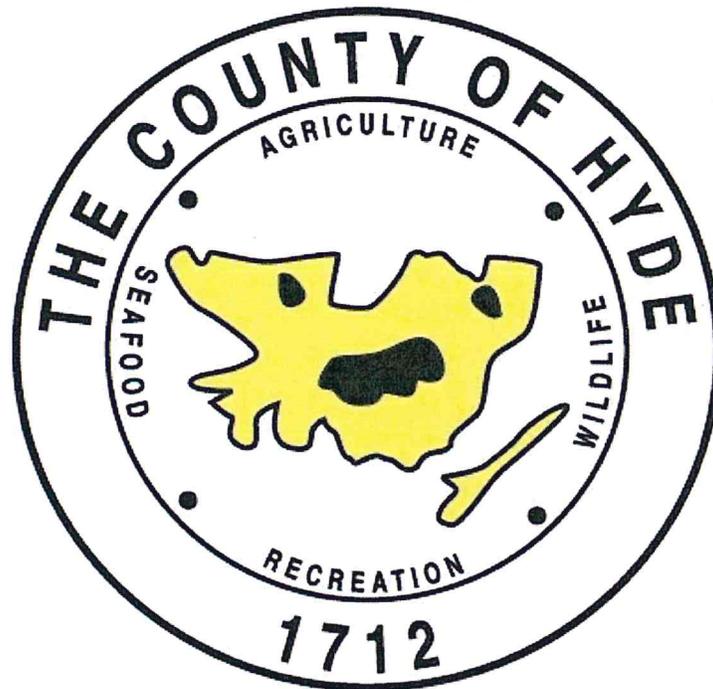


**HYDE COUNTY BOARD OF COMMISSIONERS
MEETING PACKET**

May 5, 2014



Hyde County Courthouse Multi-purpose Room

30 Oyster Creek Road, Swan Quarter, NC

and

Ocracoke School Commons Area

120 School House Road, Ocracoke, NC

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 5, 2014
Presenter: Chairman Barry Swindell
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

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

Meeting Date: May 5, 2014
Presenter: Chairman Barry Swindell
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the May 5, 2014, Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' MEETING

MONDAY, MAY 5, 2014 – 6:00 PM

CALL TO ORDER

OPENING Comm. Swindell

CONSIDERATION OF AGENDA Comm. Swindell

CONSIDERATION OF MINUTES Comm. Swindell

- 1) April 7, 2014 – Joint Meeting of the Board of Education & Board of Commissioners Minutes
- 2) April 7, 2014 – Regular Meeting Minutes

PUBLIC COMMENTS

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

EMPLOYEE OF THE MONTH..... Mgr. Rich

HYDE COUNTY FY2014-2015 BUDGET MESSAGE Mgr. Rich

ITEMS OF CONSIDERATION

1) Ordinances

- a. Hyde County Government Center Water Penetration Remediation Project Ordinance 2014-05-05 Clint Berry

2) Set Public Hearing Date for FY14-15 Budget Presentation Mgr. Rich

3) Resolutions

- a. FY2014-2015 Hyde County Budget Resolution Mgr. Rich
- b. Resolution of Respect For Honorable Martin Luther Nesbitt, Jr. Lois Stotesberry
- c. Resolution In Support of Recognition of “WWII Coastwise Merchant Mariners”Lois Stotesberry

4) Appointments

- a) Senior Tar Heel Legislature Delegate – Wesley Smith Mgr. Rich

- 5) Local Funding for DJJDP Programs for FY2014-2015 Nancy Hodges
- 6) 185 Landing Road – Draft Plan Marshall Gill & Scott Lageux
- 7) Outer Banks National Scenic Byway Melinda Sutton
- 8) Summer Schedule 2014 Tammy Blake
- 9) Colleton Software Agreement for Medical Billing Justin Gibbs
- 10) Hyde County Building Inspection Permit Fee Schedule Jane Hodges
- 11) West Quarter/Swan Quarter Watershed Assessment Mgr. Rich
- 12) Ocracoke Occupancy Tax Board
 - a. FY 2014-2015 Annual AppropriationsMgr. Rich
 - b. Special (one-time) Appropriations Mgr. Rich
- 13) County Land SalesMgr. Rich
- 14) Interim Department of Social Services DirectorMgr. Rich
- 15) Commissioner’s Items of Discussion Comm. Fletcher
 - a. Consideration of Legalized Marajuana
 - b. Slot Machines on Ferries

BUDGET MATTERS

- 1) BR29-14 – Health – Food & Lodging
- 2) BR30-14 – Health – Telephone & Travel
- 3) BR31-14 – Health – Postage & Travel
- 4) BR32-14 – Health – Family Planning
- 5) BR33-14 – Health – Healthy Communities
- 6) BR34-14 – Health – Triple P Program
- 7) West Quarter – Flood Gates
- 8) Soil & Water – Supplies
- 9) Senior Center – Expense
- 10) Senior Center – Funds Received
- 11) DSS – Funds Received
- 12) Various Lines – Fiscal Year End Entries

MANAGEMENT REPORTS

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

MANAGER'S PROJECTS UPDATE

The County Manager will give an oral update on various projects and other administrative matters ongoing in the county. Manager's Calendar included.

PUBLIC COMMENTS

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

CLOSED SESSION (discussion and possible action if required)

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Mattamuskeet Senior Center
- 2) Health Department
- 3) Animal Control
- 4) Department of Social Services
- 5) Sheriff's Department
- 6) Register of Deeds
- 7) Human Resources
- 8) Planning – Infrastructure Update
- 9) Elections
- 10) Veteran Affairs
- 11) Tax (requires signature)

Informational Items

- 1) UNC-SOG Press Release – William Rich Graduates County Administration Course
- 2) NCACC Certificate of Appreciation – Lois Stotesberry
- 3) Final Closeout Letter – CDBG No. 11-C-2275 (NCT)
- 4) Audit Letter – CDBG No. 05-D-2194 (CT)
- 5) E-mail Invitation to NPS Superintendent Barclay Trimble

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 5, 2014
Presenter: Lois Stotesberry, Clerk
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the April 7, 2014 Joint Board of Education and Board of Commissioners Meeting Minutes and the April 7th Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

1 **Joint Meeting Minutes**

2 **Board of Education**

3 **And**

4 **Board of County Commissioners**

5 **Hyde County**

6
7 **Monday, April 7, 2014**

8
9 Chairman Barry Swindell and Chairman ^{Thomas} Whitaker called the Joint Meeting of the Hyde County Board
10 of Commissioners and Board of Education to order at 3:00pm on Monday, April 7, 2014, in the Hyde
11 County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using
12 electronic conferencing equipment.

13 The following Board of Education members were present on the mainland: Thomas Whitaker, Randy
14 Etheridge, John Mullen, Diantha Coley and David Tolson; Superintendent Randolph Latimore; and,
15 Finance Officer Ken Chilcoat.

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

19
20 The following members were present on Ocracoke: Public Information Officer Sarah Johnson and
21 members of the public.

22 Following opening prayer by Thomas Whitaker and pledge of allegiance the meeting was called to
23 order.

24 Board of Education Chairman Thomas Whitaker moved to open the joint meeting of the Hyde County
25 Board of Education and Board of Commissioners. Ms. Coley seconded the motion. The motion
26 passed on the following vote: Ayes – Etheridge, Mullen, Coley, Tolson and Whitaker; Nays – None;
27 Absent or not voting – None.

28 Commissioner Pugh moved to open the joint meeting of the Hyde County Board of Commissioners
29 and Board of Education. Mr. Simmons seconded the motion. The motion passed on the following
30 vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

31 **Agenda:**

1 Chairman Swindell asked for any changes to the April 7, 2014 Joint Meeting Agenda. There being no
2 changes to the Agenda the meeting continued.

3 **Public Comments:**

4 Chairman Swindell called for comments from the public. There being no comments from the public,
5 Chairman Swindell continued the meeting.

6 **Items of Consideration:**

7

8 Dr. Latimore explained proposed current State budget cuts. An additional \$332,532 small county
9 supplemental funding from the State will be cut this fiscal year, effective July 1, and approximately the
10 same amount over the next two years, totaling \$927,207 based on current enrollment. Dr. Latimore
11 asked the Board of Commissioners to reinstate County local revenue funding back to the 2009 total of
12 \$1,199,568. He reported that the Board of Education cannot expend any more fund balance and that
13 Reduction In Force (RIF) will occur at the end of this school year. The additional reductions include
14 six (6) classified positions and two (2) teaching positions.

15 Ken Chilcoat, Finance Officer, presented the "Hyde County Board of Education Proposed Local
16 Budget Request Year Ended June 30, 2015". Mr. Chilcoat reported that an increase of \$225,000 from
17 the County will prevent losing more school positions. He explained the State's intent to discontinue
18 tenure. Twenty-five percent (25%) of the teaching staff will be offered a four year contract and will
19 get a \$5,000 bonus if they accept the contract. The Board of Education expects other teachers not
20 offered the contract to take legal action against them, therefore increasing budgeted legal costs.

21 Mr. Chilcoat reported that last year the County appropriated \$48,000 to bring the Board of Education
22 up to State level to consider them a low-wealth school system. The Board of Education expects to
23 receive low-wealth school system funding from the State in FY2014-2015.

24 **Public Comments:**

25 Chairman Swindell called for comments from the public. There being no comments from the public,
26 Chairman Swindell continued the meeting.

27 **Closed Session (none)**

28 **Adjourn**

29 Board of Education Chairman Thomas Whitaker thanked the commissioners for providing for our
30 children's educational needs. Randy Etheridge moved to adjourn the meeting. Ms. Coley seconded
31 the motion. The motion passed on the following vote: Ayes – Etheridge, Mullen, Coley, Tolson and
32 Whitaker; Nays – None; Absent or not voting – None.

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

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The meeting adjourned at 3:50p.m.

Respectfully submitted:

Minutes approved on the 5th day of May, 2014.

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

Barry Swindell
Chair, Hyde County Board of Commissioners

Attachments: (none)

DRAFT

1 **Meeting Minutes**

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

4
5 **Monday, April 7, 2014**
6

7 **FY2014 Board of Equalization and Review**

8 Linda Basnight, Tax Administrator, conducted the Board of Equalization and Review (E&R) meeting
9 beginning at 4:00pm and ending at 6:00pm on Monday, April 7, 2014. Commissioners Swindell,
10 Pugh, Tunnell, Simmons and Fletcher; County Manager Bill Rich, Attorney Fred Holscher and Clerk
11 to the Board Lois Stotesberry attended the meeting on the mainland and PIO Sarah Johnson attended
12 on Ocracoke. Minutes of the Meeting were transcribed by Linda Basnight, Tax Administrator, and are
13 available in the Hyde County Tax Office upon request. The next and final Board of Equalization and
14 Review meeting is scheduled for Monday, March 21, 2014 beginning at 6:00pm in the Hyde County
15 Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic
16 conferencing equipment.

17 **Commissioners Meeting**

18 Following the Joint Meeting of the Hyde County Board of Education and Board of Commissioners at
19 3:00pm and the Board of Equalization and Review Meeting at 4:00pm, Chairman Barry Swindell
20 called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00pm on
21 Monday, April 7, 2014, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke
22 School Commons Room using electronic conferencing equipment.

23 The following members were present on the mainland: Commissioners Earl Pugh, Jr.,
24 Dick Tunnell, Benjamin Simmons, III, John Fletcher and Barry Swindell; Attorney Fred Holscher;
25 County Manager Bill Rich; Clerk to the Board Lois Stotesberry; and, members of the public.
26

27 The following members were present on Ocracoke: Public Information Officer Sarah Johnson and
28 members of the public.

29 Following opening prayer, pledge of allegiance and "Amazing Grace" sung by Desiree Richter, the
30 meeting was called to order.

31 **Agenda:**

32 Chairman Swindell asked for any changes to the April 7, 2014 amended meeting Agenda.

1 Commissioner Pugh moved to approve the amended agenda as presented by the Clerk with addition of
2 Item of Consideration No. 2. c. Appointment – Ocracoke Planning Board. Mr. Tunnell seconded the
3 motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and
4 Swindell; Nays – None; Absent or not voting – None.

5 **Consideration of Minutes:**

6 Commissioner Fletcher moved to approve the March 10, 2014 Regular Meeting Minutes of the Hyde
7 County Board of Commissioners as presented by the Clerk with corrections made on page 7 – line 24 –
8 Commissioner ~~Pugh~~ Swindell moved to approve; page 9 – line 26 & 27 – meeting on Monday, ~~March~~
9 April 7, 2014, beginning at 4:00pm and ending at 6:00pm, and its last Board of Equalization and
10 Review meeting on Monday, ~~March~~ April 21, 2014; and, page 12 – line 7 – Tunnell announced
11 ~~Commissioner~~ Dawson Pugh is the new Blacklands Farms Chairman. Mr. Simmons seconded the
12 motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and
13 Swindell; Nays – None; Absent or not voting – None.

14 **Employee Recognition:**

15 Manager Rich complimented Delia Mooney, EMT-B, for her dedicated service to Hyde County.
16 Delia spun the Wheel of Thanks and won a \$25.00 Gift Certificate from Swan Quarter Supply.

17 **Presentations:**

18 **NPS Lifeguard Services On Ocracoke Island – 5 Days/\$10,000 Plan**

19 Catherine F. Jordan, Director of Outreach, Betty Jo Shephard, Congressional Staffer, and Lee Slade,
20 Constituent Services Representative, attended the meeting on behalf of Representative Walter B.
21 Jones' Office, Senator Richard Burr's Office and Senator Kay Hagan's Office respectively. Chairman
22 Swindell thanked the representatives for their interest in Hyde County.

23 Manager Rich reported that Cape Hatteras National Seashore Superintendent Barclay Trimble has
24 budgeted \$85,000 to cover Lifeguard Services five (5) days/week at three beach locations: Ocracoke,
25 Buxton and Coquina Beach running from Memorial Day through Labor Day. The park service plans
26 to contract five days per week with Mirek Dabrowski of Surf Rescue Service. Mr. Dabrowski is a
27 former NPS and Nags Head lifeguard. Surf Rescue Service currently provides lifeguard services in
28 Duck, Southern Shores and the Swimming Hole on Roanoke Island.

29 According to Superintendent Trimble, Hyde County will be responsible for providing lifeguard
30 services on Ocracoke the other two (2) days/week at a cost of approximately \$10,000 for the season.
31 At the last Ocracoke Civic and Business Association (OCBA) meeting Superintendent Trimble
32 suggested OCBA fund the lifeguards.

33

34

1 **Transformation Zone Implementation**

2 Lori Gibbs, Hyde County Implementation Coach, reported that the Transformation Zone is an initiative
3 of the Race to the Top’s Early Learning Challenge Grant. The goal is to see that every child in the four
4 Transformation Zone counties (Beaufort, Bertie, Chowan and Hyde) starts school ready to face the
5 challenges of the curriculum and to succeed in school and in life. It prepares our children for success
6 by approaching the outcome from different directions—improving the quality of childcare, increasing
7 parental supports and helping families make books ever-present in the home. Ms. Gibbs presented
8 strategies and explained efforts to implement the Transformation Zone in Hyde County.

9 **Proclamations**

10 **Child Abuse Prevention Month**

11 Lisa Woolard, Beaufort/Hyde Partnership for Children asked the Commissioners to proclaim April,
12 2014 as “Child Abuse Prevention Month” and called upon all citizens, community agencies, faith
13 groups, medical facilities, other elected leaders and businesses to increase their participation in efforts
14 to support families, thereby preventing child abuse and strengthening the communities in Hyde
15 County.

16 Commissioner Fletcher moved to proclaim “Child Abuse Prevention Month – April 2014”. Mr. Pugh
17 seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell,
18 Simmons and Swindell; Nays – None; Absent or not voting – None.

19 *Clerk’s Note: A copy of “Proclamation – Child Abuse Prevention Month – April 2014” is attached herewith as
20 Exhibit A and incorporated herein by reference.*

21 **Week of The Young Child**

22 Lisa Woolard, Beaufort/Hyde Partnership for Children asked the Commissioners
23 to proclaim April 6 – 12, 2014 as “Week of The Young Child” in Hyde County, NC and to
24 encourage all citizens to work to make a good investment in early childhood.

25 Commissioner Tunnell moved to proclaim “Week of The Young Child – April 6 – 12, 2014”.
26 Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh,
27 Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

28 *Clerk’s Note: A copy of “Proclamation – Week of The Young Child – April 6 – 12, 2014” is attached herewith as
29 Exhibit B and incorporated herein by reference.*

30 **Public Comments:**

31 Chairman Swindell called for comments from the public.

32 Mainland Hyde County residents Eunice Williams, Scranton; Janet Russ, Fairfield; Mike Adams and
33 Robert Gibbs, Jr., Engelhard spoke of Pungo District Hospital (PDH) Emergency Room visits that

1 saved many county residents lives. They stated that PDH is a vital part of Hyde County communities
2 and asked that the Board of Commissioners support efforts being made to save the Hospital.

3 Ocracoke residents Bob Chestnut, Connie Leinbach, Jim Boreland, Leslie Lanier, Lida Jones, Mickey
4 Baker, Sundae Horne, (unidentified woman) and Darlene Styron oppose the National Park Service's
5 (NPS) plan to discontinue lifeguard services on Ocracoke Island and the NPS proposed 5-days/\$10,000
6 plan. They discussed concern for swimmers safety and the economic impact that having no lifeguard
7 on the beach would have on their businesses.

8 At a recent Ocracoke Civic and Business Association (OCBA) Meeting funding needed for lifeguard
9 services on Ocracoke beaches was discussed. The NPS has budgeted \$85,000.00 which will cover five
10 days/week of lifeguard services running from Memorial Day, May 24th to Labor Day, September 1st.
11 The NPS suggests Hyde County fund the approximately \$10,000.00 needed to pay for lifeguard
12 services on the other two days of the week. The Ocracoke Occupancy Tax Board will consider
13 funding the \$10,000.00 if the Board of Commissioners and citizens agree.

14 Chairman Swindell asked that representatives Jordan, Shephard and Slade work on the lifeguard issue
15 when they return to Raleigh.

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

17 **Items of Consideration:**

18

19 **Resolutions:**

20 **Resolution In Support of National Park Service To Create A Daily Rate For Beach Passes And**
21 **Provide Better Access To Beaches On Ocracoke**

22 Commissioner Fletcher reported the National Park Service (NPS) owns 100% of the ocean front in
23 Hyde County and 80% of sound front on Ocracoke Island. Over the past several years NPS has
24 implemented rules and regulations which negatively impact the tourist business on the island and
25 tourist friendly access to the beaches of vehicles and persons. Mr. Fletcher asks the NPS to create
26 inexpensive rates for beach passes and provide better access to beaches on Ocracoke.

27 Commissioner Fletcher moved to adopt "Resolution In Support Of National Park Service To Create A
28 Daily Rate For Beach Passes And Provide Better Access To Beaches On Ocracoke". Mr. Tunnell
29 seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell,
30 Simmons and Swindell; Nays – None; Absent or not voting – None.

31 *Clerk's Note: A copy of "Resolution In Support Of National Park Service To Create A Daily Rate For Beach Passes*
32 *And Provide Better Access To Beaches On Ocracoke" is attached herewith as Exhibit C and incorporated herein by*
reference.

33

34

1 **Resolution In Support Of Pungo District Hospital**

2 Belhaven Mayor Adam O’Neal presented the need for Pungo District Hospital (PDH). Mayor O’Neal
3 made reference to thirteen (13) people injured by a tornado that hit Pantego and Ponzer earlier in the
4 afternoon. Mr. O’Neal reported that Pungo lost \$1.8 million in 2012 and \$1 million in 2013. He
5 believes Pungo District Hospital can survive financially if it is run right. He stated closing the hospital
6 would handicap the town of Belhaven and surrounding areas. Mayor O’Neal wants Hyde County to be
7 a part of saving Pungo District Hospital.

8 Commissioner Simmons referenced a personal experience at Pungo that had a positive outcome and a
9 relative’s experience that did not. Mr. Simmons stated the hospital needs proper equipment to run as it
10 should.

11 Commissioner Pugh moved to adopt “Resolution In Support Of Pungo District Hospital”. Mr.
12 Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh,
13 Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None

14 *Clerk’s Note: A copy of “Resolution In Support Of Pungo District Hospital” is attached herewith as Exhibit D and*
15 *incorporated herein by reference.*

16 **Appointments:**

17 **Appointments – Hyde County Board of Health**

18 Wesley Smith, Health Director, reported that at the quarterly meeting held on March 18, 2014 the
19 Hyde County Board of Health recommended the appointment of the following individuals to their first
20 (1st) three (3) year term of office on the Board of Health: (1) J. W. Spencer (replacing Kathy Spencer
21 as “Public Member”) and (2) Doreen Holloway (replacing Willie Shaw as “Public Member”). The
22 first three year term of office for both of these Board members will expire in April of 2017.

23 Commissioner Pugh moved to appoint J. W. Spencer and Doreen Holloway to their first, three-year
24 term on the Hyde County Board of Health, to expire in April of 2017. Mr. Swindell seconded the
25 motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and
26 Swindell; Nays – None; Absent or not voting – None.

27 **Appointment – Swan Quarter Dike Committee**

28 Commissioner Tunnell requested Board approval allowing the Swan Quarter Dike Committee to
29 nominate and appoint a Chairman and Secretary to serve on this Board.

30 Commissioner Tunnell moved to allow the Swan Quarter Dike Committee to nominate and appoint a
31 Chairman and Secretary to serve on this Board. Mr. Pugh seconded the motion. The motion passed on
32 the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or
33 not voting – None.

1 **Appointment – Ocracoke Planning Board**

2 Commissioner Fletcher moved to appoint Benjamin Arden to serve on the Ocracoke Planning Board.
3 Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh,
4 Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

5 **Request for Funding – Hyde County Hotline**

6 Kathy Ballance, Director, Hyde County Hotline, presented update on the progress made by Hotline
7 since its beginning in 2009. Ms. Ballance reported that Hotline currently employees ten (10) people.
8 In FY12-13 Hotline served 121 victims of domestic abuse in person, answered 517 crisis calls,
9 provided 423 shelter nights (includes 12 children under the age of 14 who accessed safe shelter with
10 their mothers), served 40 victims of sexual victimization in person and answered 91 crisis calls.

11 Hotline raises approximately \$33,000 a year. Donations, the Hotline Thrift Store and its annual Winter
12 Gala fundraiser generate these funds. The funds are used for grant match requirements. Most of the
13 grants awarded to Hotline require a 20% match.

14 Ms. Ballance asked the County to support Hotline by including \$10,000 in its FY14-15 budget for
15 grant match requirements. If funds are awarded to Hotline, they will be used toward North Carolina
16 Council for Women grants that specifically address domestic violence and sexual assault and the
17 Governor’s Crime Commission grant that also specifically addresses victims of crime.

18 **ABC Board Financial Report**

19 Meredith Nicholson, Chairman, Hyde County ABC Board, presented Balance Sheet and Profit & Loss
20 reports as of February 28, 2014.

21 The ABC Board requests a County loan of \$10,000 to the ABC Board to cover payment of:
22 1) settlement of state retirement funds that had not been withheld from employees nor matched by the
23 Board and remitted to the state, and 2) amount due to the Employment Security Commission for
24 unemployment benefits paid to previous employees. Penalties and interest total approximately \$1,000.

25 Commissioner Tunnell moved to approve a loan in the amount of \$10,000 necessary to pay these two
26 bills added to the current ABC Board loan balance of \$13,250 for a total of \$22,250 to be paid in full
27 in ten years; and, if the ABC Board cannot negotiate penalties and interest accrued on these debts the
28 issue will be turned over to County Attorney Fred Holscher to handle. Mr. Fletcher seconded the
29 motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and
30 Swindell; Nays – None; Absent or not voting – None.

31 **GovDeals – Surplus Items**

32 Finance Officer Corrinne Gibbs requested approval to sell the listed surplus items on GovDeals.

33 4) HP95 tri-color ink cartridge for \$15.00 each

34 2) HP94 black twin pack & black/tri-color ink cartridge pack for \$20.00 each

- 1) HP78 tri-color ink cartridge for \$15.00
- 1) EPSON tri-color ink cartridge for \$22.00 each
- 5) HP94 black ink cartridge for \$10.00 each
- 1) HP 12C financial calculator for \$15.00
- 1) Ford New Holland Backhoe 555C A303124-ROTPS#455C555C655C for \$3,000.00
- (This item is no longer in use in the Solid Waste Department)

Commissioner Fletcher moved to declare the listed items surplus and advertise them for sale on GovDeals. 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.

West Quarter/Swan Quarter Watershed Assessment

Daniel Brinn, Tar-Pamlico River Basin & NCACSP Tech, reported the assessment for the West Quarter SSD is based on proximity to the dike and is \$1.00, \$0.66 and \$0.33 per acre respectively. This assessment amount has remained unchanged since its adoption in August 1987 (Minute Docket Book 16, Page 268). The income from this assessment for 2012 was \$3907.30. The assessment for 2013 was \$3,950.56.

Mr. Brinn reported that on Friday, March 14, 2014, five members of the Swan Quarter Watershed Steering Committee met to discuss the current assessment rate for West/Quarter/Double & Bay. After some discussion, J. W. Spencer made a motion to make recommendation to the Commissioners to combine Tier 1 & 2 of the Assessment area and increase the rate to \$7,00 per acre and in Tier 3 increase the rate to \$3.00 per acre. Tony Carawan seconded the motion and the motion carried.

Commissioner Tunnell moved to combine Tier 1 and Tier 2 in the assessment area and increase the rate to \$7.00 per acre and increase the rate in Tier 3 to \$3.00 per acre. 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.

Hyde County EMS Treatment and Transport Billing Rate Adjustments

Justin Gibbs, Emergency Management Director, requested rate adjustments in EMS treatment and transport billing to align the locally assessed rates with those allowed by Medicaid and Medicare.

The adjusted rates are as follows:

HCPCS Code	Level of Service	Definition	Current Rate	Adjusted Rate*
A0429	Basic Life Support (BLS)	Basic Life Support (BLS) is transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the State. The ambulance must be staffed by an individual who is qualified in accordance with State and local laws as an emergency medical	\$750	\$419.24

		technician-basic (EMT-Basic). These laws may vary from State to State or within a State. For example, only in some jurisdictions is an EMT-Basic permitted to operate limited equipment onboard the vehicle, assist more qualified personnel in performing assessments and interventions, and establish a peripheral intravenous (IV) line.		
A0427	Advanced Life Support - Level 1 (ALS1)	Advanced life support, level 1 A(ALS1) is the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including the provision of an ALS assessment or at least one ALS intervention.	\$750	\$497.85
A0433	Advanced Life Support - Level 2 (ALS2)	Advanced life support, level 2 (ALS2) is the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including (1) at least three separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids) or (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS2 procedures listed below: <ul style="list-style-type: none"> • Manual defibrillation/cardioversion • Endotracheal intubation • Central venous line • Cardiac pacing • Chest decompression • Surgical airway • Intraosseous vascular access 	\$750	\$720.57
A0425	Mileage		\$10.60/mile	Miles 1-17 = \$10.85/mile Miles ≤ 18 = \$ 7.23/mile

1 *A twenty percent adjustment will be applied to each bill to ensure that the County is reimbursed at the CMS allowable rate.

2 Commissioner Pugh moved to approve the Adjusted Treatment and Transport Billing Rates to align the
3 locally assessed rates with those allowed by MCD and MCA. Mr. Fletcher seconded the motion. The
4 motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None;
5 Absent or not voting – Fletcher.

6 **Hyde County EMS – Colleton Software Agreement for Medical Billing Services Renewal**

7 Renewal of the Colleton Software Agreement for Medical Billing Services is tabled until the next
8 regularly scheduled Board of Commissioners meeting on Monday, May 5, 2014.

9 **Recycling Grant & Hyde County’s Ranking In North Carolina**

10 Clint Berry, Utilities Director, stated that in a recent report by NCDENR it was announced that North
11 Carolina recorded the lowest per-capita rate for solid waste disposal in 2013 since measurement began

1 in 1991, continuing a steady downward trend in disposal per person that started in 2006. The per
 2 capita recovery rate for common household recyclables helps compare the relative effectiveness of
 3 residential recycling services, while total recycling measures broader community effort. Communities
 4 ranked high on each list offer examples of the most effective recycling programs in North Carolina.
 5 Hyde County ranked 22nd in Total Public Recycling Per Capita Recovery and 29th in Common
 6 Household Recyclables Per Capita Recovery.

7 The Hyde County Board of Commissioners commends Utilities Director Clint Berry for his
 8 participation in recycling grant programs and his excellent recycling performance.

9 **Update On GC, PSC and ECB**

10 Clint Berry, Utilities Director, presented update on the Government Center (GC), Public Safety Center
 11 (PSC) and East Carolina Bank (ECB) building. Mr. Berry reported the in-line gutter system in the
 12 Government Center needs repair. He is accepting bids to fix the gutters, slope and line them with an
 13 interior coating to create one seamless gutter. REI Engineers will develop a scope of work to repair
 14 the existing roof on the Public Safety Center and bid will be put out for the project. Bid will be put out
 15 to rehab the East Carolina Bank building and DSS will move in the building once the project is
 16 completed.

17 **Mowing Contract**

18 Clint Berry, Utilities Director, reported three years ago after the reduction in workforce, the
 19 Maintenance Department lost two employees. The three year contract for mowing of twelve yards will
 20 expire in March and it was put out for bids. Five bids were received for the mowing contract.

Hyde County Bid Tabulation for Mowing 3-27-14						
Location	Current	John Sadler	Kane Cox	Joe Williams	Hunter Sutton	Richard Woolard
Health Department Complex	\$150.00	\$125.00	\$200.00	\$150.00	\$265.00	\$400.00
1129 Main St. Swan Quarter						
ABC Store	\$15.00	\$25.00	\$25.00	\$30.00	\$35.00	\$50.00
20121 US Hwy 264						
Senior Center	\$30.00	\$35.00	\$30.00	\$40.00	\$45.00	\$75.00
160 Juniper Bay Rd.						
EMS Station	\$20.00	\$35.00	\$25.00	\$35.00	\$35.00	\$60.00
162 Juniper Bay Rd.						
Fairfield Adapt Center	\$50.00	\$60.00	\$50.00	\$70.00	\$45.00	\$150.00
69 Church St.						
Ponzer Community Building	\$50.00	\$70.00	\$60.00	\$70.00	\$70.00	\$150.00
US Hwy 264						
Engelhard Airport	\$80.00	\$45.00	\$100.00	\$150.00	\$140.00	\$300.00
US Hwy 264						
Engelhard Water Tower	\$25.00	\$20.00	\$25.00	\$30.00	\$30.00	\$80.00
Water Tower Rd.						
Fairfield Water Tower	\$30.00	\$20.00	\$30.00	\$25.00	\$30.00	\$80.00
Water Tower Rd.						

Daniels Booster Pump Station	\$20.00	\$15.00	\$20.00	\$20.00	\$30.00	\$35.00
North Lake Rd.						
Scranton Booster Pump Station	\$25.00	\$15.00	\$20.00	\$20.00	\$30.00	\$35.00
Hwy 264						
New Holland Booster Pump Station	\$20.00	\$15.00	\$25.00	\$20.00	\$25.00	\$35.00
Hwy 264						
Total	\$515.00	\$480.00	\$610.00	\$660.00	\$780.00	\$1,450.00

Commissioner Tunnell asked that a weed eater be used on ditch banks instead of Round Up.

Commissioner Pugh abstained from voting due to conflict of interest.

Commissioner Fletcher moved to award the Mowing Contract to John Sadler, the lowest bidder. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Pugh.

ECB Building Foundation

Commissioner Simmons, in response to citizens concerns, investigated the East Carolina Bank building foundation. Mr. Simmons spoke with R. S. Spencer, former owner, who said the building was built on pilons. He also spoke with Hudson Brothers Construction Company who inspected the building’s foundation for ECB in the past and said the foundation was found to be adequate. Mr. Simmons reported the rubber seals in the tidegates need to be replaced. Clint Berry, Maintenance Director, will take care of this.

County Land Sales

Commissioner Fletcher moved to allow the County Manager to declare the property surplus and then sell it at public auction. 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.

Commissioner Swindell moved to have Justin Gibbs, GIS, make maps of the property and to table discussion of sale of surplus county owned property to the May 5th meeting. 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 Health Clinic

Cheryl Ballance, Administrative Director of the Ocracoke Health Clinic, reported to Manager Rich and EM Director Justin Gibbs that Clinic hours of operation will go from 24-hours a day/7-days a week to no services on nights and weekends.

Justin Gibbs, EM Director, recommends implementation of an on-call schedule for EMS in order to provide coverage on nights and weekends.

1 **Set Spending Freeze**

2 Corrinne Gibbs, Finance Officer, reported that in order to complete the FY2014-2015 Hyde County
3 Budget, a spending freeze needs to be set. Ms. Gibbs recommends \$100 for all county departments
4 through the end of FY2013-2014. Request exceeding the \$100 will be reviewed by the County
5 Manager and approved as he deems necessary. The Health Department and the Department of Social
6 Services will not be affected by the freeze.

7 Commissioner Fletcher moved to set a \$100 spending freeze for all County departments except Health
8 and DSS through the end of FY2013-2014. Mr. Tunnell seconded the motion. The motion passed on
9 the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or
10 not voting – None.

11 **FY2014-2015 Budget Calendar**

12 Corrinne Gibbs, Finance Officer, reported that every year a Budget Calendar has to be set for
13 preparation of the budget. Department budgets will be reviewed with the finance officer and county
14 manager. He will present the draft FY2014-2015 Hyde County Budget Resolution and Budget
15 Ordinance for Board of Commissioner approval before the end of this fiscal year. If necessary, a
16 second Board meeting will be held in May.

17 **FY2013-2014 Audit Contract**

18 Manager Rich reported the Hyde County FY2013-2014 Contract To Audit Accounts with Andrew
19 Harris, CPA, is due for renewal. Mr. Harris expects to begin his audit on approximately June 1, 2014
20 and to issue his reports no later than October 31, 2014. His fee for these services will be at his
21 standard hourly rates, not to exceed \$24,875.

22 Commissioner Tunnell moved to renew the Hyde County FY2013-2014 Audit Contract with Andrew
23 Harris, CPA. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –
24 Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

25 **Consideration Of Legalized Marijuana and Slot Machines On Ferries**

26 Commissioner Fletcher will discuss these issues at the next regularly scheduled Board meeting on
27 May 5, 2014 beginning at 6:00pm.

28 **Interim Department of Social Services (DSS) Director**

29 Manager Rich requested Board approval to extend the Interim DSS Manager position filled by
30 Suzanne Johnson through June, 2014 at the same salary increase per month.

31 Commissioner Fletcher moved to extend the Interim DSS Manager position through June 2014 at the
32 same salary increase per month. Mr. Simmons seconded the motion. The motion passed on the
33 following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not
34 voting – None.

1 **Budget Revisions**

BR# or IDT#	Department	Account #	Transfer	Line Item Account Name/ Explanation
BR26-14	Health	Triple P Program	\$15,680.00	Hyde County Health Department has received additional funds from the WCH/Children and Youth Branch of the NC Division of Public Health to provide Triple P training to an additional nine (9) practitioners in the Hyde/Beaufort Collaborative in order for them to provide Triple P services to children from birth to five years of age. This additional funding is for the period of March 1, 2014 through May 31, 2014. While this revision does increase the budget for the Triple P Program, there will be no expense locally to the County of Hyde.
BR27-14		WIC	\$ 100.00	Transferring \$100.00 from Travel line in WIC Program into Department Supplies line to purchase education materials for Child Health Fair in April. This revision DOES NOT increase the budget for the WIC program.
BR28-14		Child Health	\$ 500.00	Hyde County Health Department has received additional funds in the amount of \$500.00 from the Beaufort/Hyde Partnership for Children for a mini-grant to the Hyde County LICC in support of the 2014 Child Health Fair, to be held April 25, 2014 at Davis Center in Engelhard. The funds will be used to purchase equipment (2 bouncy houses) to engage the children actively during the Health Fair. While this revision does increase the budget for Child Health, there will be no expense locally for the County of Hyde.
	Social Services	Administration	\$10,000.00	Funds transferred from Contract Services to Social Services Administration to cover unexpected utilities. Does not increase the budget.
		Contract Social Worker	\$10,000.00	Funds transferred from Contract Interpretation to Contract Social Worker to cover contract social worker. Does not increase the budget.
		Part-time Employee	\$10,000.00	Funds transferred from DSS Salaries to DSS Part-time to cover part-time employee that was originally budgeted as full-time. Does not increase the budget.
		LIEAP-Additional Allocation	\$10,000.00	Funds transferred from LIEAP to Social Services Administration to cover additional allocation. Does increase the budget.
	Solid Waste	Administration	\$ 2,282.84	Funds transferred from Longevity and Site Improvements-Mainland lines to Computer Support, Equipment Maintenance, Advertising, Motor Oil Disposal and Equipment lines to cover costs. Does not increase the budget.
	Planning	Administration	\$ 1,000.00	Funds transferred from Economic Development Consult Services to Printing and Promotions. Does not increase the budget.
	Administration	ABC Board	\$10,000.00	Funds from Fund Balance Appropriated to ABC Board Loan. The \$10,000.00 loan is added to the current ABC Board loan balance of \$13,250 for a total of \$22,250 to be paid in full in ten years.

2
3 Commissioner Pugh moved to approve the ten (10) budget transfers as presented. Mr. Fletcher
4 seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell,
5 Simmons and Swindell; Nays – None; Absent or not voting – None.

6 **Management Reports:**

7 **Commissioner Tunnell** – reported that he attended the Federal Dredging meeting, Dike meeting and
8 Pantego Creek, LLC meeting.

9 **Commissioner Pugh** – reported that he attended the Albemarle Commission meeting and the meeting
10 with Belhaven Mayor Adam O’Neal and Dr. Charles Boyette.

1 **Commissioner Simmons** reported that he inspected the ECB building in response to questions about
2 the foundation. He attended the West/Quarter Dike meeting.

3 **Commissioner Fletcher** – reported that he attended the Ocracoke Civic and Business Association
4 (OCBA) meeting.

5 **Chairman Swindell** – reported that he attended the Board of Health meeting and the meeting with
6 Belhaven Mayor Adam O’Neal and Dr. Charles Boyette.

7 **County Manager Rich** – congratulated Commissioner Tunnel on the birth of his grandson, Aaron
8 Alexander Carter. Mr. Rich announced that he has joined the Beaufort-Hyde Community Foundation
9 and presented update on various projects on-going in Hyde County.

- 10 • Meeting with Senator Jerry Tillman, Lobbyist Joe McClees, Dr. Randolph Latimore, Superintendent
- 11 • (5) Days/\$10,000 Plan
- 12 • Ferry Tolling – Ed Goodwin
- 13 • FEMA Gardens – Grapes, Blueberries, Marajuana
- 14 • Beaufort-Hyde Community Foundation – Manager Rich
- 15 • County Administration Course – UNC-School of Government
- 16 • Animal Control

17

18 Mr. Rich also presented his March 2014 meetings calendar.

19

20 **Tornado Update:**

21

22 EM Director Justin Gibbs reported that a tornado touched down in Eastern Beaufort County and
23 Western Hyde County at 4:00pm today. The home of Bud and Kathy Clayton on Highway 45 in the
24 Ponzer community was damaged and is uninhabitable. Several homes on Beach Ridge Road in
25 Beaufort County were damaged. Mr. Gibbs will send a report on the event to the State and will get
26 help for the Claytons. He asked that we pray for the people who were involved in the tornado.

27

28 **Public Comments:**

29 Chairman Swindell called for comments from the public.

30 Connie Leinbach, Ocracoke – asked what would be grown on the County gardens.

31 Manager Rich reported that he recommends we grown blueberries or Muscatine grapes on these
32 properties.

33 Darlene Styron, Ocracoke – offered her prayers to the victims of the tornado.

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

35

1 **Closed Session (none)**

2 **Adjourn**

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

6 The meeting adjourned at 8:50p.m.

7

8 Respectfully submitted:

9

10 Minutes approved on the 5th day of May, 2014.

11

12

13 _____
14 Lois Stotesberry, CMC, NCCCC
15 Clerk, Hyde County Board of Commissioners

16 _____
17 Barry Swindell
18 Chair, Hyde County Board of Commissioners

15 Attachments:

16 Exhibit A: *“Proclamation – Child Abuse Prevention Month – April 2014”*

17 Exhibit B: *“Proclamation – Week of The Young Child – April 6–12, 2014”*

18 Exhibit C: *“Resolution In Support Of National Park Service To Create A Daily Rate
19 For Beach Passes And Provide Better Access To Beaches On Ocracoke”*

20 Exhibit D: *“Resolution In Support Of Pungo District Hospital”*

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 5, 2014
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

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

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

Time for one person cannot be used by another person.

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

RECOMMEND: Receive comments.

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

Meeting Date: May 5, 2014
Presenter: County Manager Bill Rich
Attachment: No

ITEM TITLE: EMPLOYEE OF THE MONTH

SUMMARY: Manager Bill Rich will announce the Employee of the Month.
The employee will spin the "Wheel of Thanks."

RECOMMEND: Congratulations.

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

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

Vote: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 5, 2014
Presenter: Bill Rich, County Manager
Attachment: No

ITEM TITLE: FY2014-2015 BUDGET MESSAGE

SUMMARY: County Manager Bill Rich will present the manager's message relating to the FY2014-2015 Budget.

RECOMMEND: Receive report.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

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

Meeting Date: May 5, 2014
Presenter: Clint Berry, Utilities Director
Attachment: Yes

ITEM TITLE: PROJECT ORDINANCE GOVERNMENT CENTER

SUMMARY: Project Ordinance is required to complete the repairs on the Government Center. The budget in the project ordinance is based on estimates only provided by REI Engineering.

RECOMMEND: APPROVE.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Hyde County Government Center Water Penetration Remediation Project

Project Ordinance 2014-05-05

Be it ordained by the Board of Commissioners of Hyde County, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted:

Section 1. The project authorized is the Hyde County Government Center Water Penetration Remediation Project between Hyde County and A.R. Chesson Construction Co., Inc. and RGG Architecture, PA.

Section 2. Hyde County staff is hereby directed to proceed with the Hyde County Government Center Water Penetration Remediation Project within the terms of the document(s), and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete the project activities:

Reserve Judgment Proceeds	60,957.55
Capital Reserve	<u>114,854.45</u>
Total Project	\$175,812.00

Section 4. The following amounts are appropriated for completion of the project activities:

Construction Services	149,500.00
Contingency (5%)	7,475.00
Engineering Services	<u>18,837.00</u>
Total Project	\$175,812.00

Section 5. The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records.

Section 6. The Finance Officer is directed to report on the financial status of each project element in Section 4.

Section 7. Copies of this Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Adopted this 5th day of May 2014.

ATTEST

SEAL

Barry Swindell, Chair
Hyde County Board of Commissioners

Clerk to the Board

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 5, 2014
Presenter: Manager Rich
Attachment: No

ITEM TITLE: SET DATE FOR PUBLIC HEARING FOR THE FY2014-2015 BUDGET PRESENTATION

SUMMARY: A date needs to be set for Public Hearing on the FY2014-2015 Budget.

<i>May 2014</i>						
<i>Sunday</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>
				1	2	3
4	5 <i>Commissioners Meeting</i>	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
<i>June 2014</i>						
<i>Sunday</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>
1	2 <i>Commissioners Meeting</i>	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

RECOMMEND: Set date.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 5, 2014
Presenter: Manager Bill Rich
Lois Stotesberry, Adm. Asst./Clerk
Attachment: Yes

ITEM TITLE: RESOLUTIONS

SUMMARY: The Hyde County Board of Commissioners has been asked to adopt the following resolutions:

1) “Resolution Of The Board Of County Commissioners Of Hyde County, North Carolina, Relating To The FY2014-2015 Budget

County Manager Rich will present the FY2014-2015 Budget Resolution.
(Resolution will distributed at the meeting)

2) Resolution of Respect for Honorable Martin Luther Nesbitt, Jr.

Request received from the Democratic Party to present this resolution of respect for Senator Nesbitt.

3) Resolution In Support of Recognition of “WWII Coastwise Merchant Mariners”

Request received from Mr. Don Horton, President, WWII Coastwise Merchant Mariners, to present this resolution of support recognizing WWII Coastwise Merchant Mariners Service Act.

RECOMMEND: Adopt.

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

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

Vote: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

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

Meeting Date: May 5, 2014
Presenter: Bill Rich, County Manager
Attachment: No

ITEM TITLE: FY2014-2015 BUDGET RESOLUTION

SUMMARY: County Manager Bill Rich will present "Resolution Of The Board Of County Commissioners Of Hyde County, North Carolina, Relating To The FY2014-2015 Budget.

RECOMMEND: Receive report.

Motion Made By:	<input type="checkbox"/> Barry Swindell	Motion Seconded By:	<input type="checkbox"/> Barry Swindell	Vote:	<input type="checkbox"/> Barry Swindell
	<input type="checkbox"/> Dick Tunnell		<input type="checkbox"/> Dick Tunnell		<input type="checkbox"/> Dick Tunnell
	<input type="checkbox"/> Ben Simmons		<input type="checkbox"/> Ben Simmons		<input type="checkbox"/> Ben Simmons
	<input type="checkbox"/> John Fletcher		<input type="checkbox"/> John Fletcher		<input type="checkbox"/> John Fletcher
	<input type="checkbox"/> Earl Pugh, Jr.		<input type="checkbox"/> Earl Pugh, Jr.		<input type="checkbox"/> Earl Pugh, Jr.

**RESOLUTION OF RESPECT FOR HONORABLE
MARTIN LUTHER NESBITT JR.**

WHEREAS THE HONORABLE MARTIN L. NESBITT JR. SERVED THE GREAT STATE OF NORTH CAROLINA FOR OVER THREE DECADES, FIRST AS A LEGISLATOR IN THE NORTH CAROLINA HOUSE OF REPRESENTATIVES, FROM 1979 UNTIL HE BECAME A NORTH CAROLINA SENATOR IN 2004. SERVING AS SENATE MAJORITY LEADER FOR EIGHT YEARS. THEN AS SENATE MINORITY LEADER.

WHEREAS, SENATOR NESBITT WAS DULY ELECTED BY THE 49TH DISTRICT IN ASHEVILLE, HE SERVED SELFLESSLY THE PEOPLE FROM THE BLUE RIDGE MOUNTAINS TO THE ATLANTIC COASTLINE. FOR HIS EXEMPLARY AND DISTINGUISHED SERVICE TO OUR GREAT STATE AND ESPECIALLY TO THE NEEDS FOR HYDE COUNTY WE ARE EXTREMELY GREATFUL.

BE IT RESOLVED THAT THE HONORABLE MARTIN L. NESBITT REST IN PEACE TO A SERVITUDE OF HIGHER CALLINGS.

AND FURTHERMORE BE IT RESOLVED FOR THIS RESOLUTION FOR THE HONORABLE MARTIN LUTHER NESBITT JR. BECOME A PART OF THE RECORDS OF HYDE COUNTY AND ALSO FORWARD COPY TO HIS BELOVED FAMILY.

RESPECTFULLY SUBMITTED THE 7TH DAY OF APRIL, 2014.

HYDE COUNTY BOARD OF COMMISSIONERS



BARRY SWINDELL- CHAIRMAN

COUNTY OF HYDE

RESOLUTION IN SUPPORT OF RECOGNITION OF "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)
- c. Company letters showing vessel names and dates of voyages

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**". 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 through the superb support of Mr. Mark Mollan, WW II Senior Archivist, that contained information proving Active Duty (AD) services for some WW II coastwise barge and tug Merchant Mariners. Together with additional 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 merchant mariners and the USCG Merchant Marine Casualties of WW II report of 1950 revealed the following:

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 410,000 from recognized historians. 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 accorded 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 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 Branson, Missouri. Many seafarers have passed without ever gaining recognition or benefits and soon all will be History. NMC cites **about 91,000 out of 250,000**

to 415,000 have ever received recognition as veterans 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 purposed 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 and **clearly identifies the requirement** to put in place a method of utilizing **alternative** documentation and other approved methods to take the place of specific documents removed from use by the government actions cited 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 and allowing those barges to move the bulk war materials more quickly freeing the more abled bodied seaman and provided the opportunity 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. 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) Previous bills HR 1288, now HR 2189 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. **No laws** in place to allow for resolution. Note: **S 1361** was incorporated into **S 1950** and then **S 1982** but **reduced to a 90 day Process Review**, thereby losing its effectiveness to recognize any of the coastwise mariners. Both bills were rejected by the Senate. A review of the Process is **not** warranted or necessary. Both Bills S 1950 and S 1982 were rejected by Senate vote.

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 laced 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 House Bill HR 2189 contains the original wording as proposed and offers alternative methods of recognition for these Coastwise Mariners from WW II. The proposed Senate Bill S 1982 will only **review** 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.

Whereas: (10) A Process Review of 90 additional days can only **conclude** that in order to correct this significant oversight, legislation will still be required to allow for alternative documentation and other actions that will lead to recognition as veterans for these WW II coastwise merchant mariners. By the time the study is over the 113th congress will have expired and all is lost and back to the beginning; thereby again losing precious lives who may gain recognition if **HR 2189 is allowed to move forward. Notwithstanding cost associated with a study.**

The following actions are recommended:

(1) Initiate congressional actions to: Provide sufficient response to support Merchant Mariners' provisions of HR 2189 (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.**

Now, therefore, be it resolved that the Hyde County Board of Commissioners hereby supports the efforts on behalf of the World War II Coastwise Merchant Mariners and urges our Representatives in the Senate and the House to pass legislation to approve the above findings and recommendations.

Adopted this the 5th day of May, 2014.

Barry Swindell Chairman
NC Hyde County Board of Commissioners



ATTEST

Clerk to the Board

WW II Coastwise Merchant Mariners

J. Don Horton, President
104 Riverview Ave, Camden, NC 27921

252 336 5553

<http://jdon-ammvblogspotcom.blogspot.com>
jdonhorton@embarqmail.com



The Honorable George K. Butterfield, D-01-NC
The Honorable Walter B. Jones, R-03-NC
US House of Representatives
Washington, DC

09 Mar. 2014

Dear Representatives Butterfield and Jones,

I write on behalf of some 10 to 30 thousand WW II Coastwise Mariners that you have provided tireless support to through the last three congressional sessions in an attempt to have them recognized as veteran of the US Merchant Marine. Through those efforts we have succeeded in having our bill HR 1288 incorporated, intact, within an Omnibus bill HR 2189 and passed with a 404 to 1 vote in the House and on to the Senate. Thank you.

As you well know this legislation is a landmark in that never in the history of our nation has there been an avenue for our women, schoolchildren and elderly handicapped mariners from WW II to obtain their due recognition as veterans. This has come about, via HR 1288 (WW II Merchant Mariners Service Act), because of your dedication to our veterans that they will not be forgotten; and it is simply the right thing to do.

It seems we have hit a brick wall in the Senate as our only known avenue within was a similar bill S-1361, but it was incorporated twice into other Omnibus bills that have been voted down. However before that action, an adverse action took place during the incorporation of S1361 and that removed all language of our bill HR 1288 and replaced it with a 90 Process Review that is completely unnecessary and adding undue cost to a bill the was scored as DeMinimis. We suspect this action may have been set up to derail this bill and send it to oblivion. We do not wish that to happen after almost 7 years of dedicated effort and we believe you feel the same way.

Senator Burr's staff has stated in correspondence that the Senator sees no need for additional legislation as no one other than this writer has stepped up with the problem of our mariners being denied their due recognition. We believe this is an inaccurate assessment of the situation and information to support our claim has been forwarded to all concerned including Senator Burr and yourselves. All 100 counties have reached out asking his support.

Already established is the fact that many of these seafarers cannot gain recognition because of actions by our government that destroyed and denied records required to prove their service during WW II. The inability to obtain and review WW II mariner records has proven a major obstacle in identifying more seamen that need assistance in gaining their due recognition. To support our legislation we need to gain access to documents that should have been made available almost 10 years ago through an agreement with the DOD and The National Archives and Records Administration. 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 accorded 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. For these Mariners this action has not taken place making these records inaccessible for research and identifying additional mariners who have served.

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 410,000. 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 states. Senator

WW II Coastwise Merchant Mariners

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jdonhorton@embarqmail.com



Burr is of the belief that the overwhelming majority of our WW II mariners have been recognized as veterans and uses this excuse as a second reason to deny offering assistance to help these veterans gain their due status as veterans. This is simply not the case and again he has been given inaccurate information to make his decision.

As we all know that to provide a good offense one must have a great defense and that is why we are reaching out to you today. The WW II CMM feels that additional information can be obtained through Congressional inquiry and much faster than waiting for someone to step up and make good on the 62 year deal for our mariners which is sure not to happen in the next few years. This data is needed now to support any favorable Senate action.

According the WW II CMM respectfully request that a joint bi-partisan congressional inquiry be made by both of you and as many more cosponsors of HR 1288 that can be mustered on behalf of those 10 to 30 thousand WW II coastwise mariners who may have been discriminated against do to the inability to obtain the required records that seemed lost and not available for research. Additionally, research brings forth that there are no implementing instructions from the Department of Homeland Security downward to the echelon responsible to prepare and issue the DOD Forms DD 214 and 1300 that attest to services performed by a Merchant Marine veteran from the WW II. Documents received by qualified veterans are rife with unfilled blocks of information that is required to reflect one's complete service, their awards, promotions and various ships served aboard. Almost all have serious data omissions and provides only limited information. This is a direct insult to those receiving this most important document. No other service is subjected to this embarrassment.

Please note an earlier request was made by Congressman Joe Courtney, D-CT but the reply returned was vague and did not answer the initial request and staff did not follow up on request to obtain clarification. The specifics regarding both issues have been sent to members of your staff and they should be well aware of the situation.

Therefore this request reflects on two specific points. (1) The position of the National Maritime Center in their completion of the 62 Year Agreement of 2004 and a provision to allow research of existing records that will provide additional names to the few we now possess (1150) and (2) copies of implementing instructions that provide official guidance to the responsible parties for preparing and issuing the forms DD 214 and DD 1300.

This information should provide a better position to offer defense to retain the original wording of HR 1288 and reflected within HR 2189 and provide a suitable position to reach out to Senator Burr with additional official data that may persuade him to step up and assist us in correcting a wrong that has been ongoing for 70 years.

As in the past you have stood up to do the right thing in gaining the recognition for these few mariners that are left and I am sure you wish to do the right thing again. We remain standing by awaiting your most favorable response.

Very Sincerely,
J. Don Horton
J. Don Horton, President

FX: 252 291 0356
202 225 3286

RATIONALE FOR SUPPORT OF RECOGNITION OF “WW II COASTWISE MERCHANT MARINERS ”

Findings 1: The 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) providing they meet certain eligibility requirements.

Findings 2: 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)
- c. Company letters showing vessel names and dates of voyages

Findings 3: 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 4: 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 2.

Findings 5: 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**”. This action effectively eliminates item (b) from the eligibility list in Findings 2.

Findings 6: 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 2 should be removed from the eligibility list. USCG Info Sheet # 77, page 2 refers

Findings 7: 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 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.**

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 sets 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 through the superb support of Mr. Mark Mollan, WW II Senior Archivist, that contained information proving Active Duty (AD) services for some WW II coastwise barge and tug Merchant Mariners. Together with additional 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 merchant mariners and the USCG Merchant Marine Casualties of WW II report of 1950 revealed the following:

Enclosure (1)

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

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- 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 410,000 from recognized historians. 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 a billet, 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 Public Law 95-202). 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 P.L 95-202. 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 have passed without ever gaining recognition or benefits and soon all will be History. Only **about 91,000 out of 250,000 have ever received recognition** as veterans 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 be available to all and providing the mariner a chance to being recognized many years ago and enjoying the benefits awarded to them via public law.

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 purposed of attaining veteran status and findings (5), (6) & (7) identified specific **official government actions** that **removed** these particular documents from the reach of the

Enclosure (1)

mariner and **clearly identifies the requirement** to put in place a method of utilizing **alternative** documentation and other approved methods to take the place of specific documents removed from use by the government actions cited 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 **servd 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 and allowing those barges to move the bulk war materials more quickly freeing the more abled bodied seaman and provided the opportunity 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. 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. Under aged children served this nation in every war.

Whereas: (6) Previous bills HR 1288, now HR 2189 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. **No laws** in place to allow for resolution. Note: **S 1361** was incorporated into **S 1950** and then **S 1982** but **reduced to a 90 day Process Review**, thereby losing its effectiveness to recognize any of the coastwise mariners. Both bills were rejected by the Senate. A review of the Process is not warranted or necessary. Both Bills S 1950 and S 1982 were rejected by Senate vote.

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 laced with children defending this nation and Coastwise Mariners had their fair share of them. **Findings #10 provides 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.

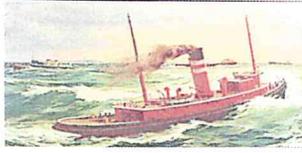
Whereas: (9) The House Bill HR 2189 contains the original wording as proposed and offers alternative methods of recognition for these Coastwise Mariners from WW II. The proposed Senate Bill S 1982 will only **review** the process used to determine whether an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman 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.

Enclosure (1)

Whereas: (10) A Process Review of 90 additional days can only **conclude** that in order to correct this significant oversight, legislation will still be required to allow for alternative documentation and other actions that will lead to recognition as veterans for these WW II coastwise merchant mariners. By the time the study is over the 113th congress will have expired and all is lost and back to the beginning; thereby again losing precious lives who may gain recognition if **HR 2189 is allowed to move forward. Notwithstanding cost associated with a study.**

The following actions are recommended:

(1) Initiate congressional actions to: Provide sufficient response to support Merchant Mariners' provisions of HR 2189 (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.**



NOTICE TO ALL HANDS... MISSING VETERAN HONORS

New Research had discovered another major gaffe concerning our WW II Merchant Marine. During WW II our US Merchant Marine suffered perhaps the highest casualty rate than any other services. One in Twenty-Six has been reported as the rate of loss for these mariners. The chart below provides specifics. What is tragic about this is our Nation has failed to acknowledge those lost Mariners as veterans to this country. If one serves this country and gives his life in the line of combat duty, should this nation not recognize him for that sacrifice? Apparently not. Research had revealed that about 9500 Mariners made the ultimate sacrifice and only about 425 have been awarded the distinction as veterans. What happened? Did the government lose/destroy these records? Not so; and still no one is attempting to correct this travesty. This is an embarrassment to our nation.

Our government has known of this and has done nothing about it for over 70 years. How can our nation be so callous as to just forget about those that gave their lives so others may live? How can they keep making promises to our troops by telling them they will be taken care of if they take care of business over there?

In every political rally/speech made by any politician it is completely clear on how they stand. Words spew from them all the time saying "we must not forget our veterans"; "we must take care of them when they come home"; we will not let our veterans down." Our politicians quickly forget all the avowals made and little is upheld.

Agreements have been in place allowing our researchers an opportunity to identify more of our mariners; but actions to comply with the agreements have not taken place for those that control the personnel records of our mariners and inquiries as to why they have not complied are needed.

Now I ask of you ---did these brave men and women of courage, those who now reside in silence beneath the frigid waters, give themselves, along with all of their tomorrows, for but a single day in their often short lives? Or did these gallant departed Americans die for all who will follow them in the future? Something must be done. Please contact your members of congress and demand they correct this grave injustice.

US MERCHANT MARINE CASUALTIES FROM WW II

MERCHANT MARINE CASUALTIES FROM ALL CAUSES = **9521*** usmm.org

MERCHANT MARINE CASUALTIES IDENTIFIED BY USCG PER 1950 REPORT = **5662*** USCG 1950 ISSUE

MERCHANT MARINE CASUALTIES FROM OTHER SOURCES = **3859*** ADDT'L SOURCES (A. MOORE & US CONGRESS)

MERCHANT MARINE CASUALTIES RECOGNIZED AS VETERANS = **344*** US National Maritime Center (US NMC)

MERCHANT MARINE CASUALTIES RECOGNIZED BY NMC BUT NOT IN USCG 1950 REPORT = **70*** US NMC

FINDINGS: **9521** MERCHANT MARINERS KIA OR MIA SERVING OUR COUNTRY AND **ONLY 414** HAVE RECEIVED RECOGNITION AS VETERANS.

COUNTY	BOC COUNTY		DISTRICT		SENATE		HOUSE		COUNTY		BOC COUNTY		DISTRICT		SENATE		HOUSE	
	Dem Rep	Rep	Dem Rep	Rep	Dem Rep	Rep	Dem Rep	Rep	Dem Rep	Rep	Dem Rep	Rep	Dem Rep	Rep	Dem Rep	Rep	Dem Rep	Rep
			1, 2, 4	1, 2, 3, 4														
			5, 6, 7	5, 6, 7, 9														
			9, 10, 11,	11, 12														
Alamance			Yes	Yes	---	Yes	Alexander	No	Yes	Yes	Yes	---	Yes	---	---	---	---	---
Alleghany	No		Yes	---	Yes	Anson			Yes	---	Yes	---	Yes	---	Yes	---	Yes	---
Ashe	No		Yes	Yes	---	Avery	No	Yes	Yes	---	Yes	---	Yes	---	Yes	---	---	---
Beaufort	Yes	Yes	Yes	Yes	---	Bertie	Yes	Yes	Yes	Yes	Yes	---	Yes	---	Yes	---	---	---
Bladen	Yes	Yes	Yes	Yes	---	Brunswick	Yes	Yes	Yes	Yes	Yes	---	Yes	---	Yes	---	---	---
Buncombe	Yes	Yes	Yes	Yes	Yes2	Burke	Yes	Yes	---	Yes	---	Yes	---	---	Yes	---	---	---
Cabarrus	No	Yes	Yes	---	Yes	Caldwell		Yes	Yes	---	Yes	---	Yes	---	Yes	---	---	---
Camden	Yes	Yes	Yes	Yes	---	Carteret	Yes	Yes	---	Yes	---	Yes	---	Yes	---	Yes	---	---
Caswell	Yes	Yes	Yes	---	---	Catawba	No	Yes	Yes	---	---	---	Yes	---	Yes	---	Yes	---
Chatham	Yes	Yes	Yes	Yes	---	Cherokee	Yes	Yes	Yes	Yes	---	---	Yes	---	---	---	---	---
Chowan	Yes	Yes	Yes	Yes	---	Clay	Yes	Yes	Yes	Yes	Yes	---	---	---	---	---	---	---
Cleveland		Yes	Yes	---	Yes	Yes2	Columbus	No	Yes	Yes	---	---	Yes	---	---	---	---	---
Craven	Yes	Yes	Yes	Yes	Yes	Cumberland	Yes	Yes	Yes2	Yes	Yes2	---	Yes	---	Yes	---	---	Yes
Currituck	Yes	Yes	Yes	Yes	---	Dare	Yes	Yes	Yes	Yes	---	---	Yes	---	---	---	---	---
Davidson	No	Yes	Yes	Yes	---	Davie	Yes	Yes	Yes	Yes2	---	---	Yes	---	---	---	---	---
Duplin	Yes	Yes	Yes	Yes	---	Durham		Yes	Yes	---	---	---	Yes	---	---	---	---	---
Edgecombe	Yes	Yes	Yes	Yes	---	Forsythe		Yes	Yes	Yes	Yes	---	---	---	Yes	---	---	---
Franklin		Yes	Yes	---	---	Gaston	Yes	Yes	Yes	---	---	---	Yes	---	---	---	---	---
Gates	Yes	Yes	Yes	Yes	---	Graham		Yes	Yes	---	---	---	Yes	---	---	---	---	---
Granville	Yes	Yes	Yes	Yes	---	Greene	Yes	Yes	Yes	Yes	Yes	---	---	---	Yes	---	---	---

COUNTY	BOC COUNTY DISTRICT		SENATE		HOUSE		COUNTY	BOC COUNTY DISTRICT		SENATE		HOUSE	
	Dem Rep	Dem Rep	Dem Rep	Dem Rep	Dem Rep	Dem Rep		Dem Rep	Dem Rep	Dem Rep	Dem Rep	Dem Rep	Dem Rep
Guilford	No	Yes	Yes	Yes	Yes	Yes	Halifax	Yes	Yes	Yes	Yes	Yes	Yes
Harnett	No	Yes	---	Yes	Yes	Haywood			Yes	Yes	Yes	Yes	Yes
Henderson		Yes	Yes	---	Yes	Hertford	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hoke	Yes	Yes	---	Yes2	---	Hyde	Yes		Yes	Yes	Yes	Yes	Yes
Iredell		Yes	Yes	---	Yes	Yes2 Jackson	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Johnson	No	Yes	---	Yes	---	Jones	Yes	Yes	Yes	---	Yes	Yes	Yes
Lee	Yes	Yes	Yes	---	---	Lenoir		Yes	Yes	Yes	Yes	Yes	Yes
Lincoln	Yes	Yes	---	Yes	---	Macon		Yes	Yes	Yes	---	Yes	Yes
Madison	Yes	Yes	Yes	---	Yes	Martin	Yes	Yes	Yes	Yes	---	---	---
McDowell		Yes	Yes	---	---	Mecklenburg	No	Yes	Yes	Yes	Yes	Yes	Yes
Mitchell		Yes	Yes	---	---	Yes Montgomery	No		---	Yes	Yes	Yes	Yes
Moore	Yes	Yes	---	Yes	---	Nash	Yes	Yes	Yes	Yes	Yes	Yes	Yes2
New Hanover	Yes	Yes	Yes	---	Yes2	Northampton	Yes	Yes	Yes	Yes	---	Yes	---
Onslow		---	Yes	Yes	Yes	Orange	Yes	Yes	Yes	Yes	---	Yes	---
Pamlico	Yes	Yes	---	Yes	Yes	Pasquotank	Yes	Yes	Yes	Yes	Yes	---	Yes
Pender	Yes	Yes	---	Yes2	---	Perquimans	Yes	Yes	Yes	Yes	---	Yes	---
Person	Yes	Yes	---	---	---	Pitt	No	Yes	Yes	---	Yes	---	---
Polk	Yes	Yes	---	Yes	---	Randolph	Yes	Yes	Yes	---	Yes	---	Yes
Richmond	Yes	Yes	---	Yes	---	Robeson	Yes	Yes	Yes	---	Yes	---	Yes

COUNTY	BOC	COUNTY	DISTRICT	SENATE		HOUSE		COUNTY	BOC		COUNTY		DISTRICT		SENATE		HOUSE		
				Dem	Rep	Dem	Rep		Dem	Rep	Dem	Rep	Dem	Rep	Dem	Rep	Dem	Rep	Dem
Rockingham	Yes		Yes	---	Yes	Yes	Rowan	Yes			Yes	Yes	Yes	Yes	Yes	Yes	Yes	---	---
Rutherford			Yes	Yes	---	Yes	--- Sampson					Yes	Yes	---	Yes	---	Yes	---	---
Scotland	Yes		Yes	Yes	---	Yes	--- Stanly					Yes	Yes	---	Yes	---	Yes	---	---
Stokes			Yes	---	Yes	---	Surry	No				Yes	---	Yes	---	Yes	---	---	---
Swain			Yes	Yes	---	Yes	--- Transylvania	Yes			Yes	Yes	Yes	---	Yes	---	---	---	---
Tyrrell	Yes	Yes	Yes	---	Yes	---	Union	Yes				Yes	Yes	---	Yes	---	Yes	Yes	---
Vance	Yes	Yes	Yes	---	Yes	---	Wake	No				Yes	Yes	Yes	Yes	---	Yes	---	---
Warren	Yes	Yes	Yes	Yes	---	Yes	--- Washington	Yes			Yes	Yes	Yes	---	Yes	---	Yes	---	---
Watauga			Yes	---	Yes	---	Wayne	Yes			Yes	Yes	Yes	Yes	Yes	---	Yes	Yes	---
Wilkes			Yes	---	Yes	---	Yes Wilson	Yes			Yes	Yes	Yes	Yes	Yes	---	Yes	---	---
Yadkin	No		Yes	-	Yes	---	Yancey	Yes			Yes	Yes	Yes	Yes	Yes	---	Yes	Yes	---

BOC = Board of Commissioners Yes (57) No (17) & (26) Blank unreported

County = Chairs of County signing resolution by party. Yes (57) or No (0) & blank (143) unreported

Districts = Chairs of Districts signing resolution by party. Yes (17) or No (0) & blank (9) unreported

Senate = Delegate(s) of NC Senate signing letters of Support for resolution of Counties/Districts by party. Yes, No or Blank unreported

House = Delegates(s) of NC House of Representatives signing letters of support for resolution of Counties/Districts by party. Yes, No or Blank unreported.