

Meeting Minutes

**Board of County Commissioners  
Hyde County**

**Monday, May 6, 2013**

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:04 p.m. on Monday, May 6, 2013 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

The following members were present on the mainland: Commissioners Anson Byrd, Earl Pugh, Jr., Dick Tunnell and Barry Swindell; Attorney Fred Holscher; Clerk to the Board Lois Stotesberry; and, members of the public. The following members were present on Ocracoke: Public Information Officer Sarah Johnson and members of the public.

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

**Agenda:**

Chairman Swindell asked for any changes to the May 6, 2013 meeting Agenda as presented by the Clerk. Commissioner Byrd moved to approve the agenda as presented by the Clerk with correction on page 2) – a. Resolution in Opposition to ~~HB353~~ HB983; and, 2) – c. Resolution ~~Opposition to~~ in Support of Senate Bill 352; and, addition of Planning Department Budget Revision. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher.

**Consideration of Minutes:**

Commissioner Pugh moved to approve the April 1, 2013 Regular Meeting Minutes as presented by the Clerk with revisions on page 12 – line 19 – *Manager Rich was instructed to draft resolutions opposing supporting NCWR control of permit baiting and but opposing Sunday hunting in Hyde County.* Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher.

Commissioner Tunnell moved to approve the April 22, 2013 Joint Meeting of the Hyde County Board of Commissioners and Hyde County Board of Education Special Meeting Minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher.

**Public Comments:**

Chairman Swindell called for comments from the public.

Franklin Swindell, Engelhard – expressed dissatisfaction with the sliding scale fees policy used by Hyde County Health Department. Mr. Swindell asked the Board to investigate parking in front of Jessie's Store in Engelhard and Net-10 phone service sold at Dollar General Store in Engelhard.

Amy Johnson, Ocracoke – requested research and assistance to supply public water to Pirate's Chest subdivision on Ocracoke Island.

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

Commissioner Fletcher arrived at 6:17 p.m.

**Items of Consideration:**

**Smoke Free Hyde – TRU Students, Mattamuskeet Early College High School (MECHS)**

MECHS TRU (Tobacco.Reality.Unfiltered) Club students Caressa Bryant, Tyshona Barber, Reginald “Reggie” Midgette and Micah McCullor; and, Lisa Phillips, Health Education Specialist, presented a video they created that promotes the health benefits of a smoke-free Hyde County. Youth from Ocracoke School talked about their participation in “I SPEAK/TRU”, the 100% Tobacco Free Schools Policy, and the health effects of smoking from a firsthand perspective. Dr. Erin Baker from Ocracoke Health Center presented the dangers of tobacco use and second-hand smoke.

Mattamuskeet High School students wrapped up the presentation by presenting a “We Support a Smoke-Free Hyde County” banner that was signed by community members and asked the Board of Commissioners to consider adopting a local smoke-free ordinance for all grounds owned, leased or occupied by the County of Hyde.

**Resolution In Opposition to HB983 – An Act to Designate Red Drum, Spotted Sea Trout and Striped Bass As Coastal Game Fish**

Commissioner Fletcher moved to adopt “Resolution Opposing A Bill To Be Entitled An Act To Designate Red Drum, Spotted Sea Trout And Striped Bass As Coastal Game Fish; To Prohibit The Taking Of Coastal Game Fish Other Than By Hook-And-Line; To Prohibit The Sale Of Coastal Game Fish; And To Compensate Commercial Fishermen For Certain Losses Due To The Designation And Prohibition” and to forward copies of this resolution to the Honorable Pat McCrory, NC Governor, and the Hyde County Legislative Delegation to the North Carolina General Assembly. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

*Clerk’s Note: A copy of “Resolution Opposing A Bill To Be Entitled An Act To Designate Red Drum, Spotted Sea Trout and Striped Bass As Coastal Game Fish; To Prohibit The Taking of Coastal Game Fish Other Than By Hook-And-Line; To Prohibit The Sale of Coastal Game Fish; And To Compensate Commercial Fishermen For Certain Losses Due To The Designation And Prohibition” is attached herewith as Exhibit A and incorporated herein by reference.*

**Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting**

Commissioner Byrd moved to adopt “Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting.” Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

*Clerk’s Note: A copy of “Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting” is attached herewith as Exhibit B and incorporated herein by reference.*

**Resolution In Support of Senate Bill 352 – Black Bear Management**

Commissioner Byrd moved to adopt “Resolution In Support of Senate Bill 352 – Black Bear Management” and to forward copies of this resolution to Senator Harry Brown, Senator E. S. (Buck) Newton and NC WRC Executive Director Gordon Myers. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

*Clerk’s Note: A copy of “Resolution In Support of Senate Bill 352 – A Bill To Be Entitled “An Act To Establish A Black Bear Management Stamp That Must Be Procured Before Taking Bear Within The State And To Amend The Law Restricting The Taking Of Black Bear With Bait” is attached herewith as Exhibit C and incorporated herein by reference.*

**Resolution Expressing Concern for the Governor's 2013-14 Budget Proposal in Regard to Funding for Clean Water Management Trust Fund**

Commissioner Fletcher moved to adopt "Resolution Expressing Concern For The Governor's 2013-14 Budget Proposal In Regard To Funding For Clean Water Mangement Trust Fund." Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "Resolution Expressing Concern For The Governor's 2013-14 Budget Proposal In Regard To Funding For Clean Water Management Trust Fund" is attached herewith as Exhibit D and incorporated herein by reference.*

**Resolution Supporting NC Parks And Recreation Trust Fund (PARTF)**

Commissioner Byrd moved to adopt "Resolution Supporting NC Parks And Recreation Trust Fund (PARTF)." Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "Resolution Supporting NC Parks And Recreation Trust Fund (PARTF)" is attached herewith as Exhibit E and incorporated herein by reference.*

**Appointment – Swan Quarter Sanitary District Board**

Chairman Swindell moved to amend the Agenda to remove appointment to the Swan Quarter Sanitary District Board until appointment can be made. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None

**Local Funding for DJJDP Programs for FY2013-14**

Nancy Hodges, NC DJJDP Area Consultant, and Wesley Smith, Health Director and Chair of Hyde County JCPC, presented DJJDP County Funding Plan for Hyde County for Fiscal Year 2013-2014. DJJDP is funding \$49,898.00 to support two programs in FY2013-14 (Hyde County Schools – Hyde Counseling Prevention and Intervention and Hyde County Cooperative Extension – Hyde Youth Services Interpersonal Skills and Restitution), which requires a local cash match in the amount of \$4,990.00 for a total of \$54,888.00. This is the same amount of local funding approved by Hyde County Board of Commissioners for FY2012-13.

Ms. Hodges confirmed that Mr. Alton Blount, Juvenile Justice and Delinquency Prevention, works with Sandy Berry, Counselor, to provide services to delinquent youth, at-risk youth and their families in Mainland Hyde County and on Ocracoke Island.

Chairman Swindell reported this funding is budgeted.

Commissioner Tunnell moved to approve the local cash match of \$4,990.00 for DJJDP Programs for FY2013-14. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

**Request for Property Tax Refund**

Linda Basnight, Tax Administrator, reported that request for refund of overpayment of taxes to Mrs. Florence W. Abele for a house that burned in February of 2010 has been made by Attorney Thomas Davis. General Statute requires Board approval.

Commissioner Byrd moved to approve refund of taxes paid on Account #202586 in the amount of \$242.70. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **Airport Block Grant Agreement**

Corey knight of Talbert & Bright reported to the Airport Advisory Board at its regular March meeting that the remaining DOT funding not used during the apron and taxiway rehabilitation and fuel system installation projects could be used for a PAPI (visual aid equipment) Rehabilitation. First Flight General Aviation Services submitted the lowest quote for the Rehabilitation at \$7,400.00. The contractor reported after inspection that he felt it had been a lightning strike that damaged the PAPI system and not necessarily corrosion. The total project cost will be \$9,551.00. Remaining Grant funds total \$8,596.00, which is 90% of the total project cost. Hyde County will be responsible for the remaining 10% or \$859.60. The Airport Board voted unanimously to move forward with the acceptance of grant funds and the PAPI rehabilitation under a service agreement with First Flight General Aviation Services. Phil Lanier with NC DOT Aviation will prepare a maintenance schedule for the Airport Manager to follow.

Commissioner Fletcher moved to authorize the Board Chairman to execute the Block Grant Agreement for Non-Primary Entitlement Funding between the County and NC DOT for PAPI Rehabilitation and corresponding resolution. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **CDBG-SS (Scattered Sites) Contract Award**

Chris Hilbert, Project Manager, Holland Consulting Planners, Inc. reported that the unit located at 39220 US Hwy 264 East, Belhaven (Ponzer) was approved on April 3, 2013 to receive assistance and bid out on April 19, 2013. Mr. Hilbert reported that Unique Homes was the low bidder at \$46,415.00.

Commissioner Pugh moved to approve contract award to Unique Homes in the amount of \$46,415.00 to complete the reconstruction activities on this home. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **PDM (Pre-Disaster Mitigation) Contract Award**

Chris Hilbert, Project Manager, Holland Consulting Planners, Inc. reported that the unit located at 232 NC Hwy 45, Swan Quarter was re-bid due to significant changes in the scope of work to reduce the contract amount. The home owner is responsible for 25% of the project cost. A bid opening was held on April 24, 2013 and Carolina Lead Abatement (formerly William Earp Construction) was the low bidder at \$66,900.00.

Commissioner Byrd moved to approve contract award to Carolina Lead Abatement in the amount of \$66,900.00 to complete the reconstruction activities on this home. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **Signatory Authorization**

Corrinne Gibbs, Finance Officer, recommended signatory authorization for County Manager, Bill Rich.

Commissioner Fletcher moved to approve signatory authorization for County Manager Bill Rich. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **Ocracoke Occupancy Tax Requests**

Ocracoke Occupancy Tax Board met on April 10, 2013, to consider funding requests. In addition to the Occupancy Tax Board and their funding requestors also present were Commissioner Fletcher, Corrinne Gibbs, Finance Officer, Sarah Johnson, PIO and Bill Rich, County Manager. There were

fourteen requests for a total of \$451,500.00. The Board met again on April 24, 2013 and approved request for Commissioner's approval of funding in the amount of \$354,445.00.

In accordance with Session Law 1991, Chapter 230, House Bill 784 – Section 1. (e) Use of Tax Revenue. Hyde County may use the proceeds of the occupancy tax for any public purpose.

<b>Ocracoke Occupancy Tax Board Recommended Appropriations for FY2013-2014</b>	
<b>Funding Requestors</b>	<b>Approved</b>
Ocracoke Health Clinic	\$ 140,000.00
Ocracoke Civic and Business Association - (\$8,000 for the 4th of July event, \$11,000 for Tourism and \$10,000 for a part-time Travel & Tourism Director)	\$ 29,000.00
Ocracoke Volunteer Fire Department	\$ 80,000.00
Ocracoke Youth Center	\$ 54,000.00
Ocracoke Community Center	\$ 17,250.00
Ocracoke Child Care	\$ 3,250.00
Ocracoke Seafood/Ocracoke Working Watermen's Association (OWWA)	\$ 10,000.00
Hyde County Chamber of Commerce	\$ 2,500.00
The Outer Banks Scenic Byway Committee	\$ 6,625.00
Ocracoke Alive	\$ 4,500.00
Blackbeard Pirate Jamboree	\$ 2,520.00
British Cemetery Committee	\$ 2,100.00
Ocracoke Preservation Society	\$ 1,500.00
Ocracoke Friends of the Library	\$ 1,200.00
<b>TOTAL</b>	<b>\$ 354,445.00</b>

Commissioner Fletcher moved to approve Ocracoke Occupancy Tax Board Funding Recommendations in the amount of \$354,445.00. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

#### **Historic Courthouse Lease**

Manager Rich reported that our existing lease with Friends of the Historic Courthouse on October 1, 2012 signed a one-year lease. Tenant does any and all interior and exterior repairs and maintenance and makes available public bathrooms. Tenant also maintains all landscaping and mows their grass. They pay all utility costs as it relates to water, electricity and sewer.

The Friends of the Historic Courthouse have the opportunity to sublet a portion of their space to Partnership for Sounds (PFS). This would also include an area for the Partnership to display and sell artwork and other gift items which currently are housed at the Refuge. For the Partnership to take on this opportunity and challenge they will require that the Friends of the Historic Courthouse have a five (5) year lease with the County of Hyde.

Commissioner Fletcher moved to renew the Historic Courthouse Lease between Hyde County and Friends of the Historic Courthouse under the same terms and conditions currently written, but for a term of five (5) years. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

#### **ABC Board Audit**

Manager Rich reported that he has had conversations with the NC Treasurer's Office regarding the Hyde County Audit and the fact that our hands have been tied by the Hyde County ABC Audit not being done. Mr. Rich has had two meetings with Keith Parker-Lowe, Chairman, Hyde County ABC Board, and conversations with Laurie Lee, NC ABC Board Auditor and Director of Pricing, and all parties are aware that Hyde County is totally at the mercy of this ABC Audit being done and that the County has been guaranteed that it will be done by the 15<sup>th</sup> of May. He reported that grant funds had been frozen because the Hyde County Audit was not complete. After funders were

notified of the issue and the guaranteed May 15<sup>th</sup> completion of the ABC Board Audit all funding has been unfrozen. No action required.

#### **Manager's Objectives – Budget for Hyde County FY2013-2014**

- Remaining timeline for the budget process. A Special Meeting for the purpose of budget discussion is scheduled at 6:00 p.m. on Monday, May 13, 2013 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. The Hyde County FY2013-2014 Budget will be presented to the Board for approval on June 3, 2013.
- Proposed balanced budget with fund balance transfer. No tax increase expected.
- Fund Balance 07-01-2013 is \$3.5 million, which is approximately 30%. The Local Government Commission (LGC) requires 8%. Mr. Rich anticipates the Fund Balance will grow to \$4 million by 07-01-2014.
- Health and Workers Compensation minimum rate increase of .5% in health insurance.
- FEMA Funds (Hyde County is owed one million dollars). This has not been calculated in the proposed FY2013-2014 Budget.
- Real estate sales and leases along with surplus and FEMA leases are projected at \$60,000.
- Although not reflected in the proposed budget Mr. Rich feels increased sales tax and increased alcohol tax, vehicle tax collection rates, stable real estate tax collection and aggressive past due collections will be noted. The State will be collecting vehicle taxes so the current collection rate of 81% will increase.
- Stable roofs and no leaks or mold in the Government Center and the Public Safety Center projects will be contracted.
- Receive ownership of East Carolina Bank building and move the entire Department of Social Services (DSS) there as well as a Sheriff's satellite office.
- Economic Development opportunities in Aero Space mix aviation engineering and technology.
- Tourism.

#### **BB&T New Financing (LGC)**

Manager Rich reported that due to recent changes in the Local Government Commission (LGC) guidelines, re-financing of the Government Center became economically unfeasible to refinance with BB&T. Therefore, current USDA loans will be kept.

#### **Hurricane Irene – FEMA Update**

Manager Rich reported that over the last several weeks he has been meeting with Clint Berry, Utilities Director, Justin Gibbs, EM Director and Corrinne Gibbs, Finance Officer, regarding the current financial position regarding FEMA and Hurricane Irene. With the assistance of Willo Kelly, Consultant, second appeal has been submitted to DHS FEMA for reconsideration of rejected projects totaling \$1,021,228.88. Anticipated receipt of pending projects closeout monies totaling \$672,248.11 will not be reflected in the FY2013-2014 Budget.

#### **Ocracoke Chipper Update**

Manager Rich reported that he and Utilities Director Clint Berry have been diligently examining all possible solutions to the Ocracoke chipper problem. They met with Ray Williams, Senior Environmental Specialist with DENRNC. He notified Hyde County that it is in violation at the Ocracoke site, that the County is not grandfathered and that the County had thirty (30) days to

remove the chipper. Any site capable of allowing an on-site chipping facility on the Island would not be affordable.

Mr. Rich presented 3 possible solutions:

1. Haul all vegetative debris off the Island and bring mulch from the mainland back to the Island for use by Ocracoke residents. This is doable but very expensive.
2. Give the existing chipper to a private contractor and have mobile site-to-site chipping provided free of charge by the contractor. In return the contractor would sell the mulch at somewhat below market value. This is messy but possible.
3. Hyde County to purchase a used chipper (ours is not worth keeping) and a truck to blow mulch in. The County would then go site-to-site as a courtesy to Island residents and find a suitable site to store the mulch for free use by citizens on Ocracoke.

Currently Manager Rich and Mr. Berry are pricing used equipment and will report back with update at the June 3<sup>rd</sup> meeting. Mr. Rich also reported that DENR will allow Hyde County to continue its chipping site through June.

### **Ocracoke Outdoor Sales Policy**

Manager Rich reported the Ocracoke Advisory Planning Board (which he was Chairman of through February) has been working on a "Proposed Amendment to the Ocracoke Development Ordinance" regarding outdoor sales. The intent and purpose of this amendment is to establish minimal regulations and restrictions intended to ensure that outdoor sales; do not interfere with the orderly and safe movement of pedestrian and vehicular traffic; do not interfere with the proper maintenance of parking and yard areas; do not cause congestion in the streets or public right-of-way; are conducted within structures safe for public occupancy when structures are used; and, do not unreasonably diminish adjacent property and business values.

Mr. Tom Pahl, Chairman of the Ocracoke Advisory Planning Board (OCBA) reported that citizen's concerns have been incorporated into the draft Amendment.

Fred Holscher, County Attorney, has reviewed and approves the "Proposed Amendment to the Ocracoke Development Ordinance Regarding Outdoor Sales".

Commissioner Byrd moved to table Ocracoke Outdoor Sales Policy discussion and to schedule Public Hearing to receive questions and/or concerns on the "Proposed Amendment to the Ocracoke Development Ordinance Regarding Outdoor Sales" on Monday, June 3, 2013 at its next regularly scheduled Board of Commissioners meeting. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **2013 County Management Records Retention & Disposition Schedule**

Manager Rich reported the State Archivist and the Secretary of the Department of Cultural Resources has completed and officially approved the 2013 County Management Records Retention & Disposition Schedule. Adoption of this schedule will supersede the 2009 version.

Commissioner Byrd moved to adopt the 2013 County Management Records Retention & Disposition Schedule. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **ECB Building Update**

Manager Rich reported that he and staff members have inspected the East Carolina Bank (ECB) building. Mr. Rich has met with DSS Director Gloria Spencer and NC DSS Controller's Office, Local Business Liaison, Phil Lassiter; and, has done preliminary layout and costs estimates for moving all of DSS into the ECB building. Mr. Rich reported ownership of this building would be at no additional expense to the County other than loss of revenue to Hyde County Tax Department

totalling \$4,607.95/year. Ms. Spencer is working with NC DSS to provide architect services for the renovation; and, Mr. Rich is in discussion with Christopher Williams, Owner, Engelhard Red & White, about additional 10 parking spaces for DSS. Surplus furniture left in the building will be used or sold on GovDeals.

Commissioner Pugh moved to approve the gift of the ECB building from Vantage South Bank. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

**Damaged Water Meters**

Manager Rich reported that at the request of the Commissioners during its April 1<sup>st</sup> meeting, he wrote a letter to Tideland EMC requesting reimbursement for the water bills of Mr. Allen Ballance and Mr. Carlos Bull due to assumed negligence on behalf of one of Tideland’s sub-contractors (Mastec). Tideland was in agreement with Mr. Rich’s letter and paid Hyde County \$759.78 for total outstanding for Mr. Allen Ballance.

Tideland EMC had in fact already investigated Mr. Bull’s water line damage in January 2012 and concluded that they were not responsible for the damage. Tideland submitted this claim to their insurance carrier (Federated Rural Insurance) and the claim denied as there was no evidence of negligence.

Manager Rich reported that Hyde County thus has written Mr. Bull’s claim down to its minimum and in fact Mr. Bull now has a credit with the County.

**Government Center Roof Repairs**

Manager Rich reported that during the April 1<sup>st</sup> Commissioners meeting Lamm Engineering & Associates presented three possible scenarios to repair the Government Center roof. Mr. Rich held a meeting on April 23<sup>rd</sup> with A. R. Chesson, Lamm Engineering & Associates, Clint Berry and Commissioner Byrd. The purpose of this meeting was to examine the damage to the roof, explore the history of who might be responsible and possible cheaper yet efficient ways of dealing with the problem. At this time Mr. Rich is still investigating the situation and will make contact with our County Attorney at the time, Sid Hassell; our County Manager at the time, Carl Classen; and, the Engineer and Architect. He reported that this will not keep the County from fixing the problem; however, he hopes to offset some of the costs. He plans on doing the same process with regards to the Public Safety Center. Update will be presented at the June 3<sup>rd</sup> Board meeting.

**Budget Revisions**

Manager Rich reported that in accordance with FY2011-2012 Budget Ordinance, Article XIX, Section 1, transfer of \$5,000.00 from Utilities – Capital Improvements Line to Maintenance and Repairs Line was approved administratively; and 12 transfers needed Board approval.

Board Approval Required		
Department/Program	Amount	Explanation
Finance		Transfer of funds available due to vacancies in the Forestry Fire Program to the Administration, Maintenance and Solid Waste Departments to cover expenses through the end of the fiscal year.
Administration	\$28,375.00	
Elections	\$ 650.00	Transfer of funds to cover recent travel expenses and anticipated travel expenses for the rest of the fiscal year.
Cooperative Extension	\$ 500.00	Transfer of funds to cover travel to Ocracoke for various programs offered by staff.
Health		Funds transferred from Child Health Medicaid Escrow Account to cover the Health Department’s liability for dental services provided by Dare County Department of Health Miles of Smiles Dental program to students at Mattamuskeet Elementary School for FY2012-2013, per an agreement between the two agencies. While this revision does increase the budget for Child Health, the funds are being pulled from Child Health Medicaid Escrow; it <i>does not</i> require any County appropriation from Fund 10.
Child Health	\$ 2004.00	
KBR Community Change	\$87,107.00	On December 28, 2010 the Kate B. Reynolds Charitable Trust approved a \$330,675 grant to support community-wide active and healthy living programs targeting low-income individuals in Hyde County as described in the Community Change Model grant application submitted by the Hyde

		County Health Department on September 15, 2010. This budget revision reflects activity for year three (3) of the grant, from January 1, 2013 to December 31, 2013. Although this revision increases the overall budget for the KBR Community Change Program, it <i>does not</i> require any County of Hyde appropriations from Fund 10.
Communicable Diseases Adult Health	\$ 365.00	Transferring funds from Contract Lab Testing line in Adult Health into Travel line in Communicable Diseases to ensure sufficient funds to cover travel for our CD Nurse to attend the required annual Communicable Disease Conference. While this revision does increase the budget for Communicable Diseases, it <i>does not</i> increase the budget for Fund 10.
WIC Program	\$ 183.22	Transferring funds from Advertising and Department Supplies lines into Travel line in WIC Program to ensure funds are available for our WIC Coordinator to attend a mandatory meeting in May, as well as a quarterly trip to Ocracoke in June to hold WIC clinic. This transfer <i>does not</i> increase the budget for the WIC Program.
Maternal Health	\$ 7,449.00	Using funds from Maternal Health Medicaid Escrow Account to clear out negative/low balances in Salaries/Fringe lines, and to provide sufficient funds for Maternal Health Nurse to attend required training in May. While this revision does increase the budget for Maternal Health, the increase is being pulled from Maternal Health Medicaid Escrow and <i>does not</i> require any County of Hyde appropriations.
Family Planning	\$ 200.00	Transferring funds from Contract Interpreter line into Contract Pharmacy line to ensure sufficient funds through the end of the fiscal year. This transfer does not increase the budget for the Family Planning Program.
Child Health	\$ 1,980.00	Hyde County Health Department was recently awarded funds through Child Health for adolescent reproductive health services. These funds are to be used to purchase Depo Provera and Nexplanon, two highly popular and successful birth control methods. This revision transfers funds from various lines in Child Health that will not be used, into Department Supplies line to purchase the contraceptives, and <i>does not</i> increase the budget for Child Health.
Home Health	\$ 2,150.00	Transfer of funds from Salaries Part-Time line in Home Health into Equipment line to purchase a laptop and MS Office license for agency's Home Health Nursing Supervisor to use in the office. The need for a new laptop was identified during preparations for Accreditation, to prevent exchange of information in violation of HIPPA (Health Information Privacy Protection Act) regulations. The Supervisor's old "notebook" (as well as another notebook assigned to a Home Health nurse) will be dedicated for use in the field, as they are configured to prevent exchange of sensitive information. This revision <i>does not</i> increase the budget for Home Health.
Planning	\$ 4,068.00	Monies transferred to cover departmental expenses.

Commissioner Fletcher moved to approve all of the listed budget transfers as presented. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell; Nays – None; Absent or not voting – None.

#### **Closed Session**

Commissioner Fletcher moved to enter into closed session at 7:40 p.m. in accordance with § 143-318.11 (a)(6) – personnel matters. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Commissioner Pugh moved to come out of closed session at 7:55 p.m. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

No action taken.

#### **Reports:**

**Commissioner Tunnell** – reported that he attended the Ocracoke ferry tour with Legislators; Mid-East Housing meeting; and, reported the Recreation Committee is functioning well.

**Commissioner Byrd** – reported that he attended an ECBH meeting in Williamston where it was announced the ECBH Fund Balance is \$30 million; DSS meeting where purchase of two new vans was discussed; and, the Government Center roof repair meeting.

**Commissioner Fletcher** – reported that he met with Mr. Austin on ferry issues; and, reported citizen's concerns about a recent Ocracoke traffic stop.

**Commissioner Pugh** – reported that he attended an Albemarle Commission meeting in Hertford, Senior Volunteer event, ferry toll meeting and Eastern 4-H fundraiser. Mr. Pugh will investigate the Net-10 phone service at Engelhard Dollar General.

**Chairman Swindell** – reported that he attended the LGC conference call and agrees with Manager Rich that Hyde County not pursue BB&T loan; and, attended the 4-H Livestock Show in Ponzer.

Clint Berry, Utilities Director and Linda Basnight discussed credit card capabilities in their departments. The Utilities Department accepted credit card payments for a short time but discontinued the service due to a 7% surcharge on collections. Ms. Basnight and Manager Rich will research vendors who will transfer credit card fees to the customer.

**County Manager Rich** – presented his April 1<sup>st</sup> – May 6<sup>th</sup> meetings calendar. Manager Rich complimented Department Heads Clint Berry, Sheriff Mason, Justin Gibbs, Corrinne Gibbs, Kris Noble, Linda Basnight, Merita Spencer, Wesley Smith, Jerry Hardison, Tammy Blake and Gloria Spencer; Lois Stotesberry (his assistant); Jane Hodges, Airport Director; Sarah Johnson, PIO; and, Cooperative Extension and Soil and Water staff members for a job well done.

Manager Rich presented update on:

- Waterway Landing – the Corp of Engineers is considering an alternative plan for disposal of material dredged from the Intercoastal Waterway which will protect homeowner's property.
- Ocracoke Ball Field – all permits obtained. Donation of \$250,000.00 over the next eight (8) years pledged by Phillip Harvey. Budget to date is \$2.2 million and pledges \$600,000.00.
- History Channel "Top Gear" – proposed project to drive a vehicle in Pamlico Sound from Swan Quarter to Ocracoke Island Lighthouse.
- Ocracoke Community – Mr. Rich spoke with NC Highway Patrol representative about the recent vandalism of patrol cars on Ocracoke and has been guaranteed there will be no retribution to the County for the damages.

Chairman Swindell and the commissioners complimented Manager Rich on a job well done.

#### **Public Comments:**

Chairman Swindell called for comments from the public.

Franklin Swindell, Engelhard – expressed concern over the ABC Audit issue and signatory approval for Manager Rich. He advised the Board to contact "Manpower Function Team" to determine if the County has too many employees.

Amy Johnson, Ocracoke – reported the chipper is the only thing that has really cleaned up Ocracoke Island. She suggested the County trade its surplus property for property surrounding the convenience site to make room for a chipper. Manager Rich will investigate.

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

#### **Adjourn**

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

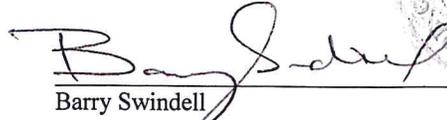
The meeting adjourned at 8:20 p.m.

Respectfully submitted:

Minutes approved on the 3<sup>rd</sup> day of June, 2013.



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



Barry Swindell  
Chair, Hyde County Board of Commissioners



Attachments:

Exhibit A: *"Resolution Opposing A Bill To Be Entitled An Act To Designate Red Drum, Spotted Sea Trout and Striped Bass As Coastal Game Fish; To Prohibit The Taking of Coastal Game Fish Other Than By Hook-And-Line; To Prohibit The Sale of Coastal Game Fish; And To Compensate Commercial Fishermen For Certain Losses Due To The Designation Annd Prohibition"*

Exhibit B: *"Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting"*

Exhibit C: *"Resolution In Support of Senate Bill 352 – A Bill To Be Entitled "An Act To Establish A Black Bear Management Stamp That Must Be Procured Before Taking Bear Within The State And To Amend The Law Restricting The Taking Of Black Bear With Bait"*

Exhibit D: *"Resolution Expressing Concern For The Governor's 2013-14 Budget Proposal In Regard To Funding For Clean Water Management Trust Fund"*

Exhibit E: *"Resolution Supporting NC Parks And Recreation Trust Fund (PARTF)"*

# COUNTY OF HYDE

## Board of Commissioners

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Dick Tunnell, Vice-chair  
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John Fletcher  
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Bill Rich  
County Manager

Fred Holscher  
County Attorney

Lois Stotesberry, CMC, NCCCC  
Clerk to the Board



## **Resolution Opposing A Bill To Be Entitled An Act To Designate Red Drum, Spotted Sea Trout, and Striped Bass As Coastal Game Fish; To Prohibit The Taking of Coastal Game Fish Other Than By Hook-And-Line; To Prohibit The Sale of Coastal Game Fish; And To Compensate Commercial Fishermen For Certain Losses Due To The Designation And Prohibition**

**WHEREAS**, Hyde County along with the Working Watermen's Association and N. C. Watermen's United strongly endorse support of resolution against upcoming HB983 – game fish bill.

**WHEREAS**, the Preamble of the North Carolina Fisheries Reform Act states that the NC Legislature empowered the NC Marine Fisheries Commission (MFC) and the NC Division of Marine Fisheries (DMF) to manage fish stocks for all North Carolina user groups.

**WHEREAS**, commercial harvest of Red Drum and Speckled Sea Trout have been curtailed significantly over the last three years. In the case of Red Drum, total stock biomass and spawning biomass are at NCDMF target levels and there has been very strong recruitment over the last three years. Speckled Sea Trout FMP has given the NCDMF Director Proclamation authority to manage the stock for cold stuns and commercial harvests have been significantly reduced. It is estimated that the recreational by-catch mortality now exceeds the commercial catches of Red Drum and Speckled Sea Trout.

**WHEREAS**, NC Legislature has spent considerable time and money to establish branding campaigns and advertise "NC Fresh" products to foster more consumption of NC seafood by residents and tourists. Red Drum, Speckled Sea Trout and Striped Bass are perennial favorites and great strides have been made to find ways to get seafood further west so more state residents can enjoy North Carolina seafood.

**WHEREAS**, CCA valuations for the Red Drum, Speckled Sea Trout and Striped Bass fisheries are economic multiplier associated with commercial fishing. Some examples include: boat and motor purchases, jobs associated with harvesting, packing out, shipping and retail, purchases of gear, sales tax from tourism and maintaining the coastal fishing families and their income is a key to many businesses staying open during the winter months. Family members are also a large part of the local labor pool that businesses depend upon during the summer months.

**WHEREAS**, commercial and recreational fishing play a role in county and statewide economy. North Carolina needs every job to keep unemployment down. CCA projections of increased tourism are unrealistic and the loss of jobs will be destructive to our coastal communities.

**WHEREAS**, while not harvested in significant numbers, Red Drum, Speckled Sea Trout and Striped Bass provide fishing families income during late fall, winter and spring when fishermen need it most.

**NOW, THEREFORE, BE IT RESOLVED** that game fish status is not needed to maintain healthy fish stocks. HB983 will have a devastating impact on commercial fishing families income; eliminate availability of the state fish, a public resource, to North Carolina residents, tourists, restaurants and seafood retail.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to the Honorable Pat McCrory, NC Governor, and the Hyde County Legislative Delegation to the North Carolina General Assembly.

Adopted this the 6<sup>th</sup> day of May, 2013, in Hyde County, North Carolina.

ATTEST: Lois Stotesberry, CMC, NCCCC  
Lois Stotesberry, Clerk to the Board

Barry Swindell  
Barry Swindell, Chairman



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County Manager

Fred Holscher  
County Attorney

Lois Stotesberry, CMC, NCCCC  
Clerk to the Board



## Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting

**WHEREAS**, North Carolina General Statute GS 103-2 currently prohibits hunting on Sundays with a shotgun, rifle or pistol; and

**WHEREAS**, Senate Bill 224 of the 2013 Session of the North Carolina General Assembly would remove the current prohibition by permitting Sunday hunting on private lands; and

**WHEREAS**, a 2006 survey by Virginia Tech for a cost of \$143,000 commissioned by the North Carolina Resources Commission released the following information: 65% of the general population opposes legalized hunting on Sunday and only 25% of the general population supported Sunday hunting.

**WHEREAS**, there have been no studies that would determine the effect on the resources of adding another hunting day to the week; and

**WHEREAS**, Sunday hunting compromises this safe enjoyment of many outdoor recreational activities; and

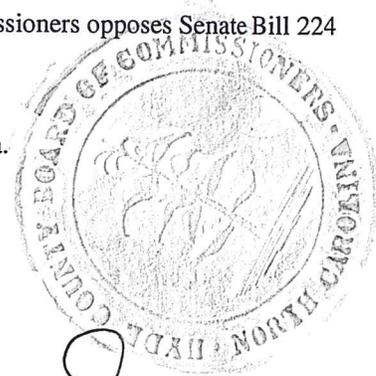
**WHEREAS**, the current ban protects rural churches from disruptions that would be caused by Sunday hunting; and

**WHEREAS**, no hunting on Sunday serves as a lay day for the conservation of North Carolina's wildlife resources and their habitats; and

**WHEREAS**, the addition of Sunday waterfowl hunting will reduce the season up to nine days.

**NOW, THEREFORE BE IT RESOLVED**, that the Hyde County Board of Commissioners opposes Senate Bill 224 of the 2013 Session of the North Carolina General Assembly.

Adopted this the 6<sup>th</sup> day of May, 2013, in Hyde County, North Carolina.



ATTEST

*Lois Stotesberry, CMC, NCCCC*  
Lois Stotesberry, Clerk to the Board

*Barry Swindell*  
Barry Swindell, Chairman

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Clerk to the Board



## Resolution In Support of Senate Bill 352 – Black Bear Management

**WHEREAS**, Senate Bill 352 – A BILL TO BE ENTITLED “AN ACT TO ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND TO AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT” sponsored by Senators Brown and Newton has been presented to the North Carolina General Assembly – Session 2013 for approval; and,

**WHEREAS**, Section 2. G.S. 113-291.1(b) [Edition 1 - (2) lines 18 – 21] reads as rewritten: No black bear may be taken with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait, and no except as provided by the rules of the Wildlife Resources Commission; and,

**WHEREAS**, Sections 1 and 4 of this act become effective July 1, 2014 and the remainder of this act is effective when it becomes law; and,

**WHEREAS**, recreational hunting is important to the economy of Hyde County; and,

**WHEREAS**, the Hyde County Board of Commissioners supports transfer of control of black bear hunting in the State to the North Carolina Wildlife Resources Commission; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Hyde County Board of Commissioners supports A Bill To Be Entitled “An Act To Establish A Black Bear Management Stamp That Must Be Procured Before Taking Bear Within The State And To Amend The Law Restricting The Taking Of Black Bear With Bait”.

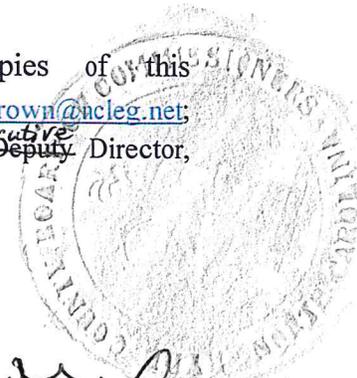
**NOW, THEREFORE, BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to Senator Harry Brown at [Harry.Brown@ncleg.net](mailto:Harry.Brown@ncleg.net); Senator E. S. (Buck) Newton at [Buck.Newton@ncleg.net](mailto:Buck.Newton@ncleg.net), and Gordon Myers, <sup>Executive</sup> ~~Deputy~~ Director, NCWRC at [gordon.myers@ncwildlife.org](mailto:gordon.myers@ncwildlife.org).

Adopted this the 6<sup>th</sup> day of May, 2013, in Hyde County, North Carolina.

ATTEST:

*Lois Stotesberry, CMC, NCCCC*  
Lois Stotesberry, Clerk to the Board

*Barry Swindell*  
Barry Swindell, Chairman



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Clerk to the Board



## **Resolution Expressing Concern for the Governor's 2013-14 Budget Proposal in Regard to Funding for Clean Water Management Trust Fund**

**Whereas**, the 1996 General Assembly established the Clean Water Management Trust Fund to provide an innovative and non-regulatory approach to the protection and restoration of the surface waters all across the state; and

**Whereas**, the Clean Water Management Trust Fund is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreational opportunities, and enhance quality of life in this state, all critical components for communities to obtain a competitive edge in their economic development; and

**Whereas**, the Clean Water Management Trust Fund has funded 452 infrastructure projects to assist North Carolina communities in balancing infrastructure needs with environmental protection and to help struggling communities become self reliant with future infrastructure needs; and

**Whereas**, infrastructure needs across the state addressing drinking water, wastewater, and stormwater are estimated at \$16.6 billion between 2005 and 2030; and

**Whereas**, the Clean Water Management Trust Fund has leveraged more than \$1 billion of private, local and federal funds to support projects; and

**Whereas**, the General Assembly has reduced funding for the Clean Water Management Trust Fund by 78% since 2010; and

**Whereas**, limited funding for the Clean Water Management Trust Fund left 88% of 2012 critical local needs unmet; and

**Whereas**, our economic vitality, health and ability to sustain ourselves and the natural environment all rely on clean water; and

**Whereas**, surface water must be protected to ensure a sufficient drinking water supply for the state's growing economy and population; and

**Whereas**, the Clean Water Management Trust Fund has provided grant(s) to the City of Durham to protect, restore and enhance surface water quality for the benefit of citizens' health and wellbeing, and to protect our natural heritage for the benefit of all North Carolinians;

NOW, THEREFORE, BE IT RESOLVED THAT THE HYDE COUNTY BOARD OF COMMISSIONERS SUPPORTS THE CLEAN WATER MANAGEMENT TRUST FUND AND REQUESTS THAT THE FUND RECEIVE AN INCREASE IN RECURRING FUNDING FROM THE GOVERNOR AND THE NORTH CAROLINA GENERAL ASSEMBLY FOR THE 2013-2015 BIENNIAL BUDGET.

This resolution is effective upon adoption.

Adopted this the 6<sup>th</sup> day of May, 2013, in Hyde County, North Carolina.

ATTEST

*Lois Stotesberry, Clerk to the Board*  
Lois Stotesberry, Clerk to the Board

*Barry Swindell*  
Barry Swindell, Chairman



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## Board of Commissioners

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Clerk to the Board



## **RESOLUTION SUPPORTING NC PARKS AND RECREATION TRUST FUND (PARTF)**

**WHEREAS**, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches, and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

**WHEREAS**, the Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

**WHEREAS**, since its inception the Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities, and development of greenways and trails; and

**WHEREAS**, North Carolina's population has grown to make it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

**WHEREAS**, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

**WHEREAS**, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

**WHEREAS**, the Parks and Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

**WHEREAS**, the Parks and Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and

swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

**WHEREAS**, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs, according to a 2008 study.

**WHEREAS**, a portion of the Parks and Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

**WHEREAS**, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes, and high blood pressure; and

**WHEREAS**, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

**WHEREAS**, dedicated, recurring funding of the Parks and Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

**WHEREAS**, the success of the Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Hyde County Board of Commissioners hereby encourages members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for the Parks and Recreation Trust Fund.

This resolution is effective upon adoption.

Adopted this the 6<sup>th</sup> day of May, 2013, in Hyde County, North Carolina.

ATTEST:

*Lois Stotesberry, CMC, NCCC*  
Lois Stotesberry, Clerk to the Board

*Barry Swindell*  
Barry Swindell, Chairman

