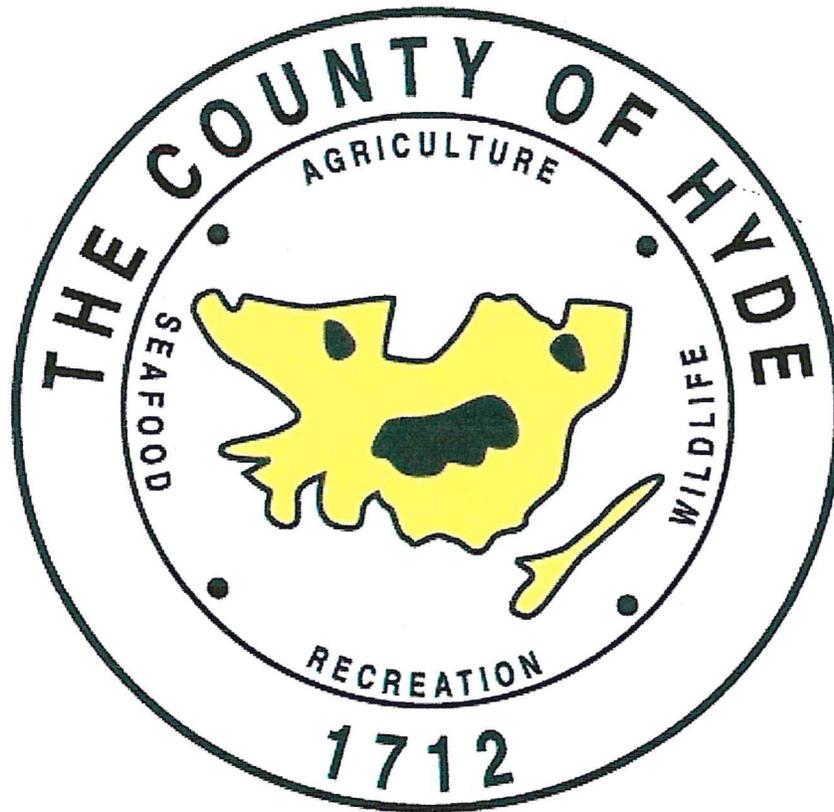


HYDE COUNTY BOARD OF COMMISSIONERS



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 6, 2013
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 6, 2013
Presenter: Chairman Barry Swindell
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the May 6, 2013, Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: Barry Swind
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' MEETING

MONDAY, MAY 6, 2013 - 6 PM

CALL TO ORDER

OPENING

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

- 1) April 1, 2013 – Regular Meeting Minutes
- 2) April 22, 2013 – Special Meeting Minutes – Joint Meeting with Board of Education

PUBLIC HEARINGS (none)

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.

ITEMS OF CONSIDERATION

- 1) **Presentation** – Smoke Free Hyde - TRU Students, Mattamuskeet Early College High School
- 2) **Resolutions**
 - a. Opposition to HB353 – An Act to Designate Red Drum, Spotted Sea Trout and Striped Bass As Coastal Game Fish Chrm. Swindell
 - b. Opposition to Senate Bill 224 That Would Permit Sunday Hunting Chrm. Swindell
 - c. Opposition to Senate Bill 352 – Black Bear Management Chrm. Swindell
 - d. Support of Funding for Clean Water Management Trust Fund Chrm. Swindell
 - e. Support of NC Parks & Recreation Trust Fund (PARTF) Chrm. Swindell
- 3) Appointment Swan Quarter Sanitary District Board Commissioner Tunnell
- 4) Local Funding for DJJDP Programs FY2013-14 Wesley Smith
NancyHodges, NC DJJDP Area Consultant
- 5) Request for Tax Refund Linda Basnight
- 6) Airport Block Grant Agreement Kris Noble

- 7) CDBG Contract Award Chris Hilbert
- 8) PDM Contract Award Chris Hilbert
- 9) Signatory Authorization for Bill Rich, County Manager Corrinne Gibbs
- 10) Ocracoke Occupancy Tax Request Manager Rich
- 11) Historic Courthouse Lease Manager Rich
- 12) ABC Board Audit Manager Rich
- 13) FY2013-2014 Budget Message Manager Rich
- 14) BB&T New Financing (LGC) Manager Rich
- 15) Hurricane Irene FEMA Update Manager Rich
- 16) Ocracoke Chipper Update Manager Rich
- 17) Ocracoke Outdoor Sales Policy Manager Rich
- 18) 2013 County Management Records Retention & Disposition Schedule Manager Rich
- 19) ECB Building Update Manager Rich
- 20) Damaged Water Meters Manager Rich
- 21) Government Center Roof Repairs Manager Rich

BUDGET MATTERS

- 1) **Administrative Transfers**
 - a) Utilities Clint Berry
- 2) **Board Approval Required**
 - a) Administration Corrinne Gibbs
 - b) Elections Viola Williams
 - c) Cooperative Extension Mac Gibbs
 - d) Health Department Wesley Smith

CLOSED SESSION (if required)

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.

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.

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department Collections (signature required)
- 2) Code Enforcement/ Inspections
- 3) Mattamuskeet Senior Center
- 4) Health Department/Animal Control
- 5) Emergency Management
- 6) Planning

Informational Items

- 1) Dare County Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting
- 2) Moore County Resolution Requesting Governor McCrory, State Legislators and The NC Education Lottery Commission To Ensure that Lottery Money Is Spent On Education To The Fullest Extent Permissible Under The Law
- 3) Perquimans County Resolution Supporting Senate Bill 321-Contain Counties' Inmate Medical Costs
- 4) Moore County Resolution Requesting Legislation To Require Drug Tests For Public Assistance Programs
- 5) Perquimans County Resolution Opposing The Disposal Of Fracking Waste In Eastern North Carolina
- 6) Dare County Resolution Opposing The Subsurface Injection of Fracking Waste IN Eastern North Carolina
- 7) Martin County Resolution Opposing Governor McCrory And The General Assembly Closing and Consolidating NC Highway Patrol Communications Centers
- 8) NCACC – E-News Update – 2013 County Assembly Day
- 9) Carteret County Resolution Opposing The Subsurface Injection of Fracking Waste In Eastern North Carolina
- 10) Cumberland County Resolution Supporting Senate Bill 321 – Contain Counties' Inmate Medical Costs
- 11) Burke County Resolution to Request Legislation to Exempt Certain Records of The Sheriff's Office From The Public Records Act
- 12) Cumberland County Resolution Supporting Senate Bill 321-Contain Counties' Inmate Medical Costs

- 13) Polk County Resolution Requesting Governor Pat McCrory, State Legislators and The North Carolina Education Lottery Commission To Ensure That Lottery Money Is Spent On Education To The Fullest Extent Permissible Under The Law
- 14) NC-20 Resolution Opposing Ferry Dues
- 15) NC-20 Resolution Opposing the US Fish & Wildlife Service's Proposed Designation of Critical Habitat for the Northwest Atlantic Ocean Distinct Population Segment of the Loggerhead Sea Turtle
- 16) NC Has Record Breaking Year Recycling – The Coastland Times

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 6, 2013
Presenter: Clerk Lois Stotesberry
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the April 1, 2013 Regular Meeting Minutes of the Hyde County Board of Commissioners and the April 22, 2013 Special Joint Hyde County Board of Commissioners and Hyde County Board of Education Meeting Minutes.

RECOMMEND: Review, Amend and Approve.

Motion Made By: Barry Swind
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

1 **Meeting Minutes**

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

4
5 **Monday, April 1, 2013**
6

7 **Board of Equalization and Review Meeting(s)**

8 Linda Basnight, Tax Administrator, convened the Board of Equalization and Review meeting at
9 4:00 p.m. on Monday, April 1, 2013 to hear appeals from individual taxpayers as to the value of
10 their property. The meeting was recessed and will reconvene on April 15, 2013 at 6:00 p.m. in the
11 Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room
12 using electronic conferencing equipment.

13 **Board of Commissioners Meeting**

14 Immediately following the Board of Equalization and Review meeting, Chairman Barry Swindell
15 called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00 p.m. on
16 Monday, April 1, 2013 in the Hyde County Government Center, Multi-Use Room, and the
17 Ocracoke School Commons Room using electronic conferencing equipment.

18 The following members were present on the mainland: Commissioners Anson Byrd, John Fletcher,
19 Earl Pugh, Jr., Dick Tunnell and Barry Swindell; Attorney Fred Holscher; Clerk to the Board Lois
20 Stotesberry; and, members of the public. The following members were present on Ocracoke:
21 Assistant Clerk Rachel Cobb and members of the public.
22

23 Following opening prayer by Commissioner Byrd and pledge of allegiance, the meeting was called
24 to order.
25

26 **Agenda:**

27 Chairman Swindell asked for any changes to the April 1, 2013 meeting Agenda as presented by the
28 Clerk.

29 Commissioner Fletcher moved to approve the agenda as presented by the Clerk with addition of
30 Item 1 – (f) Resolution Endorsing Continued Channel Markers for the Alternate Hatteras-Ocracoke
31 Ferry Route and (g) Resolution Expressing Concern for the Governor’s 2013-14 Budget Proposal in
32 Regard to the N.C. Rural Economic Development Center, the Golden LEAF Foundation and the
33 NCCAT; Item 14 – Set Spending Freeze; Item 15 – Budget Calendar; and, Closed Session in
34 accordance with NCGS 143A-318.11 (a) (3) – attorney-client privilege and (4) – matters relating to
35 location and expansion of industries or other businesses. Mr. Byrd seconded the motion. The
36 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
37 None; Absent or not voting – None.

1 **Consideration of Minutes:**

2 Commissioner Tunnell moved to approve the March 4, 2013 Regular Meeting Minutes as presented
3 by the Clerk with revisions on page 6 – line 20 – *Commissioner Fletcher Byrd seconded the motion;*
4 and on page 11 – line 6 – *Chairman Swindell reported that he attended the State of The Region*
5 *meeting.* Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd,
6 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

7 **Public Comments:**

8 Chairman Swindell called for comments from the public.

9 Darlene Styron, Ocracoke – thanked Manager Rich and Commissioners who spoke at the NCDOT
10 Highway 12 and Ferry Toll hearings on Ocracoke.

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

12 **Items of Consideration:**

13 **Resolution Urging Members of the NC General Assembly and Governor McCrory**
14 **Concerning the Appointment of Board Members to the LME Board**

15 Commissioner Pugh moved to adopt “Resolution Urging Members of the NC General Assembly
16 and Governor McCrory Concerning the Appointment of Board Members to the LME Board.” Mr.
17 Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
18 Tunnell and Swindell; Nays – None; Absent or not voting – None.

19 *Clerk’s Note: A copy of “Resolution Urging Members of the NC General Assembly and Governor McCrory*
20 *Concerning the Appointment of Board Members to the LME Board” is attached herewith as Exhibit A and*
incorporated herein by reference.

21 **Resolution Supporting H.R. 819 Preserving Access To the Cape Hatteras National Seashore**
22 **Recreational Area Act**

23 Commissioner Fletcher moved to adopt “Resolution Supporting H.R. 819 Preserving Access To the
24 Cape Hatteras National Seashore Recreational Area Act.” Mr. Tunnell seconded the motion. The
25 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
26 None; Absent or not voting – None.

27 *Clerk’s Note: A copy of “Resolution Supporting H.R. 819 Preserving Access To the Cape Hatteras National*
Seashore Recreational Area Act” is attached herewith as Exhibit B and incorporated herein by reference.

28
29 **Resolution to Request Legislation To Exempt Certain Records of The Sheriff’s Office From**
30 **The Public Records Act**

31 Commissioner Fletcher moved to adopt “Resolution to Request Legislation To Exempt Certain
32 Records of The Sheriff’s Office From The Public Records Act.” Mr. Pugh seconded the motion.
33 The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell;
34 Nays – None; Absent or not voting – None.



DRAFT

1 *Clerk's Note: A copy of "Resolution to Request Legislation To Exempt Certain Records of The Sheriff's Office*
2 *From The Public Records Act" is attached herewith as Exhibit C and incorporated herein by reference.*

3 **Resolution Supporting Continued Funding for Museum of The Albemarle**

4 Commissioner Byrd moved to adopt "Resolution Supporting Continued Funding for Museum of
5 The Albemarle." Mr. Tunnell seconded the motion. The motion passed on the following vote:
6 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

7 *Clerk's Note: A copy of "Resolution Supporting Continued Funding for Museum of The Albemarle" is attached*
8 *herewith as Exhibit D and incorporated herein by reference.*

9 **Resolution of Support for Continued Funding From North Carolina for Partnership for The**
10 **Sounds**

11 Commissioner Tunnell moved to adopt "Resolution for Continued Funding From North Carolina
12 for Partnership For The Sounds." Mr. Pugh seconded the motion. The motion passed on the
13 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
14 voting – None.

15 *Clerk's Note: A copy of "Resolution of Support for Continued Funding From North Carolina for Partnership*
16 *For The Sounds" is attached herewith as Exhibit E and incorporated herein by reference.*

17 **Resolution Endorsing Continued Channel Markers for the Alternate Hatteras-Ocracoke**
18 **Ferry Route**

19 Commissioner Fletcher moved to adopt "Resolution Endorsing Continued Channel Markers for the
20 Alternate Hatteras-Ocracoke Ferry Route." Mr. Pugh seconded the motion. The motion passed on
21 the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or
22 not voting – None.

23 *Clerk's Note: A copy of "Resolution Endorsing Continued Channel Markers for the Alternate Hatteras-Ocracoke*
24 *Ferry Route" is attached herewith as Exhibit F and incorporated herein by reference.*

25 **Resolution Expressing Concern for the Governor's 2013-14 Budget Proposal in Regard to the**
26 **N.C. Rural Economic Development Center, the Golden LEAF Foundation and the NCCAT**
27 **Center**

28 Commissioner Pugh moved to adopt "Resolution Expressing Concern for the Governor's 2013-14
29 Budget Proposal in Regard to the N.C. Rural Economic Development Center, the Golden LEAF
30 Foundation and the North Carolina Center for the Advancement of Teaching (NCCAT) Center."
31 Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher,
32 Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

33 *Clerk's Note: A copy of "Resolution Expressing Concern for the Governor's 2013-14 Budget Proposal in Regard*
34 *to the N.C. Rural Economic Development Center, the Golden LEAF Foundation and the NCCAT Center" is*
attached herewith as Exhibit G and incorporated herein by reference.

1 **Appointment – Mainland Occupancy Tax Board**

2
3 On March 12, 2013, the Board received letter of resignation from the Mainland Occupancy Tax
4 Board from Mary S. Spencer. At that time, Ms. Spencer reported that her husband, Lamar Spencer,
5 expressed interest in serving on this Board.

6 Commissioner Pugh moved to appoint Lamar Spencer to complete the term of Mary S. Spencer on
7 the Mainland Occupancy Tax Board. Mr. Fletcher seconded the motion. The motion passed on the
8 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
9 voting – None.

10 **Appointments – Swan Quarter Sanitary District**

11 Commissioner Tunnell moved to table appointments to the Swan Quarter Sanitary District Board
12 until the May 6, 2013 Board of Commissioners meeting. Mr. Byrd seconded the motion. The
13 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
14 None; Absent or not voting – None.

15 **Appointment – Revolving Loan Fund (RLF) Committee**

16 Kris Noble, Planning Director, reported that in December 2012, Darlene Styron while remaining on
17 the RLF Committee as a business owner, had to step down as the required Board of Commissioners
18 member. After discussion the group asked that Commissioner Tunnell be appointed as the new
19 member on the RLF Committee.

20 Commissioner Swindell moved to appoint Commissioner Tunnell to serve on the Revolving Loan
21 Fund (RLF) Committee. Mr. Byrd seconded the motion. The motion passed on the following vote:
22 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

23 **Proclamation – Week of the Young Child, April 14-20, 2013**

24 Lisa Woolard, Executive Director of Beaufort/Hyde Partnership for Children and Wesley Smith,
25 Health Director presented Proclamation – “Week of the Young Child, April 14, 2013” and
26 encouraged all Hyde County citizens to work together to make an investment in early childhood.

27 Commissioner Fletcher moved to adopt “Proclamation – Week of the Young Child, April 14-20,
28 2013.” Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd,
29 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

30 *Clerk’s Note: A copy of “Proclamation – Week of the Young Child, April 14-20, 2013” is attached herewith as
31 Exhibit H and incorporated herein by reference.*

32 Ms. Woolard invited Commissioners and citizens to attend the Partnership for Children parade in
33 Washington on Friday, April 19, 2013 at 9:30 a.m. Mattamuskeet Elementary School (MES) Pre-K
34 students will participate in the parade.

1 **Proclamation – Child Abuse Prevention Month, April 2013**

2 Wesley Smith, Health Director, presented Proclamation – Child Abuse Prevention Month, April
3 2013 and invited Commissioners and citizens to attend a “Pinwheel Garden Event” at Davis School
4 on Friday, April 5, 2013 at 11:00 a.m.

5 Commissioner Fletcher moved to adopt “Proclamation – Child Abuse Prevention Month, April
6 2013.” Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd,
7 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

8 *Clerk’s Note: A copy of “Proclamation – Child Abuse Prevention Month, April 2013” is attached herewith as
9 Exhibit I and incorporated herein by reference.*

10 **Proclamation – Public Health Month, April 2013**

11 Wesley Smith, Health Director, presented “Public Health in North Carolina – a Local Health
12 Department Perspective.”

13 Commissioner Fletcher moved to adopt “Proclamation – Public Health Month, April, 2013.” Mr.
14 Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
15 Tunnell and Swindell; Nays – None; Absent or not voting – None.

16 *Clerk’s Note: A copy of “Proclamation – Public Health Month, April, 2013” is attached herewith as Exhibit J
17 and incorporated herein by reference.*

18 **Government Center and Public Safety Center Renovations**

19 Andy Lamm and Robin Jinsen of Lamm Engineering Associates, PLLC (LEA) presented a
20 consolidated analysis of evaluated costs and recommendations for replacement of the roof structure
21 on the Public Safety Center (PSC) building, interior upfits to the PSC, a new parking lot for the PSC
22 site, adding asphalt pavement to the Public Health facility parking lot as well as the Public Utilities
23 parking lot; and, roof renovations to the Government Center (GC) to eliminate drainage issues and
24 continued interior damage.

25 Consolidated Cost Report was provided to the commissioners to summarize all of the project fees
26 for design, inspection and unforeseen contingencies.

27 **Project 1** – The PSC building has three parts – The roof and HVAC design, the interior upfits, and
28 the site improvements. The total cost for this project, complete with all ancillary aspects is
29 approximately \$889,507.00.

30 **Project 2** – Paving of the existing parking is \$71,512.00.

31 Taken together, the PSC building project and the additional paving is estimated at approximately
32 \$961,019.00.

33 **Project 3** – The GC building roof improvements totals approximately \$190,500.00.

1 As a complete package, all three projects together are estimated to require approximately
2 \$1,151,519.00.

3 After discussion, Chairman Swindell reported that final decision to complete one or all of the
4 projects is pending BB&T Loan refinancing of the Government Center and Public Safety Center
5 loans. No action taken at this time.

6 **NCDOT Utility Relocation Agreement**

7 Clint Berry, Utilities Director, presented Utility Relocation Agreement – NC State Highway Project
8 No. 17BP.1.R.50. NCDOT will submit a project for construction of 316 LF of directionally drilled
9 8” HDPE water line to avoid bridge replacement and relocation of two services and reconnection of
10 one service along Piney Woods Road (SR1305). Mr. Berry reported that NCDOT will pay the cost
11 (\$29,500.00) of relocation of existing waterline around bridge and reconnection and relocation of
12 services. County Attorney Fred Holscher has reviewed and approves the NCDOT Agreement.

13 Commissioner Byrd moved to approve the NCDOT Utility Relocation Agreement as presented.
14 Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd,
15 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

16 **Ocracoke Convenience Site Update (Chipping Vegetative Debris)**

17 Clint Berry, Utilities Director, reported that on February 26, 2013 the Ocracoke Convenience Site
18 was inspected by NCDENR; and, he was notified that Hyde County is not permitted for the chipper
19 at this site.

20 On March 15, 2013, Solid Waste Supervisor James Blount was contacted by Mr. Ray Williams,
21 NCDENR Environmental Senior Specialist, and advised that by grinding vegetative waste at the
22 Hyde County Convenience Site the County would be required to apply for a permit to operate a
23 Treatment & Processing (T&P) Facility. 15A NCAC 13B.0201 (a) states: “No person shall treat,
24 process...solid waste except at a solid waste management facility permitted by the Division for such
25 activity...” Providing a roll off container at the site for the collection and transfer of vegetative
26 waste at the convenience site would not require a permit, however, when the County collects and
27 grinds material on-site, it has by definition established a Treatment & Processing Facility at the site
28 without a permit. Also, the site in question would not meet the buffer requirements for operating a
29 T&P, so another site would need to be found that met the buffer requirements if Hyde County
30 wishes to continue operating the grinder.

31 Pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000.00 per day may be
32 assessed for each violation of the Solid Waste Statute or Regulations. For any violation(s), the
33 property owner or site operator may be subject to enforcement actions including penalties,
34 injunction from operation of a solid waste management facility or a solid waste collection service,
35 and any such further relief as may be necessary to achieve compliance with the NC Solid Waste
36 Management Act and Rules. A violator has 30 days to take measures to correct the violation(s)
37 found on/at the solid waste management site.



1 Clint Berry, Utilities Director, was instructed to investigate options to resolve the Ocracoke
2 Convenience Site chipper issue and to report his finding at the May 6, 2013 Board of
3 Commissioners meeting. The Board will receive recommendations and take action at that time.

4 **Facility Fee Schedule – Primary Care Services Through Telemedicine**

5
6 Wesley Smith, Health Director, reported that at the quarterly meeting held on March 19, 2013 the
7 Hyde County Board of Health approved a Facility Fee Schedule for clients seen for primary care
8 services via telemedicine, effective February 26, 2013. The standard facility fee has been
9 established at \$50.00 per visit, with an introductory facility fee of \$10.00 through August 2013.
10 The Health Department is currently a participating provider with Medicaid and Blue Cross/Blue
11 Shield of North Carolina, and is in the process of becoming credentialed to participate in Medicare
12 and MedCost (County of Hyde). Local health departments must receive approval of both the Board
13 of Health and Board of County Commissioners for new or revised fee schedules.

14 Commissioner Fletcher moved to approve Facility Fee Schedule for Primary Care Services through
15 Telemedicine. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes –
16 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

17 **Ocracoke Occupancy Tax**

18 County Manager Rich reported that during their February 27, 2013 Board meeting the Ocracoke
19 Occupancy Tax Board voted to allocate \$30,000.00 for advertising in April and May.

20 Commissioner Fletcher moved to approve the Ocracoke Occupancy Tax Board allocation of funds
21 for advertising (\$15,000.00 in April and \$15,000.00 in May). Mr. Tunnell seconded the motion.
22 The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell;
23 Nays – None; Absent or not voting – None.

24 **Revolving Loan Fund Request**

25 Kris Noble, Planning Director, presented request for \$84,000.00 loan from the Revolving Loan
26 Fund to Leland and Everett Hershey owners of Precision Pallet, LLC, 405 Main Stem Road,
27 Pantego, NC 27860. Precision Pallet, LLC will purchase a biomass kiln.

28 A driving force in the pallet industry at this time is the presence of mold on shipping pallets.
29 Companies involved in shipping food, pharmaceuticals and seed are choosing pallet companies that
30 can ensure the pallets are mold free. Precision Pallet intends to stay ahead of the needs of the
31 industry by drying the pallets thoroughly in a kiln. Currently, Precision Pallet has one propane kiln
32 which is limited in capacity and expensive to operate. In order to meet the needs of a current
33 customer that represents approximately 46% of Precision Pallet's sales, the company will install and
34 operate a biomass kiln. The kiln will be more efficient to operate because it will be fueled by
35 biomass waste that the company produces on site.

36 Ms. Noble reported that Precision Pallet, LLC has 20 employees and most live in Hyde County.



DRAFT

1 Commissioner Fletcher moved to approve a Revolving Loan Fund (RLF) loan to Leland B. Hershey
2 and Everett D. Hershey, Precision Pallet, LLC, in the amount of \$84,000.00 with a five (5) year
3 term at 5% interest. Mr. Pugh seconded the motion. The motion passed on the following vote:
4 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

5 **GRTS Teaming Agreement – Airport Project**

6 Kris Noble, Planning Director, reported Hyde County has been asked to enter into a Teaming
7 Agreement with North Carolina State University (NCSU) on behalf of the NextGen Air
8 Transportation Center (NCAT) in order that they move forward with the Unmanned Aerial Project’s
9 Gull Rock Test Site Project.

10 Fred Holscher, County Attorney, and Manager Rich reported the agreement is too restrictive and
11 they do not recommend entering into the Teaming Agreement.

12 Commissioner Fletcher moved to table discussion on the NCSU Teaming Agreement. Mr. Pugh
13 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
14 Tunnell and Swindell; Nays – None; Absent or not voting – None.

15 **CenturyLink – Telephone System**

16 On March 4, 2013 the Board authorized County Manager Bill Rich to select which option to
17 approve and to sign maintenance coverage documents with CenturyLink.

18 Manager Rich reported that he entered into Voice and Data Upgrade Agreement with CenturyLink.
19 Hyde County must buyout old equipment totaling \$42,000.00. Currently the County pays
20 \$13,885.85 per month for services. Under the new agreement the County will lease the equipment
21 and CenturyLink will service it. Hyde County will pay \$10,000.00 per month. Mr. Rich reported
22 that Department of Social Services Pass-through Funds will offset the monthly costs.

23 No action required.

24 Commissioner Fletcher requested research on how many cell phones the County pays for and who
25 has them. Manager Rich will report his findings at the next regularly scheduled Board of
26 Commissioners meeting on May 6, 2013.

27 **Amendment of Rules of Procedures for The Hyde County Board of Commissioners**

28 After discussion, Commissioner Fletcher moved to approve the final amended version of “Rules of
29 Procedures for The Hyde County Board of Commissioners.” Mr. Pugh seconded the motion. The
30 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
31 None; Absent or not voting – None.

32 **Renewal of Compensation Agreements for Emergency Use of Non-County Owned Facilities**

33 Manager Rich presented request to renew compensation agreements for the emergency use of the
34 following non-county owned facilities: 1) Mattamuskeet Fresh Produce, Inc., 2) Ocracoke School
35 Complex, and 3) Ocracoke Variety Store.



1 “Emergency Use” is defined as the use of the facility during a locally declared state of emergency
2 as an Emergency Operations Center, Community Disaster Facility, Disaster Supply Staging Area,
3 Base Camp or other usage approved jointly by the facility manager and the Hyde County
4 Emergency Operations Center. Under this agreement the County will have first priority for
5 emergency use of the facility, the facility managers will have second priority, and third parties will
6 have tertiary priority as allowed by the emergency operations being conducted by the County at
7 these facilities.

8 Commissioner Fletcher moved to renew compensation agreements for the emergency use of
9 facilities with Mattamuskeet Fresh Produce, Inc., Ocracoke School Complex and Ocracoke Variety
10 Store; and to authorize the County Manager to execute the compensation agreements. Mr. Byrd
11 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
12 Tunnell and Swindell; Nays – None; Absent or not voting – None.

13 Commissioner Fletcher requested research on increasing the term of the Compensation Agreements
14 from two years up to three to five years with a 1% increase each year. Manager Rich will report his
15 findings at the next regularly scheduled Board of Commissioners meeting on May 6, 2013.

16 **Spending Freeze**

17 After discussion, Commissioner Byrd moved to set a spending freeze for all County departments
18 through the end of Fiscal Year 2012-2013 effective April 15; and, to authorize Manager Rich to
19 approve requests over \$100.00 as he deems necessary. Mr. Fletcher seconded the motion. The
20 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
21 None; Absent or not voting – None.

22 The Health Department and Department of Social Services will not be affected by the freeze.

23 **FY2013-2014 Budget Calendar**

24 Manager Rich reported that he and Finance Officer Corrinne Gibbs will begin departmental budget
25 discussions on Tuesday, April 2, 2013.

26 Manager Rich and Finance Officer Gibbs will present the draft FY2013-2014 Hyde County Budget
27 at the next regularly scheduled Board of Commissioners meeting on May 6, 2013.

28 Special Meeting of the Hyde County Board of Commissioners will be held on Tuesday, May 7,
29 2013 for the purpose of FY2013-2014 Budget discussion.

30 Commissioner Pugh moved to hold Public Hearing on the FY2013-2014 Hyde County Budget on
31 Monday, June 3, 2013, beginning at 6:00 p.m., in the Hyde County Government Center, Multi-Use
32 Room, and the Ocracoke School Commons Room using electronic conferencing equipment. Mr.
33 Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
34 Tunnell and Swindell; Nays – None; Absent or not voting – None.

35
36

1 **Budget Revisions**

2 Chairman Swindell reported that in accordance with FY2011-2012 Budget Ordinance, Article XIX,
 3 Section 1, no transfers were approved administratively and 23 transfers needed Board approval.

Board Approval Required		
Department/Program	Amount	Explanation
Finance		
Airport	\$ 4,000.00	Transfer of funds from Telephone and Utilities Lines to Gas, Oil and Tires Line to cover expenses through the end of the fiscal year. Does not increase the budget.
Administration	\$29,246.00	Transfer of funds interdepartmentally to cover expenses through the end of the fiscal year. Does not increase the budget.
Ocracoke Occupancy Tax	\$ 1,312.51	Per resolution passed by the Board of County Commissioners on 11-19-2012 all Community Center rent is to go back into the current year's budget of the Ocracoke Occupancy Tax Board. Does increase the budget.
Ocracoke Occupancy Tax	\$ 6,200.00	Funds transferred per request of the Ocracoke Occupancy Tax Board. Does not increase the budget.
Hyde Soil & Water		
Departmental Budget	\$ 1,400.00	The Soil & Water District budgeted longevity for Brandon Marshall but he resigned his position before being eligible to receive funds. These additional funds (\$400) are transferred to Travel & Training Line for trip to Ocracoke to address drainage issues and serve as judges for Ocracoke School STEM Fair. Unused funds (\$1,000) from Beaver Management Line are transferred to Public Education Line to assist with Hyde Seek & Discover Day Camp June 10-13, 2013.
Cooperative Extension		
4-H	\$ 800.00	Received more funding from SHIP Grant than originally budgeted. Does increase the budget.
DSS		
Departmental Budget	\$ 6,000.00	Transfer of funds interdepartmentally to ensure sufficient funds to cover expenses for the remainder of the current fiscal year. Does not increase the budget.
ADAP	\$ 7,000.00	Transfer of funds interdepartmentally to ensure sufficient funds to cover expenses for the remainder of the current fiscal year. Does not increase the budget.
ADAP	\$ 5,000.00	Transfer of funds interdepartmentally to ensure sufficient funds to cover expenses for the remainder of the current fiscal year. Does not increase the budget.
Health		
Healthy Communities	\$12,479.00	Hyde County Health Department has received additional funding to support activities of our Healthy Communities program. With this funding, we will develop and implement community-based initiatives to create policies and environments that support increased physical activity, promote healthy eating, reduce obesity, prevent the use of tobacco, support diabetes self-management and prevent violence and injury. This revision does increase the budget for our Healthy Communities program.
Community Transformation Project – Tobacco Free Hyde	\$ 6,950.00	Hyde County Health Department has been awarded \$6,950.00 in funding from Region 9 Community Transformation Grant Project's (CTP/G) Strategic Leadership Team and Tobacco Free Living Action Team for the <i>Tobacco Free Hyde County</i> Project. Funding will be used to support an ordinance to make all buildings, grounds, and county vehicles owned, leased, or operated by Hyde County tobacco-free. Funding will go towards youth advocacy activities, secondhand smoke campaign promotion, decal stickers, facility and ground signage, and development and printing of educational supplies. This revision does increase the budget for the Health Department.
Food & Lodging	\$ 1,605.00	Performance-Based Distribution (2nd distribution for FY 2011/2012) of Food and Lodging Funds from the Division of Environmental Health for achieving 90% compliance rate with mandated inspections of food and lodging establishments. These additional funds will be used to repair the Ford Taurus for use for F&L inspections, as well as establish a line for gas, oil and tires. This revision does increase the budget for Food & Lodging.



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Home Health	\$ 9,975.00	Transferring funds from/to multiple line items in Home Health to clear out negative/low balances and to provide sufficient funding in those lines to get through the end of the current Fiscal Year. This transfer does not increase the budget for Home Health.
CAP	\$ 1,000.00	Transferring funds from Salaries Part-Time line in CAP Program into Travel line to provide sufficient funding in this line to get through the end of the current Fiscal Year. This transfer does not increase the budget for CAP Program.
General Health	\$ 3,550.00	Transferring funds from/to multiple line items in General Health to clear out low balances and to provide sufficient funding in those lines to get through the end of the current Fiscal Year. This transfer does not increase the budget for General Health.
Medication Assistance Program (MAP)	\$ 850.00	Transferring funds from Dues and Fees line into Contract Pharmacist line in MAP program to provide sufficient funding in this line to get through the end of the current Fiscal Year. This transfer does not increase the budget for the MAP Program.
Maternal Health Adult Program	\$ 1,000.00	Transferring funds from Contract Nurse Practitioner line in Adult Health Program into Contract Nurse Practitioner line in Maternal Health Program to provide sufficient funding in this line to get through the end of the current Fiscal Year. This transfer does increase the budget for Maternal Health.
Family Planning Adult Health	\$ 1,000.00	Transferring funds from Contract Nurse Practitioner line in Adult Health Program into Contract Nurse Practitioner line in Family Planning Program to provide sufficient funding in this line to get through the end of the current Fiscal Year. This transfer does increase the budget for Family Planning.
Adult Health	\$22,600.00	Transferring funds from Contract Nurse Practitioner line in Adult Health into Contract Registered Nurse Line due to change in focus of Primary Care via Telemedicine Project. Hyde County Health Department was awarded \$22,600.00 by Vidant Pungo Hospital Community Benefits Grant Program to cover the cost of a Nurse Practitioner one (1) day per week to provide Primary Care Services. HCHD was unable to contract with a Nurse Practitioner and received approval from Vidant Pungo Hospital Foundation to reallocate the grant funds to cover the cost of a Registered Nurse through the Albemarle Hospital Foundation to coordinate the Primary Care services via Telemedicine five (5) days per week. This revision does not increase the budget for Adult Health.
EMS		
Part-time Salaries	\$15,000.00	Transfer of funds to Salaries Part-time Line to cover Part-time wages for the remainder of the fiscal year.
Utilities		
Departmental Budget	\$10,000.00	Monies transferred interdepartmentally to cover expenses for the remainder of the fiscal year. Does not increase the budget.
Solid Waste	\$12,500.00	Monies transferred interdepartmentally to cover expenses for the remainder of the fiscal year. Does not increase the budget.
Sheriff		
Departmental Budget	\$ 1,500.00	Monies transferred interdepartmentally to cover expenses for the remainder of the fiscal year. Does not increase the budget.

1
2 Commissioner Fletcher moved to approve the 23 budget transfers as presented. Mr. Byrd seconded
3 the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell,
4 Tunnell; Nays – None; Absent or not voting – None.

5 **Closed Session**

6 Commissioner Fletcher moved to enter into closed session at 7:18 p.m. in accordance with
7 § 143-318.11 (a)(3) – to preserve attorney-client privilege and § 143-318.11 (a)(4) – to discuss
8 matters relating to the location or expansion of industries or other businesses. Mr. Byrd seconded



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

3 Commissioner Byrd moved to come out of closed session at 7:45 p.m. Mr. Fletcher seconded the
4 motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and
5 Tunnell; Nays – None; Absent or not voting – None.

6 Manager Rich reported that Vantage South Bank has made a “good will” offer to give the East
7 Carolina Bank Processing Building in Engelhard to Hyde County. Mr. Rich reported the 11,500 sq.
8 ft. building has 51 offices and is a state of the art facility. He will work with Utilities Director Clint
9 Berry to assess the building. Commissioners and department heads are invited to tour the facility.

10 **Reports:**

11 **Commissioner Tunnell** – reported that he the Highway 12 and Ferry Toll meetings on Ocracoke;
12 Mid-East Housing meeting; Hyde County Recreation Committee meeting; and, LPAN meeting with
13 the Health Department.

14 **Commissioner Byrd** – reported that he also attended the Highway 12 and Ferry Toll meetings on
15 Ocracoke and that he spoke with Mr. Shoemaker, Governor Pat McCrory’s personal assistant, about
16 both issues. Mr. Byrd reported that NCWR has requested authority to control permit baiting which
17 will take permitting out of Legislative hands. He also reported that the Legislature is going to pass
18 legislation approving Sunday hunting.

19 Manager Rich was instructed to draft resolutions opposing NCWR control of permit baiting and
20 Sunday hunting in Hyde County.

21 **Commissioner Fletcher** – reported that he has been contacted by many Ocracoke citizens about the
22 chipper and front end loader at the Ocracoke Convenience Site.

23 **Commissioner Pugh** – reported that he attended “Coffee with Experts” at Mattamuskeet Senior
24 Center; Chamber of Commerce Annual Meeting; Highway 12 and Ferry Toll meetings on
25 Ocracoke; and, the Albemarle Commission meeting.

26 **Chairman Swindell** – reported that he also attended the Health Department training. Mr. Swindell
27 discussed water meter issues that had been reported to him.

28 After discussion, Commissioner Swindell moved to adjust water bills for John Bull and Allen
29 Ballance to a rate of three (3) times the normal monthly rate; and, directed County Manager Rich to
30 draft a letter to Tideland EMC and to call Paul Spruill, Tideland EMC, CEO & General Manager, to
31 discuss Tideland’s responsibility for damages caused by Mastec while contracted by Tideland.
32 Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher,
33 Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

34 **County Manager Rich** – reported Deputy Clerk/PIO Megan Shaw had resigned her position with
35 Hyde County. Mr. Rich thanked Megan for work done and thanked Assistant Clerk Rachel Cobb
36 for operating the electronic equipment on Ocracoke. The position was posted and Sarah Johnson of



1 Ocracoke was hired to fill a position as Deputy Clerk/PIO. Sarah will work up to 20 hours per
2 week at \$10.00 per hour.

3 Mr. Rich attended the Highway 12 and Ferry Toll meetings on Ocracoke and in Pamlico County;
4 met with Lamm Engineering to review Government Center and Public Safety Center repairs
5 proposals; addressed issues of derelict boats on Silver Lake; presented update on the Unmanned
6 Aircraft Project, BB&T Loan, Friends of the Courthouse meeting and Ocracoke Community Square
7 Project meetings.

8 **Public Comments:**

9 Chairman Swindell called for comments from the public.

10 Darlene Styron, Ocracoke – stated that three containers at the Ocracoke Convenience Site will not
11 be enough.

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

13 **Adjourn**

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

17 The meeting adjourned at 8:09 p.m.

18

19 Respectfully submitted:

20

21 Minutes approved on the 6st day of May, 2013.

22

23

24

25 _____
26 Lois Stotesberry, CMC, NCCCC
Clerk, Hyde County Board of Commissioners

25 _____
26 Barry Swindell
Chair, Hyde County Board of Commissioners

27 Attachments:

28 Exhibit A: *“Resolution Urging Members of the NC General Assembly and Governor McCrory*
29 *Concerning the Appointment of Board Members to the LME Board”*

30 Exhibit B: *“Resolution Supporting H.R. 819 Preserving Access To the Cape Hatteras National*
31 *Seashore Recreational Area Act”*

32 Exhibit C: *“Resolution to Request Legislation To Exempt Certain Records of The Sheriff’s Office*
33 *From The Public Records Act”*

34 Exhibit D: *“Resolution Supporting Continued Funding for Museum of The Albemarle”*

35 Exhibit E: *“Resolution – Letter of Support for Continued Funding From North Carolina for*
36 *Partnership For The Sounds”*

- 1 Exhibit F: *“Resolution Endorsing Continued Channel Markers for the Alternate Hatteras-Ocracoke*
2 *Ferry Route”*
- 3 Exhibit G: *“Resolution Expressing Concern for the Governor’s 2013-14 Budget Proposal in Regard to*
4 *the N.C. Rural Economic Development Center, the Golden LEAF Foundation and the*
5 *NCCAT Center”*
- 6 Exhibit H: *“Proclamation – Week of the Young Child, April 14-20, 2013”*
- 7 Exhibit I: *“Proclamation – Child Abuse Prevention Month, April 2013”*
- 8 Exhibit J: *“Proclamation – Public Health Month, April, 2013”*

1 **Special Meeting Minutes**

2 **Hyde County Board of County Commissioners**
3 **and**
4 **Hyde County Board of Education**

5
6 **Monday, April 22, 2013**

7 Chairman Barry Swindell called the Special Meeting of the Hyde County Board of Commissioners
8 to order at 5:05 p.m. on Monday, April 22, 2013, in the Hyde County Government Center, Multi-
9 Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

10 The following members were present on the mainland: Commissioners Anson Byrd, Earl Pugh, Jr.,
11 Dick Tunnell and Barry Swindell; County Manager Bill Rich; County Attorney Fred Holscher;
12 Clerk to the Board Lois Stotesberry; and, Finance Officer Corrinne Gibbs. The following members
13 were present on Ocracoke: Commissioner John Fletcher and Public Information Officer (PIO) Sarah
14 Johnson.

15 The following Board of Education Members were present on the mainland: Chairman Thomas
16 Whitaker; Board members Diantha Coley, John Mullen, Randy Etheridge and David Tolson;
17 Superintendent Dr. Randolph Latimore; and, Finance Officer Kenneth Chilcoat.

18 No members of the public attended.
19

20 Following opening prayer by Board of Education Chairman Thomas Whitaker and pledge of
21 allegiance, Chairman Barry Swindell called the meeting to order with Mr. Whitaker presiding.

22 County Manager Bill Rich welcomed members of the Board of Education; and, reported that he and
23 Corrinne Gibbs, FO met earlier in the day with Dr. Latimore and Ken Chilcoat, FO.

24 **Dr. Randolph Latimore, Superintendent – FY2013-14 Board of Education Budget Message**

25 Dr. Latimore stated that materials presented would represent the proposed FY2013-14 Hyde County
26 Board of Education Budget requests for local revenue only. Currently, the Board of Education does
27 not know Federal or State funding levels. A reduction of 15% is expected. He reported the request
28 for funding from local revenue does reflect an increase over current level of funding. The needs of
29 the public schools of Hyde County are not diminishing. The budget from local revenue is crucial in
30 assisting the Hyde County Board of Education in meeting the educational needs of the six hundred
31 seven students enrolled in the graders Pre-K through 13.

32 The Hyde County Board of Education has reduced staff due to reduction in State and Federal
33 funding coupled with the strain on available local revenue. During the current budget cycle, fifteen

1 positions were eliminated. Through the reduction in force, the Board of Education eliminated 11
2 professional positions and 4 classified positions.

3 The Board of Education continues to evaluate its programs and personnel in order to determine
4 priorities if additional shortfalls in revenue from the Federal, State or local levels are forthcoming.
5

6 The budget request of \$1,424,568.00 for the 2013-14 school year from local revenue reflects the
7 same level of local revenue provided by the County of Hyde during the 2008-09 school year. Local
8 appropriation for the public schools of Hyde County has decreased from the 2008-09 appropriation
9 to \$1,199,568.00 for the current school year.

10 Restoration of funds to the level appropriated in the 2008-09 school year is needed to assist in
11 meeting current and projected needs of the school system. Due to financing recent construction
12 projects and as a matter of sound business practice, the Local Education Authority (LEA) now is
13 required to have flood insurance on its facilities. Prior to the current year, buildings were not
14 covered by flood insurance. The cost for flood insurance coverage is \$80,000.00.

15 This is a new unbudgeted expense. The not fully funded mandate to provide Pre-K education to all
16 eligible students as ordered by Judge Manning requires the LEA to spend approximately \$50,000.00
17 from local revenue. Appropriate school staff has been trained in energy conservation and in what to
18 look for when conducting an energy audit. To that end, the LEA is in the process of conducting an
19 energy audit that should be concluded during the summer of 2013. Nevertheless, additional
20 increases are projected for utility costs. In order to be in compliance with State requirements for
21 online testing, additional local revenue is required to purchase computer hardware and to maintain
22 existing systems.

23 The Hyde County Board of Education was one of the first LEA's in the State to take advantage of
24 CLOUD computing by migrating all of its AS-400 accounting system to an offsite location. Access
25 to data is done via technology. The immediate savings to the LEA is \$50,000.00 with a projected
26 annual savings of \$7,500.00 in maintenance costs.

27 Student achievement continues to improve. Testing results from last year reveal that Mattamuskeet
28 Elementary School made "high growth". Mattamuskeet Early College High School (MECHS)
29 made "expected growth", and Ocracoke School achieved an "honor school of excellence" rating.
30 Instructional initiatives that have been implemented at the mainland schools will continue the
31 improvement in student achievement. Dr. Latimore stated the Board of Education's goal is for all
32 Hyde County schools to reach the rating of "honor school of excellence".
33

34 **Kenneth Chilcoat, Finance Officer – FY2013-14 Board of Education Budget Presentation**
35

36 Kenneth Chilcoat, FO, Board of Education, presented the Board's Fiscal Year 2014 Local Revenue

1 and General Expense Budgets. The \$1, 497,228.00 Local General Expense Budget is divided into
2 four categories:

3	1) Building Costs: Maintenance	28%	
4		<u>Custodial</u>	<u>6%</u>
5		Total	34% (no state funds for building maintenance)
6	2) Utilities & Related Costs:	32%	
7	3) Insurance Costs:	8%	
8	4) Other Various Categories:	<u>25%</u>	
9		100%	

10 Mr. Chilcoat explained that yellow busses are funded by State revenue; and Hyde County pays all
11 transportation expense for activity busses and other vehicles. He also reported that he will be
12 looking for ways to reduce flood insurance costs; the Board of Education will continue to see
13 savings from its migration to CLOUD computing technology; Hyde County serves 92 students in
14 the Exceptional Children's (EC) Program but the State only covers 73 students and the Board of
15 Education was mandated to hire an extra teacher who will likely be retained; and, Hyde County
16 holds the bond debt for new school buildings and the State holds a lien on all school buildings.

17 **Discussion**

18 John Mullen inquired whether or not rental revenues (\$30,000.00) from the Department of Social
19 Services will be lost. No decision has been approved by the Board of Commissioners to date.

20 Dr. Latimore reported that funds will be needed for the initial costs of hardware to transition from
21 text books to electronic books; one electronic book will be used by the entire class and costs no
22 more than one text book; Pre-K enrollment was held at 9 students and an aide was not hired; and,
23 utilities/maintenance expense increases are predicted for operation of the HVAC at the new
24 Ocracoke gym.

25 Commissioner Byrd will investigate flood plain mapping at the Mattamuskeet School campus and
26 will have NCDENR contact Mr. Chilcoat with results.

27 Mr. Chilcoat confirmed for Board Member John Mullen that no teachers are being paid from local
28 funds at this time.

29 Commissioner Fletcher inquired how many Board of Education staff members are paid from local
30 funds and how many clerical staff members are employed in the Central Office.

31 Mr. Chilcoat confirmed one Maintenance Director, two Maintenance Workers and 1.5 Clerical staff
32 members in the Central Office are paid from local funds. The Central Office employs five Clerical
33 staff members.

1 Diantha Coley reported that Clerical staff in the Central Office is at the State required minimum.

2 Chairman Barry Swindell reported that the Board of Commissioners will include the Board of
3 Education's FY2013-14 Budget requests in its upcoming budget deliberations. Mr. Swindell stated
4 that County Manager Rich was commissioned to not raise taxes. He reported that the Board
5 promised citizens that taxes would not be raised and stated that the County's streams of revenue are
6 also being cut by the State.

7 Commissioners Tunnell and Pugh served previous terms on the Board of Education and are familiar
8 with both budgets.

9 David Tolson reflected on the Reduction in Force by the Board of Education.

10

11 Chairman Thomas Whitaker thanked the Hyde County Board of Education for its support of the
12 School Board. Mr. Whitaker proposed the Boards meet more than once a year.

13 Commissioner Fletcher requested a more thorough discussion of the proposed school budget.

14 County Manager Rich will coordinate a meeting with Commissioner Fletcher and Mr. Chilcoat.

15 Commissioner Tunnell asked if the schools continue to receive Capital Outlay funds.

16 Mr. Chilcoat reported that Capital Outlay funds are flow-through funds from the State.

17 In conclusion, Dr. Latimore invited both Boards to tour Mattamuskeet and Ocracoke School
18 Campuses. He recommended touring the Hyde County School System and believes a better
19 informed decision will result from the visit.

20 **Adjourn**

21 Board Member Randy Etheridge moved to adjourn the Board of Education meeting. Ms. Coley
22 seconded the motion. The motion passed on the following vote: Ayes – Whitaker, Etheridge,
23 Coley, Mullen and Tolson; Nays – None; Absent or not voting – None.

24 Chairman Swindell moved to adjourn the Board of Commissioners meeting. Mr. Tunnell seconded
25 the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and
26 Tunnell; Nays – None; Absent or not voting – None.

27 The meeting adjourned at 5:50 p.m.

28

29 Respectfully submitted:

30

31 Minutes approved on the 6th day of May, 2013.

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Barry Swindell, Chairman

Hyde County Board of Commissioners

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

Attachments: (none)

DRAFT

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 6, 2013
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 6, 2013
Presenter(s): Mattamuskeet TRU (Tobacco.Reality.Unfiltered) Club Students, Ocracoke I SPEAK (Island Students Promoting Empowerment Among Kids) Club Students, Dr. Erin Baker from the Ocracoke Health Center
Attachment: Yes

ITEM TITLE: Smoke-Free Hyde County

SUMMARY: Youth from Mattamuskeet High School will present a video they created that promotes the health benefits of a smoke-free Hyde County. Youth from Ocracoke School will talk 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 the Ocracoke Health Center will present on the dangers of tobacco use and secondhand smoke. Mattamuskeet High School students will wrap up the presentation by presenting to the Commissioners a “We Support a Smoke-Free Hyde County” banner that was signed by community members and they will ask the commissioners to consider adopting a local smoke-free ordinance for all grounds that are owned, leased or occupied by the County of Hyde.

RECOMMEND: **ADOPT A LOCAL SMOKE-FREE ORDINANCE FOR ALL GROUNDS THAT ARE OWNED, LEASED OR OCCUPIED BY THE COUNTY OF HYDE**

Motion Made By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Motion Seconded By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

REGION 9 COMMUNITY TRANSFORMATION GRANT PROJECT



Communities Transforming to Make Healthy Living Easier

Pasquotank · Perquimans · Camden · Chowan · Currituck · Bertie · Gates · Dare · Edgecombe · Hertford · Hyde · Northampton · Martin · Tyrrell · Washington

February 22, 2013

Wesley Smith, Health Director
Hyde County Health Department
PO Box 100
Swan Quarter, NC 27885

Dear Mr. Smith,

Congratulations! The Region 9 Community Transformation Grant Project's Strategic Leadership Team and Tobacco Free Living Action Team have approved funding in the amount of \$6,950.00 for the **Tobacco Free Hyde County** project. Funding for this project will go towards youth advocacy activities, secondhand smoke campaign promotion, decal stickers, facility and ground signage, and the development and printing of educational supplies. This grant is for one year of funding through Region 9's CTG Project.

Enclosed is a check in the amount of \$6,950.00 payable to the Hyde County Health Department. Please email Jill Jordan at jjordan@arhs-nc.org to confirm your receipt of the check. There will be a Mid-year Expenditure and Budget report due to Albemarle Regional Health Services-CTG Project by September 16, 2013. This form will be sent to you through mail and email on July 1, 2013. A Final Report will be due on February 3, 2014.

We look forward to hearing of your successes related to this project throughout this grant year and beyond. We value this partnership as we work together to increase the number of local government buildings and indoor public places with smoke-free environments.

Should you require additional information, please contact Jill Jordan at (252) 338-4483. Again, your commitment to your community's health is appreciated.

Sincerely yours,

Jerry Parks, MPH
Health Director - Albemarle Regional Health Services
Fiscal Lead - Region 9 CTG Project

Dare County Department of Public Health
Anne Thomas
Lead Region 9 Health Director

Albemarle Regional Health Services
Jerry L. Parks, MPH
Lead Region 9 Health Director
Fiscal Lead, CTGP

Edgecombe County Health Department
Karan Lachapelle, MAEd
Health Director

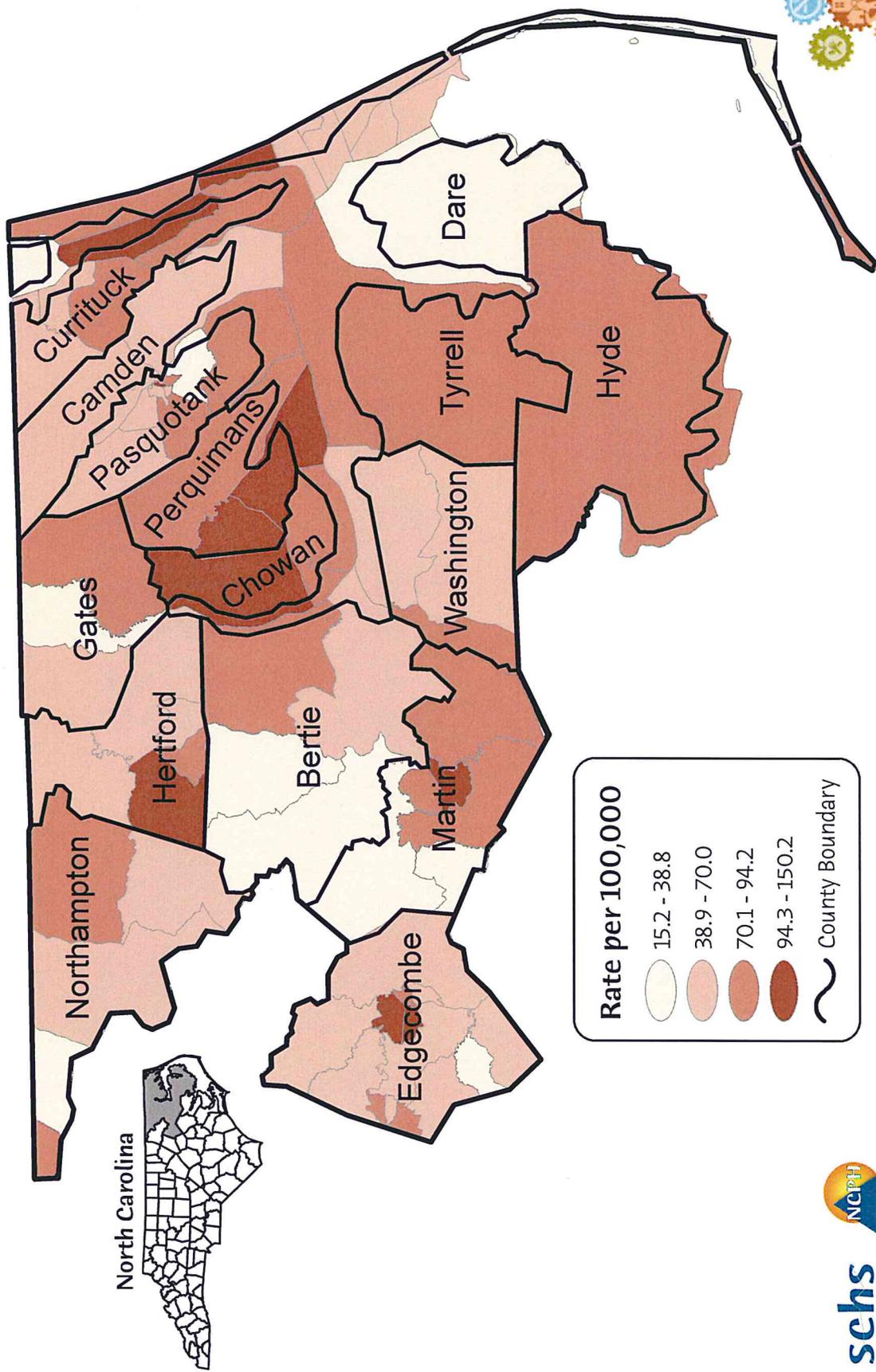
Hertford County Public Health Authority
James A. Madison, RN, MPH
Health Director

Hyde County Health Department
Wesley R. Smith, Health Director

Northampton County Health Department
Sue G. Gay, Health Director

M-T-W District Health Department
Kathleen DeVore Jones, RN, MSPH
Health Director

North Carolina Community Transformation Project Region 9 Bronchus/Lung Cancer Incidence Rates by Census Tracts, 2005-2009



ARTICLE III. - SMOKING ON COUNTY PROPERTY

Sec. 34-48. - Definitions.

Sec. 34-49. - Prohibited in county buildings.

Sec. 34-50. - Prohibited in county vehicles.

Secs. 34-51—34-69. - Reserved.

Sec. 34-48. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Smoking means the inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product, or any clove, herbal, or nontobacco product.

(Ord. No. 35, § 1, 10-4-1993)

Sec. 34-49. - Prohibited in county buildings.

It shall be unlawful for any person to **smoke** in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the **county**.

(Ord. No. 35, § 2, 10-4-1993)

Sec. 34-50. - Prohibited in county vehicles.

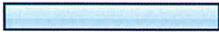
It shall be unlawful for any person to **smoke** in any vehicle now or hereafter owned or leased by the **county**.

(Ord. No. 35, § 3, 10-4-1993)

1. Do you use tobacco products

		Response Percent	Response Count
yes		23.8%	5
no		76.2%	16
answered question			21
skipped question			0

2. How often are you exposed to second hand smoke while at home?

		Response Percent	Response Count
never		38.1%	8
occasionally		19.0%	4
frequently		9.5%	2
everyday		33.3%	7
answered question			21
skipped question			0

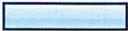
3. How often are you exposed to second hand smoke while away from your home?

		Response Percent	Response Count
never		19.0%	4
occasionally		57.1%	12
frequently		9.5%	2
everyday		14.3%	3
answered question			21
skipped question			0

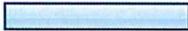
4. Where are you most often exposed to second hand smoke?

		Response Percent	Response Count
at work		10.5%	2
outside of a private business (gas station, grocery store, etc)		36.8%	7
in public outdoor areas (parks, sidewalks, roadways, etc)		57.9%	11
Outside of county buildings (courthouse, health department, administrative office, etc)		21.1%	4
answered question			19
skipped question			2

5. Please rank how dangerous you believe it is to be exposed to second hand smoke

		Response Percent	Response Count
1 not at all		19.0%	4
2 slightly		0.0%	0
3 moderately		42.9%	9
4 extremely		38.1%	8
answered question			21
skipped question			0

6. would you support restrictions of tobacco use in public areas?

		Response Percent	Response Count
yes		71.4%	15
no		28.6%	6
if no, why not?			0
answered question			21
skipped question			0

<u>Name</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>	<u>Country</u>	<u>Signed On</u>
erin baker	ocracoke	North Carolina	27960	United States	3/20/2013
Emily Smith-Zimmerman	Ocracoke	North Carolina	27960	United States	3/20/2013
JAMIE CARTER	OCRACOKE	North Carolina	27960	United States	3/20/2013
Tiana Smith	Ocracoke	North Carolina	27960	United States	3/20/2013
Mike Spruill	Greenville	North Carolina	28590	United States	3/20/2013
Nancy Kaster	Swan Quarter	North Carolina	27885	United States	3/20/2013
Jennifer Cahoon	Engelhard	North Carolina	27824	United States	3/25/2013
TYLER WILLIAMS	sWAN qUARTER	North Carolina	27885	United States	3/25/2013
Garrett Schmitt	englehard	North Carolina	27824	United States	3/25/2013
Deanna Randalls	Swan Quarter	North Carolina	27875	United States	3/25/2013
Bryanna Weston	Englehard	North Carolina	27824	United States	3/25/2013
Lida Jones	Ocracoke	North Carolina	27960	United States	4/6/2013
Kathleen Oneal	Ocracoke	North Carolina	27960	United States	4/7/2013
Lolette Guthrie	Chapel Hill	North Carolina	27517	United States	4/7/2013
Christine Davis	Scranton	North Carolina	27875	United States	4/16/2013

ORDINANCE NUMBER 2013-05-01

AN ORDINANCE TO PROHIBIT SMOKING AND THE USE OF OTHER TOBACCO PRODUCTS IN COUNTY BUILDINGS AND VEHICLES AND ON ALL COUNTY GROUNDS

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, on November 17, 2011, "An Act To Prohibit Smoking In Certain Public Places And Certain Places of Employment, North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;" and

WHEREAS, in 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke, and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers; and

WHEREAS, the CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity (such as sitting next to someone on a park bench, or children accompanying a smoking parent or guardian) ¹; and

WHEREAS, tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes; and

Option 1: WHEREAS, the Hyde County Board of Health adopted a resolution on June 21, 2011 recommending that the County adopt an ordinance to prohibit smoking and the use of smokeless tobacco products in County buildings and vehicles and on County grounds;

¹ Neil E. Klepeis, Wayne R. Ott, and Paul Switzer, *Real-time Measurement of Outdoor Tobacco Smoke Particles*, 57 J. Air & Waste Mgmt. Ass'n 522, 522 (2007); Neil E. Klepeis, Etienne B. Gabel, Wayne R. Ott, and Paul Switzer, *Outdoor Air Pollution in Close Proximity to a Continuous Point Source*, 43 Atmospheric Env't 3155, 3165 (2009).

Option 2: WHEREAS, the Hyde County Board of Health adopted a rule on June 21, 2011 prohibiting smoking and the use of smokeless tobacco products in County buildings and vehicles and on County grounds for approval by the County Commissioners ² ; and

WHEREAS, the County of Hyde is committed to providing a safe and healthy workplace in all county facilities for its employees and a safe and healthy environment for the visiting public; and

WHEREAS, the County of Hyde provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, the County of Hyde wishes to minimize the harmful effects of tobacco use among County employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles, and grounds controlled by the County; and

WHEREAS, this Board finds and declares that, in order to protect the public health and welfare, it is in the best interests of the citizens of the County to adopt an ordinance prohibiting smoking and the use of tobacco products in all County buildings and vehicles and on County grounds;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Hyde, North Carolina, that:

Section 1. Authority

This ordinance is enacted pursuant to North Carolina General Statutes 130A-498 and 153A-121. ³

Section 2. Definitions

The following definitions are applicable to this ordinance.

² Note: If there is a Board of Health Resolution or Board of Health rule, a copy should be included in the minutes for the County Commissioner meeting at which the resolution or rule is adopted or approved.

³ G.S. 130A-498 grants a County the authority to adopt and enforce ordinances that restrict or prohibit *smoking*. However, the authority to regulate all tobacco products is not contained in this section. Instead, this authority would fall under the County's general police power granted under G.S. 153A-121. If the ordinance is going to regulate all tobacco products, it is necessary to include reference to G.S. 153A-121 as authority for this action.

1. "County building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the County. [G.S. 130A-492]
2. "County vehicle". – A passenger-carrying vehicle owned, leased, or otherwise controlled by the County and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official County business. [G.S. 130A-492]
3. "Employee". – A person who is employed by the County of Hyde, or who contracts with the County or a third person to perform services for the County, or who otherwise performs services for the County with or without compensation. [G.S. 130A-492]
4. "Grounds". – An unenclosed area owned, leased, or occupied by the County. [G.S. 130A-492]
5. "Local Health Department". – The district health department, public health authority, or county health department, the jurisdiction of which includes the County.
6. "Universal 'No Smoking and Use of Tobacco Products Prohibited' Symbol" – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.
7. "Smoking". – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product. [G.S. 130A-492]
8. "Tobacco product". – Any product containing, made or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cutting and sweepings of tobacco; and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Section 3. Areas in Which Smoking and Use of Tobacco Products are Prohibited

(a) Smoking and the use of tobacco products are prohibited:

- (1) In any building owned, leased, or occupied, as herein defined, by the County.
- (2) In any County vehicle owned, leased, or controlled by the County.
- (3) On any grounds that are owned, leased, or occupied by the County.

(b) Smoking and the use of tobacco products are prohibited in County buildings and on County grounds being used for private events.

Section 4. Actions to Implement Required

- (a) The County shall post signs that meet all the requirements in Section 5 of this ordinance.

- (b) The County shall remove all ashtrays and other smoking receptacles from its buildings and grounds, except for ashtrays and receptacles for sale and not intended for use on the premises.
- (c) The person in charge of the County building, vehicle, or grounds, or his or her designee, shall direct a person who is smoking or using a tobacco product in a prohibited area to cease and, if the person does not comply, shall contact the Hyde County Sheriff Department.

Section 5. Signage

The signs required by Section 4 must:

- (a) State in English that smoking and the use of tobacco products are prohibited and include the universal “No Smoking and Use of Tobacco Products Prohibited” symbol.
- (b) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- (c) Be posted at each entrance to a County building and in other locations within the building reasonably calculated to inform employees and the public of the prohibition.
- (d) Be posted in each County vehicle in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.
- (e) Be posted in County grounds in locations and at intervals reasonably calculated to inform employees and the public of prohibition.

Section 6. Enforcement and Penalties

- (a) *Penalty for Violation.* Following oral or written notice by the person in charge of an area described in Section 3, or his or her designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.
- (b) *Additional sanctions for employees.* In addition to any penalty under subsection (a), employees of the County who violate this ordinance shall be subject to disciplinary action consistent with the County’s human resources policies.

Section 7. Public Education

Hyde County shall engage in a continuing program to explain and clarify the purposes and requirements of this ordinance to employees and citizens affected by it and to guide operators and managers in their compliance with it. In doing so, the County may rely upon materials and information provided by the local Health Department.

Section 8. Severability: Conflict of Laws.

If this ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. Whenever the provisions of this ordinance conflict with other ordinances of Hyde County, this ordinance shall govern.

Section 9. Effective Date.

This ordinance shall be effective on May 6, 2013.

Adopted this 6th day of May, 2013.

Barry Swindell, Chairman
Hyde County Board of Commissioners

ATTEST:

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

Approved as to Form:

Fred Holscher, Hyde County Attorney ⁴

⁴ The Division of Public Health, Tobacco Prevention and Control Branch chose not to provide a provision in this model ordinance related to the use of e-cigarettes in local government buildings or on local government grounds. This is largely due to the lack of information about the effects of these products.

However, the FDA has recently taken action surrounding e-cigarettes. In an evaluation of samples of e-cigarettes, the FDA found that these products contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA also noted that the quality control processes for the manufacture of these products are either inconsistent or non-existent. Food and Drug Administration, *Summary of results: laboratory analysis of electronic cigarettes conducted by FDA*, July 22, 2009, <http://fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm> (last visited September 27, 2010). Thus, the vapor omitted by e-cigarettes is potentially harmful to not only the users but quite possibly others around them. There is also concern surrounding the ability to effectively enforce smoke free laws due to the similar appearance of these products to traditional cigarettes. Thus, the Branch will continue to monitor the FDA's action regarding these products and will update this model if necessary.

Want to Quit?

1-800-QUIT-NOW
QuitlineNC.com



Quitting tobacco can be tough, but we can help.

QuitlineNC is now offering free Nicotine Replacement Therapy (NRT) for those who enroll.

Free Patches

Gum, or Lozenges

To qualify, you must:

- Be 18 or older
- Call from a NC phone number
- Commit to a Quit Date

Call 1-800-QUIT-NOW or 1-800-784-8669 to connect with a Quit Coach and more than double your chances of quitting for good. QuitlineNC is free, private and available 24 hours a day., seven days a week.

*NRT supply is limited so call today.

¿ Desea dejar de Fumar?

1-800-QUIT-NOW
QuitlineNC.com



**Dejar de fumar puede ser difícil
pero podemos ayudarlo.**

La QuitlineNC está ofreciendo actualmente
Terapia de Reemplazo de Nicotina (Nicotine
Replacement Therapy, NRT) gratis a quienes
se inscriban.

**Parches,
Chicles o Pastillas GRATIS**

Para tener derecho a participar usted debe:

- Ser mayor de 18 años
- Llamar desde un número de teléfono de Carolina del Norte
- Fijar una fecha de abandono del cigarrillo

Llame al 1-800-QUIT-NOW (1-800-784-8669) para comunicarse con un entrenador de abandono del cigarrillo y aumente a más del doble sus posibilidades de dejar de fumar para siempre. La QuitlineNC es gratis, privada y atiende de las 24 horas al día, siete días a la semana.

*El suministro de NRT es limitado, así es que llame hoy mismo.

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

Meeting Date: May 6, 2013
Presenter: Bill Rich, Manager
Attachment: Yes

ITEM TITLE: RESOLUTIONS

SUMMARY: Surrounding Counties Boards of Commissioners have adopted and request support of subject resolution by the Hyde County Board of Commissioners.

1. Opposition to HB353 – An Act to Designate Red Drum, Spotted Sea Trout and Striped Bass As Coastal Game Fish

Motion Made By: _____ Motion Seconded By: _____ Vote: Yea _____ Nay _____

2. Opposition to Senate Bill 224 That Would Permit Sunday Hunting

Motion Made By: _____ Motion Seconded By: _____ Vote: Yea _____ Nay _____

3. Opposition to Senate Bill 352 – Black Bear Management

Motion Made By: _____ Motion Seconded By: _____ Vote: Yea _____ Nay _____

4. Support of Funding for Clean Water Management Trust Fund

Motion Made By: _____ Motion Seconded By: _____ Vote: Yea _____ Nay _____

5. Support of NC Parks & Recreation Trust Fund

Motion Made By: _____ Motion Seconded By: _____ Vote: Yea _____ Nay _____

RECOMMEND: Discussion and approval.

Motion Made By: ___ Barry Swind
___ Dick Tunnell
___ Anson Byrd
___ John Fletcher
___ Earl Pugh, Jr.

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

Vote: ___ Barry Swindell
___ Dick Tunnell
___ Anson Byrd
___ John Fletcher
___ Earl Pugh, Jr.

COUNTY OF HYDE

Board of Commissioners

Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

30 Oyster Creek Road

PO Box 188

SWAN QUARTER, NORTH CAROLINA

252-926-4400

252-926-3701 Fax

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 HB353 – 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.

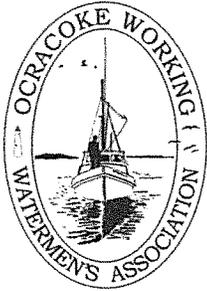
NOW, THEREFORE, BE IT RESOLVED that game fish status is not needed to maintain healthy fish stocks. HB353 will have a devastating impact on commercial fishing families income; eliminate availability of the state fish, a public resource, to North Carolina residents, tourists, restaurants and seafood retail.

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 ____ day of _____, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman



Hyde County Commissioners,

The Ocracoke Working Watermen's Association and NC Watermen's United urge you not support the upcoming game fish bill. Game fish status is not needed to maintain healthy stocks, it would have a devastating impact on commercial fishing families income, eliminate availability of the state fish, a public resource, to NC residents, tourists, restaurants and seafood retail. Please consider the following points of view:

Hardy Plyler
Vince O'Neal
Bill Evans
Farris O'Neal
David Hilton
Ernest Dosier
Erick O'Neal
Rex O'Neal
James B. Gaskill
Morty Gaskill
Wade Austin
Steve Wilson
Jesse Spencer
Danny Worsley
Andy O'Neal
John Ferrara
Jerry Lukefahr
Donny McCann
Gene Ballance
Rodney Mason
Fletcher O'Neal
David O'Neal
Lewis O'Neal
Bill Jemison
Jette Carr
Earl Gaskins
Beaver Tillett
Wayne Teeter
John Paul
Monroe Gaskill
Robbie Lewis
Arlene Burleigh
Jimmy O'Neal
Jarrett Moore
Ikey O'Neal
Bret Evans
Eddie O'Neal
R.T. O'Neal
Albert O'Neal
Dan Garrish
Reid Robinson

- The preamble of the NC Fisheries Reform Act states that the NC legislature empowered the NCMFC and NCDMF to manage fish stocks for all NC user groups. OWWA's opinion is that **HB ??** violates the intent of that legislation.
- The NCDMF's public statement stating "it is neither necessary nor consistent with current NC law to designate these fish as game fish" is consistent with our point of view.
- Commercial harvests of red drum and speckled 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 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 bycatch mortality now exceeds the commercial catches of red drum and speckled trout.
- 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 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 NC seafood..
- CCA valuations for the red drum, speckled trout and striped bass fisheries are inaccurate because they only reflect dock value which does not take into account 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 heritage that is so beloved by our communities and tourists.
- Commercial fishing supports economic diversity in our coastal communities and is often the only employment after hurricanes and during the winter. Commercial fishing families and their income is a key to many businesses staying open during the winter. Family members are also a large part of the local labor pool that businesses depend upon during the summer months.
- Commercial and recreational fishing does not have to exclude one or the other. Both play a role in providing income and products to our economies. NC 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.
- Like any business, commercial fishermen need to be able to maximize their income. Fishermen have to fish for what is available during the year. While not harvested in significant numbers, red drum, speckled trout and striped bass provide fishing families income during late fall, winter and spring when they need it most.

Thank you for the opportunity to express these points of view. Our fishing families and their communities need your support to stop this legislation from being passed.

Regards,

David Hilton/President of Ocracoke Working Watermen's Association

O.W.W.A.
P.O. Box 1165
416 Irvin Garrish Hwy.
Ocracoke, NC
27960

info@ocracokewatermen.org

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE DRH60052-SB-13 (02/23)

Short Title: Designation of Coastal Game Fish. (Public)

Sponsors: Representatives McCormick, Glazier, Ingle, and Samuelson (Primary Sponsors).

Referred to:

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.

The General Assembly of North Carolina enacts:

SECTION 1. Article 15 of Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-192. **Coastal game fish.**

(a) **Designation.** – The General Assembly hereby designates all of the following species as coastal game fish:

- (1) Red drum (*Sciaenops ocellatus*).
- (2) Spotted sea trout (*Cynoscion nebulosus*).
- (3) Striped bass (*Morone saxatilis*).

(b) **Requirements.** – Species designated as coastal game fish under subsection (a) of this section are subject to all of the following requirements:

- (1) In coastal fishing waters, they may only be taken by hook-and-line.
- (2) They may not be bought, sold, bartered, or exchanged.
- (3) They may not be possessed for the purpose of purchase, sale, barter, exchange, or for transport or shipment in commerce within the State or for export from the State."

SECTION 2.(a) Notwithstanding G.S. 113-175.1, the Marine Fisheries Commission shall make mitigation payments from the North Carolina Marine Resources Fund to commercial fishermen licensed under Article 14A of this Chapter who can demonstrate actual financial losses due to a coastal game fish designation under G.S. 113-192, as enacted by Section 1 of this act.

SECTION 2.(b) Subject to the limitation contained in subsection (c) of this section, the Marine Fisheries Commission shall make mitigation payments for all of the following:

- (1) The average annual income to a commercial fisherman from the sale of fish designated as coastal game fish under G.S. 113-192 over the period 2008 through 2010. The Marine Fisheries Commission shall make an annual payment in this amount to an eligible commercial fisherman in the years 2012, 2013, and 2014.
- (2) The 2010 value of commercial fishing gear used in 2010 to exclusively take fish designated as coastal game fish under G.S. 113-192. The Marine Fisheries Commission shall make this payment in 2012.

SECTION 2.(c) Payments made under this section shall be limited to a total of one million dollars (\$1,000,000).

SECTION 2.(d) The Marine Fisheries Commission may adopt any rules necessary for the implementation of this section.

SECTION 3. This act becomes effective July 1, 2011.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

1

HOUSE BILL 983

Short Title: 2013 Fisheries Economic Development Act. (Public)

Sponsors: Representatives Murry, Wray, Moffitt, and J. Bell (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Commerce and Job Development, if favorable, Finance, if favorable,
Appropriations.

April 18, 2013

A BILL TO BE ENTITLED

AN ACT TO DESIGNATE RED DRUM, SPOTTED SEA TROUT, AND STRIPED BASS
AS COASTAL GAME FISH; TO COMPENSATE COMMERCIAL FISHERMEN FOR
CERTAIN LOSSES DUE TO COASTAL GAME FISH DESIGNATIONS; TO
INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES; TO
APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES OBSERVER
PROGRAM; AND TO PROVIDE FUNDING FOR THE DREDGING OF SHALLOW
DRAFT NAVIGATION CHANNELS.

Whereas, the State of North Carolina has one of the most diverse fisheries in the
United States; and

Whereas, the General Assembly recognizes that commercial fishermen perform an
essential function by providing wholesome food for the citizens of the State and thereby
properly earn a livelihood; and

Whereas, the General Assembly recognizes the economic contribution and
important heritage of traditional full-time and part-time commercial fishing; and

Whereas, the General Assembly recognizes that for many citizens fishing is an
important recreational activity and that recreational fishing is a source of great personal
enjoyment and satisfaction; and

Whereas, the General Assembly recognizes the importance of providing plentiful
fishery resources to maintain and enhance tourism as a major contributor to the economy of the
State; and

Whereas, the General Assembly recognizes the need to protect our coastal fishery
resources and to balance the commercial and recreational interests through better management
of these resources; and

Whereas, the General Assembly recognizes the vital importance of safe, navigable
coastal waterways to recreational and commercial fishing, coastal tourism, and recreational
boating; Now, therefore,

The General Assembly of North Carolina enacts:

**PART I. DESIGNATION OF COASTAL GAME FISH; MITIGATION PAYMENTS;
INCREASE COASTAL RECREATIONAL FISHING LICENSE FEES**

SECTION 1. Article 15 of Chapter 113 of the General Statutes is amended by
adding a new section to read:

"§ 113-192. Coastal game fish.



1 (a) Designation. – The General Assembly hereby designates all of the following species
2 as coastal game fish:

3 (1) Red drum (*Sciaenops ocellatus*) is designated as a coastal game fish for all
4 coastal fishing waters.

5 (2) Spotted sea trout (*Cynoscion nebulosus*) is designated as a coastal game fish
6 for all coastal fishing waters.

7 (3) Striped bass (*Morone saxatilis*) is designated as a coastal game fish for all
8 coastal fishing waters except for the Atlantic Ocean.

9 (b) Requirements. – Species designated as coastal game fish under subsection (a) of this
10 section are subject to all of the following requirements:

11 (1) In coastal fishing waters where they have been designated as a coastal game
12 fish, they may only be taken by hook-and-line.

13 (2) Except as provided in subsection (c) of this section, they may not be bought,
14 sold, bartered, or exchanged.

15 (3) Except as provided in subsection (c) of this section, they may not be
16 possessed for the purpose of purchase, sale, barter, exchange, or for transport
17 or shipment in commerce within the State or for export from the State.

18 (c) Exceptions. – The purchase, sale, barter, exchange, possession, and transport of
19 species designated as coastal game fish under subsection (a) of this section is allowed under
20 any of the following circumstances:

21 (1) The fish are lawfully raised in an aquaculture operation.

22 (2) The fish are lawfully imported from a State without a game fish designation.

23 (3) The fish are lawfully purchased for sale by a restaurant.

24 (4) The fish are possessed by an individual, including an individual customer of
25 a guided trip, who possesses the fish within the individual's lawful daily
26 limit and for the individual's personal use."

27 **SECTION 2.(a)** Notwithstanding G.S. 113-175.1, the Marine Fisheries
28 Commission shall make mitigation payments from the North Carolina Marine Resources Fund
29 to commercial fishermen licensed under Article 14A of this Chapter who can demonstrate
30 actual financial losses due to a coastal game fish designation under G.S. 113-192, as enacted by
31 Section 1 of this act.

32 **SECTION 2.(b)** Subject to the limitation contained in subsection (c) of this
33 section, the Marine Fisheries Commission shall make mitigation payments for all of the
34 following:

35 (1) The average annual income to a commercial fisherman from the sale of fish
36 designated as coastal game fish under G.S. 113-192, as enacted by Section 1
37 of this act, over the period 2010 through 2012. The Marine Fisheries
38 Commission shall make an annual payment in this amount to an eligible
39 commercial fisherman in the years 2014, 2015, and 2016.

40 (2) The 2012 value of commercial fishing gear used in 2012 to exclusively take
41 fish designated as coastal game fish under G.S. 113-192, as enacted by
42 Section 1 of this act. The Marine Fisheries Commission shall make this
43 payment in 2014.

44 **SECTION 2.(c)** Payments made under this section shall be limited to a total of one
45 million dollars (\$1,000,000).

46 **SECTION 2.(d)** The Marine Fisheries Commission may adopt any rules necessary
47 for the implementation of this section.

48 **SECTION 3.** G.S. 113-174.2(c) reads as rewritten:

49 "(c) Types of CRFLs; Fees; Duration. – The Wildlife Resources Commission shall issue
50 the following CRFLs:

- 1 (1) Annual Resident CRFL. – ~~\$15.00-\$20.00~~. This license is valid for a period
2 of one year from the date of issuance. This license shall be issued only to an
3 individual who is a resident of the State.
- 4 (1a) Annual Nonresident CRFL. – ~~\$30.00-\$40.00~~. This license is valid for a
5 period of one year from the date of issuance. This license shall be issued
6 only to an individual who is not a resident of the State.
- 7 (2) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 8 (3) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 9 (4) Ten-Day Resident CRFL. – ~~\$5.00-\$10.00~~. This license is valid for a period
10 of 10 consecutive days, as indicated on the license. This license shall be
11 issued only to an individual who is a resident of the State.
- 12 (4a) Ten-Day Nonresident CRFL. – ~~\$10.00-\$20.00~~. This license is valid for a
13 period of 10 consecutive days, as indicated on the license. This license shall
14 be issued only to an individual who is not a resident of the State.
- 15 (5) Repealed by Session Laws 2005-455, s. 1.4, effective January 1, 2007.
- 16 (6) Lifetime CRFLs. – Except as provided in sub-subdivision j. of this
17 subdivision, CRFLs issued under this subdivision are valid for the lifetime of
18 the licensee.
- 19 a. –d. Repealed by Session Laws 2005-455, s. 1.4, effective January 1,
20 2007.
- 21 e. Infant Lifetime CRFL. – \$100.00. This license shall be issued only to
22 an individual younger than one year of age.
- 23 f. Youth Lifetime CRFL. – \$150.00. This license shall be issued only to
24 an individual who is one year of age or older but younger than 12
25 years of age.
- 26 g. Resident Adult Lifetime CRFL. – \$250.00. This license shall be
27 issued only to an individual who is 12 years of age or older but
28 younger than 65 years of age and who is a resident of the State.
- 29 h. Nonresident Adult Lifetime CRFL. – \$500.00. This license shall be
30 issued only to an individual who is 12 years of age or older and who
31 is not a resident of the State.
- 32 i. Resident Age 65 Lifetime CRFL. – \$15.00. This license shall be
33 issued only to an individual who is 65 years of age or older and who
34 is a resident of the State.
- 35 j. Resident Disabled Veteran CRFL. – \$10.00. This license shall be
36 issued only to an individual who is a resident of the State and who is
37 a fifty percent (50%) or more disabled veteran as determined by the
38 United States Department of Veterans Affairs. This license remains
39 valid for the lifetime of the licensee so long as the licensee remains
40 fifty percent (50%) or more disabled.
- 41 k. Resident Totally Disabled CRFL. – \$10.00. This license shall be
42 issued only to an individual who is a resident of the State and who is
43 totally and permanently disabled as determined by the Social
44 Security Administration."
45

46 **PART II. APPROPRIATE FUNDS TO SUPPORT THE MARINE FISHERIES**
47 **OBSERVER PROGRAM**

48 **SECTION 4.** There is appropriated from the General Fund to the Division of
49 Marine Fisheries of the Department of Environment and Natural Resources the sum of one
50 million three hundred thousand dollars (\$1,300,000) in nonrecurring funds for the 2013-2014

1 fiscal year to be used for the administration and implementation of the Marine Fisheries
2 Observer Program.

3
4 **PART III. FUNDING FOR DREDGING OF SHALLOW DRAFT NAVIGATION**
5 **CHANNELS**

6 **SECTION 5.(a)** G.S. 105-449.126 reads as rewritten:

7 "**§ 105-449.126. Distribution of part of Highway Fund allocation to Wildlife Resources**
8 **Fund-Fund and Shallow Draft Navigation Channel Dredging Fund.**

9 (a) The Secretary shall credit to the Wildlife Resources Fund one-sixth of one percent
10 (1/6 of 1%) of the amount that is allocated to the Highway Fund under G.S. 105-449.125 and is
11 from the excise tax on motor fuel. Revenue credited to the Wildlife Resources Fund under this
12 section may be used only for the boating and water safety activities described in G.S. 75A-3(c).
13 The Secretary must credit revenue to the Wildlife Resources Fund on an annual basis.

14 (b) The Secretary shall credit to the Shallow Draft Navigation Channel Dredging Fund
15 one-half of one percent (1/2 of 1%) of the amount that is allocated to the Highway Fund under
16 G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue credited to the Shallow
17 Draft Navigation Channel Dredging Fund under this section may be used only for the dredging
18 activities described in G.S. 143-215.73F. The Secretary must credit revenue to the Shallow
19 Draft Navigation Channel Dredging Fund on an annual basis."

20 **SECTION 5.(b)** Article 21 of Chapter 143 of the General Statutes is amended by
21 adding a new Part to read:

22 "Part 8B. Shallow Draft Navigation Channel Dredging Fund.

23 "**§ 143-215.73F. Shallow Draft Navigation Channel Dredging Fund.**

24 The Shallow Draft Navigation Channel Dredging Fund is established as a special revenue
25 fund. The Fund consists of fees credited to it under G.S. 105-449.126. Revenue in the Fund
26 may only be used to provide the State's share of the costs associated with any dredging project
27 designed to keep a shallow draft navigation channel located in State waters navigable and safe.
28 Any project funded by revenue from the Fund must be cost-shared with non-State dollars on a
29 one-to-one basis. For purposes of this section, "shallow draft navigation channel" means (i) a
30 waterway connection, with a maximum depth of 14 feet, between the Atlantic Ocean and a bay
31 or the Atlantic Intracoastal Waterway; (ii) a river entrance to the Atlantic Ocean through which
32 tidal and other currents flow; or (iii) other interior coastal waterways. "Shallow draft navigation
33 channel" includes the Atlantic Intracoastal Waterway and its side channels, Beaufort Harbor,
34 Bogue Inlet, Carolina Beach Inlet, the channel from Back Sound to Lookout Back, channels
35 connected to federal navigation channels, Lockwoods Folly River, Manteo/Shallowbag Bay,
36 including Oregon Inlet, Masonboro Inlet, New River, New Topsail Inlet, Rodanthe, Rollinson,
37 Shalotte River, Silver Lake Harbor, and the waterway connecting Pamlico Sound and Beaufort
38 Harbor."

39
40 **PART IV. EFFECTIVE DATE**

41 **SECTION 6.** This act becomes effective July 1, 2013.

COUNTY OF HYDE

Board of Commissioners

Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

30 Oyster Creek Road
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252-926-3701 Fax

Bill Rich
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 ____ day of _____, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman

COUNTY OF HYDE

Board of Commissioners

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Clerk to the Board



Resolution Opposing 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, local and visiting hunters in Hyde County have contacted the Hyde County Board of Commissioners expressing opposition to Senate Bill 352; and,

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

WHEREAS, the Hyde County Board of Commissioners opposes 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 opposes 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 the Honorable Pat McCrory, NC Governor, the Hyde County Legislative Delegation to the North Carolina General Assembly.

Adopted this the ____ day of _____, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

1

SENATE BILL 352

Short Title: Black Bear Management.

(Public)

Sponsors: Senators Brown (Primary Sponsor); and Newton.

Referred to: Agriculture/Environment/Natural Resources.

March 20, 2013

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.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-270.3 reads as rewritten:

"§ 113-270.3. Special activity licenses; stamps; big game kill reports.

(a) In addition to any hunting, trapping, or fishing license that may be required pursuant to G.S. 113-270.1B(a), individuals engaging in specially regulated activities must have the appropriate special activity license and stamp prescribed in this section before engaging in the regulated activity.

(b) The special activity licenses and stamp issued by the Wildlife Resources Commission are as follows:

(1) Resident Big Game Hunting License – \$10.00. This license shall be issued only to an individual resident of the State and entitles the holder to take big game by all lawful methods and during all open seasons.

(1a) Nonresident Bear Hunting License – ~~\$125.00.~~\$225.00. This license is valid for use only by an individual within the State and must be procured before taking any bear within the State. Notwithstanding any other provision of law, a nonresident individual may not take any bear within the State without procuring this license; provided, that those persons who have a nonresident lifetime sportsman combination license purchased prior to May 24, 1994, shall not have to purchase this license.

(1b) Bear Management Stamp – \$10.00. This electronically generated stamp must be procured before taking any bear within the State. Notwithstanding any other provision of law, a resident or nonresident individual may not take any bear within the State without procuring this stamp; provided, that those persons who have purchased a lifetime license established by G.S. 113-270.1D(b), 113-270.2(c)(2) or 113-351(c)(3) prior to July 1, 2014, and those persons exempt from the license requirements as set forth in G.S. 113-276(c) and G.S. 113-276(n) shall obtain this stamp free of charge.

...."

SECTION 2. G.S. 113-291.1(b) reads as rewritten:

"(b) No wild animals or wild birds may be taken:



1 (1) From or with the use of any vehicle; vessel, other than one manually
2 propelled; airplane; or other conveyance except that the use of vehicles and
3 vessels is authorized:

4 a. As hunting stands, subject to the following limitations. No wild
5 animal or wild bird may be taken from any vessel under sail, under
6 power, or with the engine running or while still in motion from such
7 propulsion. No wild animal or wild bird may be taken from any
8 vehicle if it is in motion, the engine is running, or the passenger area
9 of the vehicle is occupied. The prohibition of occupying the
10 passenger area of a vehicle does not apply to a disabled individual
11 whose mobility is restricted.

12 b. For transportation incidental to the taking.

13 (2) With the use or aid of any artificial light, net, trap, snare, electronic or
14 recorded animal or bird call, or fire, except as may be otherwise provided by
15 statute[;] provided, however, that the Wildlife Resources Commission may
16 adopt rules prescribing seasons and the manner of taking of wild animals and
17 wild birds with the use of artificial light and electronic calls. No wild birds
18 may be taken with the use or aid of salt, grain, fruit, or other bait. No black
19 bear may be taken with the use or aid of any salt, salt lick, grain, fruit,
20 honey, sugar-based material, animal parts or products, or other bait, ~~and no~~
21 except as provided by the rules of the Wildlife Resources Commission. No
22 wild turkey may be taken from an area in which bait has been placed until
23 the expiration of 10 days after the bait has been consumed or otherwise
24 removed. The taking of wild animals and wild birds with poisons, drugs,
25 explosives, and electricity is governed by G.S. 113-261, G.S. 113-262, and
26 Article 22A of this Subchapter.

27 Upon finding that the placement of processed food products in areas
28 frequented by black bears is detrimental to the health of individual black
29 bears or is attracting and holding black bears in an area to the extent that the
30 natural pattern of movement and distribution of black bears is disrupted and
31 bears' vulnerability to mortality factors, including hunting, is increased to a
32 level that causes concern for the population, the Wildlife Resources
33 Commission may adopt rules to regulate, restrict, or prohibit the placement
34 of those products and prescribe time limits during which hunting is
35 prohibited in areas where those products have been placed.

36 Any person who is convicted of unlawfully taking bear with the use or
37 aid of any type of bait as provided by this subsection or by rules adopted
38 pursuant to this subsection is punishable as provided by G.S. 113-294(c1)."

39 **SECTION 3.** Chapter 828 of the 1981 Session Laws is repealed.

40 **SECTION 4.** G.S. 113-276 reads as rewritten:

41 **"§ 113-276. Exemptions and exceptions to license and permit requirements.**

42 (a), (b) Repealed by Session Laws 1979, c. 830, s. 1.

43 (c) Except as otherwise provided in this Subchapter, every landholder, his spouse, and
44 dependents under 18 years of age residing with him may take wildlife upon the land held by the
45 landholder without any license required by G.S. 113-270.1B or G.S. 113-270.3(a), except that
46 such persons are not exempt from the bear management stamp established in
47 G.S. 113-270.3(b)(1b) and the falconry license described in G.S. 113-270.3(b)(4).

48 ...

49 (n) The Wildlife Resources Commission may adopt rules to exempt individuals from
50 the hunting and fishing license requirements of G.S. 113-270.1B, 113-270.3(b)(1),
51 113-270.3(b)(1a), 113-270.3(b)(1b), 113-270.3(b)(2), 113-270.3(b)(3), 113-270.3(b)(5),

1 113-271, 113-272, and 113-272.2(c)(1) who participate in organized hunting and fishing events
2 for the specified time and place of the event when the purpose of the event is consistent with
3 the conservation objectives of the Commission. A person exempted from licensing
4 requirements under this subsection is responsible for complying with any reporting
5 requirements prescribed by rule of the Wildlife Resources Commission, purchasing any federal
6 migratory waterfowl stamps as a result of waterfowl hunting activity, and complying with any
7 other requirements that the holder of a North Carolina license is subject to. Those exempted
8 persons shall comply with the hunter safety requirements of G.S. 113-270.1A or shall be
9 accompanied by a properly licensed adult who maintains a proximity to the license exempt
10 individual which enables the adult to monitor the activities of, and communicate with, the
11 individual at all times."

12 **SECTION 5.** Sections 1 and 4 of this act become effective July 1, 2014. The
13 remainder of this act is effective when it becomes law.

COUNTY OF HYDE

Board of Commissioners

Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

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Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
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 _____ day of _____, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman

COUNTY OF HYDE

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 10th 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 _____ day of _____, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 6, 2013
Presenter: Commissioner Tunnell
Attachment: Yes

ITEM TITLE: APPOINTMENT – SWAN QUARTER SANITARY DISTRICT BOARD

SUMMARY: The Board of Commissioners has postponed appointment of citizens who live in the Swan Quarter Sanitary District to serve on its Board until prospective candidates can be contacted.

Commissioner Tunnell will make recommendation to serve on the Swan Quarter Sanitary District Board.

RECOMMEND: Discuss and appoint.

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

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

Vote: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: March 4, 2013
Presenter: Chairman Swindell
Attachment: Yes

ITEM TITLE: APPOINTMENT – SWAN QUARTER SANITARY DISTRICT BOARD

SUMMARY: Attorney David Gadd (letter dated February 4, 2013) reported to Chairman Swindell that Swan Quarter Sanitary District is in need of new Board members to fill two recently vacated Board seats.

§ 130A-54. Vacancy appointments to district boards. Any vacancy in a sanitary district board shall be filled by the county commissioners until the next election for sanitary district board members. If the district is located in more than one county, the vacancy shall be filled by the county commissioners of the county from which the vacancy occurred. (1935, c. 357, s. 2; 1957, c. 1357, s. 1; 1981, c. 186, s. 2; 1983, c. 891, s. 2.)

The Board of Commissioners must appoint citizens who live in the Swan Quarter Sanitary District. Commissioners are not eligible to serve on this Board.

RECOMMEND: Discuss and appoint.

Motion Made By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Motion Seconded By: ___ Barry Swindell ___ Dick Tunnell ___ Anson Byrd ___ John Fletcher ___ Earl Pugh, Jr.
Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

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

Meeting Date: May 6, 2013
Presenter: Nancy Hodges, NC DJJDP Area Consultant
Wesley P. Smith, Health Director, Chair, Hyde County JCPC
Attachment: Yes

ITEM TITLE: Local Funding for DJJDP Programs for FY 2013-14

SUMMARY: Presentation of the DJJDP County Funding Plan for Hyde County for Fiscal Year 2013-2014. DJJDP is funding \$49,898 to support two programs in FY 2013-2014 (Hyde County Schools – Hyde Counseling Prevention and Intervention & Hyde County Cooperative Extension – Hyde Youth Services Interpersonal Skills and Restitution), which requires a local cash match in the amount of \$4,990 for a total of \$54,888. This is the same amount of local funding approved by the Hyde County Board of Commissioners for FY 2012-2013.

RECOMMEND: APPROVE LOCAL CASH MATCH OF \$4,990 FOR DJJDP PROGRAMS FOR FY 2013-2014

Motion Made By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Motion Seconded By: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Vote: Barry Swindell Dick Tunnell Anson Byrd John Fletcher Earl Pugh, Jr.

Hyde
DJJDP County Funding Plan

Available Funds: \$49,898 Local Match: \$4,990 Rate: 10%

A **Program Agreement Form** for each program listed below is included as an attachment to the Community Prevention and Intervention Plan.

#	Program Provider	Requested DJJDP Funding	LOCAL FUNDING		OTHER	OTHER	Total
			Local Cash Match	Local In- Kind	State/ Federal	Funds	
1	Hyde County Schools - Hyde Counseling Prevention & Intervention	\$24,696	\$2,470				\$27,166
2	Cooperative Extension - Hyde Youth Services Interpersonal Skills & Restitution	\$25,202	\$2,520				\$27,722
3							\$0
4							\$0
5							\$0
6							\$0
7							\$0
8							\$0
9							\$0
10							\$0
TOTALS:		\$49,898	\$4,990	\$0	\$0	\$0	\$54,888

The above plan was derived through a planning process by the Hyde County
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2013-14

 Chairperson, Juvenile Crime Prevention Council (Date)

 Chairperson, Board of County Commissioners (Date)

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

Meeting Date: May 6, 2013
Presenter: Linda Basnight *LMB*
Attachment: Yes

ITEM TITLE: Request for Refund

SUMMARY: ** See Attached letter from Thomas Davis** Insert your description paragraph here please

RECOMMEND: Discussion and approval.

Motion Made By: Barry Swind
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Davis & Davis

Attorney at Law

P.O. Box 277

Swan Quarter, North Carolina 27885-0277

April 26, 2013

Geo. T. Davis (1908 - 1979)
Geo. Thomas Davis, Jr.

65 Main Street
Phone # (252) 926-3781
Fax # (252) 926-3481
gtdavisjr@embarqmail.com

Mrs. Linda M. Basnight
Hyde County Tax Collector
Hyde County Courthouse
Swan Quarter, North Carolina

Re: Parcel # E8-39; Account # 202586
Florence Williams Abele (shown as Florence Newman Williams)

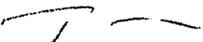
Dear Linda:

It looks like Hyde County has taxed Mrs. Florence Abele for a house that burned a couple of years ago. I believe that she is entitled to a refund on that overpayment. According to the Hyde County Tax Records, the above referenced parcel of land includes a \$41,844.00 house. That house burned in or about February of 2010.

Please refund the extra tax paid on account of this error for the 2011 and remove the value of that burned house for 2013 and subsequent years. I believe that the tax for 2012 was reduced appropriately when those taxes were paid last year.

Please let me know if you have any questions or if I can be any assistance. If you need a more formal petition, please let me know.

Sincerely,


Geo. Thomas Davis, Jr.

cc: Mrs. Florence Abele

*Lina W. Curawan
220 Long Meadows Rd
Guerrville, NC 27858*

*House Value
\$41,844.
0.58

242.70 Refund
of 2011 Tax*