Meeting Minutes

Board of County Commissioners
Hyde County

January 7, 2013

Chairman Barry Swindell called the regular meeting of the Hyde County Board of Commissioners to order at 6:15 PM on Monday, January 7, 2013 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. The meeting was temporarily delayed due to technical difficulties. The following members were present on the mainland: Commissioners Anson Byrd, Earl Pugh, Jr., Barry Swindell and Dick Tunnell; Attorney Fred Holscher; Clerk Averi Simmons; and, members of the public. The following members were present on Ocracoke: Commissioner John Fletcher; Deputy Clerk/PIO Megan Shaw; and, members of the public.

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

Agenda:

Chairman Swindell asked for any changes to the January 7, 2013 meeting Agenda as presented by the Clerk. Commissioner Tunnell moved to approve the agenda as presented by the Clerk with addition of:

1 (a) – Re-appointment of Clerk and Deputy Clerk to the Board
1 (b) – Introduction – Viola Williams, Elections Director

Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Consideration of Minutes:

Chairman Swindell asked for approval of meeting minutes.

Commissioner Byrd moved to approve the December 3, 2012 regular meeting minutes as presented by the Clerk. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Public Comments:

Chairman Swindell issued a statement of apology to former County Manager Mazie Smith and Deputy Clerk Lois Stotesberry and retracted a statement he had made to Beaufort/Hyde News in regard to Ms. Stoteberry's training and certification status.

Vince O'Neal, Ocracoke – expressed concerns about the Ocracoke to Hatteras ferry situation and asked the Board to request additional ferry runs.

Nikki Baker, Ocracoke – requested assistance from the Board with fees charged to Island residents who have to use the Ocracoke to Swan Quarter ferry when the Hatteras ferry is not running.

Darlene Styron, Ocracoke – discussed citizen's concerns about the interrupted ferry schedule with Jed Dixon, Ferry Division Deputy Director, and Harold Thomas, Ferry Division Director, and Senator Richard Burr's office.

Commissioner Fletcher reported that he had cancelled a doctor's appointment due to the interrupted ferry schedule.

Franklin Swindell, Engelhard – complimented the individuals who pick up trash in his community in Engelhard; requested three Board of Commissioners meeting per month; and, asked that the Board not continue to use the services of Attorney Shelley Eason.

Sharon Spencer, Fairfield – stated that she was disappointed that Mr. Swindell's retraction was not printed in the newspaper and reminded the Board to follow its "Code of Ethics".

There being no further comments from the public, Chairman Swindell continued the meeting.

Items of Consideration:

Re-appointment of Clerk and Deputy Clerk to the Board of Commissioners

Chairman Swindell moved to appoint Lois Stotesberry as Clerk and Averi Simmons as Deputy Clerk to the Hyde County Board of Commissioners. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Sharon Sadler, Clerk of Court, administered the Oath of Office for Lois Stotesberry, Clerk and Averi Simmons, Deputy Clerk.

Hyde County Elections Director

Chairman Swindell introduced newly appointed Elections Director, Viola Williams. Ms. Williams replaced former Director Cindy Carawan on January 2, 2013. The Board thanked Ms. Carawan for her over eleven years of service as Elections Director.

BHM Regional Library Agreement

Susan Benning, Director, BHM Regional Library System, reported that at their meeting on November 27, 2012 the Library Board approved a new Regional Agreement. Ms. Benning presented the draft agreement for commissioner review.

A new agreement is necessary due to changes in the North Carolina Administrative Code and General Statutes. The NC Code governing the State Library of North Carolina (07 NCAC – Chapter 2) was recently revised to ensure regional library agreements contain specific information on the organization and operation of the Regional Library and its board of trustees, along with terms for property ownership and provisions for amendment, withdrawal and termination of agreement.

County Attorney Fred Holscher questioned the term "mutually agreed upon" payment from each of the three counties. In prior years each county paid a designated amount for library services - Beaufort County $195,000; Hyde County $42,000; and, Martin County $95,000.

Ms. Benning reported that the term "mutually agreed upon" had been included in the agreement so counties who have a bad year are not locked in to pay a specific amount. In fiscal year 2012-2013 the Library System reduced Hyde County's payment by $5,000.

The State Library has given BHM Regional Library until June 20, 2013 to accomplish the task of getting the finalized agreement signed and delivered to Raleigh. Comments and/or questions should be sent to Ms. Benning by January 29, 2013.

No action required at this time.

2012 State of the County Health Report

Elizabeth Mumm, Public Health Educator II, presented the 2012 State of the County Health (SOTCH) Report for Hyde County. The SOTCH report is a supplemental report to the Community Health Assessment (CHA). The CHA is conducted every four years and the SOTCH report is distributed every year in between to provide current updates or information that pertains to priority areas identified in the Community Health Assessment.

The five health priorities identified in the 2011 CHA are: 1) Physical Activity, Nutrition, and Obesity; 2) Chronic Disease Management; 3) Tobacco, Substance, and Alcohol Abuse; 4) Access to Oral Health; and 5) Primary Care.

Positive highlights and initiatives of the 2011 CHA include: 1) *Access to Primary Care Task Force* resulting in telemedicine at the Hyde County Health Department; 2) *Local Physical Activity, Nutrition (LPAN) and Obesity Council* engaging communities as new action plans focusing on obesity prevention and nutrition among adults and adolescents are developed; 3) *Tobacco, Substance and Alcohol Abuse Task Force* provides education and outreach to adults and adolescents; 4) *Chronic Disease Management Task Force* partners with Project DIRECT Legacy for Men; County Cooperative Extension Change for Good Project; ECU's Healthy Me project and education sessions in collaboration with Albemarle Commission Area Agency on Aging help promote health and safety. From the Hurricane Irene Recovery, there were two replacement refrigerators for food loss and one replacement washer and dryer; and, 5) *Access to Dental Care* provided by the Miles of Smiles Dental Van.

New and emerging issues for Hyde County include: 1) *Recovery from Hurricane Irene in August of 2011 and Sandy in October of 2012* with ongoing assistance from the United Methodist Disaster Response (UMDR) team; 2) *Uninsured Population* in Hyde County is higher than in the State; 3) *Cost of Living* continues to be an issue for citizens with no income or low income; and, 4) *Storm Related Transportation Issues* for citizens on Ocracoke Island.

No action required.

Re-appointment – Hyde County Board of Health

Commissioner Byrd moved to re-appoint Randy Clayton to fill the vacant public member slot on the Hyde County Board of Health for another three 3-year terms. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Appointment – Budget Officer

After confirmation that in accordance with NCGS 159-9 "*in counties having the manager form of government the county manager is statutorily the budget officer*", Commissioner Byrd moved to appoint Chairman/Interim County Manager Barry Swindell to serve as temporary Budget Officer. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell Nays – Tunnell.

Appointment – Veteran Services Officer

The commissioners extended special thanks to Cindy Carawan for serving as Veteran Affairs Officer.

After discussion, Commissioner Pugh moved to advertise the Veteran Affairs position. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Appointment – Albemarle RPO Transportation Advisory Committee

Commissioner Pugh moved to appoint Commissioner Byrd to serve on the Albemarle Rural Planning Organization (RPO) Transportation Advisory Committee (TAC) to represent Hyde County for a two year term. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Appointment – Albemarle RPO Transportation Advisory Committee

Commissioner Tunnell moved to appoint Chairman/Interim County Manager Barry Swindell to serve on the Albemarle Rural Planning Organization (RPO) Technical Coordinating Committee

(TCC) to represent Hyde County for a two year term. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Appointments – Engelhard Airport Advisory Committee

Kris Noble, Planning Director, reported that at its quarterly meeting the Airport Advisory Committee unanimously voted to re-appoint Wilson Daughtry, Gregory Gibbs and Tim Whitfield to serve another term; to change the status of Art Keeney from Liaison to a voting Board member; and, to request that Commissioner Earl Pugh, Jr. represent the Board of Commissioners on the Airport Advisory Committee.

Commissioner Tunnell moved to appoint Wilson Daughtry, Gregory Gibbs, Tim Whitfield, Art Keeney and Earl Pugh, Jr. to serve on the Engelhard Airport Advisory Committee. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Agreement for Airport Safety/Maintenance Projects

Kris Noble, Planning Director, presented the Agreement for Airport Safety/Maintenance Project (five year term) between the State of North Carolina Department of Transportation – Division of Aviation (NCDOT-DOA) and Hyde County. The Agreement authorizes NCDOT-DOA to perform improvements to the Hyde County Airport to enhance the safety of the traveling public and flight operations.

After discussion and approval from County Attorney Fred Holscher, Commissioner Pugh moved to approve Agreement for Airport Safety/Maintenance Projects and to authorize signature by the Board Chair. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

BCBS of NC Foundation Grant Agreement

Kris Noble, Planning Director, reported that in conjunction with Mattamuskeet Senior Center the County has applied for a Blue Cross/Blue Shield of North Carolina Foundation Equipment Grant. Averi Simmons, Planning Assistant/Deputy Clerk, successfully applied for the $15,000.00 grant. Funds will be used to purchase one NuStep Cross Trainer and one ProForm Treadmill. The grant term is eleven months. This exercise equipment will be used by Hyde County seniors to increase physical activity. Ms. Noble congratulated Averi Simmons on the success of her first grant application.

Commissioner Tunnell moved to authorize the Board Chair to execute the Grant Agreement and to authorize staff to move forward with grant activities as directed in the proposal. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Substitution of Collateral for Precision Pallet, LLC

Kris Noble, Planning Director, reported that the Revolving Loan Fund (RLF) Committee has approved a substitution of collateral for Precision Pallet, LLC to swap collateral by releasing the lean on its 1993 – 377 Peterbuilt truck and placing a lean on its 1995 Kenworth Truck. The original RLF term loan principal balance was $52,270.00 and the current principal balance is $30,353.45. The loan will mature on September 17, 2015.

Commissioner Byrd moved to approve substitution of collateral as recommended by the Revolving Loan Fund Committee. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

2011 Pre-Disaster Mitigation Grant – Designation of Applicant's Agent

Kris Noble, Planning Director, reported that due to restructuring and staff changes it has become necessary to amend the County's Resolution/Designation of Applicant's Agent for the North Carolina Division of Emergency Management's 2011 Pre-Disaster Mitigation Grant. The new Designation of Applicant's Agent will name Kris Noble as Primary Agent, Corrinne Gibbs as Secondary Agent and Lois Stotesberry as Certifying Official.

Commissioner Fletcher moved to approve the Designation of Applicant's Agent Form and to authorize staff to execute and implement grant activities. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Memorandum of Agreement Between Hyde County and Engelhard Sanitary District

Kris Noble, Planning Director, presented Memorandum of Agreement (MOA) between Hyde County and the Engelhard Sanitary District. The MOA outlines the roles and responsibilities of both parties while cooperating on a joint effort towards the extension of wastewater service and the replacement/repair of the currently failing wastewater treatment system in Engelhard.

Commissioner Pugh moved to authorize the Board Chair to execute Memorandum of Agreement (MOA) Between Hyde County and Engelhard Sanitary District and to authorize staff to move forward with activities as directed in the MOA. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Personnel Policy Amendment

Tammy Blake, Human Resources Director, presented clarification of Article VII: Section 4. Holidays: Compensation When Work is Required/Shift Work. Ms. Blake requested permission to strike from the Personnel Policy: "~~If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive pay for the proportionately equivalent holiday leave hours~~." She reported that this will clarify for shift work employees that sick leave is the only additional compensation rewarded for holidays worked.

Ms. Blake reported that although the NC Labor Board does not require holiday pay for shift workers, Hyde County shift work employees who work a holiday will be compensated with eight (8) hours of sick leave.

Commissioner Byrd moved to amend the Hyde County Personnel Policy as presented by Human Resources Director Tammy Blake. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Contract for Service of Lobbyists 2013

After discussion, it was determined that on December 3, 2012 renewal of the contract for lobbying services Between Hyde County and McClees Consulting, Inc. was approved contingent upon funding from the Mainland and Ocracoke Occupancy Tax Boards. Hyde County has authority to use Occupancy Tax funds to pay for the consulting contract but prefers all parties be in agreement. Both Boards plan to meet and discuss funding provisions in the upcoming week. The lobbying services contract will be signed by the Chairman and payment of $300.00 due at signing will be made by the end of January, 2013.

No action required.

Hyde County Medical Director Agreement

Justin Gibbs, Emergency Management Director, reported that Dr. Charles Boyette has served as the Medical Director for Hyde County Emergency Medical Services (EMS) for a number of years at no cost to the County. His practice has recently been purchased by Vidant Healthcare and he is no

longer able to provide his services free of charge. Dr. Mark Worthen serves as Assistant Medical Director.

Dr. Boyette is willing to continue as Medical Director for a fee of $5,000 per year. A quote for General Liability Insurance ($2,000,000 for bodily injury or personal injuring) has now been secured and $800.00 per year will be paid from the Emergency Services budget for the policy. Dr. Boyette will receive reimbursement of $600.00 for required Continuing Medical Education (CME) which was fulfilled by the County on October 9, 2012. The term of this agreement shall be January 1, 2013 through June 30, 2013.

Commissioner Fletcher moved to approve the Agreement for Hyde County Medical Director with Dr. Charles O. Boyette. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Budget Revisions

Chairman Swindell reported that in accordance with FY2011-2012 Budget Ordinance, Article XIX, Section 1, nine (9) transfers needed Board approval.

Board Approval Required		
Department/Program	**Amount**	**Explanation**
Health Department		Additional Healthy Mothers/Healthy Children (HMHC) funds have been allocated to support child health activities including adolescent clinical services and other strategies to improve health outcomes for children 0-20 years. These funds must be spent by May 31, 2013. This revision does not increase the budget for Child Health for FY12-13.
Child Health	$ 5,282.00	
Home Health	$ 3,000.00	Transferring funds from Salaries Part-Time line into Maintenance and Repairs line to pay Louis Chestnutt for renovations to the new Home Health building (old Water Dept./ Home Health building). This transfer does not increase the budget for Home Health.
Environmental Health	$ 3,000.00	Transferring funds from Salaries Part-Time line into Contract Services line (a new line) to cover a contract between the Health Department and Albemarle Regional Health Services (ARHS) for on-site wastewater services. This contract is necessary for short-term coverage until Hugh Watson, Environmental Health Programs Coordinator, returns to work in February 2013 on a part-time basis. This transfer does not increase the budget for Environmental Health.
Planning/Development		Transfer to cover the cost of the full-time Planning Director Assistant/Grant Technician position. The original budget was set to have part-time employees. This revision includes a full-time grant technician. Does not increase the budget.
Assistant/Grant Tech.	$30,037.00	
Finance Department		Transferring funds to cover statutory requirement that the County General Fund pay a per capita allocation to East Carolina Behavioral Health (ECBH)
Mental Health	$10,914.00	
Dept. of Social Services		Transfer funds from Contract Interpreter line to cover the cost of a contract social worker. This transfer does not increase the budget.
Contract Social Worker	$15,000.00	
LIEAP & CIP ADM	$ 2,248.00	Additional allocation received from the Federal Government. Federal Low Income Home Energy Assistance Funds.
LIEAP	$ 7,431.00	Additional allocation received from the Federal Government. Federal Low Income Home Energy Assistance Funds.
Crisis Intervention	$16,822.00	Additional allocation received from the Federal Government for crisis intervention. Does increase the budget.

Commissioner Byrd moved to approve the nine budget transfers as presented by Chairman Swindell. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

Reports:

Chairman/ Interim Manager Swindell – reported that he attended the Health Board Christmas meeting; met with Joe and Henri McCleese of McCleese Consulting; and, plans attend the Ocracoke Planning Board meeting on Thursday, January 10.

Vice-chairman Tunnell – reported that he attended the Mid-East Housing Authority meeting; and, plans to attend the second Hyde County Recreation Committee meeting on Wednesday, January 16.

Commissioner Byrd – no report.

Commissioner Fletcher – encouraged continued discussion of ferry issues.

Commissioner Pugh – thanked Hyde County employees for hard work done during the recent transition of the Board.

Public Comments:

Chairman Swindell called for comments from the public.

Bill Jones, Ocracoke – commented that commissioners should listen with respect when citizens comment.

Darlene Styron, Ocracoke – welcomed Lois Stotesberry back as Clerk to the Board. Ms. Styron reported that the Oregon Inlet dredging contract will expire on March 31, 2013 and encouraged calling State representatives about the ferry issue. She also reported that McCleese Consulting did not receive a renewed Hyde County contract for consulting services at an appropriate time, but stated she was glad to learn that the McCleese's would wait until January 31, 2013 for payment.

Ken Collier, Ponzer – stated that he was upset to learn that former County Manager Mazie Smith was fired. Mr. Collier commented that new commissioners on the Board had no time to familiarize themselves with Ms. Smith's performance prior to voting to terminate her contract. He referenced the "Hyde County Board of Commissioners Code of Ethics" required by NCGS 160A-83.

Franklin Swindell, Engelhard – thanked the Board for including a second public comments section at the end of meetings; and, expressed concerns about the number of Board meetings held monthly.

There being no further comments from the public, Chairman Swindell continued the meeting.

Closed Session

Commissioner Byrd moved to enter into closed session in accordance with § 143-318.11 (a)(6) to discuss personnel matters at 7:50p.m. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Fletcher, Swindell, Tunnell Nays – None.

Commissioner Byrd moved to come out of closed session at 8:05p.m. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Fletcher, Swindell, Tunnell Nays – None.

No action taken.

Department Reports

a) Animal Control
b) Health Department
c) Senior Center

Supplemental Information

a) Hyde County Board of Health Meeting Minutes for September 25, 2012

Commissioner Byrd moved to adjourn the meeting. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

The meeting adjourned at 8:06p.m.

Respectfully submitted:

Minutes approved on the 4th day of February, 2013.

Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners

Barry Swindell
Chair, Hyde County Board of Commissioners

Attachments: (none)