

Minutes

Board of County Commissioners Hyde County

April 5, 2010

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, April 5, 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; County Manager Carl Classen; 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 Spencer the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the April 5, 2010 meeting Agenda as presented by the Clerk.

Commissioner Byrd moved to approve the agenda with deletion of Item V. E. – Swan Quarter Dike Project – Phase XIII RNCS Project Inspection Agreements and, V. F. – Swan Quarter Dike – County Service District; and with addition of Swan Quarter Dike Phase 12 – Amendment No. 12 to Project Agreement Contract No. 69-4532-2-001. 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.

Hearing no objection, Commissioner Byrd moved to approve the March 15, 2010 Regular Meeting minutes as presented by the Clerk. 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.

Public Hearing:

Commissioner Spencer moved to open public hearing on Withdrawal from Albemarle Mental Health Center (AMHC). 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.

A public hearing was held in accordance with State law as part of dissolution of the 10-county Albemarle Mental Health Center (AMHC).

No public comments were offered. Commissioner Spencer noted that all aspects of providing mental health services in Hyde County were researched and no other services are available.

Commissioner Spencer moved to close public hearing on Withdrawal from Albemarle Mental Health Center (AMHC). 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.

Resolution Regarding Withdrawal From Albemarle Mental Health Center (AMHC)

Chairman Davis moved to approve “A Resolution of the Hyde County Board of Commissioners Withdrawing Membership in Albemarle Mental Health Center & Development Disabilities & Substance Abuse Services”. 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.

CLERK'S NOTE: A copy of "A Resolution Of The Hyde County Board Of Commissioners Withdrawing Membership In Albemarle Mental Health Center & Development Disabilities & Substance Abuse Services" is attached herewith as Exhibit A and incorporated herein by reference.

Resolution Regarding Joining East Carolina Behavioral Health (ECBH)

Commissioner Byrd moved to approve "A Resolution of the Hyde County Board of Commissioners Requesting Membership in East Carolina Behavioral Health LME". 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.

CLERK'S NOTE: A copy of "A Resolution Of The Hyde County Board Of Commissioners Requesting Membership In East Carolina Behavioral Health LME" is attached herewith as Exhibit B and incorporated herein by reference.

Special Presentations:

Gang Assessments & Awareness – Juvenile Crime Prevention Council (JCPC) - Linda Hester

Per direction from the 2009 General Assembly, each JCPC was required to fund a gang assessment in the current fiscal year. The Hyde County JCPC contracted with Linda Hester. Ms. Hester will be providing the Gang Assessment and Awareness report to the Board at a later meeting.

Mattamuskeet Lodge Sewer Project Update – Fred Hobbs of Hobbs Upchurch & Associates

Fred Hobbs and Tim Carpenter of Hobbs Upchurch Associates gave presentation on the Mattamuskeet Lodge Sewer Project focusing on the infrastructure, construction plans, and timelines for completion.

Hearing no objection, Ms. Spencer moved to endorse sending a resolution of support of the Mattamuskeet Lodge Sewer Project. 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.

CLERK'S NOTE: A copy of "A Resolution Of The Hyde County Board Of Commissioners In Support Of The Mattamuskeet Lodge Sewer Project" is attached herewith as Exhibit C and incorporated herein by reference.

Public Comments:

Chairman Davis called for comments from the public.

Bill Caswell, Ocracoke, stated the solution to solid waste issues on Ocracoke is that all citizens pay \$30/month.

Rex O'Neal, Ocracoke, stated he is open for suggestions to solid waste issues on Ocracoke.

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

Appointments:

Hyde Transit Board

Chairman Davis moved to appoint Commissioner Ken Collier to complete the term of former commissioner Barry Swindell as Commissioner Representation on the Hyde Transit Board. 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.

NC Coastal Resources Advisory Committee

Commissioner Eugene Ballance resigned from the NC Coastal Resources Advisory Committee effective March 16, 2010.

Commissioner Byrd moved to appoint Richard Newman as Hyde County representative on the NC Coastal Resources Advisory Committee. 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.

Board of Health

Commissioner Collier moved to appoint Barry Swindell as Hyde County representative on the Health Board until there is a qualified dentist to fill the position required by the State. 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.

Ordinances and Resolutions:

Resolution School Improvement Project - QSCB

After discussion, "Resolution Authorizing The Execution And Delivery Of An Installment Financing Agreement In The Amount Of \$3,002,692 With Branch Banking & Trust Company To Finance The Construction, Renovation And Equipping Of A Library, Authorizing The Execution And Delivery Of Related Instruments, And Determining Other Matters In Connection Therewith" was held over to April 19 for consideration.

Other Matters:

Budget Amendments

County Manager Carl Classen 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 Department: \$2,308; additional bonus funds for Family Planning services (2nd distribution of FY2009-10). This transfer will increase the overall budget for Family Planning.

Commissioner Spencer moved to approve Health Department (\$2,308) budget amendment as presented by 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.

Administration: \$6,300; transferring funds from Occupancy Tax-Collections to Ocracoke Solid Waste Improvements for Recycle Bins and "Dogipots." This transfer will increase the overall budget for Ocracoke Solid Waste.

Commissioner Byrd moved to approve Administration (\$6,300) budget amendment as presented by County Manager Carl Classen. 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.

Emergency Services: \$365,625.77; transferring funds from Fund Balance to cover additional personnel and operational costs for the new EMS station, increased overtime costs due to delays in hiring full time credentialed personnel from inside Hyde County or from existing personnel. Total use of General Fund Balance subjective estimate and does not reflect increased FY2009-10 revenues. This transfer will increase the overall budget for Emergency Services.

Chairman Davis moved to approve Emergency Services (\$365,625.77) budget amendment as presented by County Manager Carl Classen. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, and Davis; Nays – Collier and Spencer; Absent or Not Voting – None.

Tax Collection Report

Commissioner Collier moved to accept Tax Collection Report for February 2010 as presented by Tax Administrator Linda Basnight. 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.

Tax Releases

Tax Administrator Linda Basnight requested release of incorrect tax charges.

Year	Name	Amount	Reason
2008	Dodge, Melbert	\$ 164.24	Released to Tyrrell County
2009	Whitaker, Mary L.	60.95	No house on lot
2009	Kincade, Kevin Keny	16.20	Did not own boat trailer
2009	Kincade, Kevin Kerry	9.36	Did not own trailer
2009	Floyd, Jeffrey	134.01	Sold lots to SQVFD 10/21/08 Exempt
2000	Heath, Johnie A.	285.72	Mobile home moved out of county in 1997
2004	Davis, Cliff	107.91	Did not own was renting mobile home
2005	Davis, Cliff	101.43	Bought mobile home & moved to Washington Co.
2006	Davis, Cliff	94.95	Mobile home in Washington Co.
2007	Davis, Cliff	88.97	Mobile home in Washington Co.
2008	Davis, Cliff	82.49	Mobile home in Washington Co.
2007	Blount, Lorna Ann	62.26	Car wrecked—plates turned in
TOTAL		\$ 1,208.49	

Commissioner Byrd moved to approve tax releases as presented by Tax Administrator Linda Basnight. 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.

9-1-1 Call-Taking Equipment – Larry Kirkpatrick

Last fall, the County was advised that portions of the 9-1-1 system were reaching their obsolescence. The County was given a \$90,000 quote for upgrades from Embarq (now CenturyLink). Both the Sheriff and the County Manager thought the estimate high but the State 9-1-1 Board offers no technical help in determining whether such estimates are reasonable. The Commissioners referred the matter to the Telecommunications Advisory Committee but that Committee has not met. In January 2010, the Sheriff, Emergency Services Director Mark O’Mara, and the County Manager met with Larry Kirkpatrick, the vendor who developed Hyde County’s GIS and who was helping Gates and Tyrrell counties through their 9-1-1 system improvements. It was anticipated that Mr. Kirkpatrick would provide an RFP for an upgrade to Hyde County’s 9-1-1 system but that did not occur due to an extended illness suffered by Mr. Kirkpatrick. Mr. Kirkpatrick was in attendance and reviewed the situation with the Commissioners.

In recent months, a second vendor has entered the 9-1-1 market and this competition appears to be having an impact on pricing.

Larry Kirkpatrick is expected to present RFP specifications at the April 19 Commissioners meeting.

Swan Quarter STEP – Streetscape - Parking

Per action at the March 15 Commissioners meeting, e-mail was sent to Steve Bryan, President to the Swan Quarter Service Group requesting comments on the proposal for additional parking. Following a Courthouse Friends meeting, Mr. Bryan replied stating that the group will remain with its suggestion that angle parking take place only on 2nd Street and that the flow of traffic to the ferry

as well as other traffic, and the location of the fire department makes it seem impossible that this type of parking could work on Oyster Creek Road. Mr. Bryan also replied to an email from Mr. Walt Williams in regards to the proposed parking on Second Street.

Odessa Jarvis, Swan Quarter, stated that taxpayers should be allowed to park where employees park.

Chairman Davis moved to direct no County employee or other person who regularly uses the County Government Center (Courthouse) park for more than two hours along Second Street (SR1132) from Main Street (SR1129) approximately one-tenth mile to the rear of the Courthouse where SR1129 turns easterly. County employees or other persons who regularly use the County Government Center (Courthouse) should park in the County-owned parking lot diagonally adjacent to the old courthouse and in parking spaces along SR1132 on the southerly side of the Courthouse. 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.

ECBH – Medicaid Waiver Application

As a way to control Medicaid costs for mental health services, the State and federal governments are allowing local management entities (LME) such as East Carolina Behavioral Health (ECBH) to better manage their local Medicaid clients’ cases (AKA “case management”) and will give the LME a set amount of funds rather than a straight client-based reimbursement. However, to participate, ECBH must be granted a waiver from the existing rules.

To manage the risk inherent to such a program, the State will set aside 2% of the total amount into a risk pool. This risk pool will be for all 19 counties in ECBH (as of July 1, 2010) so an overage in Hyde County would not result in payments from the county but from the LME 2% risk pool.

Mike Kupecki, LME staff, has told the County Manager the LME feels that the Medicaid figures used (average of past three years) are adequate to cover the caseload costs under this so-called capitated program.

Previously, ECBH was advised that the application was due in late March, the application is now due in late April. All AMHC/ECBH counties must approve the waiver for the application to be submitted.

Hearing no objection, Chairman Davis ruled that a representative of East Carolina Behavioral Health (ECBH) be invited to give report on Medicaid caseload costs at the April 19 meeting.

Swan Quarter Dike Phase XII – Amendment No. 12 to Project Agreement Contract No. 69-4532-2-001

The construction contract for Phase XII of the Swan Quarter Watershed Project allocates an additional \$49,023 from NRCS for funding the final pay estimate on Phase XII. Construction contingency funds were still available in the final stages of construction. NRCS and Hyde County negotiated to add an additional 107 linear feet to the originally proposed end of the project with those construction contingency funds. Funding was insufficient for the entire proposed addition and NRCS agreed to allocate the additional \$49,023 to the contract total to cover all costs. There is no change to Hyde County’s cost in regard to this action as shown in the table below.

	<u>From</u>	<u>To</u>	<u>Net Change</u>
NRCS	\$8,277,155.47	\$8,326,178.47	\$49,023.00
Local Organization	\$495,853.93	\$495,853.93	0.00
Total	\$8,773,009.40	\$8,822,032.40	\$49,023.00

Commissioner Byrd moved to approve Swan Quarter Dike Phase XII – Amendment No. 12 to Project Agreement Contract No. 69-4532-2-001. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer. Nays – None; Absent or Not Voting – None.

Swan Quarter Dike Project – Phase 13 — Project and Inspections Agreements

Project Agreement: The County Attorney has provided comments to the County Manager who has held several discussions with NRCS staff. Language changes are pending and this matter will be up for final consideration by the Board at the April 19 Commissioners meeting.

Inspections Agreement: The County Manager is awaiting language from NRCS and this matter will be up for final consideration by the Board at the April 19 Commissioners meeting.

Swan Quarter Dike Project – County Service District

The County Attorney and the County Manager continue reviewing this matter. Further, the County Manager reviewed the issue with JW Spencer and Billy Williams of the Soil and Water Board seeking clarification on the law used to create the assessment district for the West Quarter/Double Bay portion of the Dike. In all this, there remains confusion. Mr. Spencer and Mr. Williams agree though, that funds from West Quarter/Double Bay assessments should not be used to support or maintain the Swan Quarter portion of the Dike.

The County Manager will have a further oral report at a future Commissioners meeting.

Swan Quarter Dike Project – Maintenance Plan – Bid Tab

Per action at the March 15 Commissioners meeting, a request for proposals (RFP) was advertised seeking a contractor to develop a maintenance plan for the Swan Quarter Dike. This plan would be used in developing assessments for both the West Quarter/Double Bay and the Swan Quarter portions of the Dike. The following proposals were submitted in a timely and appropriate manner:

- Jason Mizzelle, Albemarle & Associates, Kill Devil Hills, NC
- Rivers & Associates, Greenville, NC
- Jerry Harris, Applied Troubleshooting Techniques, Swan Quarter
- Gene Fox, Alligator River Growers, Engelhard

The proposals were reviewed by the County Manager and ranked upon the selection criteria noted in the Request For Proposals. Those criteria were: (1) Work on Dike Structure, (2) Work in North Carolina Coastal Counties, (3) Work in Rural Villages, (4) Work in Hyde County, and (5) Work on Publicly – Owned Structures.

The Proposal must have included; (1) a synopsis of methodology for preparing the plan, the process that the plan will be reviewed with the Swan Quarter Dike Steering Committee and the County Manager; (2) the name and biographical sketch of the principal person who will be working on the project and preparing the Maintenance Plan; and, (3) the estimated cost for completion of the Plan.

The only submissions to fulfill all of the criteria for submission were Gene Fox of Albemarle River Growers and Jason Mizelle of Albemarle & Associates. However, their estimated costs of \$18,400 to \$25,000 far exceeded the \$10,000 or less the County Manager had previously estimated for the project.

The Commissioners were asked to consider one of the following actions: (1) increase the estimated cost and begin negotiations with Alligator River Growers or Albemarle & Associates on a contract; (2) Keep the estimated cost at \$10,000; reject all of the proposals; and direct the County manager to scale down the proposal so that any submission is equal to or less than \$10,000; or, (3) Make a finding that the remaining two proposals are generally in compliance with the request for proposal and direct the County Manager to rank the proposals based upon that finding.

After discussion and hearing no objection Commissioner Byrd moved to reject all bids and to refer the matter to Hyde County Soil & Water Conservation to develop an in-house plan. 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.

Beaufort-Hyde News – Business Directory

Angela Harné of the *Beaufort-Hyde News* has asked the County to advertise in the Beaufort-Hyde Business Directory published by the *Beaufort-Hyde News*.

No action was taken.

Mainland Tourism Website

Per action at the March 15 Commissioners meeting, a request for proposals (RFP) was advertised seeking a contractor to build a website in support of mainland Hyde County tourism. Four proposals were submitted in a timely manner and a committee of Mark Carawan, Chairman of the Mainland Occupancy Tax Board; Diane Pugh; and Robert Wayne ranked the submissions as follows:

1. Jonathon Clark, Outer Banks TV, Kill Devil Hills
2. Sean Death, Ocracoke
3. IBX Services, Swan Quarter
4. Bold Print Design Services, Kill Devil Hills

The ranking is based upon a review of each of the proposals with a focus on website experience, tourism website experience, working with rural areas and/or citizen committees, proposal presentation, an estimated cost to complete the project. Cost was NOT the final determinate as the committee did not rank based upon cost alone; (1) is not the least expensive and (4) is not the most expensive.

The Commissioners were able to review each of the proposals at:

http://www.hydecountync.gov/employment/proposals_for_tourism_website.htm

The Commissioners approved the recommended ranking and the Committee will meet with the highest ranked vendor, determine if the contractor can provide the services desired by the Committee, and the county manager will then negotiate a contract that will then be presented to the Commissioners for approval. If this process is unsuccessful, then the Committee and County Manager will work with the second highest ranked vendor and so on. Given that the contract is a multi-year contract, Board approval is required.

Commissioner Spencer moved to approve ranking as recommended by the Committee and direct the County Manager to work with the Committee in developing a contract providing services for a mainland tourism website. 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.

ORV Draft Environmental Impact Statement

On March 16, the Commissioners reviewed the just-released Off-Road Vehicle (ORV) Draft Environmental Impact Statement (EIS). Since that time, the United States Geologic Survey (USGS) has released *A Review and Synthesis of the Scientific Information Related to the Biology and Management of Species of Special Concern at Cape Hatteras National Seashore, North Carolina*. Release of the USGS report should not be construed as coincidental and many of its findings buttress findings made in the Draft EIS.

On March 19, Judge Boyle held one of a series of hearings on the 2008 Consent Decree. Notes by Cape Hatteras Alliance member Jim Lea were reviewed and Commissioners reviewed comments by Judge Boyle and the Southern Environmental Law Center (SELC) relating to the interveners – Dare and Hyde counties.

Commissioner Byrd moved to hold the matter over to be further discussed on April 19 and to delegate that Chairman Davis has authority to submit comments on behalf of the Board. 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.

Ms. Spencer suggests that the Board show more support to Dare County on this issue.

Child Support Enforcement – Hyde-Tyrrell-Washington Joint Program - Contracts

Contracts developed for implementing the joint Child Support Enforcement (CSE) program of Hyde, Tyrrell and Washington counties were provided for review and comment to the County Attorney. The program would be operated by Washington County and include services for Hyde and Tyrrell counties. Those services are mandated by State law.

Further discussion and possible action on the contracts will be held on April 19.

Abandonment of Right-of-Way – Winnie Blount Road (SR1366)

On March 15, the Commissioners conducted a public hearing in accordance with NCGS 130-241 regarding closure of a portion of Winnie Blount road (SR1366) that is not maintained by NCDOT. The request was originally submitted by property owners along Winnie Blount Road, Frank and Jude Brown and Janet Anthony. Subsequently, Ms. Anthony withdrew her request but only after the public hearing had been scheduled. Also, at the public hearing, the third property owner, Elizabeth White, stated that the debris that accumulated on her property by her estranged husband was being cleaned up.

At the meeting following the public hearing, the County Manager stated solid waste dumping allegations had been turned over to the new code Enforcement Officer for investigation. Mark O'Mara, Emergency Services Director, gave the Commissioners an update on that investigation and reported that the property is being cleaned up; and, reported that future complaints should be directed to the Code Enforcement Officer at (252) 926-4400.

No action was taken.

County Commissioners Reports:

Commissioner Ballance reported that Ocracoke is much cleaner now with Solid Waste Collection.

Commissioner Spencer moved to adopt "HYDE COUNTY Resolution To Preserve The North Carolina Transportation Equity Funding Formula." 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.

CLERK'S NOTE: A copy of "HYDE COUNTY Resolution To Preserve The North Carolina Transportation Equity Funding Formula" is attached herewith as Exhibit D and incorporated herein by reference.

Commissioner Collier reported that citizens in Ponzer would like see the Ponzer Convenience Site open on Saturday rather than on a weekday.

Chairman Davis moved to adopt "Resolution Asking Attorney General Roy Cooper and Governor Beverly Perdue to Join In Attacking The New US Healthcare Bill." 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.

CLERK'S NOTE: A copy of "A Resolution Calling Upon The North Carolina Governor And Attorney General to Join With Other States In Suit Against Federal Government Regarding the New Healthcare Bill" is attached herewith as Exhibit E and incorporated herein by reference.

Chairman Davis moved to adopt "A Resolution Petitioning The State Of North Carolina To Seek Redress For Unequal Insurance Coverage" 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.

CLERK'S NOTE: A copy of "A Resolution Petitioning The State Of North Carolina To Seek Redress For Unequal Insurance Coverage" is attached herewith as Exhibit F and incorporated herein by reference.

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

County Manager's Report:

County Manager Carl Classen reported on various projects underway in the County and on other issues, including the following:

Countywide Drainage Advisory Committee: Last week County Manager Carl Classen cancelled the scheduled Countywide Drainage Committee Advisory Committee meeting at the request of Soil and Water Board Chairman JW Spencer and Board Member Billy Williams.

After discussion, Chairman Davis moved to cancel creation of the Countywide Advisory Committee; direct that drainage issues and related matters be referred to the Soil and Water Board requesting a regular report from the Soil & Water Board to the Commissioners; and, to thank those who were willing to participate on the Committee. Mr. Byrd seconded the motion. The motion passed on the follow vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer. Nays – None; Absent or Not Voting – None.

Fire Marshal: Emergency Service Director Mark O'Mara recommended that Emergency Management Technician Lindsey Mooney be appointed Fire Marshal. Mr. Mooney is a volunteer firefighter, has taken fire arson investigation training, is well-known among County volunteer fire departments, and has passed the course to be eligible to take his Level 1 Fire Inspector exam. The role of a Fire Marshal is almost exclusively advisory, as noted in General Statute (153A-234). There will be no additional compensation as Fire Marshal duties were include in the Emergency Management Technician position as advertised.

Mr. Byrd moved to appoint Emergency Management Technician Lindsey Mooney as Hyde County Fire Marshal so long as he remains in his current position. Mr. Davis seconded the motion. The motion passed on the follow vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer. Nays – None; Absent or Not Voting – None.

Hyde County Airport at Engelhard – Stormwater Discharges: Recent email correspondence from the airport engineers, Talbert & Bright, explained that the required storm water discharge for the Hyde County Airport at Engelhard is on hold pending problems that have developed with the general NPDES permit that is being done in coordination between NCDOT Division of Aviation (NCDOA) and Division of Water Quality, NC Department of Environment and Natural Resources.

Swan Quarter Dike Project – Phase 13 – Easement: One last easement is required to complete the right-of-way certification for Phase 13 of the Swan Quarter Dike. This is to install a new driveway and culvert on property owned by the late Henrietta Benson Ferebee. The person authorized to execute the deed is in Tennessee and has signed the deed but upon the agreement of paying \$250. Based upon sums paid other land owners for special rights-of-way on their properties, this fee is reasonable, especially in light of the market cost of road frontage, cost to move the dike project to another location, or to condemn the property.

Chairman Davis moved to approve payment of \$250 for the purchase of the necessary right-of-way on property owned by the late Henrietta Benson Ferebee. Ms. Spencer seconded the motion. The motion passed on the follow vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer. Nays – None; Absent or Not Voting – None.

Mattamuskeet Association – County Proxy: The Mattamuskeet Association meets in their annual meeting on Wednesday, April 7, 2010, beginning at 10 AM in the Engelhard Fire Station. Hyde County is a member of the Mattamuskeet Assn., a landowners association, due to owning approximately 386 acres that encompasses the Hyde County Airport at Engelhard. As proposed for FY2010, Hyde County's fees would be \$6,102.20, which is slightly more than the amount currently budgeted of \$6,100.

Chairman Davis moved to approve Wilson Daughtry to serve as the County's proxy to vote at the Mattamuskeet Annual meeting. Ms. Spencer seconded the motion. The motion passed on the follow

vote: Ayes – Ballance, Byrd, Collier, Davis, and Spencer. Nays – None; Absent or Not Voting – None.

NCDOT Equity Formula – Changes Proposed: As reported in the News & Observer, the General Assembly is considering proposals to change the so-called equity formula that considers completion of the intrastate highway system as part of the allocation for distribution of highway construction dollars. Piedmont and Charlotte area representatives want more construction funds to flow to their counties, saying the lower per capita distribution of construction money is hurting their ability to reduce traffic congestion. The problem for rural counties like Hyde County will be compounded after the 2010 decennial redistricting as more legislators are expected to come from the Piedmont and Charlotte regions. The County Manager has asked the Regional Transportation Planning Organization (RPO) to highlight this issue.

As noted in recent e-mail correspondence from the RPO, the real problem is that there are \$54 billion in statewide transportation construction needs and only \$10.5 billion available. Hence, legislators are working to increase the share of transportation construction dollars for their region. However, without good roads and other infrastructure improvements, the economies of Tier 1 counties like Hyde fall farther and farther behind increasing their dependence on assistance from more developed areas of the State. By improving transportation and other infrastructure in distressed counties, the State both reduces the demand for tax dollars from wealthier areas and increases the amount contributed to the State's economy from economically distressed counties.

The County Manager plans to attend an April 6 Legislative hearing on this issue and will report back to the Commissioners.

Closed Session

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

The Commissioners entered closed session at 7:26 P.M.

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

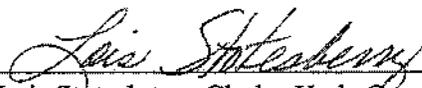
The Commissioners entered regular session at 8:09 P.M.

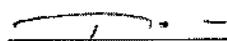
Commissioner Byrd moved to adjourn the meeting. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, and Spencer; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 8:15 P.M.

Respectfully submitted:

Minutes approved on the 3rd day of May, 2010.


Lois Stotesberry, Clerk - Hyde County Board of Commissioners


Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – *“A Resolution Of The Hyde County Board of Commissioners Withdrawing Membership In Albemarle Mental Health Center & Development Disabilities & Substance Abuse Services”*

Exhibit B – *“A Resolution Of The Hyde County Board Of Commissioners Requesting Membership In East Carolina Behavioral Health LME”*

Exhibit C – *“A Resolution Of The Hyde County Board Of Commissioners In Support Of The Mattamuskeet Lodge Sewer Project”*

Exhibit D – *“HYDE COUNTY Resolution To Preserve The North Carolina Transportation Equity Funding Formula”*

Exhibit E – *“Calling Upon The North Carolina Governor And Attorney General to Join With Other States In Suit Against Federal Government Regarding the New Healthcare Bill”*

Exhibit F – *“A Resolution Petitioning The State Of North Carolina To Seek Redress For Unequal Insurance Coverage”*