

Special Meeting Minutes

**Board of County Commissioners
Hyde County**

Monday, May 13, 2013

Chairman Barry Swindell called the Special Meeting of the Hyde County Board of Commissioners to order at 6:00 p.m. on Monday, May 13, 2013 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

The following members were present on the mainland: Commissioners Anson Byrd, John Fletcher, Earl Pugh, Jr., Barry Swindell and Dick Tunnell; County Attorney Fred Holscher; Clerk to the Board Lois Stotesberry; and, members of the public. Public Information Officer (PIO) Sarah Johnson assisted the Board of Commissioners by providing Ocracoke citizens public access to the meeting.

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

Agenda:

Chairman Swindell asked for any changes to the May 13, 2013 Special Meeting Agenda as presented by the Clerk. Commissioner Fletcher moved to approve the agenda as presented by the Clerk with addition of – 5) Flex Scheduling.

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

Public Comments:

Chairman Swindell called for comments from the public.

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

Items of Consideration:

Map Recording Procedure:

Commissioner Fletcher expressed concern over the length of time needed to record maps in Hyde County.

Manger Rich will investigate options and report his findings on June 3rd.

Request – Gift County Car to Board of Education:

Commissioner Fletcher moved to approve gift of a 2001 Ford Crown Victoria automobile from the Administration Department to the Hyde County Board of Education. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

Request – Use of Government Center Parking Garage for Arts & Craft Show:

Commissioner Fletcher moved to allow Beaufort County Arts Council and MATTIE (Mattamuskeet Artisans Teaching, Training, Instructing and Educating Arts Center) to use the Government Center Parking Garage for its annual Arts & Craft Show on Saturday, October 26, 2013. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

Resolution Opposing The USF&WS's Proposed Designation Of Critical Habitat For The Northwest Atlantic Ocean Distinct Population Of The Loggerhead Sea Turtle:

Commissioner Byrd moved to adopt "Resolution Opposing The USF&WS's Proposed Designation of Critical Habitat For The Northwest Atlantic Ocean District Population Of The Loggerhead Sea Turtle". Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Resolution Opposing The USF&WS's Proposed Designation of Critical Habitat For The Northwest Atlantic Ocean District Population Of The Loggerhead Sea Turtle" is attached herewith as Exhibit A and incorporated herein by reference.

Flex Scheduling:

Manager Rich reported he received request for approval of "Flex Scheduling". This alternative work arrangement allows employees to work a non-traditional schedule for a period of time beginning on June 3rd and ending on August 30th. Employees may elect to work either 4 ten hour days or 4 nine hour days and 1 four hour day. Department Heads will approve staffing schedules.

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

Proposed FY2013-2014 Hyde County Budget:

Manager Rich presented the remaining timeline for the budget process. Since the May 6th regular Board meeting he has met with department heads to further discuss their proposed departmental budgets. During this past week Commissioners have reviewed the proposed FY2013-2014 Hyde County Budget.

Manager Rich reported that he now has the final Board of Education figures and distributed replacement pages. Total 2013-2014 Department Requested is \$12,482,820.40.

Mr. Rich asked the Board to consider sticking with the Hyde County FY2013-2014 Budget as proposed. Budget revisions will be made throughout the year as needed.

Discussion:

Commissioner Fletcher asked the Board to consider no over-time in any department. He suggested the County Manager oversee all over-time and if necessary Department Heads will apply to the County for any additional funding requests for over-time. Mr. Fletcher asked that requests for fund balance monies be reduced to what was used in the FY2012-2013 budget.

Commissioner Byrd asked why General Maintenance, Radios, Telephones & Pagers and Equipment lines are managed by the Emergency Management Department; questioned hours of operation for the Emergency Medical Service (EMS); and, questioned the amount requested for Airport travel.

Emergency Services:

Acct. #105920.0220 – Hyde County EMS – Salaries, .0220 – Overtime and .0230 On-Call Pay

Justin Gibbs, Emergency Services (ES) Director, reported that Hyde County employs 8 full-time EMT's on Ocracoke and 12 full-time EMT's on the mainland. He presented comparison of Hyde, Dare and Pasquotank counties EMS department budgets. Mr. Gibbs reported that with the current 20 full-time employees, over-time equals 9.8% of the Hyde County EM operating budget; 21% in Dare County; and, 3.9% in Pasquotank County. He noted that Pasquotank has three times the number of full-time employees as Hyde County, reducing their need for over-time.

Commissioner Byrd proposed changes in EMS hours of operation. He recommended that EMS operate from 7:00a.m. – 11:00p.m. with staff on call from 11:00p.m. – 7:00a.m.

ES Director Justin Gibbs reported that making such a change in EMS operations would reduce salaries, insurance and benefits which would generate a savings of \$275,000.00. However, staffing based on the proposed hours of operation would double over-time and triple on-call pay in the EMS Department; increase response time; end quick response services during the proposed on-call hours; possibly decrease patient survival rates; and, lower employee morale and retention. Based on research of rescue calls answered from May 2012 to May 2013 Hyde County responded to 763 calls at night (595 – Mainland and 168 – Ocracoke), therefore it would not benefit the County to change hours of operation in an effort to lower the EMS budget. He reported that the County is required by the State to have two EMS staff members on the ambulance before transport to the hospital can begin.

Acct. #105920 – Hyde County EM – .1100 –Telephone – Pager

Mr. Gibbs oversees all telephone, cell phone and radio service through the Emergency Management department's budget. Efforts to reduce telephone expenses are ongoing.

Acct.#105920 – Hyde County EM – .1600 – Radio System Maintenance

Mr. Gibbs reported that North Carolina is in the process of upgrading the 800 VIPER radio system. Although there are other radio systems that may be cheaper, the VIPER system is the best way to ensure communication with all agencies involved in the event of another natural disaster.

Acct.#105920 – Hyde County EM – .7400 – Equipment

Mr. Gibbs reported that equipment purchases will include a Smart Board for the Emergency Operations Center (EOC) at a cost of \$5,000.00. Grant funds will be used to pay for this purchase.

Acct. #105920.7500 – Hyde County EM – Generator Maintenance

Mr. Gibbs reported that the EM Department oversees generators in the Government Center, Health Department, EMS Station, Ocracoke Sheriff's Office and Ocracoke Community Center. Hyde County no longer pays for generator maintenance for the volunteer fire departments.

Acct. #105920.0200 – Hyde County EM – Salary

Mr. Gibbs reported that his entire salary is paid from the EM budget with 40% being reimbursed from Acct. #747200 – E-9-1-1 funds.

Airport:

Commissioner Byrd asked why Ms. Hodges needed \$7,000.00 for Airport travel and \$8,800.00 for phones. Mr. Byrd also asked for clarification of the equipment and maintenance lines.

Acct.#106400.1400 – Airport – Travel

Jane Hodges, Airport Manager, reported she could reduce airport travel requested to \$1,500.00.

Acct.#106400.1100 – Airport – Phone

Ms. Hodges reported that the State requires a telephone be available by the fuel tank. A phone/fax machine is also on site for credit card purchases.

Acct.#106400.7400 – Airport – Equipment

Ms. Hodges reported these funds are used to purchase items such as replacement light bulbs for the runway.

Acct.#106400.1500 – Airport – Maintenance

Ms. Hodges reported these funds are used to purchase items such as sensors for airport beacons, fuel system filters and building repairs.

FY2012-2013 Budget:

Commissioner Pugh asked if funds would be left from this year's budget and if the County goes over or under budget in an average year.

Corrinne Gibbs, Finance Officer, reported that the County is under budget this year. The FY2012-2013 budgeted revenue was \$12,100,000.00 with only \$9.5 million spent. To date approximately \$11 million has been collected. Collection of \$1 million is anticipated from tax collections posted earlier in the week. She explained LGC guidelines state that departmental budgets cannot go over.

Commissioner Fletcher requested explanation of the Sheriff's Department budget requests for miscellaneous equipment, miscellaneous equipment outlay, special services, K-9, and over-time line items.

Sheriff's Department:

Acct#105100.7400 – Sheriff – Equipment - Misc.

Sheriff Mason reported these funds are used to purchase miscellaneous equipment that costs less than \$5,000.00.

Acct#105100.7425 – Sheriff – Misc. Equipment/Capital Outlay

Sheriff Mason reported these funds are used to purchase miscellaneous equipment that costs more than \$5,000.00.

Acct#105100.0045 – Sheriff – Special Services

Sheriff Mason reported these funds are used to purchase supplies necessary for investigations.

Acct#105100.1500 – Sheriff – K-9 Maintenance

Sheriff Mason reported these funds are used to pay veterinarian bills for the Sheriff's Department's two K-9 dogs.

Acct#105100.0220 – Sheriff – Overtime Law Officers

Sheriff Mason reported these funds are used to cover over-time hours worked by deputies who transport prisoners to holding facilities and hospitals. Officers are required to remain with the prisoner at the hospital until released.

Sheriff Mason reported the difference in last year's budget and this year's is two cars. Sheriff Mason reported his department has been under budget every year that he was Sheriff.

In Conclusion:

Commissioner Byrd asked that EM expenses be accurately reflected to indicate which department the expense should be charged.

Manager Rich will address this request.

Commissioner Byrd questioned why the County supplies Forestry and NPS with radios and is the upgrade to the VIPER radio system required.

Justin Gibbs, ES Director, reported that upgrade to the radio system is not an option. North Carolina's upgrades of its VIPER radio system will double the State's ID capacity to about 150,000

for responders. Mr. Gibbs reported the flash upgrade quote can be reduced if he performs the labor. He is pursuing grant options to cover the cost of the upgrade.

Commissioner Fletcher moved to delete all over-time pay; to create an extended fund for over-time to be administered by the County Manager; and, to pay out any over-time after the department has exhausted any discretionary funds in its budget". The motion died for lack of a second.

Commissioner Byrd asked that Manager Rich aggressively pursue the over-time issue.

Manager Rich will monitor over-time closely to ensure these funds are not abused.

Commissioner Tunnell asked whether or not the \$1.66 million owed to Hyde County was included in the revenue line.

Manager Rich explained that money owed to the County is not included in the revenue line. He confirmed that the County has been promised the \$660,000 and that he will continue pursuing the \$1 million owed to Hyde County. Mr. Rich reported the General Fund is at 3.5 million and will continue to grow every year. His request for \$464,000 is to be used to balance the budget, not to supplement the general fund.

Chairman Swindell asked the Board to trust Manager Rich and allow him time to pull the budget together as proposed.

Commissioner Pugh agreed with Chairman Swindell.

Commissioner Tunnell questioned control of the debris removal contract.

Justin Gibbs, ES Director, reported that the County can stop removing debris at its discretion. The County has signed agreement with NCDOT for clean-up of primary roads after a disaster. Mr. Gibbs reported the County was losing \$50-\$70,000 per month when the Prison spray field was not operational. It was cheaper for the County to quickly repair the system than to wait for FEMA monies to make repairs.

FY2013-2014 Budget Ordinance:

Public Hearing will be conducted and the Hyde County FY2013-2014 Budget Ordinance will be presented to the Board of Commissioners for approval at its next regularly scheduled meeting on June 3, 2013.

Public Comments:

Chairman Swindell called for comments from the public.

Sharon Spencer, Engelhard – stated sometimes taxes have to be raised and taxpayers should be willing to pay for services; FEMA monies are not guaranteed; and that revenue increased this year determines what can be spent next year.

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

Closed Session: (none)

Adjourn:

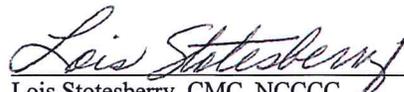
Commissioner Tunnell moved to adjourn the meeting. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

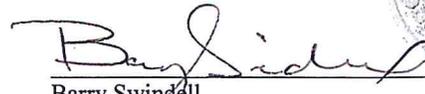
The meeting adjourned at 7:35 p.m.

Respectfully submitted:

Minutes approved on the 3rd day of June, 2013.




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


Barry Swindell
Chair, Hyde County Board of Commissioners

Attachments:

Exhibit A: *"Resolution Opposing The USF&WS's Proposed Designation of Critical Habitat For The Northwest Atlantic Ocean District Population Of The Loggerhead Sea Turtle"*

COUNTY OF HYDE

30 Oyster Creek Road

PO Box 188

SWAN QUARTER, NORTH CAROLINA 27885

252-926-4400

252-926-3701 Fax

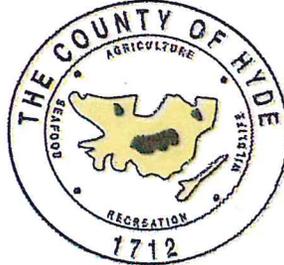
Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Statesberry, CMC, NCCCC
Clerk to the Board

Board of Commissioners

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



Hyde County Board of Commissioners Resolution

Opposing the United States Fish & Wildlife Service's Proposed Designation of Critical Habitat for the Northwest Atlantic Ocean Distinct Population Segment of the Loggerhead Sea Turtle

WHEREAS, On March 25, 2013 nearly thirty-five years after listing the loggerhead sea turtle as threatened, the United States Fish and Wildlife Service (USF&WS) proposed to designate 740 miles of shoreline in six states as critical habitat, including 96 miles in North Carolina; and,

WHEREAS, designation of critical habitat would impact a wide variety of coastal projects involving federal action (activities or programs of any kind authorized, funded, or carried out, in whole or in part, by federal agencies), including, but not limited to, coastal and inlet management activities, such as dredging and beach re-nourishment permitted, funded or implemented by the United States Army Corps of Engineers and hurricane recovery activities funded by the Federal Emergency Management Agency (FEMA); and,

WHEREAS, the USF&WS's specifically disclosed that special management considerations will be necessitated to address the following 12 threats to critical habitat that are quoted as follows; recreational beach use, beach driving, predation, beach sand placement activities, in-water shoreline alterations, coastal development, artificial lighting, beach erosion, climate change, habitat obstructions, human-caused disasters, and military testing and training activities; and,

WHEREAS, the special management considerations that will be required for the 12 threats identified by the USF&WS will likely include other federal actions such as the implementation of the Nation Flood Insurance Program, implementation of building codes, federal grants for public access and infrastructure improvements, and more; and

WHEREAS, these special management considerations therefore will unnecessarily and negatively impact the local, State, and federal economies; and the public's access and enjoyment of the beach; and,

WHEREAS, despite these far reaching impacts on the federal, state, and local economy, the USF&WS failed to include an economic analysis at the time of its proposed designation as stipulated in the Endangered Species Act; and,

WHEREAS, not only would designation of critical habitat for the loggerhead sea turtle result in more regulatory hurdles for federal coastal projects, the USF&WS ignored other successful measures already in place as coastal governments have constructed and maintain active shore damage reduction projects, which not only provide protection of and benefits to public and private infrastructure, small businesses, the tourism industry, public recreation, and state and local tax bases; but also maintain and enhance habitat for loggerhead sea turtles; and,

WHEREAS, these coastal storm damage reduction projects are conducted pursuant to stringent federal and state regulations that ensure habitat for threatened and endangered species, including the loggerhead sea turtle, is protected before, during and after these events; and,

WHEREAS, local volunteers, in coordination with the North Carolina Wildlife Resources Commission, also conduct a sea turtle management program whereby sea turtle activity is monitored daily during nesting season, and volunteers assist in protecting nesting sites and during hatching and assist in tending to and collecting data with respect to stranded turtles; and,

WHEREAS, if critical habitat is designated, some of these existing and successful programs will be burdened with additional and unnecessary regulations, and therefore will become more costly, which will increase the threat to the loggerhead sea turtle and its habitat.

NOW, THEREFORE BE IT RESOLVED, that the Hyde County Board of Commissioners is strongly opposed to the USF&WS's proposed designation of loggerhead sea turtle critical habitat along the shorelines of North Carolina as set forth in Document Number 2013-06458 of the Federal Register and will work with State and federal resources officials and elected representatives to ensure the proposed designation is in no manner included in the final rule.

BE IT FURTHER RESOLVED, that the designation of critical habitat thirty-five years after the listing of the loggerhead sea turtle is the wrong management tool for the conservation of the species and the Hyde County Board of Commissioners will continue to support the protection and recovery of the loggerhead sea turtle by utilizing effective management guidelines and rules currently in place, while evaluating new practices as they develop.

ADOPTED, this the 13th day of May, 2013.

ATTEST:

Lois Stotesberry
Lois Stotesberry, Clerk to the Board

Barry Swindell
Barry Swindell, Chairman

