code" is available in the County Manager's office, Government Center, Swan Quarter, and at Mattamuskeet and Ocracoke School Libraries.

Commissioner Davis called a three minute recess at 7:47 PM.

Commissioner Davis resumed the meeting at 7:50 PM.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2007-08 Budget Ordinance several budget transfers were made administratively and he provided the Board with copies. He requested approval of the following FY2008-09 Budget amendments:

A. Budget Amendment – Register of Deeds – Unexpected Collections

Register of Deeds Lora Byrd has requested transfer of \$29,862 to increase money due to unexpected collections and increasing the expenditure to pay State portion of conveyance tax.

Commissioner Swindell moved to authorize the Register of Deeds budget transfer of \$29,862. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

B. Budget Amendment – Health Department – Child Health Advertising and Department Supplies

Health Director Wes Smith has requested transfer of \$4,555 from Family Planning Salary/Fringes line items to Child Health Advertising and Department Supplies for expenses

associated with service deliverables for Child Health through the Healthy Mothers Healthy Children (HMHC) Block Grant.

Commissioner Swindell moved to authorize the Health Department budget transfer of \$4,555. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

C. Budget Amendment – Health Department – Child Health Equipment

Health Director Wes Smith has requested transfer of \$6,170 from Family Planning Salary/Fringes line items to Child Health Equipment for expenses associated with service deliverables for Child Health through the Healthy Mothers Healthy Children (HMHC) Block Grant.

Commissioner Swindell moved to authorize the Health Department budget transfer of \$6,170. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

D. Budget Amendment – Health Department – General Supplies

Health Director Wes Smith has requested transfer of \$3,500 from Salaries and Benefit lines to cover purchase of additional materials to promote Physical Activity and Nutrition within the County, as required by the contract addenda.

Commissioner Swindell moved to authorize the Health Department budget transfer of \$3,500. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

E. Budget Amendment – Elections Department – Anticipated Expenses

Elections Director Cindy Carawan has requested transfer of \$6,500 to cover anticipated expenses for the rest of the year.

Commissioner Swindell moved to authorize the Elections Department budget transfer of \$6,500. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

F. Budget Amendment – Administration – Office Supplies

County Manager Carl Classen has requested transfer of \$50,500 to cover the increased cost of insurance, CHAF closeout, supplies, and the USDA Loan payment.

Commissioner Swindell moved to authorize the Utilities Department budget transfer of \$50,500. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Tax Department Pick-Ups and Releases

Tax Administrator Linda Basnight presented a list of tax bills recommended for release.

<u>Year</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
2008	Daniels, Dianna G.	\$ 11.08	Appraisal submitted showing value of car
2008	Berry, Darlene Davis	26.28	Bill of sale submitted showing purchase price of car
2008	Johnston, Richard	19.74	Mobile home destroyed in Isabel
2006	Van Horne, Randall	173.68	Did not own in 2006
2008	Credle, Jeff	29.53	Appraisal of vehicle
2007	Howard, William King	25.05	Car stolen, never recovered

1998	Gibbs, Leamon	43.89	Did not own
1999		46.96	
2001		46.18	
2002		42.28	
2008	Swan Quarter Pentecostal Holiness	2.23	Exempt church property
1998	Davis, Sr., Honest	148.97	Never owned
2000	Topping, Goldie R.	41.59	Mobile home destroyed by fire
1998		40.74	
1998	White, Charlie	15.48	Moved out of County
1999		16.83	
2001		17.21	
2002		14.87	
1998	Whitley, Jr. E. A.	53.58	Flooded –Camper at Jarvis Trailer Park
1999		56.92	
2000		54.13	
2001		56.33	
2003		20.71	
2004		19.79	
2005		18.59	
1998	Hood, Ray	150.36	Flooded in storm
1998	Taff, Jehu T.	335.22	Double List
2001		215.11	
2002		202.09	
1998	Aycock, Viola	48.82	Sold M. H. moved out of county
1999		52.03	
	TOTAL	2,046.27	

Commissioner Davis moved to approve the tax bill releases as presented as listed above. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

County Auditor Selection

In accordance with action taken by the Board on April 20, the Chairman, County Manager and Finance Officer met with Andrew Harris, CPA and discussed his firm’s qualifications and other factors in becoming the Auditor. During that meeting, Mr. Harris understood the importance of providing a timely audit to the Board, the need to make himself available to the Board to answer their questions in regards to the audit, and the need to work with staff cooperatively so that staff can provide interim ever-improving financial statements to the Board between annual audits.

Mr. Harris was in attendance at the May 4 meeting to meet the Board and answer the Board’s questions.

Commissioner Davis moved to retain Andrew Harris, CPA, as the County Auditor for the fiscal year ending FY2008-09 in the amount of \$24,000 and authorize the County Manager, Clerk and other County officials to execute a contract for auditor services as approved by the North Carolina Local Government Commission. Authorize the County Manager to execute a letter of engagement in a form as approved by the County Attorney and consistent with the costs proposed for FY2009-10 (\$24,750) and FY2010-11 (\$25,500) with the firm of Andrew Harris, CPA but such letter of agreement shall allow the County to be released from the letter of engagement if the Board of Commissioners notifies the firm by May 15 of a fiscal year that the County no longer wishes to have Andrew Harris, CPA to serve as county auditor for that or any other fiscal year covered in the letter of engagement. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Solid Waste Collection Services Follow-Up

On April 6 Clint Berry, Utilities Superintendent, gave a review of the total amount of solid waste created in Hyde County and broke it out between the mainland and Ocracoke. He also showed the haul costs and the curbside collection costs in a similar breakdown. Mr. Berry then reviewed several options, including a preliminary cost estimate for in-house solid waste hauling. Commissioners asked numerous questions. Based upon the questions asked and hearing no objection, Chairman Davis requested staff to generate estimates for the May 4 meeting related to providing five convenience sites on the mainland, providing curbside collection on the mainland, providing curbside collection on Ocracoke, and expanding Ocracoke convenience site hours to include more morning or evening hours.

Clint Berry, Utilities Director, followed up the Commissioners April 6, 2009 meeting discussion regarding solid waste collection issues to include: 1) cost to operate five convenience sites on the mainland, 2) haul service for five convenience sites on the mainland, and 3) curbside service for the mainland and Ocracoke Island.

Hearing no objection Chairman Davis assigned Commissioner Gene Ballance, Utilities Director Clint Berry, and County Manager Carl Classen to prepare a schedule extending hours of operation at the Ocracoke convenience site for discussion at the May 18 Board meeting.

Dumpster Fee Enforcement

Staff has been told that few businesses are using tags or bags in their dumpsters and intermittent visual accounts by staff confirm these comments. In recent weeks, staff has only seen two businesses with dumpsters who had a substantial number of PAYT bags or tagged bags in dumpster.

Based upon a haul cost of \$237 per ton (see figures provided April 6 by the Utilities Director) and a tipping fee of \$63 per ton at Stumpy Point, the total cost per ton is \$300 per ton. Based upon visual estimates, the average amount of MSW per four cubic yard container (the only size used on Ocracoke) is about one-half to one ton; or \$75 to \$150 per ton; average = \$112.50.

Mr. Classen proposed that, beginning June 1, 2009, charge per dumpster a monthly fee of \$475 for once per week tipping (52 weeks/12 months = 4.33 X \$112.50 = \$487.13). All dumpsters would be tipped once per week so as to avoid public health concerns. If a dumpster is full or nearly full, each additional tip above five in a month would be \$110 per tip.

After discussion, Commissioner Byrd moved to rescind Pay-As-You-Throw (PAYT) on Ocracoke Island. Commissioner Spencer seconded the motion. The motion failed on the following vote: Ayes –Byrd and Spencer; Nays – Ballance, Swindell, and Chairman Davis; Absent or Not Voting – None.

Commissioner Davis moved to adopt the dumpster fee schedule as presented by County Manager Carl Classen effective July 1, 2009. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

REDLG Financing – Eastern Carolina Soybean Producers

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

Commissioner Davis left the meeting.

At the December 3, 2007, meeting, the County Commissioners approved participation in a USDA REDLG (Rural Economic Development Loan/Grant) financing from Tideland EMC to Eastern Carolina Soybean Producers (ECSP). As originally approved under this USDA-backed program, Tideland EMC would loan \$360,000 to Hyde County and the County would use the \$360,000 towards purchase of equipment for ECSP to use in their soybean crushing operations. ECSP would pay back the County and would secure the lease with a letter of credit.

At the December 3, 2007 meeting: *After discussion, Mr. Swindell made a motion to approve an application for a zero interest \$360,000 USDA REDLEG loan that includes \$60,000 matching funds from Tideland EMC with a ten year loan repayment period to provide financing for machinery and equipment to be purchased and then leased to East Carolina Soy Producers, LLC to be located in Hyde County contingent upon provision of an adequate security letter suitable to the County Manager after consultation with County Attorney. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – Tom Davis.*

At the time Agenda was being developed final documents were being prepared and reviewed by Tideland EMC, ECSP, and County legal counsel. As such, staff was unsure whether any further action by the Board of Commissioners would be necessary.

County Attorney Sid Hassell gave update on ECSP – REDLG Financing. Mr. Hassell will send the loan agreement to LGC (Local Government Center) for approval.

No action was taken by the Board and Chairman Davis returned to continue presiding at the meeting.

Community Development Block Grant – Small Business Entrepreneurial Assistance Grant

In FY2007-08, Hyde County received a Community Development Block Grant – Small Business Entrepreneurial Assistance Grant (CDBG-SBEA) which provided funding to three Hyde County businesses allowing them to grow and employ more workers. Funds were appropriated towards the development of a hardware store in Swan Quarter, an agricultural entrepreneur in Engelhard, and a home care (hospice) service in Engelhard.

Given the fact that Hyde County is both a Tier One County and 21st Century Community, there will be no local cash match required for a CDBG-SBEA grant.

Commissioner Byrd moved to authorize the County Manager to execute such documents and take such actions as necessary for Hyde County to apply for a Community Development Block Grant – Small Business Entrepreneurial Assistance Grant (CDBG-SBEA) including scheduling and advertising two necessary public hearings. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Mattamuskeet Opportunities

At the April 20, 2009 meeting: *Commissioner Byrd moved to: Give preliminary approval to bring Mattamuskeet Opportunities under Hyde County government but specifically not authorize the County Manager or other County official to execute any documents for such to occur until so approved by the*

Board; Direct the County Manager to work with State and Albemarle Mental Health Center representatives investigating making Mattamuskeet Opportunities a part of Hyde County government under the Social Services Department (As part of his investigation, the County Manager is to include historic costs and revenues, plus expected maintenance and capital costs, for Mattamuskeet Opportunities operations and facilities); and, Direct the County Manager to work with the County Attorney to investigate what documents would need to be executed in order to transfer Mattamuskeet operations and facilities to Hyde County government. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

County Manager Carl Classen presented estimated annual cost information required to operate Mattamuskeet Opportunities (ADAP Center). The Center currently serves 17 clients and can serve up to 21 clients. Client services are billed on a per client/per day basis.

Commissioner Byrd moved to accept the proposal as presented by County Manager Carl Classen to include figures in the FY2009-10 budget proposal, to work with Albemarle Mental Health Center for transferring buildings, land, vehicles and other assets and liabilities related to the Mattamuskeet Opportunities ADAP Center to the County, and to authorize the County Manager to sign and execute all documents necessary in support of this action. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Request for Paving Secondary Road, Ocracoke Island

Commissioner Ballance discussed requests from the Ocracoke Fire Protection Association for Beach Road on Ocracoke Island (the lot where a new fire station is to be built) to be added to NCDOT's Secondary Road paving list.

Commissioner Ballance moved to ask NCDOT to pave Beach Road on Ocracoke. If not already a public road, Mr. Ballance requests NCDOT to add it to the State secondary road maintenance program and then pave the road. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

County Commissioners Reports:

Commissioner Byrd attended the Department of Social Services (DSS) Board meeting. Topics discussed included Mattamuskeet Opportunities, Transportation, and the FY2009-10 Budget.

Commissioner Ballance reported on a meeting with Senator Marc Basnight and other County Managers and Board members to discuss beach issues. Mr. Ballance reported a new Oregon Inlet Bridge will be constructed west of the old bridge. Mr. Ballance also stated the Board needs to look into changing Hyde County Schedule of Values.

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

County Manager's Report:

Project Reports

County Manager Carl Classen reported Senator Basnight has asked for endorsement of local Hyde/Dare/Currituck counties plastic bag reduction bill. Hearing no objection Chairman Davis directed that a letter asking for more detail of the bill be sent to Senator Basnight.

County Manager Carl Classen also reported the County Building on Ocracoke Re-siding Project is moving along nicely; Ocracoke Convenience Site property lines were determined and facilities were moved allowing for better traffic flow on the property; Roberson's Heating & Air Co. is scheduled to repair the Government Center HVAC unit on Wednesday, will work on the

Public Safety Center HVAC unit and then start the mold remediation project; the proposed FY2009-10 Budget will be presented on May 18; County health insurance costs will increase 40% with BCBS vs. 15% with NCCCA so the County will likely switch to the NCACC health plan.

Closed Session:

Mr. Swindell moved to enter Closed Session in accordance with NCGS §143A-318.11(a)(5) to discuss acquisition of property. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 9:50 P.M.

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

The Commissioners re-entered regular session at 10:15 P.M.

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

The meeting adjourned at 10:15 PM.

Respectfully submitted:

Minutes approved on the _____ day of _____, 2009.

Lois Stotesberry, Clerk - Hyde County Board of Commissioners

SEAL

Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – “Proof of the proposed Hyde County Code” is available in the County Manager’s office, Government Center, Swan Quarter, and at Mattamuskeet and Ocracoke School Libraries.