

## Minutes

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

**April 20, 2009**

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, April 20, 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 Gene Ballance, 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: Deputy Clerk Jamie Tunnell; and members of the public.

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

#### **Agenda:**

Chairman Davis asked for any changes to the April 20, 2009 meeting Agenda as presented by the Clerk. Commissioner Ballance moved to accept the Agenda as presented by the Clerk. 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.

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

Chairman Davis asked for approval of meeting minutes.

Commissioner Swindell moved to approve the April 6, 2009 meeting minutes with an insertion on page 2, line 5 stating *Mr. Swindell wants all issues voted on one month after being presented, thus allowing research and discussion with commissioner*, and on line 19 stating *something looks strange*; and on page 4, line 49 stating *to pay for door to door pickup so that all could have service*. 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.

#### **Public Comments:**

Chairman Davis called for comments from the public.

Leslie Lanier, Ocracoke, asks that the Board make a decision about Pay-As-You-Throw (PAYT) and enforce it.

Rudy Austin, Ocracoke Civic and Business Association (OCBA), reported that Ocracoke citizens are concerned about the current tax revaluation. Mr. Austin will present a petition signed by Ocracoke citizens to the Board for review and will ask the Board to approve forwarding the petition to the General Assembly.

Franklin Swindell, Engelhard, asked who gets the Golden LEAF funds and how much money is left; when was the Ocracoke PAYT petition presented to the Board; has a part time Fire Marshall been selected; has another Building Inspector been hired; and said he wants a quarterly financial report. Mr. Swindell asked to be put on one of the Commissioners Meeting Agendas in May to discuss meeting minutes and financial record keeping.

Glen Hockney, Middletown, asked that the Board void Pearson Appraisal Services contract, revoke Pearson's bond, and re-do all property revaluation in the next year.

Barbara Jean Gibbs, Engelhard, complimented the purchase of the new videoconferencing equipment; stated all Hyde County citizens deserve the best medical health care possible; and stated that the Engelhard and Fairfield commissioners do not want the new EMS building.

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

## **Ordinances and Resolutions:**

### **Mattamuskeet EMS Station Project Ordinance Amendment**

Amendment number one to the Mattamuskeet EMS Station Project Ordinance reflects the bids received and contracts executed but does not increase the amount previously approved by the County Commissioners.

Commissioner Swindell moved to approve the Mattamuskeet EMS Station Project Ordinance Amendment. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Swindell and Chairman Davis; Nays – Byrd and Spencer; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "Mattamuskeet EMS Facility Project Ordinance – Amendment No. 1" is attached herewith as Exhibit A and incorporated herein by reference.*

## **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 requested approval of the following:

#### **A. Budget Amendment – Sheriff's Department – Over-time for Law Officers and Dispatch/Jail**

Sheriff David Mason has requested transfer of \$30,000 to cover over-time for Law Officers and Dispatch/Jail staff.

Commissioner Swindell moved to authorize the Sheriff's Department budget transfer of \$30,000. 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 – Sheriff's Department – Repair of Vehicles**

Sheriff David Mason has requested transfer of \$6,808 to cover repair of vehicles.

Commissioner Swindell moved to authorize the Sheriff's Department budget transfer of \$6,808. 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 – Soil & Water – NRCS Funded Project**

Soil & Water Director Debbie Cahoon has requested transfer of \$23,100 for reimbursement for the Isabel Stream Cleanup Project.

Commissioner Swindell moved to authorize the Soil & Water budget transfer of \$23,100. 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 – Soil & Water – Special Grants & Projects**

Soil & Water Director Debbie Cahoon has requested transfer of \$7,740 for grant awarded to Hyde SWCD from NC Foundation for Soil & Water Conservation, Inc. in the amount of \$5,805 and EQIP contract with Timothy Kincade in the amount of \$1,935 for the purpose of closing an inactive hog lagoon. Total project funds of \$7,740 reimbursable to County of Hyde.

Commissioner Swindell moved to authorize the Soil & Water budget transfer of \$7,740. 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 – Utilities Department – Maintenance and Repairs**

Utilities Director Clint Berry has requested transfer of \$7,000 for surveying property and building and fence relocation at Ocracoke convenience site.

Commissioner Swindell moved to authorize the Utilities Department budget transfer of \$7,000. 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 – Utilities Department – Maintenance and Repairs**

Utilities Director Clint Berry has requested transfer of \$53,000 to cover extra cost due to water leaks.

Commissioner Swindell moved to authorize the Utilities Department budget transfer of \$53,000. 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.

**G. Budget Amendment – Utilities Department – Maintenance and Repairs**

Utilities Director Clint Berry has requested transfer of \$95,000 to cover extra cost due to water leaks.

Commissioner Swindell moved to authorize the Utilities Department budget transfer of \$95,000. 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.

**H. Budget Amendment – Emergency Management – Extra Travel, Telephone, and Longevity Costs**

Emergency Services Director David Warren has requested transfer of \$6,500.00 to cover extra costs for telephone, longevity, and travel.

Commissioner Swindell moved to authorize the Emergency Services 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.

**Request for Audit Proposal Bid Tabs**

The response to the Request for Proposals for auditing the County proposals was due on April 3, 2009 and the apparent lowest cost among qualified firms was Andrew Harris, CPA. A review of the responses received follows:

Firm	Number of People to Handle Audit	Offices Current and Prior Government Audit	Peer Review	Experience	Education	Specialized Skills	Policy and Procedures	Liability Coverage	Any Regulatory Action Taken	Word Format Available	Primary Contact	Deadlines	2009	2010	2011
Thompson, Price, Scott and Adams	5	4 Counties 4 Towns	3 Yrs.	X	X	X	X	3 MIL	No	No	Gregory Adams	31-Oct.	36,000	36,000	36,000
Pittard, Perry, and Crone	5	2 Counties 4 Towns 2 Hospitals	X	X	X	X	X	X	No	No	Jeff Best	31-Oct	27,000	27,800	28,635
Andrew Harris, CPA	3	4 Towns 1 Drainage District	X	X	X	X	X	X	No	Yes	Andrew Harris	31-Oct.	24,000	24,750	25,500

Commissioner Byrd moved that the Chairman, County Manager, and Finance Officer meet with Andrew Harris, CPA, and that the Chairman make a recommendation to the Board. Mr. Ballance 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.

#### **Swan Quarter Dike Project – Phase XII – Update**

Bids were received for Swan Quarter Watershed Phase XII construction on March 31, 2009. Four bids were received. The apparent low bidder was T. A. Loving who submitted a base bid of \$3,423,402.00. This low bid was \$996,094.00 above the NRCS Engineer's estimate and funds available for Phase XII.

Representatives from T. A. Loving have met with representatives from Hyde County and NRCS to analyze the difference between the low bid and engineer's estimate. The composite post pilings represent the largest monetary discrepancy with a difference of \$872,443.80. All bids received reflected this difference in a range from \$1,057,990.00 to \$1,361,917.00. The cost difference for this material is attributed to growing demand, lack of suppliers, fuel costs, and general inflation over time.

NRCS has responded to the deficit of funds with an additional appropriation of \$700,000.00. This additional appropriation plus the \$296,094.00 contingency from base will allow Hyde County to move forward with the construction of Phase XII. NRCS will complete and send to Hyde County amended Project Agreements that reflect the additional allocations, which will be on the May 4, 2009 meeting agenda for approval.

Preparations for construction of Phase XII include successful movement of all county water lines and Swan Quarter Sanitary District sewer lines. Tideland EMC line movement is complete with exception of one pole to be returned to its original location after project completion. Embarq is 70% complete in its phone line movement. Estimated completion by Embarq is the end of May. The project is operating on budget.

No action taken at this time. Recommended changes in the NRCS – County Project Agreement are expected to be submitted to the Board in May.

#### **Swan Quarter Dike Project – Phase XIII – Update**

The Swan Quarter Watershed project has qualified for \$5.3 million from the American Recovery and Reinvestment Act (Stimulus Plan). This money has been allocated to NRCS for the construction of the final section of the Swan Quarter Watershed project, Phase XIII. Contract award and start of construction is anticipated to begin in October 2009 with completion in the fourth quarter of 2010. Hyde County will meet with the Swan Quarter Watershed Steering Committee during the week of April 27 to review the plans for Phase XIII provided by NRCS. The regional office of the NC Department of Transportation has been contacted for input on right-of-way issues. The County attorney is reviewing plans as well for land rights issues.

No action taken at this time. Recommended changes ...

#### **Revised Fee Schedule for Fiscal Year 2009-2010**

The Hyde County Health Board approved the Revised Fee Schedule for Fiscal Year 2009-2010 at its quarterly meeting on March 31, 2009. The fee schedule will become effective July 1, 2009. It had been several years since the current fee schedule had been reviewed. At the recommendation of our Public Health Administrative Consultant, the Health Department's fee schedule should be reviewed and updated on an annual basis, utilizing the Medicaid cost analysis, the current Medicaid rate, and comparison of surrounding county Health Department fees.

Commissioner Swindell moved to approve the Revised Fee Schedule for Fiscal Year 2009-2010. 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.

### **Red Flag Identity Theft Prevention Program**

The Hyde County Health Board approved an Identity Theft Prevention Program at its quarterly meeting on March 31, 2009. The program was developed in order to comply with the Federal Trade Commission's Identity Theft Prevention Red Flag Rules. The program was created in consultation with Patient Billing, Supervisory Staff, and Medical Records Personnel after conducting an assessment of risk of identity theft associated with covered accounts offered by the Health Department and Hydeland Home Care Agency, and becomes effective May 1, 2009.

Commissioner Swindell moved to approve the Red Flag Identity Theft Prevention Program of Hyde County Health Department. 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.

### **Mattamuskeet Opportunities**

On April 13, the County Manager, Social Services Director and Health Director met with Alice Mackey and Sandra Jordon-Leigh, M. Ed., Local Management Entity (LME) Coordinator of Albemarle Mental Health Center (AMHC) in regards to Mattamuskeet Opportunities, an AMHC facility in Fairfield serving people with developmental disabilities. Currently, Mattamuskeet Opportunities serves 17 clients regularly and is licensed to serve 21. The meeting was in response to citizen requests in January and February for the County to investigate grants to repair flooring problems at the facility, a request made at the Engelhard public input meeting for the County to become more supportive of AMHC efforts for developmentally disabled citizens, and a request from AMHC staff to review the impact on existing long-term employees caused by the State requirement that AMHC divest operations to private providers.

At the meeting, several issues unfolded:

1. The Mattamuskeet Opportunities building has flooring problems that were repaired once when the facilities was under Tideland Mental Health but the problem was has not been fully resolved. According to Ms. Mackey, it appears to be a moisture issue that subsides during the winter and returns worse every summer. The County Manager has asked the Code Enforcement Officer to look into the issue and give him an assessment. Asked if the building had other problems, she said anything else was principally regular maintenance (i.e., painting) or cosmetic.
2. Per State policy, AMHC is divesting itself of as many direct services as possible. If Mattamuskeet Opportunities is divested to a private provider, the County may or not have the same quality of service in the Fairfield community. According to citizens, elected officials and the Social Services Director who have spoken to the County Manager, Mattamuskeet Opportunities provides a critical service to its clients and to the families of those clients and does so in both a caring and proper manner. The County Manager has been told this latter point is borne out through various inspections done by the Social Services Department. Additionally, if existing staff – of which there are three, all of whom have been with the facility for many years - is transferred to a private provider, then they will likely lose years of service credit towards their retirement.
3. Budget and prior-year revenue/cost information regarding Mattamuskeet Opportunities operations and facilities is being forward to the Social Services Director for review. Based

upon preliminary information, the State and Federal reimbursement for service provision to the clients is adequate to cover operating, maintenance and capital costs. There is no debt on the facility but capital improvements (e.g., floor repair) may be necessary.

4. The Hyde County Social Services Department has existing capabilities to handle State and Federal billings for client services. If additional staff capacity is needed, then the revenues from client billing would need to cover related additional costs.

In the end, the consensus of the April 14 meeting participants was to recommend to the County Commissioners that the County investigate with AMHC bringing Mattamuskeet Opportunities under County operations through the Social Services Department.

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 Commissioners Reports:**

Commissioner Swindell reported on the Tax Equalization & Review meetings.

Commissioner Spencer reported on recent Albemarle Commission meeting. Ms. Spencer stated the \$280,000 for the new EMS building and the \$500,000 for EMS employees should be spent as citizens want, with a station in the old Medical Center in Engelhard and a station in the Public Safety Center in Swan Quarter.

Commissioner Spencer moved to pursue having an EMS station in Engelhard and in Swan Quarter. Commissioner Byrd stated he is not against the new EMS station but thinks the Public Safety Center should be opened before the EMS Building Project continues. The motion was not seconded so Chairman Davis continued with the Agenda.

Commissioner Ballance stated Ocracoke EMS has a more professional staff due to the change made from Basic EMT to Paramedic level care and housing staff in the EMS Station, and stated the jail issue should not be connected with EMS. Mr. Ballance stated he believes PAYT on Ocracoke will work if we have compliance and enforcement. Mr. Ballance also stated the 2009 revaluation should be put on hold because it is not ready.

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 Electronic Meetings Equipment training continues; Mattamuskeet EMS Station Project is underway with completion expected the week of June 22; County Building on Ocracoke Re-siding Project is moving forward and Tom Pahl has been hired as on-site inspector; work at Ocracoke Convenience Site is underway due to the property lines issue; Swan Quarter Park Project is now progressing well.

In response to public comment from Leslie Lanier, County Manager Carl Classen stated that public education and enforcement are associated costs of the Pay-As-You-Throw (PAYT) and the dumpster issues on Ocracoke.

County Manager Carl Classen also reported the Mattamuskeet Lodge Sewer Project and the Engelhard Lagoon Repair Project are funded by Golden LEAF and WAMI Grant money; the Fire Marshal is a part-time position that will be filled; Building Inspector Jerry Hardison has Level I credentials now and a contracted inspector is only needed for Level II or higher inspections; monthly financial reports are presented; Engelhard Airport lights are operating correctly now; and stated that County employees return all calls.

In response to public concern about the Public Safety Center Mold Remediation, County Manager Carl Classen reported that the project is ready to move forward. The County will cover Embarq and additional work costs. Mr. Classen reported Eastern Construction has completed all its work, but awaiting Southern Piping Company quotes.

Bidder	Contact Person	Bid
Environmental Holdings Group, LLC	Lee Clark	\$20,702.00
Contaminant Control, Inc.	Clay Fields	\$33,640.00
Allied Contract Group, LLC	Mark H. Chaney, Manager/President	\$36,210.00
BioTek Environmental, Inc.	Angel Hamilton	\$41,105.00
NEO Corporation	Richard Zucco	\$43,000.00

Mr. Classes reported that when draft documents are in order, East Coast Soy Producers REDLG loan/grant with Tideland EMS could be executed administratively.

Commissioner Ballance moved to put off revaluation for a few more years. Hearing no second, Chairman Davis continued with the Agenda.

**Closed Session:** (not requested)

There being no further matters to come before the Commissioners, Mr. Byrd moved to adjourn the meeting. Mr. Swindell 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 meeting adjourned at 8:48 PM.

Respectfully submitted:

Minutes approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Lois Stotesberry, Clerk - Hyde County Board of Commissioners

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Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

*Exhibit A – “Mattamuskeet EMS Facility Project Ordinance – Amendment No. 1”*