

## Regular Meeting Minutes

### **Board of County Commissioners Hyde County**

**Monday, May 4, 2015**

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00pm on Monday, May 4, 2015, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

The following members were present on the mainland: Commissioners Earl Pugh, Jr., Dick Tunnell, Benjamin Simmons and Barry Swindell; Attorney Fred Holscher; County Manager Bill Rich; Clerk to the Board Lois Stotesberry; and, members of the public.

The following members were present on Ocracoke: Commissioner John Fletcher, Public Information Officer Sarah Johnson and members of the public.

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

#### Agenda:

Chairman Swindell asked for changes to the May 4, 2015 Meeting Agenda.

Commissioner Pugh moved to approve the May 4, 2015 meeting Agenda as presented by the Clerk with addition of Items: Budget Revisions 46-15 – Health – WIC and EMS – Personnel Expenses for the remainder of the fiscal year; Inspection Department monthly report; E-mail from Mickey Baker on Ocracoke Occupancy Tax; and, mainland Hyde County EMS – Disposition Type Breakdown. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

#### Consideration of Minutes:

Commissioner Pugh moved to approve the April 6, 2015 Board of Commissioners Regular Meeting Minutes as presented by the Clerk with corrections made on Page 1, line 26 – Board of Education Local Revenue Budget was ~~approved~~ accepted by the Board and line 28 - \$3,518.00; and on Page 6, line 4 & 5 – Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher. Mr. Fletcher seconded the motion. The motion to approve the April 6, 2015 Board of Commissioners Regular Meeting Minutes passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

#### Presentation:

##### NCDOT Maintenance Budget

Sterling Baker, PE, Division One Maintenance Engineer accompanied by Glenn Cooke, Acting County Maintenance Engineer and Win Bridgers, Assistant Division Maintenance Engineer presented the NCDOT Hyde County Maintenance Budget – 3 Year Resurfacing and Treatment Plan. Mr. Baker's presentation included Division One Standing Maintenance Budget; Hyde County Historical Look at the Standing Maintenance Budget; "OFF THE TOP" Funding Items; Contract Resurfacing & Preservation-Hyde County; and, Division One and Hyde County 2015 to 2018 Retreatment/Resurfacing Plan Maps. No action required.

#### Employee Recognition:

Tabled until the next regularly scheduled Board of Commissioners meeting on June 1, 2015.

#### Public Comments:

Chairman Swindell called for comments from the public.

**Connie Leinback, Ocracoke Civic and Business (OCBA)** – stated infrastructure is the primary route to tourism and shorter wait lines for ferries are needed. Ms. Leinback would like to explore the state of Ocracoke Tourism and welcomes Economic Development Office staff to join her.

**Mickey Baker, Ocracoke resident & business owner** – believes the Ocracoke Occupancy Tax Board does not need to put \$100,000.00 into tourism efforts. She would prefer to see more interest and funds go toward the NCDOT for more ferries, dredging and transportation in the Village than for advertising.

**John Fletcher, Commissioner** – travels to Dare County once a week. Road repairs and ferry delays make the trip much longer.

**Proclamation:**

**Older Americans Month – April 2015**

Bill Rich, County Manager, reported Albemarle Commission Director of Area Agency on Aging Laura Alvarico asks that Hyde County adopt “Proclamation – Older Americans Month 2015” and encourage communities in Hyde County to celebrate and honor older adults and those who serve and support them daily. Ms. Alvarico reported 2015 is also the 50<sup>th</sup> anniversary of the Older American’s Act, which provides a nationwide aging services network and funding.

Commissioner Fletcher moved to proclaim “May 2015 Older Americans Month”. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk’s Note: A copy of “Proclamation – “Older Americans Month – May 2015” is attached herewith as Exhibit A and incorporated herein by reference.*

**Resolutions:**

**Resolution to Support HR1288 WW II Merchant Mariner Service Act**

Bill Rich, County Manager reported J. Don Horton, President of WW II Coastwise Merchant Mariners, has attempted (for over 8 years) to obtain recognition for some WW II coastwise barge and tug seamen and has reported his organization gets closer each session of Congress. The last session the Resolution to Support HR1288 WW II Merchant Mariner Service Act cleared the House and very closely cleared the Senate via the 2015 NDAA through an amendment but didn’t make it. Mr. Horton reported that on March 4<sup>th</sup>, Representatives George K. Butterfield, D-NC-01 and Walter Jones, R-NC-03 have reintroduced HR 1288 WW II Merchant Mariners Service Act. The organization now must gather support for one more attempt at gaining recognition before the few hundred Merchant Mariners are no longer with us.

Hyde County has stepped up over and over again to support this effort and has been asked again for that same support. This year the organization is taking an approach with a single resolution to avoid any possibility of misinterpretation from any source. It is rather lengthy but has all the facts possible regarding official actions taken against these mariners and recommendations to correct these oversights.

Commissioner Fletcher moved to adopt “Resolution to Support HR1288 WWII Merchant Mariner Service Act”. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk’s Note: A copy of “Resolution to Support HR1288 WWII Merchant Mariner Service Act” is attached herewith as Exhibit B and incorporated herein by reference.*

**Resolution Approving Northeastern Workforce Development Consortium Agreement and Appointment of WIOA Board Member**

Bill Rich, County Manager, presented “Resolution Approving Northeastern Workforce Development Consortium Agreement”. Mr. Rich reported in a message from David Whitmer, MBA, Director, Northeastern Workforce Development Board – Albemarle Commission it is reported that on June 30, 2015 the Workforce Investment Act of 1998 (WIA) will end and the Workforce Innovation and Opportunity Act (WIOA) will take its place. Because of this, our current 10-county WIA Consortium and our WIA Workforce Development Board will end and we will need to have a WIOA Consortium and Workforce Development Board in place. The resolution authorizes a “County Appointed Representative” to serve on the Consortium for WIOA purposes. Hyde County’s current Representative/Consortium Board Member is Commissioner Earl Pugh, Jr. The resolution will also authorize Commissioner Pugh (if re-appointed) to sign the “Consortium Agreement” which establishes the Consortium. Everything will need to be in place and running on July 1, 2015.

Commissioner Tunnell moved to re-appoint Commissioner Earl Pugh, Jr. to represent Hyde County on the Workforce Innovation and Opportunity Act (WIOA) Board and to sign "Resolution Approving Northeastern Workforce Development Consortium Agreement". Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "Resolution Approving Northeastern Workforce Development Consortium Agreement" is attached herewith as Exhibit C and incorporated herein by reference.*

### **Appointments:**

#### **ECBH Central Regional Advisory Board**

Bill Rich, County Manager, reported East Carolina Behavioral Health has consolidated and is forming a Central Regional Advisory Board. Agreements with the 20 participating counties have been approved and it is now time to nominate two members to serve on the Central Regional Advisory Board. The nominees shall consist of one commissioner and a representative that has a background in the 122C 118 board structure.

October, 2013 ECBH was restructured and a Commissioner Representative would not be needed until October, 2016. However, on February 3, 2014 Commissioner Benjamin Simmons was appointed to serve as Commissioner Representative on the ECBH Finance Committee, to complete the term of Commissioner Anson Byrd. Commissioners serve the length of their term in office.

David Howard, Health Director has some background with four years working with the Governor's Institute on Substance Abuse (NC) where he worked closely with Mental Health during the NC MH/DD/SA system reform on co-occurring illness staff-development and research, and a year as Executive Director of a large Free Clinic in Wilmington where he ran a mental health clinic with the help of local practitioners. Mr. Howard is interested in serving on the ECBH Central Regional Advisory Board.

Commissioner Tunnell moved to appoint Commissioner Benjamin Simmons, III and Health Director David Howard, to represent Hyde County on the East Carolina Behavioral Health (ECBH) Central Advisory Board. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

#### **Hyde County FY2015-2016:**

Bill Rich, County Manager, presented the current State of the County and Manager's FY2015-2016 Hyde County Budget Message. When Mr. Rich became County Manager in March of 2013 (the last audit available) unrestricted fund balance was from June 30, 2012 in the amount of \$2,784,182. Mr. Rich reported the fund balance is now \$4,191,188 as of June 30, 2014 audit. Hyde County is financially sound with an unrestricted fund balance of 37.35%. He presented his accomplishments and challenges over the past two plus years. Mr. Rich takes great pride and pleasure in being the budget finance officer.

Commissioner Pugh moved to set a spending freeze of \$100.00 for all county departments (except Health and Social Services) through the end of FY2014-2015, effective May 15, 2015. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

#### **Ocracoke Deputy Control Group:**

Justin Gibbs, Emergency Management Director, will present the 15 member Ocracoke Deputy Control Group at the June 1, 2015 Board of Commissioners meeting.

#### **Ocracoke Occupancy Tax Board Meeting Minutes/Recommendations:**

Bill Rich, County Manager, presented the Ocracoke Occupancy Tax recommended appropriations for FY2015-2016, totaling \$356,870.56.

##### **Occupancy Tax Appropriation Requests Overview**

- 14 requests totaling \$456,353.56
- The Board recommends appropriating a total of \$356,870.56

**Recommendations by Group**

Ocracoke Brownie Girl Scout Troop

- Requested \$650
- The Board recommends appropriating \$650

Ocracoke Friends of the Library

- Requested \$2,165
- The Board recommends appropriating \$2,165

Greater Hyde County Chamber of Commerce

- Requested \$2,500
- The Board recommends appropriating \$2,500

Ocracoke Alive

- Requested \$6,000
- The Board recommends appropriating \$6,000

Hyde County for McClees Consulting Services

- Requested \$10,000
- The Board recommends appropriating \$10,000

Ocracoke Preservation Society

- Requested \$10,500
- The Board recommends appropriating \$10,500

Ocracoke Health Center

- Requested \$22,000
- The Board recommends appropriating \$11,000

Ocracoke School

- Requested \$23,381.56
- The Board recommends appropriating \$23,381.56

Ocracoke Youth Center (Ocracoke Community Park)

- Requested \$48,000
- The Board recommends appropriating \$48,000

Ocracoke Community Center

- Requested \$60,983
- The Board recommends appropriating \$32,500

Ocracoke Child Care

- Requested \$43,000
- The Board recommends appropriating \$43,000

Ocracoke Fire Protection Association

- Requested \$85,000
- The Board recommends appropriating \$85,000

Ocracoke Civic and Business Association

- Requested \$82,174
- The Board recommends appropriating \$82,174

Hyde County for marketing and tourism plan

- Requested \$60,000
- No vote made

Commissioner Fletcher moved to approve the Ocracoke Occupancy Tax Board recommended appropriations for FY2015-2016, totaling \$356,870.56. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Hyde County Utilities Rules and Regulations Revision:**

Clint Berry, Utilities Director, reported the Hyde County Utilities Department will no longer be billing for the Engelhard Sanitary District and no longer bills for Trash Collection. Mr. Berry requested Board approval to amend the “NC Instructions 1933-A.1 Guide 3 – Rules and Regulations of Hyde County Water System – Section XII. Suspension of Service (c)” by reducing the water reconnect fee from \$150.00 to \$75.00.

Commissioner Fletcher moved to approve revision of Section XII. Suspension of Service (c) of the Hyde County Utilities Rules and Regulations to reduce the water reconnect fee to \$75.00. Mr.

Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Engelhard Sanitary District Billing:**

Clint Berry, Utilities Director, reported the Engelhard Sanitary District will resume responsibility for its sewer billing, effective May 1, 2015. The April bill issued by the County will be the last combined invoice, and the County will continue to accept payments until May 31 under the existing terms. Any combined water and sewer payments received on June 1 or thereafter will be applied to water accounts only and any sewer only payments will be returned to the consumer.

Commissioner Fletcher moved to approve request for Hyde County Utilities to no longer do the billing for Engelhard Sanitary District, effective April 27<sup>th</sup> and to approve computer programmers to do a mass adjustment and remove Engelhard Sanitary District accounts. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**2015 Community Waste Reduction and Recycling Grant:**

Clint Berry, Utilities Director, reported Hyde County Solid Waste has applied for a 2015 Community Waste Reduction and Recycling Grant project titled “Improving Special Waste and Recycling Collections in Hyde County”. Funds will be used to upgrade solid waste sites in the County. The grant will be for \$14,916.00 and the local match will be \$2,984.00 for a total project of \$17,900.00.

Commissioner Fletcher moved to approve DENR Grant Contract No. 6456 between the North Carolina Department of Environment and Natural Resources and Hyde County for a 2015 Community Waste Reduction and Recycling Grant project titled “Improving Special Waste and Recycling Collections in Hyde County” and the local match of \$2,984.00. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Water Line Extension:**

Clint Berry, Utilities Director, reported Hyde County Utilities picked four of the 49 roads that are currently not served by County water to install water mains on. A Request for Qualifications (RFQ) was put out and three Engineering firms submitted a qualifications package. The RFQ’s were ranked by Clint Berry, Kris Noble, and Rosemary Johnson. Green Engineering received the highest ranking and a proposal was requested to perform the services required to design and permit the installations with (NCDENR) Public Water Supply for the lump sum amount of \$14,800.00. Hyde County Utilities has budgeted funds for this fiscal year and next year to perform the work. The project will consist of the extensions of water mains on the following roads:

- Bridgman Road (SR 1126) ± 2,700 LF
- Mapletown Lane (SR 1165) ± 3,500 LF
- Seth Road (SR 1307) ± 4,200 LF
- Refuge Road (SR 1363) ± 3,500 LF

Commissioner Pugh moved to approve proposal to install water mains on Bridgman, Mapletown, Seth and Refuge Roads. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**RFP for Health Insurance for County Employees:**

Tammy Blake, Human Resources Director, reported three companies responded to the Request For Proposal for Health Insurance for Hyde County employees. They are John Hackney Insurance Agency, JWB Insurance Group and Snipes Insurance Service. Ms. Blake reported JWB Insurance Group will save the County \$310,000.00 off expected increase in insurance premiums with \$42,000.00 saved next fiscal year. Hyde County will provide BCBS health insurance with vision and dental coverage and life insurance.

Commissioner Simmons moved to award the contract for Health Insurance for County Employees to JWB Insurance Group. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Update – Property Search for Ocracoke EMS Station:**

Bill Rich, County Manager, presented update on Hyde County’s search for property on Ocracoke to relocate the EMS Station. Mr. Rich reported 3 out of 8 properties show potential for the project. He will continue research and present update at the Board meeting on June 1, 2015.

**Sunday Hunting:**

Bill Rich, County Manager, reported House Bill 640 – Sunday Hunting passed on May 4 and will be presented to the Senate for approval.

**Topics for Discussion:**

Commissioner John Fletcher discussed issues of concern to Ocracoke citizens:

- Hatteras Ferry Runs – lines are too long and wait time can be hours.
- Day Pass for Beach – US FWS meeting on Ocracoke tonight.
- Sales Tax Resolution – Motion to support Senator Harry Brown endorsing his plan to base sales tax return on population made by Commissioner Fletcher and seconded by Commissioner Pugh failed with 2 votes Aye and 3 votes Nay.
- North Carolina Driver’s Licenses for Ocracoke Summer Workers – investigate option to issue temporary driver’s license.

**Budget Revisions:**

Bill Rich, County Manager, presented the following departmental budget revisions and amendments for Board discussion and approval:

• BR16-15	Health Immunization Action Plan (reversal)	\$ 884.00
• Planning	Printing & Promotions (reversal)	\$ 2,000.00
• Planning	Travel & Printing & Promotions	\$ 2,000.00
• Finance	Fiscal Year End Journal Entries – Various Departments	\$102,850.00
• Finance	Fiscal Year End Journal Entries – Register of Deeds	\$ 10,000.00
• Finance	Fiscal Year End Journal Entries – Maintenance	\$ 20,000.00
• BR41-15	Health – Maternal Health – Postage	\$ 100.00
• BR42-15	Health – WIC – Postage	\$ 100.00
• BR43-15	Health – Home Health – Physical Therapy	\$ 12,000.00
• BR44-15	Health – PDL – Trainings	\$ 4,550.00
• BR45-15	Health – Promotion – Prescription Drug Disposal	\$ 13,000.00
• BR46-15	Health – Add Expense Line – WIC	\$ ----
• DSS	Gas/Oil/Tires – Until Fiscal Year End	\$ 1,500.00
• DSS	Equipment – Repairs	\$ 1,700.00
• DSS	Utilities – Until Fiscal Year End	\$ 2,300.00
• DSS	Travel Job Programs – Overpayment	\$ 35,184.00

Commissioner Simmons moved to approve Health and Planning reversals; Planning; Finance; DSS; EMS; and, Health Department BR41-15 through BR46-15 as presented. Commissioner Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Management Reports:**

**Commissioner Fletcher** – attended the Emergency Resiliency Workshop at the Government Center and Ocracoke meetings.

**Commissioner Simmons** – reported MECHS ball field is completed. Little League teams are playing baseball.

**Commissioner Pugh** – attended NC Northeast meeting in Plymouth, 4H Livestock Show, Volunteer Breakfast at the Senior Center, Scholarship Program at the 4H Center and met with Ralph Jarvis in Swan Quarter.

**Commissioner Tunnell** – attended 4H Center – Bulls Bay, 4H Livestock Show, Flood Resiliency Workshop and commends Rosemary Johnson for work done conducting the meeting and Ferry meetings. He will attend the Albemarle RC&D meeting on Tuesday. Mr. Tunnell reported the dike is being repaired but traffic problems continue.

**Chairman Swindell** – attended Health Board Budget meeting, 4H Livestock Show and games at the MECHS new ball field.

**Manager Rich** – requested a Budget Workshop meeting on Monday, May 18, 2015.

Commissioner Simmons moved to hold a Budget Workshop meeting at 6:00pm on Tuesday, May 19, 2015 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. Commissioner Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Mr. Rich reported Hyde County is now one of the counties in (85 out of 100) NCGS 153A-15 – Consent of board of commissioners necessary in certain counties before land may be condemned or acquired by a unit of local government outside the county. He also reported David Hallac, Superintendent NPS recently discussed beach passes; Peter Vankevich thanks the Board for a Lost & Found location at the Ocracoke Sheriff's Department; action to create a \$150.00 ferry priority passed in the Senate and House; and, Representatives Torbett and Tine introduced HB927 to move ferry funds into bridges – the Good Roads Act.

**Public Comments:**

Chairman Swindell called for comments from the public.

**Darlene Styron, Ocracoke** – thanked the Board for respecting the Ocracoke Occupancy Tax Board's appropriations list and asked if the passenger ferry study includes South Dock.

**Peter Vankevich, Ocracoke** – thanked the Board for approving a Lost & Found Box on Ocracoke.

**Commissioner Fletcher, Ocracoke** – asked if the passenger ferry could be used anywhere in the State. Manager Rich confirmed.

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

**Closed Session** (none)

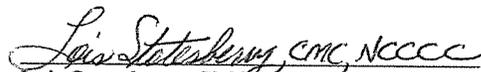
**Adjourn:**

Commissioner Simmons moved to adjourn the meeting. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

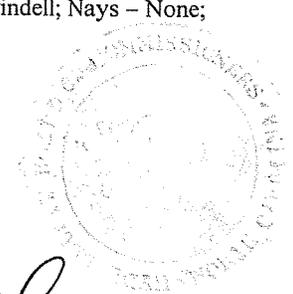
The meeting adjourned at 7:40p.m.

Respectfully submitted:

Minutes approved on the 1<sup>st</sup> day of June, 2015. \*

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

  
Barry Swindell  
Chair, Hyde County Board of Commissioners



Attachments:

Exhibit A: "Proclamation – "Older Americans Month – May 2015"

Exhibit B: "Resolution to Support HR1288 WW II Merchant Mariner Service Act"

Exhibit C: "Resolution Approving Northeastern Workforce Development Consortium Agreement"

## Older Americans Month 2015

### A PROCLAMATION

**Whereas,** Hyde County includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

**Whereas,** Hyde County is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

**Whereas,** since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions, such as bathing or preparing meals; and

**Whereas,** these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

**Whereas,** we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

**Whereas,** our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion.
- Emphasizing home- and community-based services that support independent living.
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

**Now therefore,** the Board of Commissioners of Hyde County, NC does hereby proclaim May 2015 to be Older Americans Month. We urge every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

Dated this 4<sup>th</sup> day of May, 2015

  
Lois Stotesberry, Clerk  
Hyde County Board of Commissioners

  
Barry Swindell, Chairman  
Hyde County Board of Commissioners



## A RESOLUTION OF THE NORTH CAROLINA HYDE COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS STATUS TO WW II COASTWISE MERCHANT MARINERS

**Findings 1:** Some US Merchant Marine Seamen of WW II gained veteran status under a court ruling via *Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr* 665 F Supp 41 (D.D.C 1987). The USCG later **required** they meet certain eligibility requirements.

**Findings 2:** Some 10,000 to 30,000 **coastwise** seagoing tug and barge merchant seamen have been or may be denied recognition upon application because actions taken by government agencies (prior to P. L. 95-202) have removed required eligibility records from being available to the veteran.

**Findings 3:** Commandant, USCG Ltr 5739 Ltr of 09 Apr 2010 states, **"The US Government did not issue mariner credentials to females during the World War II."**

**Findings 4:** USCG Information Sheet #77 (April 1992) identifies **acceptable forms of documentation** for eligibility meeting the requirements pursuant to *Schmacher V. Aldridge, 655 41(D.D.C 1987)*

- a. Certificate of Discharge (Form 718A)
- b. Continuous Discharge Books (ship's deck/engine logbooks. (Non-military document)
- c. Company letters showing vessel names and dates of voyages. (Non-military document)

**Findings 5:** Commandant USCG Order of 20 March, 1944 **relieves masters** of tugs, towboats and seagoing barges **of the responsibility of submitting reports of seamen shipped or discharged on forms 718A.** This action removes item (a) from the eligibility list in Findings 4.

**Findings 6:** USCG Information Sheet # 77 (April, 1992) further states "Deck logs were traditionally considered to be the property of the owners of the ships. After World War II, however, the deck and engine logbooks of vessels operated by the War Shipping Administration were turned over to that agency by the ship owners, and **were destroyed during the 1970s because they were too burdensome to keep and too costly to maintain.**" This action effectively eliminates item (b) from the eligibility list in Findings 4

**Findings 7:** Company letters showing vessel names and dates of voyages are highly suspect of ever existing due to the strict orders prohibiting even the discussion of ship/troop movement. Then consider item (c) of Findings 4 should be removed from the eligibility list. USCG Info Sheet # 77, page 2 refers

**Findings 8:** Excerpts from Pres. Roosevelt's fireside Chat 23: On the Home Front (Oct. 12, 1942): "In order to keep stepping up our production, we have had to add millions of workers to the total labor force of the Nation. "In order to do this, we shall be compelled to use **older men, and handicapped people, and more women, and even grown boys and girls,** wherever possible and reasonable, to replace men of military age and fitness; **to use their summer vacations, to work somewhere in the war industries.**" Underage combatants had served in all of America's wars from the time of the Revolution. The unknown number who served in the Second World War perpetuated that legacy. They served with distinction and valor, and indisputably demonstrated that, despite their age, they could serve as well as those around them.

**Findings 9:** Post the Revolutionary War; many Acts of Congress were enacted to provide pensions to those veterans applying for support. Thousands of servicemen were without documented service and remained without any viable means to prove service. Excerpts from documents retained at the NARA provide: **Generally the process required an applicant to appear before a court of record in the State of his or her residence to describe under oath the service for which a pension was claimed.** This

establishes precedence for using certified oaths in conjunction with the Social Security documents as alternative documentation.

**Findings (10):** US CG Official Shipping/Discharge documents (Forms 718A) were obtained from the National Archives and Records Administration, Wash. DC that contained information proving Active Duty (AD) services for some WW II coastwise barge and tug Mariners. Together with information obtained via a FOIA request to the National Maritime Center, research brought forth additional information. **Research conducted between June-August 2013, in concert with the NMC,** using official records of 1172 coastwise mariners and the USCG Merchant Marine Casualties of WW II report of 1950 identified:

**WW II Coastwise Mariners Listing: Excel Sheet #1**

- 1172 Mariners identified via official USCG Shipping/Discharge Forms 718A
- 84 Mariners may be women according to their feminine sounding names; OR 7.2%
- 1058 Mariners' ages were specified. Ages ranged from 10 to 78.
- 583 Mariners identified within draft age and included those in 4F status; OR 55.1% of known ages.
- 525 Mariners identified at over the draft age of 37; OR 49.6% of known ages.
- 114 Mariners with age not specified; OR 09.7%
- 47 Mariners who served were under the age of 17; OR 4.4% of known ages.
- 16 Mariners KIA with 1 receiving DD Form 1300.

**National Maritime Form DD 214 Listing: Excel Sheet #2**

- 794 Mariners were identified on NMC Coastwise Mariners listing identifying Active Duty services.
- 291 Mariners on NMC listing had no USCG MMLD numbers listed; OR 36.6%
- 85 Mariners **issued** DD Form 214 from NMC listing, OR 10.7% of NMC; OR 7.2% of WW II CMM

**Merchant Marine KIA & MIA Casualties from all causes = 9521** \* (usmm.org)

- 5662 Mariner Casualties from USCG per 1950 Report \* (USCG 1950 casualty report)
- 3859 Mariner Casualties from Other Sources \* (Additional sources = Art. Moore and US Congress)

**Merchant Marine Casualties recognized by all sources = 414**

- 344 Mariner Casualties from USCG 1950 Casualty Report \* (USCG 1950 casualty report)
- 70 Mariner Casualties from NMC report & not listed on USCG 1950 Casualty List \* (NMC DD 1300 Report)
- 1 Mariner in NMC DD 1300 files as having received Form DD 1300 yet 16 identified on WW II CM listing

**Rationale: 9521 Merchant Mariners KIA or MIA** serving and **only 414** receiving Veteran status.

**Findings 11:** The USCG cannot provide a true estimate of merchant mariners serving in WW II. GAO/HEHS-97-196R refers. Estimates range from 250,000 to 840,000 from recognized historians and GAO audit... None of these historians were aware of these 10,000 to 30,000 coastwise merchant seamen where many served without proper credentials and were not included in above estimates. **Some were elderly handicapped; others women and some were school children** who served in billets, drew wages and paid taxes. They served on the same vessels in the same hostile war zones and performed the same services alongside others who were documented. **Yet, only about 91,000 merchant mariners have been recognized as veterans with just 1192 of these veterans in receipt of compensation or pension benefits the VA refers.** This is a vast disparity in ratio of the other service branches.

**Findings 12:** DOD and NARA Agreement N1-330-04-1 of Jul, 08, 2004 puts in place a procedure to transfer military personnel files of individuals from all services, (including civilian personnel or contractual groups who were later accorder military status under the provisions of Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). This agreement affects military personnel records of individuals **62 years** after separation from service. Action has taken place for all **except** the US Merchant Marine IAW above stated court order. This **inaction** by the **Department of Homeland Security via (COMDT USCG)** has caused many of the mariners to have **gone unrecognized** for their services. Many seafarers have passed without ever gaining recognition or benefits and soon all will be History. National Personnel Records Center estimate there are between 1400 to 2500 Cubic feet of Shipping/Discharge documents being stored at the NARA district offices and NMC yet to be transferred to the National Personnel Records Center in St. Louis, Missouri. NMC cites **about 91,000 out**

**of 250,000 to 840,000 have ever received recognition** as veterans; and, with many unable to gain access because of age and health condition requiring assistance for others outside family. Had compliance taken place, these records would have been available to all and providing the mariner a chance to being recognized many years ago and enjoying the benefits awarded to them via court order.

**Whereas: (1)** By court order, Schumacher v. Aldridge 665 F Supp 41 (D.D.C. 1987) **provided for veteran status** to certain US Merchant Marine seamen during WW II (07 December, 1941 to 31 December, 1946) with the same benefits accorded all veterans as administrated by the Veterans Administration. There were **no provisions** for the elderly handicapped, women or schoolchildren to even be considered for their services as mariners serving anywhere within the US Merchant Marine providing an avenue to veteran status.

**Whereas: (2)** The USCG Information Sheet #77 of Apr. 1992 identifies specific criteria to be used to prove active duty performed by an individual seaman for the purpose of attaining veteran status and findings (5), (6) & (7) identified specific **official government actions** that **removed** these particular documents from the reach of the mariner. This **clearly identifies the requirement** to put in place a method of utilizing **alternative** documentation and other approved methods to replace specific documents removed from use by the government actions cited elsewhere in this document.

**Whereas: (3)** Women **were removed** from ships at the onset of WW II and not allowed to serve in any capacity by direction of the War Shipping Administrator, Admiral Emory S. Land. The Captains of the Ports (USCG COTP) were given specific directions to **deny** official USCG maritime credentials to any woman requesting them. They **served but without official credentials** in every capacity on most vessels. Families were the sole crew on many barges throughout the WW II and afterwards. Companies **welcomed this** arrangement because **critical** crew replacements were **reduced** considerably. This allowed those barges to move the bulk war materials more quickly and freed the more abled bodied seaman to man the larger seagoing ships taking vital supplies to troops on all the fronts, keeping the enemy from our doors. A **win win** situation vital to war defense. **To date** there is **no law or other avenue** recognizing women as veterans of the US Merchant Marine during WW II

**Whereas: (4)** President Roosevelt's speech of 12 Oct, 1942 **puts in place the use of elderly and handicapped individuals, school children and women in an effort to support war efforts** by replacing men of military age and fitness, and in stepping up our production of war materials for those on the front lines. Because of this speech, women, the elderly disabled and schoolchildren entered the varied war defense plant services in droves and many found their way into the coastwise barge and tug trades as well.

**Whereas: (5)** DOD & NARA Agreement N1-330-04-1 of July 08, 2004 **provides for the transfer** of military records to the National Personnel Records Center, St. Louis, MO for use as archival records, open to the public. But **inaction by the DHS for the mariner in over 10** years has caused the veteran loss of due access of his records that may have accorded him recognition as a veteran. Recommend Congressional inquiry into delay of WW II Merchant Mariners personnel records.

**Whereas: (6)** Previously attempted bills, HR 1288 and S-1361, would have provided for **alternative records** to be used in place of **records lost, destroyed or denied** for coastwise seamen affected; and allowed women and school children be recognized for their services rendered for the first time ever. There are **no laws** in place to allow for resolution of this issue.

**Whereas: (7)** The elderly disabled, children and women have served in every war this nation has ever known. Most have served without recognition but history is replete with actions of young children stepping up to serve, some receiving our highest honors and others serving in our highest ranks of service, congress and the presidency; e.g. President Andrew Jackson (age **13**); America's first Admiral, David Glasgow Farragut was appointed a midshipman at (age **9**) by President James Madison; Willie Johnson (age **11**) was recipient of the Medal of Honor; Albert Cohen of Memphis TN who enlisted at age **11** & KIA age **15**. History is filled with children defending this nation and Coastwise Mariners had their fair share of them. **Findings #9 & #10 provide support info.**

**Whereas: (8)** Although they served gallantly and with honor, actions taken against those that were elderly and disabled, school children and women by denying them official credentials during WW II is considered **discrimination** today.

**Whereas: (9)** The process used to determine whether an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seamen who is recognized as having performed active duty service under the court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge Jr 665 f Supp 41 (D.D.C.1987). There are no considerations in any **existing** legislation that provides for women who served, under aged schoolchildren or elderly handicapped seaman any avenue to attain veteran status. **Nor** is there a current avenue to use alternative methods of recognition or other actions that have proved effective in past wars for use in lieu of documents that were denied and/or destroyed by several specific official government actions.

**The following actions are recommended:**

**(1) Initiate congressional actions to:** Provide sufficient response to support Merchant Mariners' provisions of HR 1288 (with wording intact to insure all coastwise barge and tugboat mariners who served during WW II (regardless of age, gender or disability) are recognized as veterans in accordance with or similar to: court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987, **granting veterans status**

**(2) Initiate congressional inquiry into:** Delay of WW II Merchant Mariners personnel records movement to National Military Personnel Center.

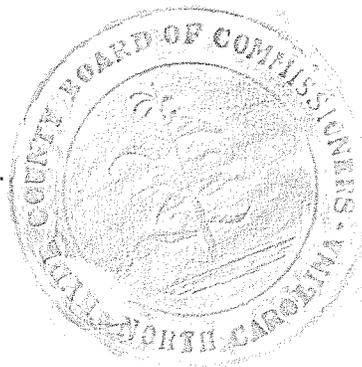
**(3) Initiate congressional actions to:** Recognize WW II Mariners identified as KIA/MIA as Veterans of this Nation.

Now, therefore, be it resolved that the Hyde County, North Carolina Board of Commissioners hereby supports these efforts on behalf of the World War II Coastwise Merchant Mariners and urges our Representatives in the Senate (Senators Richard Burr and Thom Tillis) and in the House (Representatives Walter Jones and George K. Butterfield) to fully support and initiate all necessary actions , including full support of HR 1288, "WW II Merchant Mariners Service Act", to pass legislation approving the above findings and recommendations.

Adopted this 04<sup>th</sup> day of May 2015.

  
\_\_\_\_\_  
Barry Swindell, Chairman  
Hyde County, NC Board of Commissioners

  
\_\_\_\_\_  
Lois Stotesberry, Clerk  
Hyde County, NC Board of Commissioners



# Northeastern Workforce Development Consortium Agreement

## ARTICLE I. TITLE AND PURPOSE

The contiguous units of local government listed below agree to establish a consortium to act jointly as a local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014. This consortium shall be known as the Northeastern Workforce Development Consortium ("Consortium").

## ARTICLE II. MEMBERSHIP

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

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

## ARTICLE III. CERTIFICATION OF AUTHORITY

### 1. AUTHORITY UNDER STATE AND LOCAL LAW

The member units of government certify that they possess full legal authority, as provided by state and local law, to enter into this agreement and to fulfill the legal and financial requirements of operating as a Local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA) for the entire geographic area covered by this agreement.

### 2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

A copy of each fully executed resolution giving the respective counties specific authority to enter into this consortium agreement will be attached to this document and are incorporated herein by reference.

### 3. DESIGNATION OF COUNTY APPOINTED REPRESENTATIVE FROM EACH MEMBER COUNTY

Each of the Counties designates a County Appointed Representative for Workforce Innovation and Opportunity Act purposes, upon whose representations the State, the Northeastern Workforce Development Board, the Albemarle Commission (as the local administrative/fiscal agent) and the other Counties may rely. Such person shall be the signatory of this agreement and shall be authorized to execute such other agreements as are necessary for WIOA purposes and shall constitute the Consortium Board. The respective Counties may from time to time by resolution

designate some other person as the County Appointed Representative for Workforce Innovation and Opportunity Act purposes and such person shall have the same authority, duties and responsibilities as the originally designated County Appointed Representative.

4. DESIGNATION OF CHIEF ELECTED OFFICIAL (CONSORTIUM CHAIRMAN) FOR LOCAL WORKFORCE DEVELOPMENT AREA

1. The "chief elected official" (Consortium Chairman) of the Local Workforce Development Area shall be the presiding officer of the Consortium Board and the chief executive officer of the Consortium. Such official shall be authorized to exercise all functions, duties and responsibilities of the WIOA "chief elected official" which are required under the WIOA.
2. Upon the designation of the Counties as a Local Workforce Development Area, the Consortium Board shall meet and shall elect one of its members as the WIOA "chief elected official" until his/her successor shall have been duly elected and qualified.

ARTICLE IV. PROCEDURAL MATTERS

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

ARTICLE V. DURATION

This agreement will become effective on the date of the last County Appointed Representative's signature and shall continue in effect until the local Workforce Development Area is re-designated by the Governor of North Carolina or by termination of this Agreement by any of the Counties as provided for in Article XII.

## ARTICLE VI. ASSURANCES AND CERTIFICATIONS

The member units will comply with the requirements of the Workforce Innovation and Opportunity Act, and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and, written directives and instructions relevant to local workforce development area operation from the Governor of North Carolina or his/her designee.

## ARTICLE VII. FINANCING

1. It is anticipated that funding necessary to implement this agreement will be derived from federal grant funds received through the Governor of North Carolina. The Counties accordingly agree that they shall not be assessed except by the unanimous agreement of the Counties or except as set forth in Article VIII below.
2. Any entity or joint agency created or designated by this Local Workforce Development Area, including the Northeastern Workforce Development Board, and the Albemarle Commission as administrative/fiscal agent, shall be considered a public agency for the purposes of the Local Government Budget and Fiscal Control Act of the State of North Carolina.

## ARTICLE VIII. LIABILITY

1. The Counties acknowledge that they are jointly and severally accountable for liabilities arising out of activities within the local area under the Workforce Innovation and Opportunity Act, and all funds received by the local workforce development area pursuant to WIOA. Liability includes, but is not limited to, responsibility for prompt repayment from non-program funds of any misexpenditures of WIOA funds by any entity within the local area.
2. As among the Counties themselves, liability shall be supported, as follows:
  - a. To the extent that one or more (but not all) of the Counties benefit from WIOA funds, the expenditure of which is disallowed for any reason, said County or Counties shall be liable for the repayment of such funds.
  - b. To the extent that one or more of the Counties cannot be identified as the benefitting County or Counties of the WIOA funds in question, any disallowed expenditure shall be divided among the Counties on a pro rata basis, based upon the percentage of all WIOA funds allocated to each of the Counties for the program fiscal year during which the disallowed funds were disbursed. The percentage allocated shall be that percentage allocated for the appropriate fund source(s) disallowed.
3. Nothing contained in this Article VIII shall be interpreted so as to prohibit the Counties (or any of them) from seeking contribution or indemnification from the fiscal agent, any subrecipient, service provider, contractor or from any other such responsible person or entity.
4. The Counties shall contractually be held harmless by the program service providers from liabilities arising out of activities by the said providers under WIOA. In addition, each such provider will be required in its contract for services

to maintain a faithful performance blanket bond (or similar such coverage), which bond to the extent possible under prevailing insurance practices, shall name the Counties as additional insurers.

ARTICLE IX. ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

The Counties agree that the Northeastern Workforce Development Board shall be established in accordance with Section 107 of the Workforce Innovation and Opportunity Act and applicable State of North Carolina laws including G.S. 143B-438.11.

The Chief Elected Official, as noted in Article III. 4., shall appoint members of the Northeastern Workforce Development Board from among persons nominated in accordance with the Workforce Innovation and Opportunity Act.

ARTICLE X. APPOINTMENT OF PERSONNEL

Appointment of personnel shall be as described in the Northeastern Workforce Development Board/Chief Elected Official Agreement.

ARTICLE XI. AMENDMENTS

The agreement may be amended at any time upon the consent of all of the parties as evidenced by resolution of the governing bodies of each County and as approved by the State.

ARTICLE XII. TERMINATION

This Agreement may be terminated effective at the end of the current grant administration agreement program year upon the giving by any of the Counties of written notice of termination, which notice shall be given by certified mail to each of the other Counties and to the Albemarle Commission and which notice shall be so mailed to such entities not less than six months prior to the end of the current grant administration agreement program year

COUNTY: Hyde

Earl P. Pugh Jr.  
(Name of WIOA County Appointed Representative)

Earl P. Pugh Jr.  
(Signature of WIOA County Appointed Representative)

Date: 5/4/15

**RESOLUTION APPROVING NORTHEASTERN WORKFORCE DEVELOPMENT  
CONSORTIUM AGREEMENT**

**WHEREAS**, the counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington, being independent and contiguous units of local county government (the "Counties"), wish to agree to establish a workforce development consortium ("Consortium") to act jointly as a Local Workforce Development Area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014; and

**WHEREAS**, in addition to specific authority to enter into the agreement attached hereto, a "County Appointed Representative" for WIOA purposes upon whose representations the State, the Workforce Development Board, the Albemarle Commission (as the local administrative/fiscal agent) and the other Counties may rely, must be designated and authorized to execute the attached agreement and such other agreements as are necessary for purposes of WIOA and who shall sit on the Consortium Board.

**BE IT RESOLVED, THAT** Earl D. Pugh, Jr., is hereby designated the "County Appointed Representative" for the foregoing purposes and as such he/she is fully authorized to execute the attached agreement and such other and further agreements on behalf of this County as are necessary for these purposes.

The foregoing Resolution was adopted by the Hyde County Board of Commissioners on this 4th day of May, 2015.

Lois Statesberry  
(Clerk to the Board)