



Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Item Number: 1
Meeting Date: 04.16.12
Presenter(s): Sharon Spencer
Title: Chairman
Agency/Dept.: Board of Commissioners
Item Title: Call to Order, Opening Prayer, Pledge of Allegiance
Attachments: No
Description: General activities to open the meeting.

Times Read: First
Impact on Budget: None

RECOMMENDATION: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
_____ S. Spencer	_____ S. Spencer	S. Spencer	_____	_____
_____ A. Byrd	_____ A. Byrd	A. Byrd	_____	_____
_____ D. Styron	_____ D. Styron	D. Styron	_____	_____
_____ B. Swindell	_____ B. Swindell	B. Swindell	_____	_____
_____ D. Tunnell	_____ D. Tunnell	D. Tunnell	_____	_____

A Prayer for Hyde County

Lord, we thank you for this beautiful day in our County, and for the rain you gave us last evening.

Thank you for the opportunity to be leaders of your people. We thank you for all the citizens, in all of our townships, who make our County great.

We ask your blessings for elected officials all over our country. We pray for our military men and women who stand bravely in harm's way for our freedom. We ask your protection for them. Lord we pray for cities, towns, and counties in our nation that are facing loss from fire, flooding, and storms. As we face turbulent times, let us be mindful of your ever presence.

And Lord, when our business has concluded at this meeting, we pray that you will give us safe travel home, and with the knowledge that having been together, we will be better elected officials and staff to those who entrust us to providing a better quality of life for them.

We give you honor and glory....In Jesus name I pray

Amen



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 2

Meeting Date: 04.16.12

Presenter(s): Sharon Spencer

Title: Chairman

Agency/Dept.: Board of Commissioners

Item Title: Consideration of Agenda

Attachments: Yes

Description: Consideration of Agenda for today's meeting

Times Read: First

Impact on Budget: None

RECOMMENDATION: Approve

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

	Yea	Nay
_____ A. Byrd	_____	_____
_____ B. Swindell	_____	_____
_____ D. Styron	_____	_____
_____ D. Tunnell	_____	_____
_____ S. Spencer	_____	_____



Since 1712

HYDE COUNTY BOARD OF COMMISSIONERS
Monday, April 16th, 2012 - 4 PM
Hyde County Courthouse Multi-purpose Room
30 Oyster Creek Road, Swan Quarter, NC
and the
Ocracoke School Commons Area
120 School House Road, Ocracoke, NC

AGENDA

Item 1 **Call to Order, Opening Prayer** Chrm. Spencer

Item 2 **Consideration of Agenda** Chrm. Spencer

CLOSED SESSION

Item 3 **Closed Session** if requested or needed (discussion)
Pursuant to N.C. GS 143-318.11 (1-9)

Item 4 **Approval of Minutes from April 2nd, 2012** Chrm. Spencer

Item 5 **Public Comments**
The public comment period is a time for the public to make comments to the County Cor
Comments should be kept to three (3) minutes and should be directed to the entire boar
an individual Commissioner, staff member or member of the public. Time for one perso
cannot be used by another person. Comments that reflect the need for assistance are ty
future Board meeting agenda.

RECOGNITIONS

Item 6 **Recognition of National Junior Swan Calling Champion** Mazie Smith

Item 7 **Recognition of Employee of the Month** David Mason
Jason Daniels, Sheriff's Department

PUBLIC HEARING

Item 8 **Public Hearing on Use of Hyde County Airport** Bobby Walston

Item 9 **Public Hearing to Apply for CAMA Access Funds** Kris Noble

ITEMS OF CONSIDERATION

Item 10 **Proclamation of National County Govt. Month** Megan Shaw

Item 11 **Proclamation of Public Health Month** Wes Smith

Item 12	Resolution in Support of Beach Access Legislation	Megan Shaw
Item 13	Resolution in Support of the Development of Protocols for the Study of of Sea-Level Rise <i>(first reading)</i>	Mazie Smith
Item 14	Resolution to Permit County Manager to Appoint Officers, Employees & Agents of the County <i>(first reading)</i>	Sharon Spencer
Item 15	Ocracoke Occupany Tax Committee Recommendations	
Item 16	Memorandum of Understanding with Forest Service <i>(first reading)</i>	Jane Hodges
Item 17	Memorandum of Understanding for Regional Hazard Mitigation Plan <i>(first reading)</i>	Justin Gibbs
Item 18	Variance for Extended Use of FEMA Housing	Justin Gibbs
Item 19	Policy to Prohibit Vehicle Idling <i>(first reading)</i>	Mazie Smith
Item 20	Policy to Require Drug Testing & Criminal Background Checks on All New County Employees <i>(first reading)</i>	Mazie Smith
Item 21	Contract for CDBG-CR Demolition	Kris Noble
Item 22	Procedure Change for Funding Non-Profits	Mazie Smith
Item 23	Appointment to BHM Regional Library Board	Mazie Smith
Item 24	Request for Payment to Airport Committee Members for Meeting Attendance	Jane Hodges
Item 25	Hyde County Recreation Commission	Mazie Smith
Item 26	Information Needed for Committee Appointments	Lois McGowan

BUDGETARY MATTERS

- Item 27** **Administration Transfers**
Admin Transfers to Reconcile Accounts
Health Distribution of Food and Lodging Funds
Utilities Reallocation of Funds to Cover Expenses
Utilities Reallocation of Funds to Cover Expenses

MANAGEMENT REPORTS

- Item 28** **Reports from Commissioners**
- Item 29** **Reports from County Manager**

SUPPLEMENTAL INFORMATION

- Item 30** **Department Reports:**
Animal Control
Health Department
Inspections/Code Enforcement
Senior Center

General Information

Albemarle Commission Minutes, Agenda
Albemarle Food Bank 24/7 - 365 Campaign
Albemarle RC&D Letter Requesting Funds
Board of Health Meeting Minutes, December 20th, 2011
County Manager's Evaluation Form
Hyde Transit Steering Committee Minutes
NCDOT 2040 Plan Information

MEETING CALENDAR

APRIL

- 16th Board of Commissioners meeting, 4 PM
Board of Equalization and Review, 5 PM
- 17th Disaster Debris Management Workshop for Local Governments, Manteo
- 20th County Manager's Leadership Team Retreat, Engelhard
- 25th Hyde County 4-H Livestock Show and Sale, Ponzer
- 26th NCACC District Meeting, Williamston 5:30 PM
- 30th Northeast Rural Broadband Meeting, 7 PM, Swan Quarter

MAY

- 2nd Disaster Debris Management Workshop for Local Govt., Edenton
- 7th Board of Education Networking Session, 5 PM
Board of Commissioners meeting, 6 PM
- 10th-11th British Cemetery 70th Anniversary Celebration
- 14th-18th Budget Review Sessions (as needed)
- 16th NCACC Legislative Grassroots Advocacy Meetings, Raleigh
- 21st Board of Commissioners meeting, 6 PM
Public Hearing on 2012-2013 Budget
- 28th **Memorial Day Holiday/County Offices Closed**

EMPLOYMENT ANNIVERSARIES

APRIL

- 5th Clint Berry, Public Works (19 years)
- 7th Jeremy Andrews, Sheriff's Department (4 years)
- 17th Betty Gibbs, Social Services (12 years)
- 23rd Christina McCoy, Home Health (3 years)
- 27th Portia Gibbs, Elections (11 years)
- 30th Judy Midyette, Health Department (13 years)

COUNTY OF HYDE

Board of Commissioners

Sharon Spencer, Chair
Dick Tunnell, Vice-chair
Darlene Styron
Barry Swindell
Anson Byrd

30 Oyster Creek Road

PO Box 188

SWAN QUARTER, NORTH CAROLINA 27885

252-926-4400

252-926-3701 Fax

Mazie Swindell Smith
County Manager

Fred Holscher
County Attorney



April 11, 2012

PUBLIC NOTICE

Hyde County Board of Commissioners And Hyde County Board of Equalization & Review

The Hyde County Board of Commissioners will meet on Monday, April 16, 2012 beginning at 4:00 p.m., in the Hyde County Government Center, Multi-Use Room, Swan Quarter and Ocracoke School Commons Area utilizing electronic conferencing equipment.

The regularly scheduled Board of Commissioners meeting will begin at 4:00 p.m.; recess from 5:00 p.m. – 6:00 p.m. for the scheduled Board of Equalization & Review; and, re-convene at 6:00 p.m. to complete the Agenda.

Lois Stotesberry
Deputy Clerk to the Board

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HYDE COUNTY

NORTH CAROLINA

Item Number: 3

Meeting Date: 04.16.12

Presenter(s):

Title:

Agency/Dept.:

Item Title: Closed Session

Attachments: None

Description: Board members will go into closed session to prevent disclosure of privileged or confidential information pursuant to State and/or Federal law.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) **To prevent the disclosure of information that is privileged or confidential pursuant to the law** of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) **To prevent the premature disclosure** of an honorary degree, scholarship, prize, or similar award.
- (3) **To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege** between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) **To discuss matters relating to the location or expansion of industries or other businesses** in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in **negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.** General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (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** as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2.)



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 4
Meeting Date: 04.16.12
Presenter(s): Sharon Spencer
Title: Chairman
Agency/Dept.: Board of Commissioners
Item Title: Consideration of Minutes
Attachments: Yes
Description: Minutes of the meeting held on April 2nd, 2012

Times Read: First

Impact on Budget: None

RECOMMENDATION: Approve

			Yea	Nay
_____ A. Byrd	_____ A. Byrd	A. Byrd	_____	_____
_____ B. Swindell	_____ B. Swindell	B. Swindell	_____	_____
_____ D. Styron	_____ D. Styron	D. Styron	_____	_____
_____ D. Tunnell	_____ D. Tunnell	D. Tunnell	_____	_____
_____ S. Spencer	_____ S. Spencer	S. Spencer	_____	_____

1 Meeting Minutes

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

4 **April 2, 2012**

5 Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of
6 Commissioners to order at 6:08 PM on Monday, April 2, 2012 in the Hyde County Government
7 Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic
8 conferencing equipment. The following members were present on the mainland: Commissioners
9 Anson Byrd, Sharon Spencer, Barry Swindell and Dick Tunnell; Attorney Fred Holscher; County
10 Manager Mazie Smith; Deputy Clerk to the Board Lois Stotesberry; and, members of the public.
11 The following members were present on Ocracoke: Commissioner Darlene Styron, Deputy Clerk
12 Jamie Tunnell; and, members of the public.

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

15 **Agenda:**

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

18 Commissioner Tunnell moved to approve the agenda with addition of Item 6. (a) – Child Abuse
19 Prevention Month Proclamation; and, Item 8. (a) – NC Division of Aviation Request for Public
20 Hearing. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

22 **Consideration of Minutes:**

23 Chairwoman Spencer asked for approval of meeting minutes.

24 Commissioner Tunnell moved to approve the March 19, 2012 Commissioners regular meeting
25 minutes as presented by the Clerk. Mr. Swindell seconded the motion. The motion passed on
26 the following vote:

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

28 Commissioner Swindell moved to approve the March 23, 2012 Commissioners special meeting
29 minutes as presented by the Clerk. Mr. Byrd seconded the motion.

1 The motion passed on the following vote:

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

3 **Public Comments:**

4 Chairwoman Spencer called for comments from the public.

5 Fred Westervelt, Ocracoke – commended the Commissioners and County Manager for the
6 appointment of Megan Shaw as Public Information Officer (PIO). He stated that he appreciates
7 the quality of work that Ms. Shaw provides to include posting minutes, Hyde Happenings, and
8 the Board meeting packets. Mr. Westervelt also requested update on discussion of solid waste
9 incineration.

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

11 **Child Abuse Prevention Month Proclamation**

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

15 Commissioner Byrd moved to proclaim the month of April, 2012 as Child Abuse Prevention
16 Month in Hyde County. Ms. Styron seconded the motion. The motion passed on the following
17 vote:

18

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

20 *Clerk's Note: A copy of "Child Abuse Prevention Month Proclamation" is attached herewith as*
21 *Exhibit A and incorporated herein by reference.*

22 **Public Hearing:**

23 **TEDG Demonstration Grant Closeout Hearing**

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

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

28 Kris Noble, Grants Administrator, reported that the purpose of this hearing was to receive public
29 comments prior to the closeout of a \$75,000 Talent Enhancement Demonstration Grant (TEDG)

1 offered through the State of North Carolina Office of Rural Development programs for
2 developing capacity. Ms. Noble reported that funds were used for extensive training in grant
3 management and administration and to build the internal staff capacity to perform assessments of
4 local systems, such as water and waste-water which have led to re-establishing the Mattamuskeet
5 Lodge as a tourist destination.

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

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

10 **Items of Consideration:**

11 **185 Landing Road – Lease Agreement**

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

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

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

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

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

31

1 **NC-DOT Division of Aviation Request for Public Hearing**

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

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

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

10 **Approval of Grant Agreement and Funding Approval for NC Tomorrow**

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

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

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

29 **Use of Ocracoke Occupancy Tax Funds for Advertising**

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

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

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

4 **Resolution in Opposition to Rules for H2-B Workers**

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

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

10 **Travel Trailer Inspection Fee**

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

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

19 **Hyde County Recreation Commission**

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

22 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

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

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

3 **Appointment to East Carolina Behavioral Health Board (ECBH)**

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

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

8 **Drug Testing and Criminal Background Checks on All New County Employees**

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

11 Manager Smith provided information to be considered when determining if criminal background
12 checks and drug testing should be done for all new county employees. Currently only employees
13 in safety sensitive positions are tested in Hyde County. Supervisors can call for testing at any
14 time if they have a concern about an employee’s job performance or if involved in an accident
15 while driving county owned vehicles. Costs are estimated to be \$75 for background checks and
16 \$65 for drug testing. Testing all new employees would average approximately \$5,000 per year
17 based on an estimated twenty new hires (P/T and F/T) per year. She also recommended that
18 annual driving record tests be conducted.

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

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

24 **Ferry Tolls Opposition Plan Update**

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

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

30

1 **NCACC Legislative Day**

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

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

9 **Budgetary Matters:**

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

12 Commissioner Swindell moved to approve the administrative transfer of \$2,600 for Home Health
13 computer support. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

15

16 **County Commissioners Reports:**

17 **Commissioner Styron** – reported that she enjoyed the Swan Quarter Board Retreat in Swan
18 Quarter and complimented department heads for presentations made during the meeting; the
19 Ocracoke community bulletin board is being utilized; will collect contact information for the
20 newly formed Ocracoke Community Center Board members; met with citizens of the Outer
21 Banks Chamber of Commerce and discussed the Pirate Festival on Ocracoke Re-enactment
22 scheduled for October 26-27 and reported that Ocracoke Occupancy Tax funds will be needed;
23 Ocracoke 4th of July plans are being made; attended the Hyde County (STEM) Fair on Ocracoke
24 Island on Friday where approximately 130 students attended; and, spoke with Clint Berry about a
25 solid waste incinerator program.

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

29 **Commissioner Byrd** – no report given.

30 **Commissioner Tunnell** – no report given.

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

3 **County Manager’s Report:**

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

9 **Closed Session:**

10 Commissioner Byrd moved to enter into closed session pursuant to G.S. N.C.G.S. 143-
11 318.11(a)(6). Mr. Tunnell seconded the motion. The motion passed on the following vote:

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

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

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

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

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

19 **Supplemental Information:**

20 **Department Reports**

21 EMS/Emergency Management
22 Code Enforcement/Inspections
23 Elections
24 Finance
25 Senior Center

26

27 **Other Information**

28 British Cemetery 70th Anniversary Ceremony
29 Career Readiness Job Certification
30 Carteret County Resolution Concerning Sea Level Rise

- 1 Minutes of Hyde Soil and Water Conservation Meeting
- 2 National Hurricane Conference Agenda
- 3 Ocracoke Occupancy Tax Letter Seeking Requests
- 4 Ocracoke Planning Board Draft Minutes
- 5 Ocracoke VFD Approval as Non-Licensed Provider of EMS
- 6 Report on Adaptation to Sea Level Rise

7 **Calendar Notes**

8 **April, 2012**

- 9 04--2012 Board of Commissioners Meeting, 6:00 p.m.
- 10 04-06-2012 Easter Holiday (County offices closed)
- 11 04-10-2012 Board of Equalization and Review 5:00 p.m.
- 12 ABC Board Meeting, 7:00 p.m.
- 13 04-11-12-2012 Mold Worker Initial Course, Multi-Use Room, Hyde County Government Center
- 14 04-12-2012 Eastern Regional County Manager’s Meeting, Engelhard
- 15 04-16-2012 Board of Equalization and Review 5:00 pm (if required)
- 16 Board of Commissioners Meeting, 6:00 p.m.
- 17 04-17-2012 Disaster Debris Management Workshop for Local Governments, Manteo
- 18 04-20-2012 County Manager’s Leadership Team Retreat, Engelhard
- 19 04-25-2012 Hyde County 4-H Livestock Show and Sale, Ponzer
- 20 04-26-2012 NCACC District Meeting, Williamston, 5:30 p.m.
- 21 04-30-2012 Broadband Meeting

22 **May, 2012**

- 23 05-02-2012 Disaster Debris Management Workshop for Local Governments, Edenton
- 24 05-07-2012 Board of Education Networking Session, Multi-Use Room, Hyde County Government
- 25 Center, 5:00 p.m.
- 26 Board of Commissioners Meeting, 6:00 p.m.
- 27 05-14-18-2012 Budget Review Sessions (as needed)
- 28 05-16-2012 NCACC Legislative Grassroots Advocacy Meetings, Raleigh
- 29 05-21-2012 Board of Commissioners Meeting, 6:00 p.m.
- 30 Public Hearing on FY2012-2013 Hyde County Budget
- 31 05-28-2012 Memorial Day Holiday (County offices closed)

32

33 **Employment Anniversaries**

34 **April, 2012**

- 35 04-05-2012 Clint Berry, Public Works (19 years)
- 36 04-07-2012 Jeremy Andrews, Sheriff’s Department (4 years)
- 37 04-17-2012 Betty Gibbs, Social Services (12 years)
- 38 04-23-2012 Christina McCoy, Home Health (3 years)

- 1 04-27-2012 Portia Gibbs, Elections (11 years)
- 2 04-30-2012 Judy Midyette, Health Department (13 years)

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

- 5
- 6 Ayes – Byrd, Spencer, Styron, Swindell and Tunnell
- 7 Nays – None

8

9 The meeting adjourned at 7:58 P.M.

10

11 Respectfully submitted:

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

13

14 _____
15 Lois Stotesberry, Deputy Clerk
16 Hyde County Board of Commissioners

17

18

19 _____
20 Sharon Spencer, Chair
21 Hyde County Board of Commissioners

22 Attachments:

23 Exhibit A: *“Child Abuse Prevention Month Proclamation”*



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 5

Meeting Date: 04.16.12

Presenter(s): Citizens

Title:

Agency/Dept.:

Item Title: Public Comments

Attachments: No

Description: 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.

Times Read:

Impact on Budget:

Recommendation: Listen for understanding.

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 6

Meeting Date: 04.16.12

Presenter(s): Mazie Smith

Title: Manager

Agency/Dept.: County of Hyde

Item Title: Recognition of National Jr. Swan Calling Champion

Attachments: Yes

Description: Allen Mason of Swan Quarter was recently named the National Junior Swan Calling Champion of the United States. Allen is 11 years old and in the 5th Grade at Mattamuskeet Elementary School. His grandmother, Pam Mason, works in the Clerk of Court's office, and his father works for the N.C. Division of Ferries.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Congratulate! Ask for a demonstration!

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
_____ A. Byrd	_____ A. Byrd	A. Byrd	_____	_____
_____ B. Swindell	_____ B. Swindell	B. Swindell	_____	_____
_____ D. Styron	_____ D. Styron	D. Styron	_____	_____
_____ D. Tunnell	_____ D. Tunnell	D. Tunnell	_____	_____
_____ S. Spencer	_____ S. Spencer	S. Spencer	_____	_____

Swan Quarter boy is swan calling world champion

BY MELINDA HARRELL
Beaufort-Hyde News

SWAN QUARTER - Allen Mason, 11, won the Junior World Swan Calling Championship during the East Carolina Wildfowl Guild Wildlife Arts Festival, held from Feb. 10-12.

Mason is a 5th grade student at Mattamuskeet Elementary School.

"He just goes out into the yard and does it," explains his mother Ashley.

This is Allen's first time competing in the Southern Classic Duck, Goose &

Swan Calling Competition.

"I asked if he wanted to do it once and he said he didn't. I asked him again and he agreed. Which was good," said Brett Mason, Allen's father.

Brett understands the great accomplishment of winning in this competition. Brett has competed in the Adult Competition for the last six years.

"To me, words can't describe how exciting it was to see him win. I have been in the adult competitions for six years and

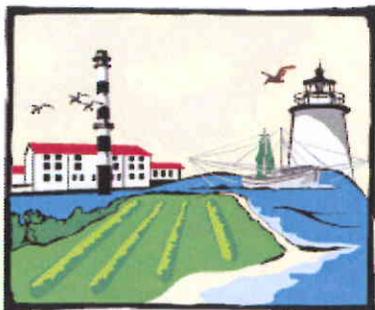
could only win second place. He won first place on his first try. To even win anything on your first try is exciting," Brett said.

Allen was also proud and excited about his victory.

"It was really exciting and the other people there were really good," Allen said. For his efforts, Allen won a Mossberg 500-series 12 ga. shotgun, which was sponsored by Delta Waterfowl. Delta Waterfowl sponsors the junior division every year, according to Brett.



Allen Mason, Junior World Swan Calling Champion



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 7

Meeting Date: 4.16.2012

Presenter(s): David Mason

Title: Sheriff

Agency/Dept.: County of Hyde

Item Title: Recognition of April 2012 Employee of the Month

Attachments: None

Description: The Employee of the Month, Jason Daniels, will be introduced to the Board and the public.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Congratulate and thank employee

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
____ A. Byrd	____ A. Byrd	A. Byrd	____	____
____ B. Swindell	____ B. Swindell	B. Swindell	____	____
____ D. Styron	____ D. Styron	D. Styron	____	____
____ D. Tunnell	____ D. Tunnell	D. Tunnell	____	____
____ S. Spencer	____ S. Spencer	S. Spencer	____	____

Congratulations

THIS CERTIFICATE IS TO COMMEND

JASON DANIELS

EMPLOYEE OF THE MONTH

AWARDED THIS THE 16TH DAY OF APRIL, 2012.

SHARON P. SPENCER, CHAIRWOMAN
HYDE COUNTY BOARD OF COMMISSIONERS

MAZIE SWINDELL-SMITH, COUNTY MANAGER



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: Handout

Meeting Date: 4.16.2012

Presenter(s): Brian Carter

Title: Lead EMS Manager

Agency/Dept.: Hyde County Government

Item Title: Introduction of New Employees

Attachments: No

Description: Lead EMS Manager, Brian Carter will introduce Lindsey Dober, part-time EMT-Paramedic. Lindsey will be stationed on Ocracoke Island.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Listen for understanding, welcome new employees.

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay



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

Item Number: 8

Date: 4.16.2012

Title: NC DOT - Division of Aviation - Public Hearing

Sponsor: Kris Noble **Title:** Grant Administrator

Agency/Dept.: Office of Economic Development and Planning

Description: Officials of the N.C. Department of Transportation's Aviation Division, will present a public hearing regarding a significant economic development opportunity for which Hyde County is under consideration. North Carolina's Northeast Commission President Vann Rogerson will also participate. Hyde County Commissioners, as well as the Engelhard Airport Committee, have received information regarding the project and it's potential economic impact.

Attachments: Yes

Reading number: First

Impact on Budget: Does not increase the budget

RECOMMENDATION: Conduct Public Hearing.

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>VOTE:</u>	<u>Aye</u>	<u>Nay</u>
_____ Byrd	_____ Byrd	Byrd	_____	_____
_____ Spencer	_____ Spencer	Spencer	_____	_____
_____ Styron	_____ Styron	Styron	_____	_____
_____ Swindell	_____ Swindell	Swindell	_____	_____
_____ Tunnell	_____ Tunnell	Tunnell	_____	_____

COUNTY OF HYDE

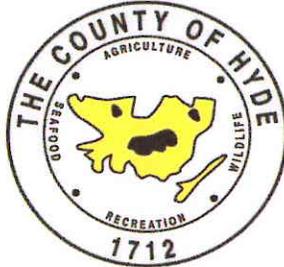
Board of Commissioners

Sharon Spencer, Chair
Dick Tunnell, Vice-chair
Darlene Styron
Barry Swindell
Anson Byrd

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

Mazie Swindell Smith
County Manager

Fred Holscher
County Attorney



April 9, 2012

PUBLIC HEARING

Notice is hereby given that the Hyde County Board of Commissioners will conduct a Public Hearing during their regularly scheduled board meeting on April 16, 2012, beginning at 6:00 p.m. or as soon thereafter as the meeting agenda will allow. The meeting will be held at the Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, N.C., and in the Commons Area of Ocracoke School utilizing electronic conferencing equipment.

The purpose of the public hearing is to discuss the NC DOT – Division of Aviation Non-Piloted Aircraft Program.

All interested citizens are encouraged to attend this Public Hearing, and all comments are welcome.

Lois Stotesberry
Deputy Clerk to the Board

###



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 10

Meeting Date: 04.16.12

Presenter(s): Mazie Smith

Title: Manager

Agency/Dept.: County of Hyde

Item Title: National County Government Month

Attachments: Yes

Description: Hyde County is celebrating 300 years of County government this year. **This proclamation kicks off our celebration of the county's tricentennial** with a proclamation of National County Government Month. The theme for this year's celebration, "Healthy Counties, Healthy Families" supports the effort by county government to provide services that improve the quality of life for all citizens.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay



Since 1712

HYDE COUNTY

NORTH CAROLINA

PROCLAMATION

National County Government Month - April 2012 "Healthy Counties, Healthy Families"

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans; and

WHEREAS, Hyde County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are essential to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, National Association of Counties President Lenny Eliason is encouraging counties to promote healthy living and lifestyle choices in communities across the country through his 2011-12 "Healthy Counties" presidential initiative; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve;

WHEREAS, Hyde County celebrates 300 years of organized government and associated services to its citizens in 2012;

NOW, THEREFORE, BE IT RESOLVED THAT the Hyde County Board of Commissioners does hereby proclaim April, 2012 as National County Government Month, and encourages all County officials, employees, schools and residents to celebrate the privilege of democratic government and to support local government services.

Proclaimed this day, Monday, April 23, 2012.

Sharon P. Spencer, Chairman

Mazie Swindell Smith, Clerk to the Board



HYDE COUNTY

NORTH CAROLINA

Item Number: 11

Meeting Date: 04.16.12

Presenter(s): Wes Smith

Title: Director

Agency/Dept.: Hyde County Health Department

Item Title: Public Health Month

Attachments: Yes

Description: Director Smith wishes to the board to proclaim April as North Carolina Public Health Month.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
<input type="checkbox"/> A. Byrd	<input type="checkbox"/> A. Byrd	A. Byrd	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> B. Swindell	<input type="checkbox"/> B. Swindell	B. Swindell	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> D. Styron	<input type="checkbox"/> D. Styron	D. Styron	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> D. Tunnell	<input type="checkbox"/> D. Tunnell	D. Tunnell	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> S. Spencer	<input type="checkbox"/> S. Spencer	S. Spencer	<input type="checkbox"/>	<input type="checkbox"/>



Since 1712

HYDE COUNTY

NORTH CAROLINA

PROCLAMATION PUBLIC HEALTH MONTH APRIL 2012

WHEREAS, we hereby recognize and acknowledge public health's 132 years of service to the residents of North Carolina and the immeasurable contribution of these services to the quality of life in our State; and

WHEREAS, North Carolina's public health system is a critical component of the state's emergency response to natural and man-made disasters and widespread disease outbreaks in North Carolina; and

WHEREAS, public health measures to control and eliminate infectious diseases, improve environmental sanitation, and promote healthy lifestyle practices have been the greatest cause of improved health status and increased life expectancy for North Carolina's residents, such that North Carolinians now have an average life expectancy at birth of more than 80 years; and

WHEREAS, public health plays a critical role in eliminating health inequities and preventing chronic diseases and injuries, resulting in improved productivity and decreased health care costs for all North Carolinians; and

WHEREAS, a continued focus on promoting public health programs that provide accessible, high quality medical care and that promote healthy lifestyles for women of childbearing has resulted in a more than 11percent decline in infant mortality, the lowest rate in the state's history; and

WHEREAS, a continued focus on prevention has resulted in a more than 29 percent decline in age-adjusted heart disease death rates since 2000, a more than 38 percent decline in age-adjusted stroke death rates since 2000, and an almost 35 percent decline in the teen pregnancy rate since 2000; and

WHEREAS, state government is committed to a continued emphasis on prevention in Public Health and helping North Carolina reach a better state of health through actions outlined in the Healthy North Carolina 2020 Objectives; and

WHEREAS, the Healthy North Carolina 2020 health objectives represent a 10-year plan to improve the health of all North Carolinians by working to promote access to preventive and needed health services; foster positive and supportive living and working conditions in our communities; and support individuals in developing the capacities and skills to achieve healthy living; and

WHEREAS, communities, employers, hospitals and health care providers, individuals and families, insurers, legislators and policy makers, schools and child care facilities must work together to identify and develop innovative solutions to health problems facing the people of North Carolina;

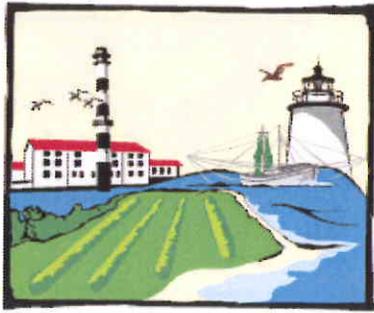
NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners do hereby proclaim April 2012 as “PUBLIC HEALTH MONTH,” and urge our citizens to recognize that public health is working to ensure that all people living in Hyde County are protected from threats such as influenza, food borne disease, injury and chronic diseases such as diabetes, heart disease and asthma.

Adopted this the 16th day of April, 2012 in Hyde County, North Carolina.

Sharon P. Spencer, Chair
Hyde County Board of Commissioners

Attested by:

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



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 12

Meeting Date: 04.16.12

Presenter(s): Megan Shaw

Title: Public Information Officer

Agency/Dept.: Hyde County, North Carolina

Item Title: Resolution in support of H.R. 4094, "The Preserving Access to Cape Hatteras National Seashore Recreation Area" Act

Attachments: Yes

Description: Ms. Shaw will present a resolution in support of H.R. 4094, which will restore pedestrian and vehicular access to Cape Hatteras National Seashore. The bill was introduced to the 112th Congress by Con. Walter b. Jones on February 28, 2012. It has been referred to the House Committee on Natural Resources and the House Committee on the Judiciary.
Natural Resources and the House Committee on the Judiciary.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Review, question for understanding, approve. Direct staff to send copies to elected officials and the House Committees on Natural Resources and the Judiciary.

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
____ A. Byrd	____ A. Byrd	A. Byrd	____	____
____ B. Swindell	____ B. Swindell	B. Swindell	____	____
____ D. Styron	____ D. Styron	D. Styron	____	____
____ D. Tunnell	____ D. Tunnell	D. Tunnell	____	____
____ S. Spencer	____ S. Spencer	S. Spencer	____	____



Since 1712

HYDE COUNTY

NORTH CAROLINA

RESOLUTION

IN SUPPORT OF H.R. 4094, "PRESERVING ACCESS OF CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA" ACT

WHEREAS, The Cape Hatteras National Seashore was established as America's first National Seashore in 1937 to create recreation for everyone, promote jobs after the Great Depression and preserve the pristine beaches of the barrier islands of North Carolina; and

WHEREAS, the National Park Service did not publish a beach management plan, as required in 1972 and thus operated on an "Interim Management Plan," (formerly adopted in 2007), which was carefully developed by NPS and contained public input and an Environmental Assessment; and

WHEREAS, federal lawsuits by special interest environmental groups led to the Interim Management Plan being replaced by the restrictive Consent Decree in 2008. Intended to protect species of shorebirds, the Consent Decree resulted in closure of the most popular spots, in the busiest times of the season; and

WHEREAS, the Consent Decree has now been replaced with a much more strict ORV Final Rule, which will cost the public an unreasonable amount of money to drive on the beach while still closing access to popular areas; and

WHEREAS, local businesses operating in the Seashore have reported declines in excess of 40 percent in revenue since the Consent Decree was enacted in 2008. In one of the poorest counties in the state, Hyde County relies heavily on tourism dollars generated by visitors to the Seashore. If access is further restricted, it will create a serious economic setback for residents and businesses owners of Hyde County; and

WHEREAS, costs to implement the management strategies have created a burden on taxpayers that has exceeded one million dollars since the Consent Decree was implemented in 2008. With new measures in place, enforcement costs are expected to rise; and

WHEREAS, rules were put in place to protect species of shorebirds that are not listed as endangered and principal threats to these species, including predation and weather, were not factored in to the new rules; and

WHEREAS, evidence has shown access restrictions under the Consent Decree did little or nothing to help the said species; and

WHEREAS, only 749 parking spaces, including 25 handicapped, exist on Cape Hatteras National Seashore to serve more than two million visitors. This was not a planning oversight on behalf of NPS, rather part of the unique design of a network of ten access ramps to provide safe and direct path to the beach without disturbing the dune system. Lack of free and open access to the beach creates hardships for the majority of visitors to the Seashore, namely the elderly and disabled; and

WHEREAS, H.R. 4094 will restore access to Cape Hatteras National Seashore as it was during the Interim Management Plan, thus providing access for citizens, reasonable protection for wildlife on the Seashore and fulfilling the mission of America's first National Seashore: to create jobs, provide recreation and protect the pristine beaches of Ocracoke and Hatteras Island.

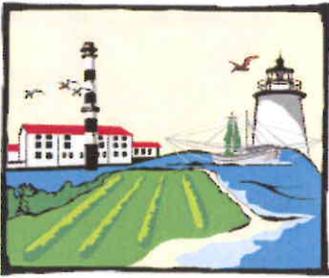
NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners support H.R. 4094, "The Preserving Access to Cape Hatteras National Seashore Recreational Area Act" to provide fair access to beaches of Hyde and Dare counties, thus providing citizen recreation, promoting local jobs and protecting the natural balance of our beach ecosystem.

Adopted this the 16th day of April, 2012 in Hyde County, North Carolina by the Hyde County Board of Commissioners.

Sharon P. Spencer, Chair
Hyde County Board of Commissioners

Attested by:

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



HYDE COUNTY

NORTH CAROLINA

Item Number: 13

Meeting Date: 04.16.12

Presenter(s): Mazie Smith

Title: County Manager

Agency/Dept.: County of Hyde

Item Title: Resolution Supporting the development of Protocols to Measure Sea Level Rise

Attachments: Yes

Description: The Counties bordering North Carolina's coastland are banding together through NC 20 to ask that protocols be developed that articulate the precise methodology to be use to measure sea-level rise, and how it is recorded, interpreted and reported. The protocols should further be developed and approved with the strong aid and pariticipation of local governments and other stakeholders.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
_____ A. Byrd	_____ A. Byrd	A. Byrd	_____	_____
_____ B. Swindell	_____ B. Swindell	B. Swindell	_____	_____
_____ D. Styron	_____ D. Styron	D. Styron	_____	_____
_____ D. Tunnell	_____ D. Tunnell	D. Tunnell	_____	_____
_____ S. Spencer	_____ S. Spencer	S. Spencer	_____	_____



HYDE COUNTY

NORTH CAROLINA

RESOLUTION

Concerning North Carolina's Sea-Level Rise Reports, Policies and Monitoring Efforts

WHEREAS, the NC Division of Coastal Management, under the auspices of the NC Department of Environment and Natural Resources, is developing a sea-level rise policy predicated by a *"Literature Search"* issued in 2010 by the State Science Panel on Coastal Hazards entitled *"North Carolina Sea-Level Rise Assessment Report;"* and

WHEREAS, also the NC Division of Emergency Management, under the auspices of the NC Department of Crime Control and Public Safety, is preparing a separate study report entitled, *"North Carolina Sea-Rise Impact Study"* under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study; and

WHEREAS, the NC Division of Emergency Management is utilizing the Science Panel's 2010 *"North Carolina Sea-Level Rise Impact Study"* as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel's 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

WHEREAS, Hyde County has previously gone on record with its concern as to how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurance coverage and construction/maintenance costs to both private and public infrastructure; and

WHEREAS, the current draft of the NC Division of Coastal Management sea-level rise policy and draft materials for the NC Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the revisitation/re-establishment of sea-level rise at periodic intervals; and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea-level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rise rates;

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners that Hyde County requests the development of protocols articulating the precise methodology to how sea-level is to be measured, recorded, interpreted and reported.

BE IT FURTHER RESOLVED that these protocols must be developed and approved with the strong aid and participation of local governments and other stakeholders.

BE IT ALSO RESOLVED that the aforesaid State Agencies discontinue promotion, education and implementation of any sea-level rise policies until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

Adopted this day, Monday, April 16th, 2012.

Sharon P. Spencer, Chairman

Mazie Swindell Smith, Clerk to the Board



HYDE COUNTY

NORTH CAROLINA

Item Number: 14

Meeting Date: 04.16.12

Presenter(s): Sharon Spencer

Title: Commissioner

Agency/Dept.: Lake Landing Township

Item Title: Resolution to Permit County Manager to Appoint Officers, Employees and Agents Without First Securing Board Approval

Attachments: Yes

Description: According the to General Statutes, the Board of Commissioners may permit the County manager to appoint officers, employees and agents without first securing the board's approval. A previous Hyde Board of Commissioners had voted that all department head positions hired in Hyde County must be interviewed by a committee including a member of members of the Board of Commissioners and must be approved by the Board. The Commissioners have expressed interest in delegating the authority for all hiring decisions to the County manager without Board involvement.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
_____ A. Byrd	_____ A. Byrd	A. Byrd	_____	_____
_____ B. Swindell	_____ B. Swindell	B. Swindell	_____	_____
_____ D. Styron	_____ D. Styron	D. Styron	_____	_____
_____ D. Tunnell	_____ D. Tunnell	D. Tunnell	_____	_____
_____ S. Spencer	_____ S. Spencer	S. Spencer	_____	_____

Details on the Manager's powers and duties may be found in the General Statutes of North Carolina Section 153A-82.

Part 2. Administration in Counties Having Managers.

- **§ 153A-81. Adoption of county-manager plan; appointment or designation of manager.**
- The board of commissioners may by resolution adopt or discontinue the county-manager plan. If it adopts the county-manager plan, the board may, in the alternative:
- (1) Appoint a county manager to serve at its pleasure. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the county or the State at the time of his appointment.
- (2) Confer upon the chairman or some other member of the board of commissioners the duties of county manager. If this is done, the chairman or member shall become a full-time county official, and the board may increase his salary pursuant to G.S. 153A-28.
- (3) Confer upon any other officer, employee, or agent of the county the duties of county manager.
- As used in this Part, the word "manager" includes the chairman or any member of the board of commissioners exercising the duties of manager or any officer, employee, or agent of a county exercising the duties of manager. (1927, c. 91, ss. 5, 8; 1973, c. 822, s. 1.)

§ 153A-82. Powers and duties of manager.

The manager is the chief administrator of county government. He is responsible to the board of commissioners for the administration of all departments of county government under the board's general control and has the following powers and duties:

- (1) He shall appoint with the approval of the board of commissioners and suspend or remove all county officers, employees, and agents except those who are elected by the people or whose appointment is otherwise provided for by law. The board may by resolution permit the manager to appoint officers, employees, and agents without first securing the board's approval. The manager shall make his appointments, suspensions, and removals in accordance with any general personnel rules, regulations, policies, or ordinances that the board may adopt. The board may require the manager to report each suspension or removal to the board at the board's first regular meeting following the suspension or removal; and, if the board has permitted the manager to make appointments without board approval, the board may require the manager to report each appointment to the board at the board's first regular meeting following the appointment.
- (2) He shall direct and supervise the administration of all county offices, departments, boards, commissions and agencies under the general control of the board of commissioners, subject to the general direction and control of the board.
- (3) He shall attend all meetings of the board of commissioners and recommend any measures that he considers expedient.
- (4) He shall see that the orders, ordinances, resolutions, and regulations of the board of commissioners are faithfully executed within the county.
- (5) He shall prepare and submit the annual budget and capital program to the board of commissioners.

- (6) He shall annually submit to the board of commissioners and make available to the public a complete report on the finances and administrative activities of the county as of the end of the fiscal year.
- (7) He shall make any other reports that the board of commissioners may require concerning the operations of county offices, departments, boards, commissions, and agencies.
- (8) He shall perform any other duties that may be required or authorized by the board of commissioners. (1927, c. 91, ss. 6, 7; 1973, c. 822, s. 1.)

County Managers are Knowledgeable of general governmental operations and have expertise in the field of management. By a general approach to all county operations, the manager can eliminate duplication of effort, avoid conflict of interest, and encourage harmony, cooperation and morale among the diverse agencies. The result of the manager's work is efficiency in effecting county government.

§ 153A-88. Acting department heads.

By letter filed with the clerk, the head of a department may designate, subject to the approval of the board of commissioners, a qualified person to exercise the powers and perform the duties of head of that department during the department head's temporary absence or disability. During an absence or disability, the board may revoke the designation at any time and appoint another person to serve until the department head returns or his disability ceases. (1973, c. 822, s. 1.)

§ 153A-95. Personnel board.

The board of commissioners **may** establish a personnel board with authority, as regards employees in offices, departments, boards, commissions, and agencies under the general control of the board of commissioners, to administer tests designed to determine the merit and fitness of candidates for appointment or promotion, to conduct hearings upon the appeal of employees who have been suspended, demoted, or discharged, to hear employee grievances, or to undertake any other duties relating to personnel administration that the board of commissioners may direct. (1973, c. 822, s. 1.)



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 15

Meeting Date: 04.16.12

Presenter(s): Darlene Styron

Title: Commissioner

Agency/Dept.: Ocracoke Township

Item Title: Recommendations by the Ocracoke Occupancy Tax Board for Distribution

Attachments: Yes

Description: The Ocracoke Occupancy Tax Board has made their recommendations for distribution of occupancy tax funds collected on the island. These become part of the recommended budget distributions for fiscal year 2012-2013. According to the Hyde County Ordinance which established the OTB, the County may use the proceeds of the occupancy tax for any public purpose. The County Commissioners shall annually appoint two advisory committees

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
____ A. Byrd	____ A. Byrd	A. Byrd	_____	_____
____ B. Swindell	____ B. Swindell	B. Swindell	_____	_____
____ D. Styron	____ D. Styron	D. Styron	_____	_____
____ D. Tunnell	____ D. Tunnell	D. Tunnell	_____	_____
____ S. Spencer	____ S. Spencer	S. Spencer	_____	_____

COUNTY OF HYDE

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

Board of Commissioners
Sharon Spencer, Chair
Dick Tunnell, Vice-chair
Darlene Styron
Barry Swindell
Anson Byrd

Mazie Swindell Smith
County Manager

Fred Holscher
County Attorney



March 26, 2012

PUBLIC NOTICE

Ocracoke Occupancy Tax Requests

The Ocracoke Occupancy Tax Board is soliciting applications for use of FY2012 -2013 Ocracoke occupancy tax revenues. Due to the ever increasing needs of our village, detailed, consistent information is needed to evaluate all occupancy tax requests on an equitable basis. Please note that action on funding requests could be delayed or not acted if the following information is not submitted in a timely manner. **The annual meeting of the Ocracoke Occupancy Tax Board is scheduled for Wednesday, April 4, 2012 at 7:00 PM at the Ocracoke Community Center.**

1. Applicants must clearly and concisely explain how their application will enhance the guest experience on Ocracoke or serve the Ocracoke tourism industry.
2. Detailed estimates as to the use of funds with a description/itemization of how funds will be used (specific projects, extra services, capital improvements, reimbursements for bills tied directly to specific items) and estimated line item costs. Low priority will be given for grant applications to pay for operating expenses.
3. The estimate time (or time line) when funds will be needed from July 1 to June 30.
4. Current (not older than 90 days) Balance Sheet of the organization that reflects the cash and investment position of the organization. The Balance Sheet must include all assets and liabilities.
5. Prior years (2+) Profit and Loss Statement or Cash Flow Statement (funds in and cash out) that reflects the use of any occupancy tax funds (description of use and amount) as well as all other transactions.
6. Budget (Profit and Loss or Cash Flow Statement) for the year the occupancy tax funds are requested. Include an explanation (identify by line item) as to the amount of the occupancy tax funds requested. The fund request amount should be identified so as to be considered along with other budgeted items of the organization.
7. Such other information that the requesting organization feels would benefit the Occupancy Tax Board relative to the request (matching funds issued, etc.).

Applications must be submitted on 8.5" x 11" paper and received no later than 3:00 PM on Friday, March 30th, 2012 to **Stella O'Neal, chairperson, PO Box 374, Ocracoke, NC, 27960**. For your convenience, your applications may also be submitted to Jamie Carter at jtunnell@hydecourtnc.gov with appropriate sized attachments and all information requested, ready to print. Applications not received by March 30th, 2012 will only be considered upon affirmative vote of the Board at its April 4 meeting.

Lois Stotesberry
Deputy Clerk to the Board

###

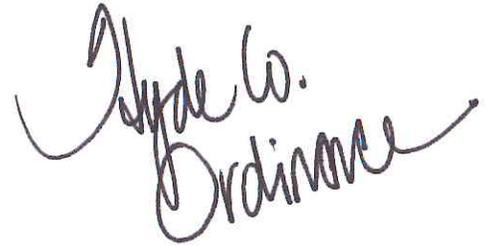
Ocracoke Occupancy Tax Budget for 2012-2013

Ocracoke Preservation	\$8,600.00
Ocracoke Festival	\$2,500.00
Ocracoke Friends of the Library	\$1,000.00
Ocracoke Island 5K Run	\$2,500.00
Ocracoke Fire Department	\$80,000.00
British Cemetery Committee	\$2,000.00
Ocracoke Health Center	\$140,000.00
Ocracoke Scenic ByWay	\$0.00
Outer Banks Chamber Pirate Festival	\$8,000.00
Ocracoke Civic & Business	\$18,000.00
Hyde County Chamber of Commerce	\$0.00
Hyde County Emergency Services	\$0.00
Ocracoke Youth Recreation Proposal	\$60,000.00
Ocracoke Community Center	\$23,750.00
Ocracoke Child Care (Music & Surveillance)	\$3,900.00
Total:	<hr/> \$350,250.00

Stella O'Neal
Stella O'Neal

4/9/12

*To: Hyde Co. Finance Office
Carrie*

**ARTICLE II. OCCUPANCY TAX****Sec. 38-19. Penalty.**

(a) A person who fails or refuses to file the return required by this section shall pay a penalty of \$10.00 for each day's omission. In case of the failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent of the tax due in addition to any other penalty, with an additional tax of five percent for each additional month or fraction thereof until the tax is paid. The board of commissioners may, for good cause shown, compromise or forgive the additional tax penalties imposed by this subsection.

(b) Any person who willfully attempts in any manner to evade a tax imposed under this article or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00, imprisonment not to exceed six months, or both.

(Ord. No. 31, § (d), 5-18-1992)

Sec. 38-20. Authorization and scope.

The county board of commissioners by resolution may levy a room occupancy tax of three percent of the gross receipts derived from the rental of any room, lodging or accommodation furnished by a hotel, motel, inn, tourist camp or similar place within the county that is subject to a sales tax imposed by the state under G.S. 105-164.4(a)(3). This tax is in addition to any state or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational or religious organizations.

(Ord. No. 31, § (a), 5-18-1992)

Sec. 38-21. Collection.

Every operator of a business subject to the tax levied under this article shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

(Ord. No. 31, § (b), 5-18-1992)

Sec. 38-22. Administration.

(a) The county shall administer a tax levied under this article. A tax levied under this article is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

(b) A return filed with the county finance officer under this article is not a public record as defined by G.S. 132-1 and may not be disclosed, except as required by law.

(Ord. No. 31, § (c), 5-18-1992)

Sec. 38-23. Use of tax revenue.

The county may use the proceeds of the occupancy tax for any public purpose, however, 90 percent of the tax collected from the mainland shall be budgeted for the benefit of the mainland and 90 percent of the tax collected from Ocracoke Island shall be budgeted for the benefit of Ocracoke Island, after consultation with the advisory committees appointed pursuant to section 38-24.

(Ord. No. 31, § (e), 5-18-1992)

Sec. 38-24. Advisory committee.

(a) *Composition.* The county commissioners shall annually appoint two advisory committees:

- (1) One committee consisting of five mainland residents; and
- (2) A second committee consisting of five Ocracoke Island residents. Two of these committee members shall be nominated by the Ocracoke Civic and Business Association, Inc.

(b) *Purpose.* The purpose of the committees will be to make recommendations to the board of commissioners regarding the budgeting of the 90 percent shares for their respective areas, the mainland and Ocracoke Island.

(Ord. No. 31, § (f), 5-18-1992)

Sec. 38-25. Repeal.

A tax levied under this article may be repealed by a resolution adopted by the county board of commissioners. Repeal of a tax levied under this article shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this article does not affect a liability for a tax that was attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

(Ord. No. 31, § (h), 5-18-1992)



HOUSE BILL 882

AN ACT CREATING A TAXING DISTRICT IN OCRACOKE TOWNSHIP FOR THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The General Assembly of North Carolina enacts:

Section 1. Occupancy tax. The Ocracoke Township Taxing District is created. It is coterminous with Ocracoke Township in Hyde County. The Ocracoke Township Taxing District is a body politic and corporate and has the power to carry out the provisions of this Act. The Hyde County Board of Commissioners shall serve ex officio as the governing body of the district, and the officers of the county shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

Section 2. Authorization and scope. The governing body of Ocracoke Township Taxing District may levy a room occupancy tax of up to two percent of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the state under G.S. 105-164.4 (a)(3). This tax is in addition to any state or local sales or room occupancy tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

Section 3. Administration. A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155, as if it were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this Act.

Section 4. Distribution and use of tax revenue. Ocracoke Township Taxing District shall, on a quarterly basis, distribute the net proceeds of the occupancy tax to the Ocracoke Township Tourism Development Authority created pursuant to section 5 of this Act. The Authority shall use at least two-thirds of the proceeds distributed to it to promote travel and tourism in the district and shall use the remainder for tourism-related expenditures in the district. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of Ocracoke Township. None of the proceeds may be used to promote travel or tourism in areas within Hyde County that are outside of the district or for tourism-related expenditures in the county that are outside of the district.

The following definitions apply in this Act:

- (1) *Net proceeds.* Gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent of the first \$500,000 of gross proceeds collected each year and one percent of the remaining gross receipts collected each year.
- (2) *Promote travel and tourism.* To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term "promote travel and tourism" includes administrative expenses incurred in engaging in the listed activities.
- (3) *Tourism-related expenditures.* Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a district or to attract tourists or business travelers to the district. The term "tourism-related expenditures" includes tourism-related capital expenditures.

Section 5(a). Ocracoke Township Tourism Development Authority. Appointment and membership. The Board of Commissioners of Hyde County shall adopt a resolution creating the Ocracoke Township Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The Tourism Development Authority shall have

five members in addition to the Finance Officer. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals currently active in the promotion of travel and tourism in the district. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Hyde County shall be the ex officio finance officer of the Authority.

Section 5(b). Duties. The Authority shall expend the net proceeds of the tax levied under this Act for the purposes provided in section 4 of this Act. The Authority shall promote travel and tourism in the district and make tourism-related expenditures in the district.

Section 5(c). Reports. The Authority shall report quarterly and at the close of the fiscal year to the Hyde County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

Section 6. G.S. 153A-215(g) reads as rewritten:

"(g) This section applies only to Alleghany, Anson, Brunswick, Buncombe, Cabarrus, Camden, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Madison, Montgomery, Nash, New Hanover, Pasquotank, Pender, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, to Watauga County District U, and to the Township of Averasboro in Harnett County and the Ocracoke Township Taxing District."

Section 7. This Act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of July, 2006.

GENERAL ASSEMBLY OF NORTH CAROLINA

1993 SESSION

CHAPTER 635

HOUSE BILL 2006

AN ACT TO ALLOW THE TRAPPING AND KILLING OF RED WOLVES BY OWNERS OF PRIVATE LAND.

Whereas, red wolves have been introduced by the U.S. Fish and Wildlife Service on federal property in Dare County; and

Whereas, red wolves have spread from Dare County to Hyde County, where they pose a danger to livestock, wildlife, and residents who have not given permission for a wolf population to be established on their property; and

Whereas, efforts by the U.S. Fish and Wildlife Service to trap and remove wolves have not been successful in removing wolves for a significant period of time; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. It is lawful for a private landowner or the landowner's agent at any time to trap and kill red wolves that are on the landowner's property, and that the property owner reasonably believes



HYDE COUNTY

NORTH CAROLINA

Item Number: 16

Meeting Date: 04.16.12

Presenter(s): Jane Hodges

Title: Airport Manager

Agency/Dept.: County of Hyde

Item Title: Lease of Space

Attachments: Yes

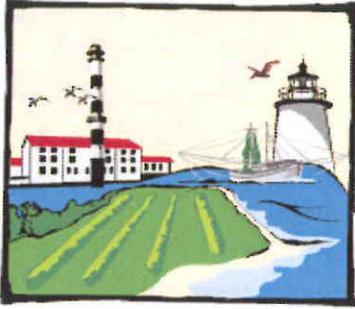
Description: A lease with the N.C. Division of Forest Resources and the County of Hyde is needed for the placement of fire retardant tanks and pumps at the Hyde County Aiport. The lease will be in effect for five years.

Times Read: First

Impact on Budget: Does Increase the Budget (\$10)

Recommendation: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
____ A. Byrd	____ A. Byrd	A. Byrd	____	____
____ B. Swindell	____ B. Swindell	B. Swindell	____	____
____ D. Styron	____ D. Styron	D. Styron	____	____
____ D. Tunnell	____ D. Tunnell	D. Tunnell	____	____
____ S. Spencer	____ S. Spencer	S. Spencer	____	____



Since 1712

HYDE COUNTY

NORTH CAROLINA

LEASE

**BETWEEN
THE COUNTY OF HYDE
AND
THE NORTH CAROLINA DIVISION OF FOREST RESOURCES**

THIS LEASE, made and entered into effective the _____, 2012 by and between **COUNTY OF HYDE**, a body politic and corporate of NORTH CAROLINA (“the Lessor”) and **THE NORTH CAROLINA DIVISION OF FORESTRY RESOURCES** (“the Lessee”).

WITNESSETH:

WHEREAS, for some time, Lessor has allowed Lessee to occupy a portion of the Lessor’s Airport located in Hyde County, North Carolina; and

WHEREAS, Lessee has been using a portion of the Airport for storage, as a staging area for fire-retardant tanks and pumps, and has placed a fire hydrant to provide water to mix with the retardants; and

WHEREAS, the parties hereto desire to enter into a more formal Lease and understanding as to this use and the responsibilities of the parties.

NOW THEREFORE, for and inconsideration of the sum of ten dollars (\$10.00) and no/100 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by all parties, the parties do hereby agree as follows:

1. That for a period of five (5) years from the date of the execution hereof, Lessee shall have the right to occupy a portion of the Hyde County Airport, said portion to be delineated on the sketch map attached hereto.
2. During large scale fire conflagrations, Lessor shall make available to Lessee use of the terminal building.
3. Lessee shall have the right to remove any and all equipment placed by Lessee on said premises at any time and shall have reasonable ingress and egress to and from the premises.
4. Upon thirty (30) days written notice, either party may terminate this Lease.

5. Either party may request modifications to this Lease and both parties agree to negotiate in good faith with regard to any requested modification.
6. Lessee shall be responsible for any and all environmental consequences which result because of Lessee's use of said property.
7. Upon termination of this Lease, Lessee agrees to return said premises in as near to original condition as possible.
8. Upon termination of this Lease, the fire hydrant of Lessee shall become the sole property of the Lessor.

IN WITNESS WHEREOF, the Lessor has caused this Lease to be signed by the County Manager and the Chairman of the Board of Commissioners, attested by the Clerk to said Lessor, and its official seal to be hereto affixed, all by authority of said Lessor duly given, and the Lessee has caused this Lease to be signed by its Representative, all by authority of its Board of Directors.

Adopted this the 16th day of April, 2012 in Hyde County, North Carolina by the Hyde County Board of Commissioners.

HYDE COUNTY

Chairman of the Board of Commissioners

Date

Attest:

Clerk to the Board of Commissioners

Date

THE NORTH CAROLINA DIVISION OF FORESTRY RESOURCES

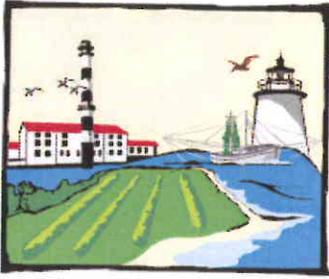
Representative

Date

THIS LEASE HAS BEEN PRE-AUDITED AS REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

Hyde County Finance Officer

Date



HYDE COUNTY

NORTH CAROLINA

Item Number: 17

Meeting Date: 04.16.12

Presenter(s): Justin Gibbs

Title: Acting Director

Agency/Dept.: Emergency Services

Item Title: Regional Hazard Mitigation Plan

Attachments: Yes

Description: A regional hazard mitigation plan is being proposed by the Emergency Management Coordinators of Beaufort, Carteret, Craven, Hyde and Pamlico Counties.

Times Read: First

Impact on Budget: Does not increase the budget

Recommendation: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
____ A. Byrd	____ A. Byrd	A. Byrd	_____	_____
____ B. Swindell	____ B. Swindell	B. Swindell	_____	_____
____ D. Styron	____ D. Styron	D. Styron	_____	_____
____ D. Tunnell	____ D. Tunnell	D. Tunnell	_____	_____
____ S. Spencer	____ S. Spencer	S. Spencer	_____	_____

PROPOSAL

- WHAT:** Regional hazard mitigation plan. North Carolina project for regionalization of hazard mitigation plans.
- WHO:** Beaufort, Carteret, Craven, Hyde, and Pamlico Counties
- HOW:** Emergency management local coordinators jointly hire a consultant/company to combine each of their multi-jurisdictional plans into a regional plan.
- WHEN:** Regional plan completed and approved by December 2014.
- GOAL:** Acquire grant monies to proceed with regionalization of 5 hazard mitigation plans.
- LEAD:** Craven County would serve as the lead for the project. The grant monies would be subgranted to all counties with Craven serving as the lead county and point of contact for invoice submittal and cost report reimbursement from the State of NC to the contractor. The grant would be managed by Craven County for all involved parties. Reimbursement method would be utilized. No up-front monies would be issued to Craven County or any other county. Actual costs incurred will be all that will be eligible for reimbursement.
- SCOPE:** Scope of work to be determined by the 5 counties involved with input and guidance from NC Emergency Management staff.

Narrative for Development of a Regional Hazard Mitigation Plan For Beaufort, Carteret, Craven, Hyde, and Pamlico Counties

As a result of the Disaster Mitigation Act of 2000 and NC Senate Bill 300 each local government including counties, cities, towns, and villages are required to have an approved Hazard Mitigation Plan. The types of plans throughout North Carolina vary from multi-jurisdictional plans, town plans, city plans, some village plans and several regional plans. North Carolina has approximately 130 hazard mitigation plans that must be updated every five years.

Beaufort, Carteret, Craven, Hyde, Pamlico Counties and their incorporated jurisdictions propose to develop a regional hazard mitigation plan. This plan would incorporate 5 multi-jurisdictional hazard mitigation plans into 1 regional plan. The participating jurisdictions are as follows:

Carteret County

- Town of Beaufort (County Seat)
- Town of Atlantic Beach
- Town of Bogue
- Town of Cape Carteret
- Town of Cedar Point
- Town of Indian Beach
- Town of Newport
- Town of Peletier
- Town of Pine Knoll Shores

Pamlico County

- Town of Bayboro (County Seat)
- Town of Alliance
- Town of Arapahoe
- Town of Grantsboro
- Town of Mesic
- Town of Minnesott Beach
- Town of Oriental
- Town of Stonewall
- Town of Vandemere

Beaufort County

- Town of Washington (County Seat)
- Town of Aurora
- Town of Bath
- Town of Belhaven
- Town of Chocowinity
- Town of Pantego
- Town of Washington Park

Craven County

- City of New Bern (County Seat)
- Town of Bridgeton
- Town of Cove City
- Town of Dover
- Town of Havelock
- Town of River Bend
- Town of Trent Woods
- Town of Vanceboro

Hyde County

GEOGRAPHICAL DESCRIPTION/AREA /BRANCH/POPULATION

Beaufort, Carteret, Craven, Hyde, and Pamlico Counties are within NC Emergency Management Areas 2 and 3 which consist of 6 counties respectively. Areas 2 and 3 are two of five areas within the Eastern Branch section of NCEM.

All of the counties are coastal counties meaning that they directly border the Atlantic Ocean. Specifically, these counties all border the Pamlico Sound which is created by the barrier islands along the North Carolina coast.

Although all 5 counties have extremely rural areas within them, the region also contains pockets of very urbanized development, especially in New Bern which is a large economic hub for the region.

Despite the differences in rural and urban development, the geographic and demographic makeup of the area is very similar. Since hazard mitigation planning development evolves from the same types of risks and hazards within each of their boundaries, a regional planning strategy is logical.

According to the US Census Bureau in 2010, the populations are as follows:

Beaufort County	47,759
Carteret County	66,469
Craven County	103,505
Hyde County	5,810
Pamlico County	13,144

Craven County's higher relative population can be attributed to the location of New Bern within the county's borders. However, it should be noted that all of the counties have notable population fluctuations throughout the year due to an annual influx of tourists who are drawn by the region's proximity to the ocean and the scenic beauty of the area.

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, HYDE, & PAMLICO COUNTIES

Beaufort County

Town of Belhaven

Town of Washington

Town of Chocowinity

Town of Aurora

Town of Pantego

Town of Bath

Town of Washington Park

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, HYDE, & PAMLICO COUNTIES

Carteret County

Town of Cedar Point

Town of Beaufort

Town of Indian Beach

Town of Atlantic Beach

Town of Newport

Town of Bogue

Town of Peletier

Town of Cape Carteret

Town of Pine Knoll Shores

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, HYDE, & PAMLICO COUNTIES

Craven County

Town of Havelock

City of New Bern

Town of River Bend

Town of Bridgeton

Town of Trent Woods

Town of Cove City

Town of Vanceboro

Town of Dover

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, HYDE, & PAMLICO COUNTIES

Hyde County

AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN
FOR
BEAUFORT, CARTERET, CRAVEN, HYDE, & PAMLICO COUNTIES

Pamlico County

Town of Mesic

Town of Bayboro

Town of Minnesott Beach

Town of Alliance

Town of Oriental

Town of Arapahoe

Town of Stonewall

Town of Grantsboro

Town of Vandemere



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 18

Meeting Date: 03.19.12

Presenter(s): Justin Gibbs

Title: Acting Director

Agency/Dept.: Emergency Services

Item Title: Permit Variance Extension for Bertha Cooper

Attachments: Yes

Description: One additional resident requires a variance in order to remain in FEMA temporary housing beyond mandated program completion

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Listing for understanding; be prepared to grant variances in future if needed

MOTION MADE BY:

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

MOTION SECONDED BY:

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay

Applicant Overview

Applicant Name	Bertha Cooper	Registration #	411068455
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THU Address	1125 Juniper Bay Road	THU County	Hyde
THU City	Swan Quarter		

Permanent Housing Plan

TO REPAIR ALT HOUSE.

Progress towards essential living space (bedrooms, kitchen, bathroom):

89%. STILL NEEDS ELECT BOX, FLOOR COVER, ADJUST SPACING, FOR BALISTRANDES, ADD HANDRAIL TO STEPS,

What resources are being used in reaching essential living space goal? (Check all that apply)

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contractor - PLUMBING, ROOF
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Voluntary agencies
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Potential candidate for Eight Days of Hope
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Homeowner making repairs
<input type="checkbox"/>	<input type="checkbox"/>	Other (specify)

Household Information:

Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Elderly (refer to Household Composition below)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Low Income
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Medical issues (specify):
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Single parent

Household Composition (gender and age):

M-59, M-12

Applicant Overview

Applicant Name	Bertha Cooper	Registration #	411068455
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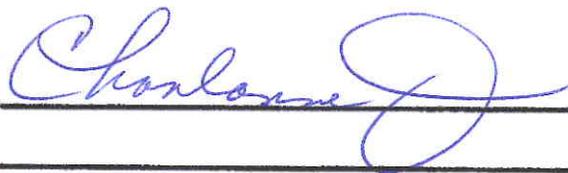
Issues impacting achievement of PHP:

Yes	No		Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Awaiting insurance If yes, date received ___/___/___	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non Compliant Insurance
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contractor delays/issues If yes, estimated start date ___/___/___	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rental resources offered
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Heir property/ownership issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rental resources declined by applicant
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Improper use of FEMA funds/no receipts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Require donated materials and/or labor (specify needs in Comments section)
<input type="checkbox"/>	<input type="checkbox"/>	FEMA funding HA \$ <u>INS</u>	<input type="checkbox"/>	<input type="checkbox"/>	Weather delays
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Requires elevation Indicate status, start date and who in Comments section	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approved for buyout

Comments:

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	State/FEMA Recommend Variance, based on:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	- Applicant's economic situation (specify in Narrative below)
<input type="checkbox"/>	<input type="checkbox"/>	- Progress towards PHP - <u>89</u> %
<input type="checkbox"/>	<input checked="" type="checkbox"/>	- Financial resources needed to complete PHP (specify in Narrative below)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	- Volunteer resources needed to complete PHP (specify in Narrative below)
State/FEMA Narrative:		

FEMA Signature



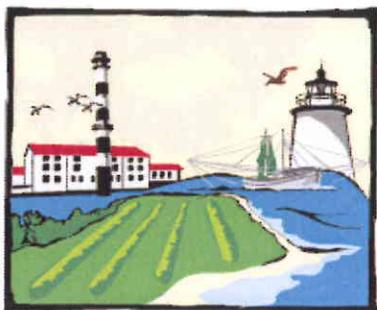
State Signature

Applicant Overview

Applicant Name	Bertha Cooper	Registration #	411068455
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Variance Approved / Denied (circle one) by County

County Signature _____



Since 1712

HYDE COUNTY

NORTH CAROLINA

Item Number: 21

Meeting Date: 04.16.12

Presenter(s): Chris Hilbert

Title: Project Manager

Agency/Dept.: Holland Consulting Planners

Item Title: CDBG- CR Demolition Agreement

Attachments: Yes

Description: On March 22, 2012, sealed bids were received for demolition of housing structures through the CDBG- Community Revitalization (CR) project more commonly known as the Lake Swamp Road Project. The bid tabulation sheet is attached showing the respective bids. Blackwater Enterprises, INC. submitted the lowest responsible lump sum bid on 4 of 4 housing structure demolitions.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Award the demolition contracts to Blackwater Enterprises, INC. based on lowest lump sum bid.

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
_____ A. Byrd	_____ A. Byrd	A. Byrd	_____	_____
_____ B. Swindell	_____ B. Swindell	B. Swindell	_____	_____
_____ D. Styron	_____ D. Styron	D. Styron	_____	_____
_____ D. Tunnell	_____ D. Tunnell	D. Tunnell	_____	_____
_____ S. Spencer	_____ S. Spencer	S. Spencer	_____	_____

HOLLAND CONSULTING PLANNERS, INC.
FINAL BID TABULATION FORM

PROJECT: HYDE COUNTY FY09 CDBG-CR BID OPENING DATE: MARCH 22, 2012
 PRELIMINARY BID SUMMARY (RA-7) REVIEWED/TABULATED BY: _____ (SEE ATTACHMENT)

CASE FILE #	ADDRESS	ACTUAL BID (TABULATED)	CONTRACTOR	RECOMMENDED AWARD (✓)	COMMENTS
2	131 Lake Swamp Road Engelhard NC	\$3,400.00	Jones & Smith Contractors		Blackwater Enterprises, Inc., had lowest lump sum bid (\$12,000). (Jones & Smith lump sum bid \$18,580)
		\$4,000.00	Blackwater Enterprises Inc.	✓	
3	155 Lake Swamp Road Engelhard NC	\$600.00	Jones & Smith Contractors		Blackwater Enterprises, Inc., had lowest lump sum bid (\$12,000). (Jones & Smith lump sum bid \$18,580)
		\$1,500.00	Blackwater Enterprises Inc.	✓	
4	195 Lake Swamp Road Engelhard NC	\$4,700.00	Jones & Smith Contractors		Blackwater Enterprises, Inc., had lowest lump sum bid (\$12,000). (Jones & Smith lump sum bid \$18,580)
		\$1,500.00	Blackwater Enterprises Inc.	✓	
LO-1	221 Sadie Weston Road Swan Quarter NC	\$9,880.00	Jones & Smith Contractors		Blackwater Enterprises, Inc., had lowest lump sum bid (\$12,000). (Jones & Smith lump sum bid \$18,580)
		\$5,000.00	Blackwater Enterprises Inc.	✓	