Meeting Minutes

Board of County Commissioners
Hyde County

March 19, 2012

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:07 PM on Monday, March 19, 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, Sharon Spencer, Darlene Styron, Barry Swindell and Dick Tunnell; Attorney Fred Holscher; County Manager Mazie Smith; Deputy Clerk to the Board Lois Stotesberry; and, members of the public. The following members were present on Ocracoke: Deputy Clerk Jamie Tunnell; and, members of the public.

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

Agenda:

Chairwoman Spencer asked for any changes to the March 19, 2012 meeting Agenda as presented by the Clerk.

Commissioner Byrd moved to approve the agenda with addition of Item 11. (a) – Notice of Revocation to Citizens Residing in FEMA Trailers. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Consideration of Minutes:

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Byrd moved to approve the March 5, 2012 Commissioners regular meeting minutes as presented by the Clerk. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Public Comments:

Chairwoman Spencer called for comments from the public.

Fred Westervelt, Ocracoke – stated that the Mainland Occupancy Tax Board's decision to not contribute to lobbying against ferry tolls did not go unnoticed.

Chairwoman Spencer stated that this is not the sentiment of all citizens in Hyde County.

Manager Smith stated that this is not the sentiment of all of the members of the Mainland Occupancy Tax Board.

There being no further comments from the public, Chairwoman Spencer continued the meeting.

Closed Session:

Commissioner Swindell moved to enter into closed session pursuant to G.S. N.C.G.S. 143-318.11(a)(4). Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Commissioner Tunnell moved to come out of closed session. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Items of Consideration:

Recognition of Employee of The Month

Chairwoman Spencer presented a certificate of congratulations and a gift to Suzanne Johnson, DSS Administrative Officer I. Ms. Spencer thanked Suzanne for 30 years and 5 months service to Hyde County Department of Social Services.

Manager Smith stated that Suzanne is a dependable employee who provides a valuable service to DSS and the County.

Gloria Spencer, Director, reported that throughout her career at Hyde County DSS Suzanne Johnson has consistently been dependable, reliable and dedicated.

Albemarle RC&D Council Program Overview

Linda Peterson, Program Manager, Albemarle Resource Conservation Development (RC&D) Council, presented overview of programs and projects it manages in Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington Counties. The Council helps community organizations and local governments that have the desire, but not the means or the expertise, to undertake projects that conserve natural resources, create jobs and increase incomes. Programs and projects include land conservation, community development, land management and water management. Roles in local projects may include assistance in grant writing, administering project funds and contracting for services needed to complete projects; project management or coordination; and, support to raise money for projects through grants from foundations, corporations, and local, state and federal government; and/or environmental education at community events, workshops and seminars.

Ms. Peterson reported that proposals must be submitted in writing to the Albemarle RC&D Council. They should include the sponsor name, contact person, a brief description of the project, its estimated cost, and benefits of the project on the economic, social and environmental conditions of the area. All proposals are considered by the Albemarle RC&D Council four times a year and deadlines for project proposals are January 1, April 1, July 1, and October 1.

Completed projects in Hyde County include: Davis School Recreation Center - $99,750; Double Canal & Berry Ditch Restoration - $15,000; Engelhard/Far Creek Boardwalk - $60,000; Hurricane Isabel Cleaning & Snagging Phase 1-111 - $114,890; Ponzer Recreation Area - $130,000; Pungo River Stream Restoration - $32,000; and, Stumpy Point Stream Restoration - $22,000 totaling $473,640.

Commissioner Tunnell moved to continue working with Albemarle Resource Conservation Development (RC&D) Council. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Hazard Mitigation Update

Kris Noble, Grants Administrator presented report of activities of the Economic Development and Planning Department's first quarter of the calendar year.

In the area of hazard mitigation:

- Hyde County was approved for Pre-Disaster Mitigation-Competitive Grant Program (PDMC) in the amount of $411,282.75 on 03-05-2012. These funds will be used to elevate eight (8) homes that were pre-approved at the time of the application in 2010.
- Hyde County plans to be proactive (compiling information in advance) and will apply for hazard mitigation and disaster recovery funds provided by North Carolina state agencies in response to Hurricane Irene.
- Assisted hurricane victims regarding housing issues, FEMA status, referrals to United Methodist Disaster Relief Group and the NC Department of Emergency Management.

Authorization for Hazard Mitigation Program

Alice Keeney, County Planner, reported that on January 17, 2012, the Board of Commissioners approved Holland Consulting Planners, Inc. (HCP) to administer disaster recovery grant programs planning and management services for Hyde County FY11 Hurricane Irene Hazard Mitigation Assistance Program (HMA) when grant funding was available. The Board authorized that not-to-exceed fees for management of any funded projects will be negotiated with HCP by the County Manager and County Planner based on administration and service delivery funds available for each specific project. No grant funds are available at this time. Work authorization is to be repaid via reimbursement for staff billing time.

Commissioner Swindell moved (contingent upon Hyde County Attorney's approval) to approve and execute Contract for Consultant Services and Certification of Eligibility and Work Authorization #1 for Hurricane Irene Hazard Mitigation. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

First Responder Contract

Justin Gibbs, Acting Emergency Management Director, reviewed the final draft of the contract with the volunteer fire departments of Hyde County for first responder services.

Commissioner Swindell moved to approve the contract for Emergency Medical First Responder Services between Hyde County and the Volunteer Fire Departments. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Volunteer Fire Department Contract

Justin Gibbs, Acting Emergency Management Director, reviewed the final draft of the contract with the volunteer fire departments of Hyde County for fire protection services.

Commissioner Swindell moved to approve the contract for Fire Protection Services between Hyde County and the Volunteer Fire Departments. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Notice of Revocation to Citizens Residing in FEMA Trailers

County Manager Smith and Acting EM Director Gibbs participated in a conference call on March 9, 2012 with State Emergency Management personnel and FEMA personnel to discuss the revocation of temporary housing units that citizens have resided in since Hurricane Irene. These units are to be removed by no later than April 1, 2012 unless the County sees fit to grant a permit variance.

Mr. Gibbs reported that a letter dated March 5, 2012 from Doug Hoell, Director of NC Department of Public Safety stated that *For households who have not been able to find or complete their permanent housing plan through no fault of their own before April 1, 2012, the State of North Carolina and FEMA, on a limited basis, will work with local officials to grant permit/variance extensions for these households.* Mr. Gibbs further explained that if an extended permit/variance is granted, the State and FEMA will allow the household to remain in the unit for an additional 30 days; and, the State and FEMA will waive any fees or charges until the household is required to vacate the temporary housing unit.

Policy to Govern Funding of Non-Profit Agencies With Draft Statement of Agreement

Mazie Smith, County Manager, presented second reading of the draft Policy for Funding of Non-Profit Agencies, accompanied by a draft State of Agreement with said agencies. It is believed the new policy will enable the County to hold those who receive funding more accountable for the use of the funds, and ensure that the purposes for which they are used support goals in the strategic plan of the County.

Commissioner Tunnell moved to approve Hyde County Policy for Funding Non-Profit Agencies and Statement of Agreement In Compliance With The Hyde County Policy On Funding Of Non-Profit Agencies. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Hyde County Recreation Commission

Manager Smith and Commissioner Styron presented report on recent efforts to promote recreation in Hyde County.

Fred Holscher, County Attorney, recommended an ordinance for board structure.

Manager Smith will send out the Hyde County Recreation Ordinance. Two appointees from each district will be submitted for approval at the April 2, 2012 Regular Board of Commissioners meeting.

Appointment to East Carolina Behavioral Health Board

Manager Smith reported that Commissioner Byrd indicated his desire to resign from the East Carolina Behavioral Health (ECBH) Board as the representative from Hyde County and that Commissioner Tunnell volunteered to serve on the ECBH Board.

Commissioner Swindell moved to appoint Dick Tunnell to serve on the East Carolina Behavioral Health Board. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Appointment to Albemarle Regional Solid Waste Management Authority Board

Manager Smith reported that Commissioner Byrd indicated his desire to resign from the Albemarle Regional Solid Waste Management Authority (ARSWMA) Board as the representative from Hyde County and that Commissioner Swindell volunteered to serve on the ARSWMA Board.

Commissioner Styron moved to appoint Barry Swindell to serve on the Albemarle Regional Solid Waste Management Authority Board. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Approval of the Flex Schedule for Summer Hours

Manager Smith reported that last summer the Board allowed employees to work flexible schedules during the summer months. This allowed those who must work outside in the heat the opportunity to work early morning and late afternoon hours when it is cooler, or to work four, 10-hour days and be off completely one day each week. The schedule was popular with employees and no complaints were received from the public. The supervisors monitored the schedule of their staff members so that offices that must remain open were manned. If approved, the schedule would begin on June 3, 2012 and end on September 1, 2012.

Commissioner Tunnell moved to approve the 4-9-4 Flexible Hours Schedule for summer months. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Ferry Tolls Opposition Plan Update

Chairwoman Spencer, Manager Smith and the Board presented update on the latest news regarding the County's opposition to ferry taxes. No Ferry Tax posters and stickers were displayed at the meeting.

Manager Smith read the County's letter of opposition that was also read by Megan Shaw, Public Information Officer (PIO), who represented Hyde County at the Pamlico County Ferry Tax Opposition meeting on this date. Ms. Shaw concluded her statement by speaking on behalf of the Hyde County Board of Commissioners, as well as the hard working citizens of Ocracoke Island, mainland Hyde County and neighboring Pamlico and Beaufort counties by again stressing NO FERRY TAX.

Lobbyists Joe and Henri McClees will determine when to schedule an Opposition to Ferry Tax trip to Raleigh.

House Bill H2B Opposition

Sherry Carawan, Co-owner of Carawan Seafood, asked the Board to adopt and send a resolution to oppose the new rules for H2B workers. She stated that rule 1 and 2 will devastate the seafood industry. Ms. Carawan reported that she has always staggered bring employees to her business to process crabs and that if the new rules are adopted she will have to bring all of her workers in

within 30 days. Rule No. 1states that employers must pay $11.19 per hour; must advertise nationally; must hire American workers if they apply; and, must pay travel expense to work.

Commissioner Byrd moved to adopt Resolution in opposition of the new rules for H2B workers. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

Clerk's Note: A copy of "Board of Commissioners of The County of Hyde, North Carolina, Resolution Opposing The House Bill H2B New Rules" is attached herewith as Exhibit A and incorporated herein by reference.

Budgetary Matters:

Mazie Smith, County Manager, reported that in accordance with the FY2011-2012 Budget Ordinance, Article XIX, Section I, several budget transfers were approved administratively and requested approval of the following budget transfers:

Department of Social Services $19,000.00; funds to be received from the federal government to be disbursed by DSS for low income energy needs. Does increase the budget.

Emergency Medical Services - $35,000.00; funds transferred from Contract Services and Equipment line items within the EMS budget to cover overtime expenses.

Commissioner Swindell moved to approve the Department of Social Services and Emergency Medical Services budget transfers. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

County Commissioners Reports:

Commissioner Styron – reported that she attended the Ocracoke Scenic Byway Planning Session.

Commissioner Byrd – no report given.

Commissioner Tunnell – reported that he attended the Historic Courthouse meeting.

Commissioner Swindell – reported that he attended the Hyde Transit Board and the Health Board meetings.

Commissioner Spencer – reported that she attended the Albemarle Commission meeting and the Chamber of Commerce issues luncheon.

County Manager's Report:

Manager Smith reported that she attended the transportation prioritization meeting and announced two Last Nail Ceremonies. Ms. Smith also presented update on the United Disaster Response Team and thanked Regional Director Tommy Gilbert and his team for all that they have done for Hyde County citizens.

Supplemental Information:

Department Reports

Animal Control
Health Department

Human Resources
Planning and Economic Development
Tax Department

Other Information

Albemarle Regional Solid Waste Meeting Minutes
Duke University Climate Change Workshop Invitation
Minutes of Albemarle Commission February 16, 2012 Meeting
Perquimans County Resolution Against I-95 Tolls
Resolution in Support of the Certificate of Need

Calendar Notes

March, 2012

03-20-2012	Board of Health Meeting
03-23-2012	Board of Commissioners Budget Retreat – Multi-Use Room, Hyde County Government Center, 8:30 a.m. – 5:00 p.m.
03-26-27-2012	NC Coastal Local Governments Meeting, Nags Head

April, 2012

04-02-2012	Networking Reception with Board of Education, 5:00 p.m.
	Board of Commissioners Meeting, 6:00 p.m.
04-06-2012	Easter Holiday (County offices closed)
04-10-2012	ABC Board Meeting, 7:00 p.m.
04-11-12-2012	Mold Worker Initial Course, Multi-Use Room, Hyde County Government Center
04-12-2012	Eastern Regional County Manager's Meeting, Engelhard
04-16-2012	Board of Commissioners Meeting, 6:00 p.m.
04-17-2012	Disaster Debris Management Workshop for Local Governments, Manteo
04-20-2012	County Manager's Leadership Team Retreat, Engelhard
04-25-2012	Hyde County 4-H Livestock Show and Sale, Ponzer
04-26-2012	NCACC District Meeting, Williamston, 5:30 p.m.

May, 2012

05-02-2012	Disaster Debris Management Workshop for Local Governments, Edenton
05-07-2012	Board of Education Networking Session, Multi-Use Room, Hyde County Government Center, 5:00 p.m.
	Board of Commissioners Meeting, 6:00 p.m.
05-14-18-2012	Budget Review Sessions (as needed)
05-16-2012	NCACC Legislative Grassroots Advocacy Meetings, Raleigh
05-21-2012	Board of Commissioners Meeting, 6:00 p.m.
	Public Hearing on FY2012-2013 Hyde County Budget
05-28-2012	Memorial Day Holiday (County offices closed)

Employment Anniversaries

April, 2012

04-05-2012	Clint Berry, Public Works (19 years)
04-07-2012	Jeremy Andrews, Sheriff's Department (4 years)
04-17-2012	Betty Gibbs, Social Services (12 years)
04-23-2012	Christina McCoy, Home Health (3 years)
04-27-2012	Portia Gibbs, Elections (11 years)
04-30-2012	Judy Midyette, Health Department (13 years)

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

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
Nays – None

The meeting adjourned at 9:30 P.M.

Respectfully submitted:

Minutes approved on the 2nd day of April, 2012.

Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners

Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments:

Exhibit A: *"Board of Commissioners of The County of Hyde, North Carolina, Resolution Opposing The House Bill H2B New Rules"*

BOARD OF COMMISSIONERS
OF THE
COUNTY OF HYDE, NORTH CAROLINA

RESOLUTION ON OPPOSITION TO RULES BY THE U.S. DEPARTMENT OF LABOR RELATING TO TEMPORARY NON-AGRICULTURAL EMPLOYMENT OF H2B WORKERS IN THE UNITED STATES

WHEREAS, agricultural and seafood businesses in Hyde County rely on support of H-2B workers to carry out duties related to the seasonal nature of various jobs, and these businesses have an essential function of providing wholesome food for the citizens of the State while struggling to earn a living in an industry where resources are managed by both the State and Federal agencies and where product accounts for revenue, jobs; and

WHEREAS, the Hyde County Board of Commissioners disproves the rule submitted by the U.S. Department of Labor relating to temporary non-agricultural employment of H-2B Aliens in the United States, published in the Federal Register February 21, 2012; and

WHEREAS, small businesses in Hyde County – namely seafood processing plants - will be adversely affected by this rule, and the rule will be devastating to the economies of coastal communities; and

WHEREAS, the state of North Carolina and Hyde County are recognized as leading producers of seafood, signified by the state's 2010 revenue of $23,801,421 for blue crabs;

WHEREAS, it is Hyde County's intention to support industry jobs related to fishing, such as seafood processing plants. This economic support provides for sustainably managed, revenue producing, proven resources for all coastal citizens;

NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners strongly oppose rules submitted by the Department of Labor relating to temporary non-agricultural employment of H-2B Aliens in the United States.

Adopted this the 2nd day of April, 2011 in Hyde County, North Carolina.

Sharon P. Spencer

Sharon P. Spencer, Chair
Hyde County Board of Commissioners

Attested by:

Mazie Smith

Mazie S. Smith, Clerk to the Board
Hyde County Board of Commissioners