Meeting Minutes

Board of County Commissioners
Hyde County

April 2, 2012

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:08 PM on Monday, April 2, 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, 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: Commissioner Darlene Styron, Deputy Clerk Jamie Tunnell; and, members of the public.

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

Agenda:

Chairwoman Spencer asked for any changes to the April 2, 2012 meeting Agenda as presented by the Clerk.

Commissioner Tunnell moved to approve the agenda with addition of Item 6. (a) – Child Abuse Prevention Month Proclamation; and, Item 8. (a) – NC Division of Aviation Request for Public Hearing. Mr. Byrd 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 Tunnell moved to approve the March 19, 2012 Commissioners regular meeting minutes as presented by the Clerk. Mr. Swindell seconded the motion. The motion passed on the following vote:

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

Commissioner Swindell moved to approve the March 23, 2012 Commissioners special meeting minutes as presented by the Clerk. Mr. Byrd 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 – commended the Commissioners and County Manager for the appointment of Megan Shaw as Public Information Officer (PIO). He stated that he appreciates the quality of work that Ms. Shaw provides to include posting minutes, Hyde Happenings, and the Board meeting packets. Mr. Westervelt also requested update on discussion of solid waste incineration.

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

Child Abuse Prevention Month Proclamation

Wesley Smith, Health Director, presented the Child Abuse Prevention Month Proclamation. He invited the Board members and citizens to attend the Pinwheel Garden Event (to represent a bright future for our children) at Mattamuskeet High School on April 4, 2012.

Commissioner Byrd moved to proclaim the month of April, 2012 as Child Abuse Prevention Month in Hyde County. Ms. Styron 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 "Child Abuse Prevention Month Proclamation" is attached herewith as Exhibit A and incorporated herein by reference.

Public Hearing:

TEDG Demonstration Grant Closeout Hearing

Commissioner Swindell moved to open public hearing to receive comments on TEDG Demonstration Grant Closeout. Mr. Tunnell seconded the motion. The motion passed on the following vote:

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

Kris Noble, Grants Administrator, reported that the purpose of this hearing was to receive public comments prior to the closeout of a $75,000 Talent Enhancement Demonstration Grant (TEDG) offered through the State of North Carolina Office of Rural Development programs for developing capacity. Ms. Noble reported that funds were used for extensive training in grant management and administration and to build the internal staff capacity to perform assessments of local systems, such as water and waste-water which have led to re-establishing the Mattamuskeet Lodge as a tourist destination.

Commissioner Swindell moved to close public hearing to receive comments on TEDG Demonstration Grant Closeout. Mr. Tunnell seconded the motion. The motion passed on the following vote:

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

Items of Consideration:

185 Landing Road – Lease Agreement

Kris Noble, Grants Administrator, reported that property located at 185 Landing Road, Swan Quarter, was purchased by the State of North Carolina through funds from a Waterfront Access and Marine Industry Grant (WAMI) awarded by NCDENR-DMF. In order to move forward with the development of the property the County must enter into a Lease Agreement with the State of North Carolina. The lease will be for a term of thirty (30) years for rent of the premises for the sum of one dollar ($1) for the term.

The premises may be used for purposes that include: providing docking facilities for commercial fishing, marine research, NCDENR-DMF, and recreational vessels; providing a site for the unloading and shipment of catch from fishing vessels; providing public access to coastal waters; promoting working waterfronts and preserving the local fishing heritage.

The County shall establish and enforce a policy that requires a minimum of eighty percent (80%) of all revenue received from premises operations, including revenue derived from the rental of boat slips and docking facilities, be allocated for the maintenance, operation, repair and improvement of the premises.

Commissioner Swindell moved to authorize the Board Chair to execute the lease agreement between Hyde County and the State of North Carolina; and, authorize County staff to send the agreement to the State Property Office. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

NC-DOT Division of Aviation Request for Public Hearing

Kris Noble, Grants Administrator, reported that the North Carolina Department of Transportation, Division of Aviation, has requested a public hearing to be held for informational purposes on Monday, April 16 during the next regularly scheduled meeting of the Commissioners.

Commissioner Swindell moved to conduct public hearing on the NC-DOT, Division of Aviation project proposal on Monday, April 16, 2012. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

Approval of Grant Agreement and Funding Approval for NC Tomorrow

Kris Noble, Grants Administrator, reported that on January 3, 2012, the Hyde County Board of Commissioners approved that Bert Banks, Executive Director of the Albemarle Commission, be allowed to submit a CDBG-NC Tomorrow Application via Hyde County for a grant that would allow the North Carolina Association of Regional Councils, the North Carolina Department of Commerce's Community Development Division, the US Department of Housing & Economic Development and the SAS Institute of Cary to create a Uniform NC Comprehensive Economic Development Strategy across North Carolina. In exchange for allowing the application to be processed through Hyde County, the County will receive a portion of the grant fee for administering the eighteen (18) month-long grant for a ten (10) county region which includes Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington.

Commissioner Tunnell moved to authorize the Chair to sign the Community Investment & Assistance Community Development Block Grant Program Grant Agreement and Funding Approval contingent upon the County Commissioners being satisfied with the proposed administration fee and the County Attorney's approval of the Grant Agreement and Funding Approval for NC Tomorrow. Ms. Spencer seconded the motion. The motion passed on the following vote:

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

Use of Ocracoke Occupancy Tax Funds for Advertising

Darlene Styron, Commissioner, reported that at the request of area businesses on Ocracoke, the Ocracoke Occupancy Tax Board voted to approve a special April/May 2012 advertising plan for the Raleigh/Durham and Hampton Roads regions. The budget for the campaign is $21,000.

Commissioner Styron moved to approve the Ocracoke Occupancy Tax Board $21,000 advertising plan. Mr. Tunnell seconded the motion. The motion passed on the following vote:

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

Resolution in Opposition to Rules for H2-B Workers

Commissioner Byrd moved to approve "Resolution on Opposition to Rules by The U.S. Department of Labor Relating To Temporary Non-Agricultural Employment of H2-B Workers In The Unites States" to send to the Congressional and State delegation and to post on the Hyde County website. Ms. Styron seconded the motion. The motion passed on the following vote:

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

Travel Trailer Inspection Fee

Manager Smith reported that in 2011, the Commissioners amended the Ocracoke Development Ordinance regarding travel trailers. At that time, she was asked to determine a proper fee for the annual inspection of said trailers. After much research, Ms. Smith recommended that the fee be set at $10 per year.

After discussion, it was decided to table the travel trailer inspection fee approval until the Ocracoke Development Planning Board could determine whether or not to charge a penalty amount for trailer owners who do not pay the inspection fee and what that amount would be. The Board meets on April 12, 2012.

Hyde County Recreation Commission

Manager Smith reported that two citizens from each district and one ex-officio commissioner representative should be appointed to the Hyde County Recreation Commission.

Commissioner Swindell moved to appoint:

Township	Appointee
Currituck	Charles Tooley Danny Thomas
Fairfield	Charles Sears Benjamin Simmons
Lake Landing	Anthony Roper Ron Gabriel
Ocracoke	Kristen Harris (vacant)
Swan Quarter	Daryl Pugh Chad Spencer
Ex-officio Member	Commissioner Dick Tunnell

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

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

Appointment to East Carolina Behavioral Health Board (ECBH)

Commissioner Swindell moved to appoint Commissioner Spencer to complete Commissioner Tunnell's term on the East Carolina Behavioral Health Board. Ms. Styron seconded the motion. The motion passed on the following vote:

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

Drug Testing and Criminal Background Checks on All New County Employees

Chairwoman Spencer recommended a policy requiring drug testing and criminal background checks of all new employees be adopted into the Hyde County Personnel Policy.

Manager Smith provided information to be considered when determining if criminal background checks and drug testing should be done for all new county employees. Currently only employees in safety sensitive positions are tested in Hyde County. Supervisors can call for testing at any time if they have a concern about an employee's job performance or if involved in an accident while driving county owned vehicles. Costs are estimated to be $75 for background checks and $65 for drug testing. Testing all new employees would average approximately $5,000 per year based on an estimated twenty new hires (P/T and F/T) per year. She also recommended that annual driving record tests be conducted.

Manager Smith advised the Board that counties who participate in drug and criminal background testing of all new employees pay lower insurance premiums.

After discussion, Manager Smith was directed to draft a drug testing/criminal background check policy for consideration and possible approval at the next regularly scheduled Board meeting on Monday, April 16, 2012. If approved the policy would begin with the FY2012-2013 Budget.

Ferry Tolls Opposition Plan Update

Megan Shaw, Public Information Officer (PIO), presented an update on the County's efforts in fighting the "Ferry Tax." Ms. Shaw reported that lobbyists Joe and Henri McClees are gearing up for the May Legislative Session and are encouraging citizens to keep contacting elected officials.

Manager Smith reported that increased ferry tolls will cost the County upwards of $60,000/year.

NCACC Legislative Day

Manager Smith reported that the N.C. Association of County Commissioners (NCACC) is sponsoring its annual Legislative Day on Wednesday, May 30, 2012 in Raleigh. County Commissioners can visit their representatives to lobby for issues important to the association and their counties.

Interested commissioners will be attending the 2012 NCACC District Meeting on Thursday, April 26 at the Bob Martin Eastern Ag Center in Williamston; and, the 2012 County Assembly Day and Legislative Reception on Wednesday, May 30 in Raleigh.

Budgetary Matters:

Mazie Smith, County Manager, reported that in accordance with the FY2011-2012 Budget Ordinance, Article XIX, Section I, one budget transfer was approved administratively.

Commissioner Swindell moved to approve the administrative transfer of $2,600 for Home Health computer support. Mr. Byrd 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 enjoyed the Swan Quarter Board Retreat in Swan Quarter and complimented department heads for presentations made during the meeting; the Ocracoke community bulletin board is being utilized; will collect contact information for the newly formed Ocracoke Community Center Board members; met with citizens of the Outer Banks Chamber of Commerce and discussed the Pirate Festival on Ocracoke Re-enactment scheduled for October 26-27 and reported that Ocracoke Occupancy Tax funds will be needed; Ocracoke 4th of July plans are being made; attended the Hyde County (STEM) Fair on Ocracoke Island on Friday where approximately 130 students attended; and, spoke with Clint Berry about a solid waste incinerator program.

Commissioner Swindell – requested a copy of the EMS and Administration Department's third quarter line item reports. Mr. Swindell reported that he is researching funds allocated for merit pay for employees who did not get a raise during the Salary Survey.

Commissioner Byrd – no report given.

Commissioner Tunnell – no report given.

Commissioner Spencer – reported that she attended the Albemarle Commission meeting and the Airport meeting.

County Manager's Report:

Manager Smith reported that she attended the North Carolina Local Government meeting in Nags Head on March 26-27 where concerns are ongoing about increasing insurance premiums and the sea level rise impact on coastal counties. Ms. Smith attended the Broadband organizational meeting on March 29; reported that the Board Retreat was successful; and, encouraged commissioners to attend the NCACC Regional and State meetings.

Closed Session:

Commissioner Byrd moved to enter into closed session pursuant to G.S. N.C.G.S. 143-318.11(a)(6). Mr. Tunnell seconded the motion. The motion passed on the following vote:

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

Commissioner Styron 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

Commissioner Swindell moved to offer the Human Resources Director position to the selected candidate. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

Supplemental Information:

Department Reports

EMS/Emergency Management
Code Enforcement/Inspections
Elections
Finance
Senior Center

Other Information

British Cemetery 70th Anniversary Ceremony
Career Readiness Job Certification
Carteret County Resolution Concerning Sea Level Rise
Minutes of Hyde Soil and Water Conservation Meeting
National Hurricane Conference Agenda
Ocracoke Occupancy Tax Letter Seeking Requests
Ocracoke Planning Board Draft Minutes
Ocracoke VFD Approval as Non-Licensed Provider of EMS
Report on Adaptation to Sea Level Rise

Calendar Notes

April, 2012

04--2012	Board of Commissioners Meeting, 6:00 p.m.
04-06-2012	Easter Holiday (County offices closed)
04-10-2012	Board of Equalization and Review 5:00 p.m.
	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 Equalization and Review 5:00 pm (if required)
	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.
04-30-2012 Broadband Meeting

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

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

The meeting adjourned at 7:58 P.M.

Respectfully submitted:

Minutes approved on the 16th day of April, 2012.

Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners

BOARD OF COMMISSIONERS · HYDE COUNTY · NORTH CAROLINA

Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments:

Exhibit A: *"Child Abuse Prevention Month Proclamation"*

CHILD ABUSE PREVENTION MONTH
PROCLAMATON

Whereas, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets;

Whereas, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

Whereas, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

Whereas, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

Whereas, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

Therefore, I do hereby proclaim **APRIL** as **CHILD ABUSE PREVENTION MONTH** and call upon all citizens, community agencies, faith groups, medical facilities, other elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in Hyde County on this day, **April 2, 2012.**

Signed by:

Sharon P. Spencer
Hyde County Commissioner

Hyde County Commissioner

Hyde County Commissioner

Hyde County Commissioner

Hyde County Commissioner