

Minutes

Board of County Commissioners Hyde County

November 2, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, November 2, 2009 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, Sharon Spencer, and Barry Swindell; County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioners Gene Ballance; 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 November 2, 2009 meeting Agenda as presented by the Clerk. Commissioner Byrd moved to add Item IV. B. – Appointments – Hyde County Nursing Home Community Advisory Committee; and Item IV. D. – Other Matters – Letter of Recommendation – North Carolina Coastal Resources Commission – Jamin Simmons. 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 October 5, 2009 Regular Meeting minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Commissioner Byrd moved to approve the October 19, 2009 Regular Meeting minutes as presented by the Clerk with corrections made on page 5 - line 19 – Clerk’s Note deleting *is attached as Exhibit A*; line 39 deleting *is attached as Exhibit A*; page 8 – line 10 stating *The East Carolina Bank*; page 9 - line 52 stating *Ayes – Ballance, Davis, and Spencer*. *Nays – Byrd and Swindell*. 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.

Commissioner Swindell moved to approve the October 13, 2009 Special Meeting minutes as presented by the Clerk with corrections made on page 1- line 7 stating *Chairman Davis called the Special Meeting*; line 28 deleting *except Finance and Emergency Services*; line 31 stating *Commissioner Byrd moved that all non-budgeted raises be honored*; line 39 stating *Commissioner Byrd moved*; line 42 – Commissioner Davis seconded; and on lines 42 – 44 deleting *Following discussion, Commissioner Byrd moved that all budgeted raises be honored, except Finance and Emergency Services*. 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.

Employee Honors:

Chairman Davis presented “Years-of-Service” certificate and pin to Utilities Department employee Glen T. Credle (25 years). Hydeland Home Health Employee Crystal D. Sawyer (10 years) was not present.

Public Comments:

Chairman Davis called for comments from the public.

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

Ordinances and Resolutions:

Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates

Chairman Davis moved to amend "Resolution Establishing Regular Meeting Dates" to begin the November 16, 2009 and December 7 Commissioner's meetings at 6:30 PM. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Amended – Resolution Establishing Regular Meeting Dates" is attached herewith as Exhibit A and incorporated herein by reference.

Appointments:

Albemarle RC&D

At the October 19 Board of Commissioners meeting, Chairman Davis laid over appointment of a new Albemarle Resource Conservation & Development (RC&D) Board member to the November 2, 2009 Regular Meeting.

County Manager Carl Classen will send a memorandum to Board members with detailed information about the Albemarle RC&D. Board members will use the information to help solicit appointments. Action will be taken at the November 16 Commissioners meeting.

Hyde County Nursing Home Community Advisory Committee

County Manager Carl Classen presented a letter dated October 30 from Susan Scurria, Director, The Albemarle Commission announcing vacancies on the Hyde County Nursing Home Community Advisory Committee. Mr. Classen reported that each committee shall be appointed by the board of county commissioners. Of the members, a minority (not less than one-third, but as close to one-third as possible) must be chosen from among person nominated by a majority of the chief administrators of nursing homes in the county and of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate the nursing homes. If the nursing home administrators and the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes fail to make a nomination within 45 days after written notification has been sent to them by the board of county commissioners requesting a nomination, these appointments may be made by the board of county commissioners without nominations.

After discussion Chairman Davis moved to direct County Manager Carl Classen to send a letter to Liberty Health Care (Cross Creek Nursing Home) and Mattamuskeet Village directors asking for nominations to fill the Hyde County Nursing Home Community Advisory Committee vacancies. Action will be taken at the November 16 Commissioners meeting.

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:

- A. Health Department: Additional funds to enable local health departments to provide preventive health measures through the administration of vaccine to age appropriate populations within the state. Local Health Department will use the additional funding to purchase equipment (i.e. auto dialers, generators, refrigerators and/or freezers) to ensure adequate and properly functioning services are available to improve coverage rates and safeguard state-supplied vaccines. Increases budget by \$7,000.
- B. Health Department: On April 26, 2009 the Acting Secretary of Health and Human Services declared the first public health emergency in US history related to the novel H1N1 influenza virus. Because of the need of the State of North Carolina to plan and prepare for a second outbreak expected to occur in the fall of 2009 to reduce number

of reported H1N1 cases in North Carolina, additional funds have been provided to local health departments (LHDs) to support expedited revisions and expansion of pandemic influenza plans for activities that will enable the LHDs to rapidly detect and respond to the expected outbreak of H1N1. Hyde County Health Department will receive \$54,200 for H1N1 planning and \$5,800 for H1N1 enhanced surveillance, and the funds will be used to support the salary and fringe benefits of an additional 0.50 FTE Public Health Nurse II to focus on the H1N1 planning and enhances surveillance activities required of our LHD. Increases budget \$60,000.

Commissioner Swindell moved to approve budget amendments as presented by County Manager Carl Classen. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

Tax Department Pick-Ups and Releases

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

<u>Year</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
2009	Burrus, Mabel F.	13.00	Mobile home gone
2009	Mackey, Jr., Benjamin	133.96	House on no value-To be demolished
2009	Buckner, Linda & Larry Rhem	23.52	Incorrect amount of acreage only 1.3 ac not 1.75ac
2009	Balance, Kirby	87.36	Building site also charged on 206787
2007	Williams, Mayhew Clifton Jr.	349.50	No S/W electricity cut off to house in 2001
2003	Brooks, David Lee	128.55	Did not own automobile on 12-03-03
2001	Brooks, David Lee	84.57	Did not own pickup truck 8-09-01
2009	Kolessar, Robert Joseph	119.04	Released to Iredell County-correct situts
2002	Williams, Faith Hudson	64.27	Did not own
2009	Derstine, Bevin Eugene	87.60	Moved out of State-Plates turned in
2001	Williams, Faith Hudson	78.15	Did not own
1999	Woolard, Linda C.	83.91	Double billed 8-15-99 paid and 10-15-99
2009	Clayton, Jr., Howard	82.37	Incorrect value on old house--
2009	Engelhard Medical Center	2186.85	Failure to allow tax exempt status
2009	Engelhard Medical Center	415.09	Failure to allow tax exempt status
2009	Cahoon, Braxton Jarvis	102.92	Incorrect value on trailer
2009	Gibbs, Gregory & Others	221.00	Double Billed also as S/D on acct. # 208783
2009	Gibbs, Gregory & Others	498.23	Double Billed also as S/D on acct. # 208783
2009	Saunders, Charles T.	1374.51	House value on both PRN 867 & 869
2009	Tackett, Paul Lester	183.57	Mobile home is actually a 1985 camper/w addition
	TOTAL	\$6,317.97	

Engelhard Airport Terminal Renovation Bid Tabs & Contract Award

On October 23, bids were opened for the Terminal Renovation Project and the bid tab is attached. In summary:

<u>Bidder</u>	<u>Base Bid</u>
A.R. Chesson Construction	\$109,200.00
Ocean Builders, LLC	\$110,000.00

The bids are approximately \$20,000 above the architect's construction estimates and this was found to be due to changes in the electrical service and site work that occurred as a result of changes made at the October 21 Mandatory Pre-Bid Meeting. Further changes of the site work can reduce the low bid by approximately \$7,000.

The NCDOT Division of Aviation is funding 90% of the Project and their concurrence is required for increased amount. If the Division of Aviation concurs, the additional cost to the County is \$1,300, which is included in the current FY2009-10 Budget for airport improvements (The total terminal improvement estimated cost is \$145,000 (including the well upgrade and contingencies). The FY2009-10 Budget for Airport Improvements is \$186,667, of which \$25,322 has already been expended for completion of the fence project, leaving a net of \$161,345.

NCDOT Division of Aviation has requested that the County re-bid the Project. They have made this request because, although not required, less than three bids were requested and because the lowest bid is more than 20% above the architect's estimate. The County Manager is working with NCDOT and the architect to schedule a new bid solicitation and opening in time for action at the Commissioners December 7 meeting.

Commissioner Byrd moved to authorize the County Manager to solicit and open bids on the Engelhard Airport Terminal Renovation Project in time for consideration of the bids and possible contract award at the December 7 Regular Commissioners meeting. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

Online Newsletter

On October 5, the Commissioners authorized the County Manager to solicit bids for provision of an online newsletter. An RFP was distributed on the mainland and Ocracoke. RFP's were due at 3:00 PM on October 19 but it was later found that the email address used to receive RFP's had been lost by the email vendor when the firm's servers went down in September and October. The Online Newsletter RFP was re-issued and Proposals are due by 3:00 PM on Monday, November 2.

Because of a typographical error on the posting, the RFP will remain open until November 3 at 3:00 PM.

Hearing no objection, Mr. Davis moved to review the Online Newsletter bid tab and consider making an award at the November 16 Commissioner's 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.

Personnel Policy – Commissioners Participation

At the October 19 meeting, in response to a proposal from Commissioner Byrd for a personnel board, the County Manager was directed to work with Commissioner Byrd on a proposal to have Commissioners more involved in the selection of department heads and changes in salaries.

In response to discussions at October's two Regular meetings and the one Special meeting, the County Manager has asked two Commissioners (Ballance; Byrd) to sit in on an interview panel for the Emergency Services Director and to provide their political and personal insights

into the selection process. The recommendation will still be made by the County Manager consistent with the Personnel Policy but will consider input not previously included in the County Manager's recommendation.

The County Manager, Commissioner Byrd, and Commissioner Ballance met in conjunction with interviews for the Emergency Services Director on October 30. Commissioners Byrd and Ballance reported they were pleased with the interviews and felt they had made good progress.

Commissioner Byrd recommended that members on the panel change when new Board members are elected to allow the entire Board to participate.

County Commissioners Reports:

After discussion, Commissioner Byrd moved that a letter of recommendation for Jamin Simmons, Fairfield, to be nominated to sit on the North Carolina Coastal Resources Commission and that the letter also be sent to the nineteen coastal counties for support. 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.

Commissioner Ballance reported that on his drive home from Swan Quarter on October 30 he observed good progress on the NC 12 Highway Project and the Ocracoke Bike Path Project; that he received compliments on the improvements made to the Ocracoke jail and the adjoining convenience site; and, that he believes the electronic meeting equipment produces quicker results to Agenda items.

Commissioner Spencer reported she recently attended an Albemarle Commission meeting and asked that another Board member attend in her absence at the November 19 meeting.

Commissioner Byrd attended Department of Social Services Board meeting and reported the ADAP Center budget looks good and Child Support Collection continues to be a topic of discussion.

Mr. Byrd presented a citizen's solid waste bill and asked for explanation of charges. Utilities director Clint Berry reviewed the bill and reported that it was from David's Trash Service, not Hyde County. Mr. Byrd also questioned the recent plastic ban. County Manager Carl Classen reported that DENR is going to work with the counties. Mr. Berry reported that he is researching available grants for curbside collection of recyclables.

No other Board or Committee reports were offered so Mr. 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:

1. **Unified Government:** Per discussion at the October 19 meeting, the County Attorney will give an oral presentation on the unified government option at the November 16 meeting.
2. **Board Retreat:** On October 19, the Commissioners voted to conduct a Board retreat and to expend not more than \$2,500 for the fee and expenses of a facilitator. Following that meeting, Commissioners supporting the action have asked the County Manager to try to keep costs down significantly below the approved amount. In response, the County Manager is working with the North Carolina Association County Commissioners (NCACC) on a possible facilitator; maybe a staff person who is knowledgeable about many of the issues small counties face. An oral update will be given at the November 2 Commissioners meeting.

In conversations on November 02 with Rebecca Troutman and Bill Rivenbark, Rebecca is not able to facilitate the retreat but Bill is available and willing. The preferred dates are Thursday-Friday, December 17-18. The Agenda would change slightly, including starting at 10:30 AM on Thursday, December 17 but still conclude about Noon on Friday,

December 18. The cost for Professor Rivenbark's services would be a \$500 stipend, plus travel expenses (mileage and hotel room, approx. \$300). A possible location is the Ponzer Fire Department, which has kitchen and meeting space. Other possibilities away from the Government Center but on the Mainland are the Swan Quarter Fire Department, Topping's (near Mattamuskeet Lodge), and the Engelhard Fire Department. Sites on the Mainland are suggested due to the involvement of department heads late Thursday afternoon and evening.

3. Mental Health Services: At the request of East Carolina Behavioral Health (ECBH), which is the contract Local Management Entity (LME) for the provision of mental health services in Hyde County through June 30, 2010, UNC held forums October 22-23 on the Mainland and Ocracoke regarding mental health service needs in Hyde County. These forums are intended to help ECBH-State to design mental health services for the County. Major issues discussed included: (1) Involuntary Commitments; (2) Need for consistent, regular office hours on the mainland and Ocracoke; (3) Use/availability of mobile crisis teams; and, (4) Need for increased Alcoholics Anonymous and Narcotics Anonymous services. During the October 22 Mainland forum, Sheriff Mason and the County Manager gave an ECBH representative a tour of the secure area of the Public Safety Center in an effort to encourage use of the facility as a State short-term involuntary commitment center. ECBH indicated that this would be unlikely due to decreased State mental health funding, the remote location of the facility, and because Dare County was seeking a similar facility in that County.

On October 29, the regional county managers are met with Mental Health Division Director Leza Wainwright about the status of Albemarle Mental Health Center (AMHC). An oral report on that meeting was given by County Manager Carl Classen.

As discussed at the October 29 meeting, Ms. Wainwright will send letters to the counties explaining the current status of the AMHC organization and its board, plus another letter outlining options available to the AMHC counties for the provision of mental health services in the ten counties after June 30, 2010. It is anticipated that the county managers will utilize these letters – along with the report(s) from the UNC mental health forums sponsored by ECBH - as the basis for local and regional discussions on future mental health service provision.

4. Public Safety Center: Given the negative response from the State/ECBH about the likelihood of the secure area of the Public Safety Center becoming a short-term involuntary commitment facility, the Sheriff and County Manager are pursuing alternative regional uses; including uses as a regional juvenile detention facility or as a women's detention facility.
5. Child Support Enforcement: Social Services Director Gloria Spencer and the County Manager met with Phil Lassiter of the regional State DSS office to discuss alternative methods for providing Child Support Enforcement (CSE) services after July 1, 2010 when the State regional CSE office now serving Currituck, Dare, Hyde and Tyrrell counties will close. Given the low number of Hyde County CSE cases (about 260), it appears that the only feasible alternatives for Hyde County are, as stated at the October 19 Commissioners meeting, to join with other counties on a contract with a private vendor or join with another county or other counties where another county provides the service. Hyde County is presently pursuing the following three alternatives: (A) Join with 10-12 northeastern counties in an RFP for a private vendor to provide CSE services; (B); Join with Beaufort County for provision of CSE services through Beaufort County DSS under that county's private contract, possibly in concert with Tyrrell County; and, (C) Provide CSE services through Washington County DSS, also possibly in concert with Tyrrell County.
6. Domestic Violence Services: A news article announced that domestic violence services provided by OPTIONS would be transferred to the Mid-East Housing Commission effective July 1, 2010. The transfer would apply to all counties formerly served by OPTIONS: Beaufort; Hyde; Martin; Tyrrell; and Washington counties. During FY2009-10, domestic violence services are being provided in Hyde and Tyrrell counties under agreement by the State with Dare County Hotline. On October 26, a meeting of the

Sheriff, Clerk of Court, Social Services Director and County Manager was held to review whether the new arrangement with Mid-East Housing Commission would be in the best interests of domestic violence victims in Hyde County and affected County agencies. The outcome of the meeting was: (a) for the Sheriff, Clerk of Court, Social Services Director and County Manager to contact their counterparts in Tyrrell and Washington counties about what those counties intend to do; (b) for the County Manager to contact State agencies about finding services that might be available to Hyde County for a single-county (Hyde) or a smaller regional consortium; (c) for the County Manager to contact Dare County Hotline and the Mid-East Housing Commission to find out how they would provide services in Hyde County, if requested; (5) for the County Manager to invite the director of a regional domestic violence services agency outside the southern Albemarle area to speak with the Hyde County group about service provision alternatives; and (6) for the group to further discuss how "safe house" services could best be provided to Hyde County victims of domestic violence.

Chairman Davis moved that the County Commissioners send a letter to the Governors Crime Commission and the Council for Women/Domestic Violence Coalition asking them to withhold a final decision on funding domestic violence victims services in Hyde County until the local group completes its work and makes a recommendation to the County Commissioners and the action of the Board is provided to the two funding agencies. A copy of the letter should also be sent to Governor Perdue, Senator Basnight and Representative Spear. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

7. E911 VoIP Upgrade: County Manager Carl Classen reported that in a memo from E 9-1-1 Coordinator Justin Gibbs, recommendation has been made regarding a proposed upgrade of the E911 phone system. The purpose of the upgrade is to better handle VoIP calls, which are becoming more common.

Commissioner Byrd moved to refer this matter to the Central Communications Advisory Committee for their review and recommendation in time for action at the December 7 Commissioners meeting. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

8. Projects

- a. Swan Quarter Dike Project: Phase 12 has slowed down due to supplier problems; notably one tidal gate. The supplier slowdown has also caused the contractor to remove one crane so installation of pilings and sheets has slowed. The estimated completion is now late December or mid-January.

NRCS and County staff are developing the Phase 13 Project Agreements, which should be on the November 19 Commissioners meeting agenda. Phase 13 is presently expected to go out for bid after January 1 and be underway by spring 2010 for completion later that year or early 2011. A substantial update on this project will be given as part of the November 16 meeting.

- b. Swan Quarter Dike Maintenance Assessments: The County Manager is preparing materials for discussion with the Swan Quarter Steering Committee and the County Attorney on November 16 to discuss extension of assessment districts. Records on past assessment methods are limited so the County Manager has been and will continue interviewing people to determine what was done in the past and make recommendations for methods for generating maintenance funds in the future.
- c. Mattamuskeet Lodge Sewer Project: Since the last meeting, the Engelhard Sanitary District has agreed to be the applicant for the USDA loan/grant and the engineers are available to work on the Preliminary Engineering Report (PER) and the Environmental Assessment (EA) covering the project from the treatment facility near the Engelhard Airport to homes near Mattamuskeet School. However, without a mandatory hook-up requirement, USDA will want to keep the

cost of connection very low. This means the cost of the connections would need to be included in the USDA application, which leads to a cost/funding breakdown as follows:

From discussion with Tim Carpenter of Hobbs Upchurch on October 21, 2009:

- 286 Hookups along proposed route from Martelle's to Mattamuskeet Schools
- A cost of \$7,000 per hookup at a total cost of: \$2,002,000.

Costs for the entire project scope can now be estimated as shown below:

- \$2,153,000 = Wastewater Treatment Plant
- 1,847,000 = Sewer Force Main from Martelle's to the Lodge
- 868,600 = Sewer Force Main from the Lodge to Mattamuskeet Schools
- 2,002,000 = Hookups/Taps
- **\$6,870,600.** = Total Project cost

Funding includes;

- \$ 417,000 = Golden Leaf (Design and Engineering)
- \$ 500,000 = NC Rural Center (WWTP)
- \$ 500,000 = NC Rural Center (Sewer Line)
- \$ 500,000 = NC Rural Center (WWTP)
- \$ 750,000 = CDBG Infrastructure
- \$3,091,770 = USDA Grant
- \$ 962,060 = USDA Loan - NET (40 years; 5% > ~\$27,500 debt service annually or \$8.02 per NEW customer per month surcharge)
- \$ 150,000 = Golden Leaf (Supplemental Grant)
- \$6,870,830

Below is a comparison showing the Project but NOT including the extension to Mattamuskeet School. The average monthly debt service surcharge per new customer would be \$9.73.

It is possible that the total USDA Loan could be substantially less if the County/State is able to secure alternative grant revenues.

If the extension to Mattamuskeet School is deleted, the costs/funding are estimated as follows:

- \$2,153,000 = Wastewater Treatment Plant
- 1,847,000 = Sewer Force Main from Martelle's to the Lodge
- 1,330,000 = 150 Hookups/Taps
- \$6,198,600. = Total Project cost

Funding includes;

- \$ 417,000 = Golden Leaf (Design and Engineering)
- \$ 500,000 = NC Rural Center (WWTP)
- \$ 500,000 = NC Rural Center (Sewer Line)
- \$ 500,000 = NC Rural Center (WWTP)
- \$ 750,000 = CDBG Infrastructure
- \$2,789,370 = USDA Grant
- \$ 592,230 = USDA Loan - NET (40 years; 5% > ~\$17,500 debt service annually or \$9.73 per NEW customer per month surcharge)
- \$ 150,000 = Golden Leaf (Supplemental Grant)
- \$6,198,600

HobbsUpchurch, the engineer on the Project, is requesting to be paid \$8,000 for the PER and \$10,000 for the EA; both of which are reasonable amounts for the work to be done but would need to be paid upfront by the County. If the County/District receives funding for the project, then the amounts would be reimbursed by the County. Further, preparation of the \$750,000 CDBG grant by Holland Consulting will require payment of a \$1,000 pre-application fee. If the CDBG project is authorized, the County could go through procurement and be eligible for reimbursement of the \$3,500 full application fee.

Commissioner Swindell moved to direct the County Manager to continue working with the Engelhard Sanitary District on the USDA loan/grant application; authorize the County Manager to proceed on the CDBG application; and, authorize a budget amendment to pay application fees from the Capital Improvement Reserve with the understanding the amounts will be paid back from grant/loan proceeds, if possible. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

- d. Solid Waste Collection: Given that the contract with David's Trash does not allow for termination until fall 2011, the County will begin the statutory process of notifying the vendor and all others about the county's consideration whether to bring solid waste collection in-house.

Chairman Davis moved to direct the County Manager to send out notices as required by law providing for initial discussion to be held in conjunction with December 7, 2009 or January 4, 2010 Regular Commissioner meetings, whichever is earliest and allowed under law. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell. Nays – None; Absent or Not Voting – None.

- e. Engelhard Water Treatment Plant: The interim financing (Revenue Bond Anticipation notes – RBAN's) documents have been executed and closing was on Thursday, October 29. The Notices to Proceed for the Treatment Plant Contract and for the Utility Piping Contract have been executed following concurrence by USDA. Work on the Water Treatment Plant is expected to begin the week of October 24 and work on the Utility Piping Contract is not expected to begin until February 2010. Project completion is presently expected in late fall 2010 with the Plant operational in the 1-2 months following. A decision regarding extending the water line along Swamp Road will be made in late winter or spring 2010 when the Plant contract costs are better known. That should still leave time for the water line to be designed, approved by the State, and amended into the Water Plant Project or Utility Line Project contracts for completion in conjunction with the new water plant coming online. Both contractors are experienced water line installers.
- f. School Improvement Project: The School Improvement Teams continue working with the Superintendent and the architect on plans. The Superintendent and the County Manager are following up with Governor Perdue's office in regards to her comment about funding for a cafeteria at the Ocracoke School. Final plan approval by the Board of Education is expected in November or December with an alternate of a cafeteria at Ocracoke School, pending funding availability. Following plan approval, construction estimates will be completed and the package will be re-presented to the Commissioners for authorization to submit the financing application to the Local Government Commission.

- g. Ocracoke Radio Tower: The only facility on this tower is the Ocracoke Fire Department repeater antennae. Staff is reviewing the cost to move this antennae to the Ocracoke water tower, which already has repeaters for the Sheriff's Department and EMS. Staff is also seeking approval from the Ocracoke Sanitary District for approval to place the repeater antennae on the water tower. If approval is granted and if the costs are comparable to the costs of establishing the series of leases and making upgrades to the existing tower, then staff will recommend that the Ocracoke Foundation/Ocracoke Community Radio work directly with the Board of Education on a tower lease without having to go through the County.

According to information from Justin Gibbs, the cost to replace the existing tower would be approximately \$17,000 to \$20,000 and the cost to install the Ocracoke Volunteer Fire Department (OVFD) repeater antennae to the Water Tower would be \$3,000 to \$5,000.

After discussion, Chairman Davis recommended the County Manager seek authority from the Ocracoke Sanitary District (and other agencies as may be applicable) to place the Ocracoke Fire Department repeater antennae on the Ocracoke Water Tower; to obtain a quote or quotes to install the OVFD repeater antenna on the Ocracoke Water Tower; and, to have prepared a budget amendment for consideration at the November 16 or December 7 Regular Commissioners meeting for the antenna to be installed on the Ocracoke Water Tower. No action was necessary at this time.

- h. Digital Records Project: Contact has been made with the Information Technology Services (ITS) Division of the State. Further action is pending.

9. General Information Article: County Manager Carl Classen and Deputy Clerk Jamie Tunnell will develop an article on Golf Cart on Public Streets for distribution to the public in a couple of weeks.

Recess: At 8:17 PM Chairman Davis declared a 10 minute recess.

Closed Session

Commissioner Davis moved to enter closed session in accordance with NCGS 143-318.11(a)(6) - Personnel Matters; NCGS 143-318.11(a)(3) – Consultation with Legal Counsel; and, with NCGS 143-318.11(a)(5) Acquisition of Property. 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 Commissioners entered closed session at 8:27 P.M.

Commissioner Byrd moved to return from Closed Session. 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 Commissioners re-entered regular session at 9:55 P.M.

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

The meeting adjourned at 9:55 PM.

Respectfully submitted:

Minutes approved on the 16th day of November, 2009.



Lois Stotesberry, Clerk - Hyde County Board of Commissioners



Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – *“Amended – Resolution Establishing Regular Meeting Dates”*