

**Meeting Minutes**

**Board of County Commissioners  
Hyde County**

**October 15, 2012**

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Monday, October 15, 2012 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Sharon Spencer, Dick Tunnell and Barry Swindell; Attorney Fred Holscher; County Manager Mazie Smith; and, members of the public. The following members were present on Ocracoke: Commissioner Styron; Deputy Clerk Jamie Carter; and, members of the public.

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

**Agenda:**

Chairwoman Spencer asked for any changes to the October 15, 2012 meeting Agenda as presented by the Clerk. Commissioner Swindell asked to add an item to discuss repairs to the Health Department. This was added as item 7. Commissioner Byrd moved to approve the agenda as presented by the Clerk. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Consideration of Minutes:**

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Swindell moved to approve the October 1, 2012 regular meeting minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Employee Recognition:**

**Leah Gibbs – Employee of the Month**

Mazie Smith, County Manager reported that Leah Gibbs joined the Hyde County Senior Center team in 2007 in a part-time position funded through the National Council on Aging, Senior Community Service Employment Program. Quickly realizing what an asset Leah Gibbs was, Senior Center Director Darlene Berry requested a part-time position be included in annual Hyde County budget negotiations. Hyde County Commissioners acted favorably on the recommendation and in early August of 2008 Leah Gibbs came on board as a part-time Hyde County employee.

Ms. Berry could not attend the Board meeting but reports that Leah Gibbs continues to demonstrate her dedication to promoting the Senior Center. She is a valuable asset to all Hyde County citizens. Ms. Berry compliments Leah Gibbs' wonderful work ethic and dependability, which is evident in all of her undertakings.

**Public Comments:**

Chairwoman Spencer called for comments from the public.

Fred Westervelt of Ocracoke asked for a status report on the company that has plans to incinerate trash. He also commented that he felt it was an unnecessary expense to the county to transport mulch back to the island once the chipper at the convenience site is no longer operational.

Commissioner Byrd responded to Mr. Westervelt that the effort to start a waste incineration business in Beaufort County is an ongoing process, and that the problem now is funding. He says the company still plans to go forward once adequate funding is available.

In response to the comment about the wood chips, Manager Smith reported that the chipper on the island is still operating, and plans are to run it until it stops. Commissioner Styron added that Tideland Electric sometimes donates mulch from their tree trimming operations.

Being no further comments, Chairwoman Spencer continued the meeting.

#### **Items of Consideration:**

##### **GovDeals Surplus**

Andrea Gregory, Assistant Finance Officer, requested approval to list for sale on GovDeals one Health Department surplus HP Color Laser Jet 4600 PCLP Printer and three toner cartridges for \$100.00.

Commissioner Styron moved to approve sale of the surplus printer and toner cartridges. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

##### **Management Contract Amendment – FY09 CDBG Community Revitalization Project**

Chris Hilbert, Holland Consulting Planners, Inc., reported that the county is in the process of closing out its FY09 CDBG-CR project, which included housing, water and sewer improvements on Lake Swamp Road in Engelhard. HCP, Inc. requests board approval of a final \$7,500 contract amendment which can be paid from unobligated funds in the total \$850,000 grant. Funds will be used to cover the following additional CDBG work items:

- 1) Assistance with Hurricane Irene HMGP e-grants application for Hurricane Irene (due to FEMA in November 2012).
- 2) Preparation of a FY12 CDBG infrastructure pre-application (water improvements).
- 3) Assistance with preparation of proposed FY12 CDBG Catalyst application to renovate Hacienda Heights housing project.
- 4) Preparation of CDBG-CR program amendment and management of amendment construction services, which included moving funds from C-1 housing activities to local option project to allow reconstruction/rehab of two local option units.

Board Attorney Fred Holscher asked Mr. Hilbert if money could be taken from one project and used for another. Mr. Hilbert responded that there is an allowance of funds built in contract administration that is not always used, and that it is a common practice to use the funds for multiple contracts for administration. Commissioner Spencer asked if these funds were in the contract initially, and Mr. Hilbert responded they were not. Manager Smith asked how Holland Consulting Planners arrived at the amount of money to be transferred, and Mr. Hilbert replied that hours are estimated. He also stated that usually a contract of this nature would cost \$10,000 but they were estimating less because of their long-term relationship with Hyde County. Manager Smith asked if Hyde County would get a detailed invoice of their work, and the response was in the affirmative. Manager Smith asked County Planner Kris Noble to review and

approve all invoices for these projects before they are approved by the Manager. The Board agreed this was a good idea.

Commissioner Swindell moved to approve HCP, Inc., \$7,500.00 contract amendment for additional services provided on FY09 CDBG-CR project. Commissioner Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Program Amendment and Management Contract Amendment – FY10 CDBG-SS Project**

Chris Hilbert, Holland Consulting Planners, Inc., reported that the Board has approved a program amendment to its ongoing CDBG-SS (Scattered Site) project to add an additional low-income household that suffered storm damage during Hurricane Irene. HCP, Inc., will prepare the program amendment, complete the required environmental review, and bid and manage the required residential construction work required to complete the additional unit. HCP, Inc., requests that the Board approve a contract amendment to HCP's existing management contract setting aside twelve percent (12%) of available surplus funds (total surplus estimated to be \$55,000) for payment of these additional services. A twelve percent management fee is significantly less than the 18 percent (18%) administrative threshold mandated by the supervisory State agency and is consistent with fees HCP, Inc., has charged for similar program amendments in the past.

Commissioner Tunnell moved to approve HCP, Inc. contract amendment for 12% of surplus FY10 CDBG-SS funds available for construction of additional low-income housing unit and to authorize Chairwoman Spencer to sign Program Amendment to reconstruct one additional unit. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Hurricane Irene Hazard Mitigation Grant Program – Designated Agent**

Kris Noble, Planning Director, requested that the Board approve a primary and secondary agent to manage the County's activities related to an upcoming HMGP Elevation Program for Hurricane Irene. Hyde County has received notification from NC Emergency Management that five residential units meet benefit/cost guidelines for elevation and the State agency is preparing an application to be submitted to FEMA in November.

Commissioner Byrd moved to approve the Hurricane Irene Hazard Mitigation Grant Program Designated Agent form as submitted. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Mattamuskeet Lodge Sewer Project**

Kris Noble, Planning Director, reported that the NC Rural Center has de-obligated three grants at a maximum amount of \$1.5 million due to the inability of Hyde County to enter into a construction contract. The funding has been appropriated since 2008 and the County has been unable to move forward due to: 1) the inability to fund the remaining \$200,000+ funding gap; and, 2) complications due to the failure of the Engelhard Wastewater Lagoon.

A conference call with CWMTF (Clean Water Management Trust Fund) on October 5<sup>th</sup> with Planning staff has lead the Planning Director to make a recommendation to de-obligate the CWMTF funding and Golden Leaf funding and to focus all activities on Phase I (CDBG – Contingency line from Martelle's to Beck's) and the restoration of the Engelhard Wastewater Treatment Lagoon. CWMTF commented that Phase II was a good project and that hopefully

Hyde County can come back and reapply at a later date after the Wastewater Lagoon issues are cleared.

Commissioner Swindell moved to approve de-obligation of \$1.5 million in funding awarded to:

Project #2008-307-40101-112 "New Engelhard Wastewater Treatment Facility"

Project #2009-180-40101-112 "Wastewater System to Serve the Mattamuskeet Lodge

Project #2009-258-40101-112 "Wastewater System to Serve the Mattamuskeet Lodge

and, to authorize Chairwoman Spencer to execute all documents associated with de-obligation and cover letter. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Memorandum of Understanding (MOU) Between Hyde County & NC State University – Agricultural COA**

Kris Noble, Planning Director, reported that the purpose of this MOA (Memorandum of Understanding) is to establish a co-operative agreement between NC State University and Hyde County that will allow the use of the Hyde County Airport and its associated facilities to conduct research, development capabilities, and jointly support the growth of business related to unmanned aircraft systems (UAS). The MOU has been reviewed by the County Attorney and unanimously approved by the Hyde County Airport Advisory Board in September. These activities will not interfere with general aviation traffic.

Ms. Noble reported this would impose no additional burden on staff, but gives the FAA the support to issue the Certificate of Authority in a specific perimeter including the Hyde County airport and two private properties. She also added that in this area, there will always be a line of site with the vehicle being tested, and the first testing will be primarily on vehicles used for agricultural purposes.

Commissioner Swindell moved to approve the MOU between Hyde County and NC State University – Agricultural COA and to authorize Chairwoman Spencer to execute the document. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Repairs to Health Department**

Commissioner Swindell, who serves on the Board of Health, reported that repairs to Health Department facilities needed as a result of damages sustained from Hurricane Irene have still not been completed. Health Director Wes Smith said that while some progress has been made, there are still repairs that must be done before the Health Department can resume work in a space that is adequate. He stated that he felt the project had come to a halt and that he desperately needed for it to move forward.

He reported that renovations to the former dentist office and some other repairs had already depleted most of the \$25,000 to \$30,000 received from the insurance company. This building will house the mental health providers with the agency paying for the utilities and phones. Director Smith also said that the Board of Health had approved the use of \$5000 from the Home Health Fund balance to help with the additional repairs, but that would not be enough money to complete the task. He pointed out that the Telemedicine Project is scheduled to start in January, with an Open House to showcase the program planned for the second week of January.

Commissioner Swindell made a motion to move money from the Emergency Services budget and create a contingency fund so that Director Smith could move forward with the repairs. The funds would be the ones that saved with the elimination of the Deputy Director's position that was eliminated at the last Board of Commissioners meeting. He asked the County Manager how

much that would be, and she estimated \$47,000. Manager Smith stated that she had planned to include the repairs in an upcoming Capital Improvement Plan because at the present time, the County has neither the funds nor the manpower to take on the project.

Commissioner Spencer asked Director Smith how much money was in the Home Health fund balance. He stated over \$1 million, but explained that the funds were set aside in case they were needed to cover losses in the program. He added these funds should keep the program afloat for at least eight more years, and that funds from the reserves had been used the last two years to balance the program's budget. Commissioner Spencer said she didn't understand why the Home Health program was not profitable. Director Smith responded that unlike the Water Department that can raise their rates if needed, rates were controlled for providing Home Health Services.

Commissioner Spencer stated she felt that taking funds from the Home Health reserve was an appropriate way to finance the repairs in these hard financial times. Commissioner Styron suggested the Board of Health could call an emergency meeting to approve moving the funds from the reserve for the project.

With no further discussion, Commissioner Swindell's motion was seconded by Commissioner Byrd. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

Manager Smith reiterated that Public Works Director Clint Berry does not have time to oversee the project given his other enormous responsibilities. Director Smith stated that if he was given the funds and the go ahead, he would oversee the project.

Commissioner Swindell made a motion to give Wes Smith authority to serve as project manager over the health department repairs if the Board of Health approves funding. Commissioner Byrd seconded this motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**Budgetary Matters:**

Mazie Smith, County Manager reported that no budget transfers were approved administratively. Two transfers needed Board approval.

Board Approval Required			
Department	Program	Amount	Explanation
Health	Promotion/Healthy Communities	\$13,011.50	On September 14, 2012, Hyde County Health Department was awarded funding from Region 9 Community Transformation Grant Project. The funding is to support the Health Department's Change for Good "Active Living and Healthy Eating" project to provide advertising, an ESMMWL instructor, nutrition education materials for school parents and students, printing costs for handbooks for Hyde Walks!, flyers for public use areas, signage for the school walking trail, and estimated travel to accomplish the deliverables of the grant. This revision does not increase the budget for the Health Promotion/Healthy Communities program.
	Home Health	\$4,200.00	Transfer of funds from Home Health Salaries line to create an Overtime line to compensate two nurses for the additional time they have been/will be working until a third nurse can be hired. This transfer covers up to 60 hours per month for three months in overtime pay. This revision does not increase the budget for Home Health.

Commissioner Byrd moved to approve the budget transfers. Commissioner Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

**County Commissioners Reports:**

**Commissioner Styron** – reported that she had attended the Ocracoke Development Ordinance Planning Board meeting and that the group was working on issues surrounding kiosks. She also said she attended the Candidates' night on the island sponsored by OCBA and that she thought it

went very well. She stated it was rebroadcast on radio station WOVV. She reminded everyone about the Pirate Festival scheduled this weekend on Ocracoke.

**Commissioner Swindell** – reported that he plans to attend the dinner this week honoring the United Methodist Disaster Response Team volunteers.

**Commissioner Tunnell** – reported that he had attended a meeting of the Mid-East Commission, and that a committee was working on looking at improved subsidized living in Hyde County.

**Commissioner Byrd** – stated he had nothing to report.

**Commissioner Spencer** – reported that she had attended an Albemarle Commission meeting, a meeting of the Southern Albemarle Association, and also traveled to Raleigh to discuss renovations to Hacienda Heights.

**County Manager’s Report:**

Manager Smith presented report of her activities over the past month.

**Public Comments:**

Chairwoman Spencer called for comments from the public.

There being no comments from the public, Chairwoman Spencer continued the meeting.

**Department Reports**

- a) Tax Department
- b) Code Enforcement/Inspections
- c) Senior Center
- d) Planning Department
- e) Health Department
- f) Animal Control

**Supplemental Information**

- a) IACP 2012: FAA’s Update on Selection of Six UAS Test Sites
- b) Hyde County Hotline October Newsletter
- c) Mike Smith, Dean, UNC-SOG – Manager Visits in Eastern North Carolina
- d) Sales & Use – For The Month Ending August 31, 2012
- e) NACo – South Region Update
- f) Hyde County Soil & Water Conservation District Annual Report 2012

**Meeting Calendar**

- 10-18-2012 Southern Albemarle Association Meeting
- 10-20-2012 Ocracoke Island Health Fair – 10:00a.m. – 2:00p.m.
- 10-29-2012 Community Meeting with Senator Kay Hagan at SQVFD – 11:00a.m.

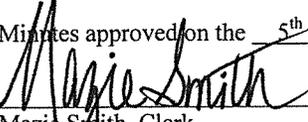
Commissioner Byrd moved to adjourn the meeting. Mr. Swindell seconded the motion. The motion passed on the following vote:

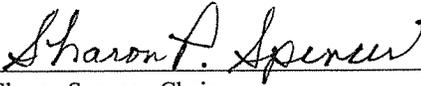
Ayes – Byrd, Spencer, Styron, Swindell and Tunnell      Nays – None

The meeting adjourned at 8:40 p.m.

**Respectfully submitted:**

Minutes approved on the 5<sup>th</sup> day of November, 2012.

  
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Mazie Smith, Clerk  
Hyde County Board of Commissioners

  
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Sharon Spencer, Chair  
Hyde County Board of Commissioners

Attachments: (none)

