

HYDE COUNTY BOARD OF COMMISSIONERS



Since 1712

Hyde County Courthouse Multi-purpose Room

30 Oyster Creek Road, Swan Quarter, NC

and

Ocracoke School Commons Area

120 School House Road, Ocracoke, NC

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Chairman Barry Swindell
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

Motion Made By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.
Motion Seconded By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.
Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Chairman Barry Swindell
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the February 4, 2013, Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS MEETING

MONDAY, FEBRUARY 4, 2013 - 6 PM

CALL TO ORDER

OPENING

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

- 1) December 12, 2012 – Special Meeting Minutes
- 2) January 7, 2013 – Regular Meeting Minutes

PUBLIC HEARINGS

- 1) Refinancing of the Public Safety Center and Government Center Loans

PUBLIC COMMENTS

Public Comments are a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes or less and comments should be directed to the entire Board and not to individual members, the staff or to other members of the public. Comments requesting assistance will typically be referred to the County Manager for follow-up or for Board action at a future meeting.

ITEMS OF CONSIDERATION

- 1) Resolution for Refinancing of Hyde County Courthouse and Public Safety Center Loans
- 2) Introduction of Veteran Affairs Officer
- 3) Presentation of FY2011-2012 Draft Audit
- 4) Amendment - Rules of Procedure for the Hyde County Board of Commissioners
- 5) Policy for use of GovDeals Proceeds

- 6) Surplus Mosquito Control Chemicals
- 7) Appointment to Northeastern Workforce Development Board (NWDB) Investment Consortium (commissioner representative)
- 8) Appointment to East Carolina Behavioral Health Board (ECBH) (commissioner representative)
- 9) Cross Connection Plan – Update Hyde County Rules and Regulations of Hyde County Water System
- 10) Increase in Per Diem Mileage Rate
- 11) Road Signs on Ocracoke Island and Mainland US 264
- 12) Contract Approval for Interim Manager
- 13) Approval of Use of Occupancy Tax Funds for Lobbyist Contract

BUDGET MATTERS

- 1) **Administrative Transfers**
 - a) EMS
 - b) Solid Waste
- 2) **Board Approval Required**
 - a) Administration
 - b) Sheriff's Department
 - c) Utilities
 - d) Health Department
 - e) Ocracoke Occupancy Tax
 - f) Mainland Occupancy Tax
 - g) Airport

MANAGEMENT REPORTS

The Commissioners and County Manager will share with the public their various activities and ideas for continuous improvement of government services to the citizens.

PUBLIC COMMENTS

The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

CLOSED SESSION IN ACCORDANCE WITH NCGS143A-318.11 (a) (1-9) (discussion and possible action if required)

- 1) To prevent the disclosure of information that is privileged or confidential pursuant to the law.
- 2) To prevent the premature disclosure of an honorary award.
- 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege.
- 4) To discuss matters relating to the location or expansion of industries or other businesses.
- 5) To establish or instruct the public body's staff or agent in negotiating the price or terms of a contract for the acquisition of real property by purchase; or compensation and terms of an employment contract.
- 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.
- 7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- 8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- 9) To discuss and take action regarding plans to protect public safety.

ADJOURN

SUPPLEMENTAL INFORMATION

Department reports

- 1) Tax Department Collections (signature required)
- 2) Animal Control
- 3) Health Department

Informational Items

- 1) NC Medical Journal Article – Wesley Smith and Archie Green
- 2) Resolution Calling for Immediate Funding for Dredging of Oregon Inlet –
Outer Banks Chamber of Commerce
- 3) Resolution in Support of North Carolina Coastal Caucus –
Town of Kill Devil Hills
- 4) Resolution Calling for Immediate Funding for the Dredging of Oregon Inlet –
Town of Kill Devil Hills
- 5) Resolution Requesting State Legislation to Clarify Municipal Authority on the
State’s Ocean Beaches – Town of Kill Devil Hills
- 6) NCGS 160A-203 An Act to Clarify the Authority of Municipalities to Regulate
the State’s Ocean Beaches

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Clerk Lois Stotesberry
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the December 12, 2012 Special Meeting Minutes and the January 7, 2013 Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.

Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.

Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Meeting Minutes

**Board of County Commissioners
Hyde County**

December 12, 2012

*****Special Meeting*****

Chairman Barry Swindell called the special meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Wednesday, December 12, 2012 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Earl Pugh, Barry Swindell and Dick Tunnell; Attorney Fred Holscher; Clerk to the Board Averi Simmons; Deputy Clerk Justin Gibbs; 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 Byrd and pledge of allegiance, Chairman Swindell called the meeting to order.

Agenda:

Chairman Swindell asked for any changes to the December 12, 2012 meeting Agenda as presented by the Clerk. Commissioner Byrd moved to approve the agenda as presented by the Clerk.

Mr. Fletcher seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Public Comments:

Chairman Swindell called for comments from the public.

Fred Westervelt – Ocracoke, welcomed the new Commissioners and asked that they take into account all the needs of Ocracoke and the mainland. He also asked that the Board be transparent and accountable.

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

Closed Session

1 Commissioner Byrd moved to enter into closed session in accordance with §143-318.11 (1-9). Mr.
2 Fletcher seconded the motion. The motion passed on the following vote:

3 Ayes - Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

4 The Board entered closed session at 6:12 p.m.

5 Commissioner Pugh moved to return from closed session. Mr. Tunnell seconded the motion. The
6 motion passed by the following vote:

7 Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

8 The Board returned from closed session at 6:35 p.m.

9 Commissioner Fletcher made a motion to appoint Commissioner Swindell as Interim County
10 Manager at a rate of \$50.00 per hour plus expenses. Commissioner Swindell asked to abstain from
11 voting as this decision would affect him financially. Commissioner Byrd moved to allow
12 Commissioner Swindell to abstain from voting. Mr. Tunnell seconded the motion. The motion
13 passed on the following vote:

14 Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

15 Commissioner Fletcher then restated his motion appointing Commissioner Swindell as Interim
16 County Manager. Mr. Byrd seconded that motion. The motion passed on the following vote:

17 Ayes – Byrd, Fletcher, Pugh, and Tunnell Nays – None Abstain - Swindell

18 **Items of Consideration:**

19 **Authorization for Signature on Checks**

20 Due to a change in personnel, an additional signatory needed to be designated. Chairman Swindell
21 stated he felt the new signatory should be a full-time employee. He then suggested Justin Gibbs be
22 that new signatory. Commissioner Fletcher suggested Lois Stotesberry.

23 Commissioner Fletcher made a motion to appoint Lois Stotesberry as a signatory on checks. Mr.
24 Tunnell seconded that motion. The motion passed on the following vote:

25 Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

26 **Public Comments:**

27 Chairman Swindell called for comments from the public.

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

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

3
4 Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

5 The meeting adjourned at 6:42p.m.

6
7 Respectfully submitted:

8
9 Minutes approved on the 4th day of February, 2013.

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Averi Simmons, Deputy Clerk
Hyde County Board of Commissioners

Chairman, Hyde County Board of Commissioners

1 Meeting Minutes

2 **Board of County Commissioners**
3 **Hyde County**

4
5 **January 7, 2013**
6

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

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

17 Agenda:

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

- 21 1 (a) – Re-appointment of Clerk and Deputy Clerk to the Board
22 1 (b) – Introduction – Viola Williams, Elections Director

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

25
26 Consideration of Minutes:

27 Chairman Swindell asked for approval of meeting minutes.

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

1 **Public Comments:**

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

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

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

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

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

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

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

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

20 **Items of Consideration:**

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

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

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

27 **Hyde County Elections Director**

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

1 **BHM Regional Library Agreement**

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

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

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

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

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

19 No action required at this time.

20 **2012 State of the County Health Report**

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

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

29 Positive highlights and initiatives of the 2011 CHA include: 1) *Access to Primary Care Task Force*
30 resulting in telemedicine at the Hyde County Health Department; 2) *Local Physical Activity,*
31 *Nutrition (LPAN) and Obesity Council* engaging communities as new action plans focusing on
32 obesity prevention and nutrition among adults and adolescents are developed; 3) *Tobacco,*
33 *Substance and Alcohol Abuse Task Force* provides education and outreach to adults and
34 adolescents; 4) *Chronic Disease Management Task Force* partners with Project DIRECT Legacy

1 for Men; County Cooperative Extension Change for Good Project; ECU's Healthy Me project and
2 education sessions in collaboration with Albemarle Commission Area Agency on Aging help
3 promote health and safety. From the Hurricane Irene Recovery, there were two replacement
4 refrigerators for food loss and one replacement washer and dryer; and, 5) *Access to Dental Care*
5 provided by the Miles of Smiles Dental Van.

6 New and emerging issues for Hyde County include: 1) *Recovery from Hurricane Irene in August of*
7 *2011 and Sandy in October of 2012* with ongoing assistance from the United Methodist Disaster
8 Response (UMDR) team; 2) *Uninsured Population* in Hyde County is higher than in the State; 3)
9 *Cost of Living* continues to be an issue for citizens with no income or low income; and, 4) *Storm*
10 *Related Transportation Issues* for citizens on Ocracoke Island.

11 No action required.

12 **Re-appointment – Hyde County Board of Health**

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

17 **Appointment – Budget Officer**

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

23 **Appointment – Veteran Services Officer**

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

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

29 **Appointment – Albemarle RPO Transportation Advisory Committee**

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

1 **Appointment – Albemarle RPO Transportation Advisory Committee**

2 Commissioner Tunnell moved to appoint Chairman/Interim County Manager Barry Swindell to
3 serve on the Albemarle Rural Planning Organization (RPO) Technical Coordinating Committee
4 (TCC) to represent Hyde County for a two year term. Mr. Tunnell seconded the motion. The
5 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell Nays –
6 None.

7 **Appointments – Engelhard Airport Advisory Committee**

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

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

17 **Agreement for Airport Safety/Maintenance Projects**

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

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

27 **BCBS of NC Foundation Grant Agreement**

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

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

5 **Substitution of Collateral for Precision Pallet, LLC**

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

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

14 **2011 Pre-Disaster Mitigation Grant – Designation of Applicant’s Agent**

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

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

24 **Memorandum of Agreement Between Hyde County and Engelhard Sanitary District**

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

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

33

1 **Personnel Policy Amendment**

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

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

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

14 **Contract for Service of Lobbyists 2013**

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

22 No action required.

23 **Hyde County Medical Director Agreement**

24 Justin Gibbs, Emergency Management Director, reported that Dr. Charles Boyette has served as the
25 Medical Director for Hyde County Emergency Medical Services (EMS) for a number of years at no
26 cost to the County. His practice has recently been purchased by Vidant Healthcare and he is no
27 longer able to provide his services free of charge. Dr. Mark Worthen serves as Assistant Medical
28 Director.

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

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

4 **Budget Revisions**

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

Board Approval Required		
Department/Program	Amount	Explanation
Health Department		
Child Health	\$ 5,282.00	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.
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		
Assistant/Grant Tech.	\$30,037.00	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.
Finance Department		
Mental Health	\$10,914.00	Transferring funds to cover statutory requirement that the County General Fund pay a per capita allocation to East Carolina Behavioral Health (ECBH)
Dept. of Social Services		
Contract Social Worker	\$15,000.00	Transfer funds from Contract Interpreter line to cover the cost of a contract social worker. This transfer does not increase the budget.
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.

7
 8 Commissioner Byrd moved to approve the nine budget transfers as presented by Chairman
 9 Swindell. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –
 10 Byrd, Fletcher, Pugh, Swindell, Tunnell Nays – None.

11 **Reports:**

12
 13 **Chairman/ Interim Manager Swindell** – reported that he attended the Health Board Christmas
 14 meeting; met with Joe and Henri McCleese of McCleese Consulting; and, plans attend the Ocracoke
 15 Planning Board meeting on Thursday, January 10.

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

1 **Commissioner Byrd** – no report.

2 **Commissioner Fletcher** – encouraged continued discussion of ferry issues.

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

5 **Public Comments:**

6 Chairman Swindell called for comments from the public.

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

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

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

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

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

21 **Closed Session**

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

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

28 No action taken.

29

30

1 **Department Reports**

- 2 a) Animal Control
3 b) Health Department
4 c) Senior Center
5

6 **Supplemental Information**

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

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

10 The meeting adjourned at 8:06p.m.

11

12 Respectfully submitted:

13

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

15

16

17 _____
18 Lois Stotesberry, CMC, NCCCC
19 Clerk, Hyde County Board of Commissioners

Barry Swindell
Chair, Hyde County Board of Commissioners

19

20 Attachments: (none)

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Corrinne Gibbs
Attachment: Yes

ITEM TITLE: PUBLIC HEARING

SUMMARY: Discussion of Refinancing of the Government/Public Safety Center

RECOMMEND: Receive Public Comments.

Motion Made By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Motion Seconded By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

COUNTY OF HYDE

Board of Commissioners

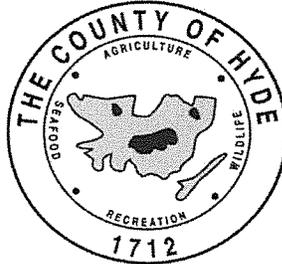
Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Barry Swindell, Interim
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board of Commissioners



January 20, 2013

Hyde County, North Carolina -- Notice of Public Hearing Refinancing of County Building Loans

The Board of Commissioners of Hyde County, North Carolina, will hold a public hearing on Monday, February 4, 2013, at 6:00 p.m. (or as soon thereafter as the matter may be heard). The purpose of the hearing is to take public comment concerning a proposed financing contract, under which the County would borrow approximately \$3,200,000 to refinance existing building loans that were used to finance the construction of the Hyde County Courthouse (30 Oyster Creek Road in Swan Quarter) and the Hyde County Public Safety Center (1223 Main Street in Swan Quarter).

The hearing will be held as part of the Commissioners' regular meeting, which is held simultaneously in the Hyde County Courthouse Multi-purpose Room, 30 Oyster Creek Rd., Swan Quarter, North Carolina, and in the Ocracoke School Commons Area, 120 School House Road, Ocracoke, North Carolina.

The proposed financing would be secured by a lien on either one or both of the Courthouse and the Public Safety Center (and their associated land) and the County's promise to repay the financing, but there would be no recourse against the County or its property (other than the pledged buildings and the associated land) if there were a default on the financing.

All interested persons will be heard. The County's plans are subject to change based on the comments received at the public hearing and the Board's subsequent discussion and consideration. The County's entering into the financing is subject to obtaining approval from the North Carolina Local Government Commission.

Persons wishing to make written comments in advance of the hearing or wishing more information concerning the subject of the hearing may contact Corrinne Gibbs, Hyde County Finance Officer, P.O. Box 188, Swan Quarter, NC 27885 (telephone 252/926-4192, email cgibbs@hydecountync.gov)

Lois Stotesberry, CMC, NCCCC

Clerk to the Board of Commissioners

###

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 4, 2013
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

SUMMARY: Citizens are afforded an opportunity at this time to comment on issues they feel may be of importance to the Commissioners and to their fellow citizens.

Comments should be kept to (3) minutes and directed to the entire Board, not just one individual Commissioner, staff member or to a member of the audience.

Time for one person cannot be used by another person.

Comments that reflect the need for additional assistance will be directed to the County Manager or referred to a future meeting agenda.

RECOMMEND: Receive comments.

Motion Made By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Motion Seconded By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Department Heads and other Reporting Representatives
Attachment: Yes

ITEM TITLE: ITEMS OF CONSIDERATION

- 1) Resolution for Refinancing of Hyde County Courthouse and Public Safety Center Loans
 - 2) Introduction of Veteran Affairs Officer
 - 3) Presentation of FY2011-2012 Draft Audit
 - 4) Amendment - Rules of Procedure for the Hyde County Board of Commissioners
 - 5) Policy for use of GovDeals Proceeds
 - 6) Surplus Mosquito Control Chemicals
 - 7) Appointment to Northeastern Workforce Development Board (NWDB) Investment Consortium (commissioner)
 - 8) Appointment to East Carolina Behavioral Health Board (ECBH)
 - 9) Cross Connection Plan – Update Hyde County Rules and Regulations of Hyde County Water System
 - 10) Increase in Per Diem Mileage Rate
 - 11) Road Signs on Ocracoke and Mainland US 264
 - 12) Contract Approval for Interim County Manager
 - 13) Approval of Use of Occupancy Tax Funds for Lobbyist Contract
-

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Corrinne Gibbs
Attachment: Yes

ITEM TITLE: RESOLUTION FOR REFINANCING GOVERNMENT AND PUBLIC SAFETY CENTER

SUMMARY: Resolution supporting an application to the Local Government Commission for its approval of a financing agreement for Hyde County. Hyde County believes refinancing the existing loans for these buildings could provide savings to the County.

RECOMMEND: Discussion and approval.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Vote: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.

**Resolution supporting an application to the Local Government Commission for
its approval of a financing agreement for the County –
Refinancing of Hyde County Courthouse and Public Safety Center Loans**

WHEREAS --

Hyde County has previously financed the acquisition and construction of the County Courthouse and the Public Safety Center, each in Swan Quarter. The County now believes that refinancing the existing loans for these buildings could provide savings to the County.

The Board of Commissioners desires to carry out this refinancing by the use of an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes.

Under the guidelines of the North Carolina Local Government Commission, this governing body must make certain findings of fact to support the County's application for the LGC's approval of the County's proposed financing arrangements.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Hyde County, North Carolina, that the County makes a preliminary determination to finance approximately \$3,200,000 to provide for the refinancing.

The Board will determine the precise amount to be financed by a later resolution. The final amount financed may be slightly lower or slightly higher than \$3,200,000. Some of the financing proceeds may be used to pay financing costs.

BE IT FURTHER RESOLVED that the Board of Commissioners makes the following findings of fact:

(a) The proposed project is necessary and appropriate for the County under all the circumstances. The proposed refinancing will provide significant debt service savings for the County.

(b) The proposed installment financing is preferable to a bond issue for the same purposes. The financing to be refinanced is an installment-type financing, and it is therefore appropriate to refinance the existing loans with the same type of financing.

The County has no meaningful ability to issue non-voted general obligation bonds for this project. This project will produce no revenues that could be used to support a self-liquidating financing.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The County will closely review proposed financing rates against market rates with guidance from the LGC. The amount financed will be limited to the amount actually needed to pay off the old loans and to pay financing costs.

(d) As confirmed by the County's Finance Officer, (i) the County's debt management procedures and policies are sound and in compliance with law, and (ii) the County is not in default under any of its debt service obligations.

(e) The County expects that there will be no increases in taxes necessary to meet its obligations under the proposed financing arrangements. The County expects that interest rates to be payable by the County on the proposed financing, the effect of the refinancing and the expected financing term will allow the County to make its payments within current resources.

(f) The County Attorney is of the opinion that the proposed project is authorized by law and is a purpose for which public funds of the County may be expended pursuant to the Constitution and laws of North Carolina.

BE IT FURTHER RESOLVED as follows:

(a) The Finance Officer is directed to take all appropriate steps toward the completion of the financing, including (i) completing an application to the LGC for its approval of the proposed financing, and (ii) soliciting one or more proposals from financial institutions to provide the financing. All prior actions of County representatives in this regard are regard are ratified.

(b) This resolution takes effect immediately.

* * * * *

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Commissioners of Hyde County, North Carolina; that this meeting was properly called and held on February 4, 2013; that a quorum was present and acting throughout this meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this ____ day of February, 2013.

[SEAL]

Clerk, Board of Commissioners
Hyde County, North Carolina

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 4, 2013
Presenter: Tammy Blake
Attachment: No

ITEM TITLE: INTRODUCTION OF VETERANS' SERVICE OFFICER

SUMMARY: Cindy Carawan recently resigned from the Veterans Service Officer position and this position has been discussed with Glenn Batten with the NC Division of Veterans Affairs out of the Greenville, NC, office. It has been advertised and interviews have been given to interested parties. I am happy to report that _____ has been selected to fill this essential position for our County.

RECOMMEND: No action.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Andrew Harris, CPA
Attachment: -----

ITEM TITLE: PRESENTATION OF DRAFT AUDIT

SUMMARY: The draft audit will be presented to the Board to help them better understand the financial standing of the County. The final audit will not be available until the ABC audit has been finalized.

RECOMMEND: Discussion.

Motion Made By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Motion Seconded By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Chairman Swindell
Attachment: Yes

ITEM TITLE: **AMENDMENT OF RULES OF PROCEDURES FOR THE HYDE COUNTY BOARD OF COMMISSIONERS**

SUMMARY: At its organizational meeting on December 3, 2012, the Hyde County Board of Commissioners approved "*Resolution Establishing Regular Meeting Dates.*" At that time, the Board unanimously moved to call for Regular meetings on the first Monday of each month, or as otherwise provided.

The Rules of Procedure for the Hyde County Board of County Commissioners are based upon the 2002 edition of the UNC Institute of Government "*Suggested Rules of Procedure for the Board of County Commissioners*" and include the "*Rules of Procedure for Meetings Utilizing Simultaneous Communication*" and were approved by the Hyde County Board of Commissioners on October 6, 2008.

RECOMMEND: Discussion and amendment.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Rules of Procedure for the Hyde County Board of County Commissioners

These Rules of Procedure are based upon the 2002 edition of the UNC Institute of Government "*Suggested Rules of Procedure for the Board of County Commissioners*" edited by faculty member Joseph Farrell.

Approved by the Hyde County Board of Commissioners on October 6, 2008.

Signed Version on file with Clerk to the Board
Charles Ray Spencer, Chairman

ATTEST:

S E A L

Signed Version on file with Clerk to the Board
Lois Stotesberry, Clerk to the Board

Includes a copy of "*Rules of Procedure for Meetings Utilizing Simultaneous Communication*" approved October 6, 2008 by the Hyde County Board of Commissioners

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings

(a) Regular Meetings.

The board shall hold a regular meeting on the first and third Monday of each month, except August and December when the meeting on the third Monday is omitted. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Except as provided in subsection (f), regular meetings shall be held at the Government Center in Swan Quarter or at the Community Center on Ocracoke Island and shall begin at 7:00 PM, as provided by action of the board and posted. The board may change the place or time of a particular regular meeting or all regular meetings within a specified time period by resolution adopted, posted, and noticed no less than seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board.

(b) Special Meetings.

The chair or a majority of the members of the board may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be posted on the principal bulletin board of the county and delivered to the chair, clerk, county manager and all other board members or left at the usual dwelling place of each member at least 48 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news media organizations who have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) Emergency Meetings.

If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations who have requested notice of special meetings as provided in subsection (d), below, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(d) Sunshine List.

Any individual person and any newspaper, wire service, radio station, and television station may file with the clerk to the board of commissioners a written request for electronic notice

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Chairman Barry Swindell
Attachment: No

ITEM TITLE: POLICY FOR USE OF GOV-DEALS PROCEEDS

SUMMARY: On February 16, 2008 the Hyde County Board of Commissioners unanimously agreed to participate with GovDeals online auction of surplus property. Since that time all proceeds received from sale of County owned surplus property have been added to the General Fund.

Some County Department Heads have asked the Chairman to investigate the possibility of these proceeds being returned to the department from which the surplus items were listed.

RECOMMEND: Discussion and approval.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 4, 2013
Presenter: Wesley P. Smith, Health Director
Attachment: No

ITEM TITLE: **Donation of Mosquito Control Chemical to Swan Quarter Ferry Terminal**

SUMMARY: Effective July 1, 2012 the Hyde County Health Department discontinued the provision of Mosquito Control services in Hyde County due to budgetary constraints. As a result, all Mosquito Control equipment and supplies under control of the Health Department have been disposed of via Govdeals.com, with the exception of one (1) mini-tote containing approximately 90 gallons of Biomist 3+15 mosquito control chemical. The Swan Quarter Ferry Terminal received one of our Ultra-Light Vector (ULV) mosquito control sprayers, and is in need of Biomist 3+15 chemical. Since the tote of chemical was purchased in Fiscal Year 2011-12, and the Health Department needs to return the partially filled tote to Clarke Mosquito Control Products, Inc., the Health Department would like to donate the remaining Biomist 3+15 to the Swan Quarter Ferry Terminal.

RECOMMEND: **APPROVE DONATION OF MOSQUITO CONTROL CHEMICAL TO THE SWAN QUARTER FERRY TERMINAL**

Motion Made By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Motion Seconded By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Note: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: February 4, 2013
Presenter: Chairman Swindell
Attachment: Yes

ITEM TITLE: APPOINTMENTS TO NORTHEASTERN WORKFORCE
DEVELOPMENT BOARD - INVESTMENT CONSORTIUM

SUMMARY: On December 3, 2012, at its regularly scheduled meeting, the Hyde County Board of Commissioners appointed Mr. Willie Gray Shaw to serve as its representative on the Northeastern Workforce Investment Consortium to replace former Commissioner Sharon Spencer.

On January 10, 2013, the Board received notification from NWDB Director Wendy Jewett that Consortium appointments are commissioners and that NWDB would not be able to accept Mr. Shaw's appointment.

RECOMMEND: Appoint a commissioner representative to the NWDB – Investment Consortium.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

COUNTY OF HYDE

Board of Commissioners

Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

30 Oyster Creek Road

PO Box 188

SWAN QUARTER, NORTH CAROLINA 27885

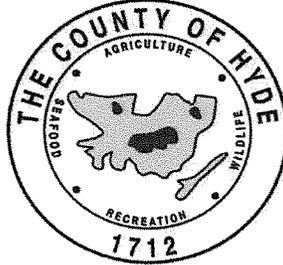
252-926-4400

252-926-3701 Fax

Barry Swindell
Interim County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC
Clerk to the Board



January 23, 2013

Willie Gray Shaw
195 Lake Swamp Road
Engelhard, NC 27824

Dear Willie:

Recently, I received notification from Wendy Jewett, Director, Northeastern Workforce Development Board (NWDB) that your appointment to the Investment Consortium Board cannot be accepted. Per Ms. Jewett, Consortium appointments are commissioners.

Chairman Swindell and the Board of Commissioners thank you for your interest in serving as representative for Hyde County on the Investment Consortium Board.

Should you have any questions, please contact us.

Sincerely,

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

cc: County Commissioners

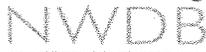
Lois Stotesberry

From: Wendy Jewett <wjewett@albemarlecommission.org>
Sent: Thursday, January 10, 2013 2:09 PM
To: lstotesberry@hydecourtync.gov
Cc: Meagan O'Neal; pbo@albemarlecommission.org
Subject: Consortium Appointment
Attachments: Consortium Art. of Assoc.rtf

Lois- so nice speaking to you on the phone today. As I mentioned Consortium appointments are commissioners. We will not be able to accept Mr. Shaw. I have attached the articles since I know this is confusing and goes back to 1998.

In the past, the Albemarle Commission member-Sharon Spencer- filled both positions because our quarterly meeting is right before the commission's monthly meeting. We meet at 6 and we plan on having one on January 17th. It is over by seven to be in time for the next meeting. Not all counties do it this way, but those that have to travel often do.

Hope this helps to clarify and I really appreciate your assistance with this. One more thing- I do have a sig page from Hyde which I can scan should you require it.

Wendy Jewett, Director
NWDB
252-426-5753 ext. 229
NWDBworks.org

Sound Workforce Solutions

**ARTICLES OF ASSOCIATION AND AGREEMENT
FOR THE NORTHEASTERN WORKFORCE INVESTMENT CONSORTIUM**

The undersigned units of local government within the State of North Carolina, being desirous of agreement in an undertaking pursuant to the provisions of North Carolina General Statutes, Section 169A-460, et seq. do hereby adopt the following Articles of Association.

ARTICLE I. TITLE AND PURPOSE

The contiguous units of government listed in Article II below agree to establish a workforce investment consortium ("Consortium") to act jointly as a service delivery area (SDA) under the Job Training Partnership Act of 1982 (JTPA) as amended, and as a local workforce investment area under the Workforce Investment Act of 1998 (WIA), Public Law 105-220-August 7, 1998. This Consortium shall be known as the Northeastern Workforce Investment Consortium.

ARTICLE II. MEMBERSHIP

The Consortium shall be composed of the following independent and contiguous units of general purpose local government (the "Counties"):

- | | | | |
|----|-----------|----|------------|
| A. | Camden | F. | Hyde |
| B. | Chowan | G. | Pasquotank |
| C. | Currituck | H. | Perquimans |
| D. | Dare | I. | Tyrrell |
| E. | Gates | J. | Washington |

ARTICLE III. CERTIFICATION OF AUTHORITY

A. AUTHORITY UNDER STATE AND LOCAL LAW

The Counties certify that:

They possess full legal authority, as provided by state and local law, to enter into this Agreement and to fulfill the legal and financial requirements of operating a service delivery area under JTPA and as a workforce investment area under WIA for the entire geographic area covered by this Agreement.

B. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

Copies of the fully executed resolutions giving the respective Counties specific authority to enter into this Agreement are attached to this Agreement and are incorporated hereby by reference.

C. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH COUNTY

Each of the Counties acknowledges that contemporaneous with the resolution authorizing this Agreement, the member unit will pass a resolution designating a "chief elected official" for Workforce Investment Act (WIA), Job Training Partnership Act (JTPA), as amended, Employment and Training Grant Program (ETGP), and Welfare to Work (WtW) purposes upon whose representations the State of North Carolina, the Northeastern Workforce Development Board (synonymous with Workforce Investment Board), the Albemarle Commission (as the local administrative/fiscal agent) and the other Counties may rely. Such person shall be the signatory of this Agreement, shall be authorized to execute such other agreements as are necessary for Workforce Investment Act purposes, Job Training Partnership Act purposes, North Carolina Employment and Training Grant purposes, and for purposes of the Welfare-to-Work Grant provisions at Title IV, Part A of the Social Security Act (P.L. 74-271), as amended, and shall constitute the Consortium Board. The respective Counties may from time to time by resolution designate some other person as the "chief elected official" for WIA, JTPA, ETGP and/or WtW purposes and such person shall have the same authority, duties and responsibilities as the originally designated "chief elected official".

D. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR WORKFORCE INVESTMENT AREA

1. The "chief elected official" of the local service delivery area/workforce investment area shall be the presiding officer of the Consortium Board and the chief executive officer of the Consortium. Such official shall be authorized to exercise all functions, duties and responsibilities of the WIA/SDA "chief elected official" which are required under WIA, JTPA, ETGP, and/or WtW.

2. Upon the designation of the Counties as a workforce investment area and service delivery area, the Consortium Board shall meet and shall elect one of its members as the WIA/SDA "chief elected official" until his successor shall have been duly elected and qualified.

ARTICLE IV. PROCEDURAL MATTERS

Except as otherwise set forth in this Agreement, with respect to adoption or approval of matters concerning the administration of the WIA, JTPA, ETGP and/or WtW within the area, the vote of a majority of the total number of members of the Consortium Board shall be required for action of the Consortium. The members of the Consortium Board shall be entitled to vote only if in attendance at the meeting and no voting by proxies shall be allowed; provided, however, that the Consortium Board may take action without a meeting and with or without notice if said action is in writing and signed by all members of the Consortium Board and provided further that a meeting may be duly conducted by conference telephone or other similar means if all Board members participating in the meeting are able to hear each other. Meetings of the consortium Board may be called by the local administrative/fiscal agent, "chief elected official" or by two Board members. Except for action taken by unanimous written consent as referred to above, notice of any meeting of the Consortium Board shall be given at least five (5) days prior to said meeting, which notice shall be in writing and shall state the purposes of said meeting and which notice shall be deemed to have been given upon the mailing of such notice by regular mail; provided, however, that the "chief elected official" in his discretion may call an emergency meeting by causing the giving of telephonic notice of not less than twenty-four hours, which

notice shall state the purpose of said meeting.

ARTICLE V. DURATION AND TERMINATION

A. This Agreement shall become effective on the date on which the last local chief elected official of the Counties signs this Agreement. This Agreement shall continue in effect for an indefinite period of time commencing on July 1 of the then existing program year and ending when and if the Agreement shall have been terminated, in accordance with paragraph B of this Article V, or associated funding no longer exists.

B. This Agreement may be terminated effective as of the end of the then existing program year upon the giving by any of the Counties of written notice of termination, which notice shall be given by certified mail to each of the other Counties and to the Albemarle Commission and which notice shall be so mailed to such entities not less than six months prior to the end of the then existing program year of this Agreement.

ARTICLE VI. FINANCING

A. It is anticipated that funding necessary to implement this agreement will be derived from federal/state/local grant funds received through the Governor of North Carolina. The Counties accordingly agree that they shall not be assessed except by the unanimous agreement of the Counties or except as set forth in Article VII below.

B. Any entity or joint agency created or designated within this service delivery area/workforce investment area, including the Northeastern Workforce Development Board and the Albemarle Commission as administrative/fiscal agent, shall be considered a public agency for the purposes of the local Government Budget and Fiscal Control Act of the State of North Carolina.

ARTICLE VII. LIABILITY

A. The Counties acknowledge that they are jointly and severally accountable for liabilities arising out of activities within the area under WIA, JTPA, ETGP, and/or WtW and for all funds received by the administrative/fiscal agent pursuant to WIA, JTPA, ETGP, and/or WtW. Liability includes, but is not limited to, responsibility for prompt repayment from non-program funds of any misexpenditures of WTA, JTPA, ETGP, and/or WtW funds by any entity within the area.

B. As among the Counties themselves, liability shall be supported, as follows:

1) To the extent that one or more (but not all) of the Counties benefit from WIA, JTPA, ETGP, and/or WtW funds, the expenditure of which is disallowed for any reason, said unit or units of government shall be liable for the repayment of such funds.

2) To the extent that one or more of the Counties cannot be identified as the benefiting County or Counties of the WIA, JTPA, ETGP, and/or WtW funds in question, any disallowed

expenditure shall be divided among the Counties on a pro rata basis, based upon the percentage of all WIA, JTPA, ETGP, and/or WtW funds allocated to each of the Counties for the program fiscal year during which the disallowed funds were disbursed. The percentage allocated shall be that percentage allocated for the appropriate fund source(s) disallowed.

C. Nothing contained in this Article VII shall be interpreted so as to prohibit the Counties (or any of them) from seeking contribution or indemnification from the fiscal agent, any subrecipient, service provider, contractor or from any other such responsible person or entity.

D. The Counties shall contractually be held harmless by the program service providers from liabilities arising out of activities by the said providers under WIA, JTPA, ETGP, and/or WtW. In addition, each such provider will be required in its contract for services to maintain a faithful performance blanket bond (or similar such coverage), which bond to the extent possible under prevailing insurance practices, shall name the Counties as additional insurers.

ARTICLE VIII. ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

A. Upon designation of the area by the Governor of North Carolina, the "chief elected officials" of the Counties shall establish and select a Northeastern Workforce Development Board ("WDB"), as such entity is defined and described in the JTPA, as amended (to also function as the local Workforce Investment Board for WIA), ETGP, WtW, and accompanying regulations. The members of the Workforce Development Board are to be selected in accordance with the nomination process and representative scheme set forth in the JTPA, as amended, and accompanying regulations. The "chief elected officials" herein request that the existing WDB as established under the JTPA, as amended, be certified as the Workforce Investment Board for WIA.

B. The WDB shall consist of at least twenty (20) members of which at least fifty-one percent (51%) shall be comprised of private sector representatives as such phrase is defined in Section 102 of the JTPA, as amended. Business/industry representatives shall be selected from among the ten (10) counties of the Consortium to ensure that the WDB is geographically representative of the area. Such members shall reflect the industrial and demographic composition of the service delivery area/workforce investment area, and shall be owners of business concerns, chief executives or chief operating officers of non-governmental employers, or other private sector executives with substantial management or policy responsibility. Economic development agencies, Employment Security Commission, educational (public schools), educational (community colleges), organized labor, rehabilitation agencies, community based organizations and social service directors shall also be represented on the WDB.

C. The initial terms of the member of the WDB shall expire on June 30, or at the pleasure of the appointing County. Thereafter, all terms of service of all members of the WDB shall be two (2) years or at the pleasure of the appointing County.

COUNTY: _____

BY: _____
WIA/JTPA Chief Elected Official

DATE: _____

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Hyde DSC
~~CAMDEN~~ COUNTY

BY: *P. Scott Clark*
WIA/JTPA Chief Elected Official
~~Camden~~ County

Hyde DSC
DATE: 12.20.99