# Meeting Minutes

## Board of County Commissioners
## Hyde County

## September 4, 2012

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Tuesday, September 4, 2012 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, Sharon Spencer, Barry Swindell and Dick Tunnell; Attorney Fred Holscher; County Manager Mazie Smith; Deputy Clerk to the Board Lois Stotesberry; and, members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk Jamie Carter; and, members of the public.

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

**Agenda:**

Chairwoman Spencer asked for any changes to the amended September 4, 2012 meeting Agenda as presented by the Clerk. Commissioner Byrd moved to approve the agenda with deletion of Item 3 – ECBH Commitment to Hyde County ADAP and addition of Item 3(a) – Hunger Action Month Proclamation and Item 14 – Southern Albemarle Association Delegates. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Consideration of Minutes:**

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Byrd moved to approve the August 6, 2012 regular meeting minutes as presented by the Clerk. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Public Hearing:**

**FY12 CDBG Funding**

Commissioner Swindell moved to open public hearing on FY12 CDBG Funding. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

There being no comments from the public, Commissioner Swindell moved to close public hearing on FY12 CDBG Funding. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

No action taken.

**Public Comments:**

Chairwoman Spencer called for comments from the public.

There being no comments from the public, Chairwoman Spencer continued the meeting.

**Items of Consideration:**

**Hyde County FY2011 Pre-Disaster Mitigation (PDM) Program Project Budget**

Kris Noble, Planning Director, reported that in order to include the owner contributions to the Hyde County FY20911 Pre-Disaster Mitigation (PDM) Program, the grant agreement (#PDMC-PJ-04-NC-2011-001) must be amended to include "Owner Contributions totaling $137,094.25, which will be paid by the homeowners.

Commissioner Byrd moved to approve amendment of grant agreement (#PDMC-PJ-04-NC-2011-001) to include Owner Contributions totaling $137,094.25. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**FY11-12 and FY12-13 Rural Operating Assistance Program Revision**

Beverly Paul, Director of Hyde Transit, reported that revisions by the State had reduced FY11-12 and FY2013 ROAP funds. Total grant budget is $90,123.00.

Commissioner Swindell moved to approve the amendment FY11-12 ROAP funding for public transportation assistance necessary to clear grant balances; and, to approve the FY12-13 ROAP funding for public transportation assistance based on new allocations sent from NCDOT. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

Commissioner Swindell moved to direct the Finance Officer to prepare an FY2012-2013 Budget Ordinance Revision to reflect the ROAP grant funding changes. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**PROCLAMATION – Hunger Action Month "30 Ways in 30 Days" September 2012**

Steve Murray, Resource Development Director, Food Bank of the Albemarle, discussed hunger in Hyde County and throughout the nation. Mr. Murray reported that the Food Bank is a member of Feeding America and fights hunger and poverty in 15 northeast North Carolina counties by partnering with more than 130 local agencies to distribute food to the hungry.

Commissioner Byrd moved to approve *PROCLAMATION – Hunger Action Month "30 Ways in 30 Days" September 2012*. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

*Clerk's Note: A copy of "PROCLAMATION – Hunger Action Month "3- Ways in 30 Days" September 2012" is attached herewith as Exhibit B and incorporated herein by reference.*

**BHM Regional Library FY2012-2013 Funding**

Mazie Smith, County Manager, reported that during FY2012-2013 Budget deliberations, the Commissioners discussed at length whether the county could afford to remain a member of the Beaufort-Hyde-Martin Regional Library System. There were also many questions asked about how funds budgeted to BHM are specifically used in Hyde County.

Susan Benning, Director, Ed Modlin, Chairman, BHM Regional Library System, presented information reflecting the benefits of the Library to both Mainland Hyde County and Ocracoke Island. Ms. Benning reported that computers were replaced on Ocracoke Island last year with LSTA Grant funds and Scott Escham reported that DSL issues at the Library have been repaired.

The Board will discuss further the decision whether or not to remain a member of the Beaufort-Hyde-Martin Regional Library System at its next regularly scheduled meeting on Monday, September 17, 2012.

Susan Benning reported that during FY2011-2012 the libraries in Ocracoke and Mattamuskeet experienced a change in librarians. Part-time employees were asked to continue service to the public until a new librarian was hired. Therefore, some funds originally budgeted for salaries during the fiscal year were not spent. The Regional Library Board has offered to change their request to Hyde County for the fiscal year 2012-2013 from $42,000 to $37,000.

Commissioner Swindell moved to accept the BHM Regional Library reduction in funding from $42,000 to $37,000 offer and to direct the Finance Officer to prepare a Budget Ordinance revision to reflect the reduction. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Historic Courthouse Lease**

Kris Noble, Planning Director, reported that the County of Hyde and Friends of the Historic Courthouse are negotiating terms on the lease of the first floor of the Historic Courthouse. Matters of discussion included lease term, responsibility for repairs, Hazard and Liability Insurance, exterior landscaping of property, utility costs being reimbursable or full responsibility of Friends, and first right of refusal on the second and third floors if ever restored and offered for lease.

Judy McLawhorn, Secretary of the Friends of Hyde County's Historic 1854 Courthouse, represented the group in discussion and negotiation of terms of the lease agreement.

Fred Holscher, County Attorney, explained that at the end of the one year lease the Friends group could meet with the Board of Commissioners to discuss renewal of the Lease. If no agreement is reached, at that time the County will send out a Request for Proposal (RFP) advertising the space available for lease.

After discussion, Commissioner Tunnell moved to approve the modified lease agreement to reflect the following negotiated changes:

**1)** to change the lease amount from $10.00 per year to reflect one-third of the County's Hazard Insurance expense to be paid by the Friends group;
**2)** Friends group agrees to be responsible for repairs and maintenance of the first floor of the Historic Courthouse after replacement of the current HVAC Unit by the County;
**3)** Hyde County will provide exterior repairs only to the Historic Courthouse; and,
**4)** This lease shall begin on October 1, 2012, and shall exist and continue for a period of one year ending the 31st day of September, 2013.

Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Subdivision Variance Request – Christopher Williams**

Kris Noble, Planning Director, presented a plat representing a subdivision of property in the Swan Quarter township which includes the current locations of Chris' Grocery and Swan Quarter Supply. Owners of the properties request a variance from the Hyde County Subdivision Ordinance and most specifically the clause requiring lots to be a minimum size of 20,000 square feet. Ms. Noble reported that new Tract I is equal to 15,129/75 sq. ft. and new Tract 3 is equal to 14,020.73 sq. ft. Each parcel has a clear easement to US 264 which meets NC DOT standards of over 40 ft. in width at the entrance of the parcel. Also, all lots are within the Swan Quarter Sanitary District. The plat has been sent to commenting agencies including Hyde Utilities, Hyde Health Department, CAMA and NC DOT for review. The subdivision variance was

recommended on the basis of promoting economic development in a traditionally commercial area of the township.

After discussion, Chairwoman Spencer stated that she would like to hear from the property owner and the Revolving Loan Committee. Discussion will continue at the next regularly scheduled Board meeting on Monday, September 17, 2012.

**GovDeals Surplus**

Andrea Gregory, Assistant Finance Officer, has requested Board approval of Utilities Department property to be declared surplus and permission to sell on GovDeals.

| Vehicle | Mileage | Price |
|---|---|---|
| 2004 Chevrolet Truck | 191,911 | $200.00 |
| 1998 Chevrolet Truck | 126,770 | $300.00 |
| 2003 Utility Trailer 8' x 16' - 2-axle | | $1,200.00 |

Commissioner Byrd moved to declare the listed property as surplus and to permit sale on GovDeals. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Mainland and Ocracoke Occupancy Tax Board Appointments**

Commissioner Swindell moved to appoint Wanda Jennette (to replace Mark Carawan) and Donna Spencer to serve on the Mainland Occupancy Tax Board. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

Mazie Smith, County Manager, thanked former members for their service on the Occupancy Tax Board. Ms. Smith reported that both the Mainland and Ocracoke Occupancy Tax Boards need to meet as soon as possible to elect a Chairman. The committees elect their chairman to serve a one year term. It is important that the chairmen are appointed soon because no bills can be processed for payment at this time. Manager Smith will send letters to all members and conduct a training session once the appointments are made.

**Region 9 Community Transformation Project Grant Application**

Kris Noble, Planning Director, reported that Hyde County has the opportunity to apply for a Region 9 Community Transformation Project Grant offered through the Comprehensive Health Care Program. The grant is specifically designed for proactive planning for good health in our communities and active living. The proposed project under this grant will be to prepare an update to the Hyde 2002 Parks and Recreation Master Plan. The effort will include an assessment of existing facilities and provide recommendations for improving and/or constructing new facilities. Total budget for the Grant will be $30,000 to $35,000 at no cost to Hyde County.

Commissioner Swindell moved to authorize application for Region 9 Community Transformation Project Grant funds. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Lease with N.C. Forest Service for Fire Retardant Tanks at Airport**

Mazie Smith, County Manager, reported that the NC Forest Service has tanks of retardant located at the airport in Engelhard, yet there has never been a formal agreement between the two agencies. A lease is needed to clarify the responsibility of the Forest Service to the County.

Commissioner Swindell moved to approve Lease Agreement between the Department of Agriculture & Consumer Services, North Carolina Forest Service and Hyde County. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Scenic Byways Signage at Ocracoke**

Mazie Smith, County Manager reported that the Commissioners agreed in 2011 to provide matching grant funds to the National Scenic Byway Program for a signage program at Ocracoke if the grant was received. $12,500 has been requested.

Commissioner Tunnell moved to approve payment of $12,500 to the National Scenic Byway Program from the Matching Grant Funds line. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Indoor Air Quality Concerns in County Facilities**

Mazie Smith, County Manager, reported that issues with leaking roofs and poor indoor air quality continue to deteriorate the integrity of our county facilities, particularly the Public Safety Center. Additional problems have also been identified at the EMS Station and the Government Center. Ms. Smith gave a PowerPoint presentation with photographs of the areas of concern.

David Mason, Sheriff, reported that his employees are still experiencing respiratory symptoms and one employee recently developed a rash while working in the Public Safety Center Dispatch office.

After discussion with Sheriff Mason, Wesley Smith, Health Director; Hugh Watson, Environmental Health Coordinator; Clint Berry, Utilities Director; and, Jerry Harris, former Hyde County Projects Inspector, recommendations to correct the reported issues were made.

Instruction was given to immediately purchase industrial dehumidifier(s) for the Public Safety Center and to pursue engineering assistance for building repairs and/or modifications at the Government Center, EMS Station and the Public Safety Center. Budget transfers will be necessary to fund the repairs. Manager Smith will seek grant funding from USDA.

**Approval of Letter to William Moore for FEMA Assistance**

Mazie Smith, County Manager presented a letter to Mr. William Moore, Aide to Congressman Walter Jones, requesting assistance in obtaining reimbursement for the remaining funds owed the County by FEMA. Board members signed the letter and directed that it also be forwarded to Senator Kay Hagan and Senator Richard Burr.

**Southern Albemarle Association – Hyde County Delegates**

Commissioner Byrd moved to approve the Southern Albemarle Association Hyde County Delegates Annual Meeting list as presented. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**Budgetary Matters:**

Mazie Smith, County Manager, reported that in accordance with the FY2011-2012 Budget Ordinance, Article XIX, Section 1, two budget transfers were approved administratively. Additionally, six transfers needed Board approval.

| Approval by Manager | | | |
|---|---|---|---|
| Department | Program | Amount | Explanation |
| Health | PHPGR - Public Health Preparedness & Response | $426.00 | Transferred to provide access to State's Progress Check System Coordinator's computer |
| ↓ | MAP - Medication Assistance Program | $3,715.00 | Funds received from the Office of Rural Health. Will pay a license fee to use the MAP Reporting Program (MARP) |

| Board Approval Required | | | |
|---|---|---|---|
| Department | Program | Amount | Explanation |
| Health | PCM – Pregnancy Care Management | $15,387.00 | Transfer made to establish PCM Program lines |
| ↓ | CC4C – Care Coordination for Children | $11,130.00 | Transfer made to increase funding for CC4C services |
| ↓ | Region 9 Community Transformation Grant | $8,000.00 | DHHS grant funds received. Will be used to establish healthy living program |
| ↓ | NCDOT 5310 Grant | $20,000.00 | Grant funds received. Will be used to contract Hyde Transit |
| Finance | JCPC – Juvenile Crime Prevention Council | $27,722.00 | Monies transferred to better track JCPC expenses |
| Soil & Water | Stream Cleanup | $13,320.00 | Transfer made for the purpose of storm debris removal |

Commissioner Swindell moved to approve the Health Department, Finance and Soil & Water budget transfers. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

**County Commissioners Reports:**

**Commissioner Styron** – reported that she attended the Ocracoke Planning Board meeting where signage issues and concerns about pop up businesses on the Island were discussed. Ocracoke Civic & Business Association will sponsor Candidates Night on the Island on October 10th. Brian Carter met with the Ocracoke Control Group and presented an update on storm preparedness. Ms. Styron stated she and the Control Group appreciate Mr. Carter and Emergency Management Director Justin Gibbs. The ABC Board agreement with the Sheriff's Department has not been signed. Manager Smith will meet with the Ocracoke Occupancy Tax Board and the Ocracoke Mosquito Control Board on the 12th of September and with Mr. Jameson of the Ocracoke Community Center Board on the 13th.

**Commissioner Byrd** – reported that he will attend the Division of Marine Fisheries (DMF) meeting in Manteo on Friday, September 7th. Mr. Byrd stated that combining DMF and Wildlife Services will not benefit the commercial fishing industry.

**Commissioner Swindell** – reported that he attended the Chamber of Commerce Issues Luncheon. Mr. Swindell has discussed with Jeff Farrow of NCDOT the hazardous conditions caused by lack of roadside mowing on both primary and secondary roads in Mainland Hyde County. Manager Smith will request that NCDOT resume mowing on Hyde County roads at a local level.

**Commissioner Tunnell** – reported that he met with the Friends Group. The Swan Quarter Dike - West Quarter Watershed will likely need to be elevated in the future and monies for the project need to be in the bank beforehand.

**Commissioner Spencer** – reported that we need to invite young citizens to be on the Sea Level Rise Advisory Board. Manager Smith will contact Jamin Simmons who will present discussion about the impact of sea level rise on the County and the need to develop a plan of action for the future. Ms. Spencer attended the Issues Luncheon, Senior Citizens Day, Hyde County Schools Orientation and the State Convention where she reported that Glen Webb was elected second Vice-president. She said that it would be an appropriate use of the Ocracoke Occupancy Tax Board funds to assume responsibility for funding Lobbyist Joe McClees.

**County Manager's Report:**

Manager Smith presented report of her activities over the past month and stated that she will attend the Joint House Transportation Committee meeting on Friday, September 7th where discussion of Ferry Tolls will be conducted; and, will also meet with Randell Woodruff, Beaufort County Manager, to discuss office space for the public defender. Ms. Smith reported the need for an e-mail back up system and will present the matter at the next regularly scheduled Board meeting on Monday, September 17, 2012.

Ms. Smith commended Lois Stotesberry, Deputy Clerk, for cataloging County contracts and leases and for developing a new system to reduce time spent preparing meeting agendas and Board packets.

**Public Comments:**

Chairwoman Spencer called for comments from the public.

There being no comments from the public, Chairwoman Spencer continued the meeting.

**Closed Session** (none)

**Supplemental Information:**

a) 2012 Albemarle Regional Solid Waste Management Budget

**Department Reports**

a) Health Department
b) Animal Control
c) Public Information Officer (PIO)
d) Human Resources

**Meeting Calendar**

**July, 2012**

| | |
|---|---|
| 09-04-2012 | Board of Commissioners Meeting – 6:00p.m. |
| 09-07-2012 | House-Senate Joint Transportation Meeting in Raleigh – 9:00a.m. |
| 09-17-2012 | Board of Commissioners Meeting – 6:00p.m. |

**Employment Anniversaries**

| | |
|---|---|
| 09-01-2012 | Kerry Campbell |
| | Lynn Gibbs |
| | Jamie Tunnell |
| | Delia Mooney |
| 09-04-2012 | Tammy Stotesberry |
| 09-13-2012 | James Ruble |
| 09-15-2012 | Charlie Herina |
| 09-18-2012 | Annette Swindell |
| 09-24-2012 | Maria Nunez |

**Employee Birthdays**

| | |
|---|---|
| 09-03-2012 | Stephanie Swindell |
| 09-08-2012 | James Blount |
| 09-11-2012 | Rita Clayton |
| 09-12-2012 | Merita Spencer |
| | Suzanne Johnson |
| 09-13-2012 | Roni Collier |
| 09-14-2012 | Lois Stotesberry |
| 09-15-2012 | Joe Frank Sadler |
| | Kristie Williams |
| 09-17-2012 | Maria Nunez |
| 09-25-2012 | Gary Benston |
| | Linda Meekins |
| 09-26-2012 | Charlie Herina |
| 09-29-2012 | Pamela Midgette |

Commissioner Swindell moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell Nays – None

The meeting adjourned at 8:55p.m.

Respectfully submitted:

Minutes approved on the 17th day of September, 2012.

Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners

Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments:

Exhibit A: *"Hyde County FY2011 Pre-Disaster Mitigation (PDM) Program Project Budget Amendment"*

Exhibit B: *"PROCLAMATION – Hunger Action Month "3- Ways in 30 Days" September 2012"*

## HYDE COUNTY FY2011 PRE-DISASTER MITIGATION (PDM) PROGRAM
### Project Budget Ordinance

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

Section 1. The project authorized is the Hyde County FY2011 Pre-Disaster Mitigation (PDM) Program described in the work statement contained in the grant agreement (#PDMC-PJ-04-NC-2011-001) between Hyde County and the North Carolina Division of Emergency Management. This project is more familiarly known as the Hyde County FY2011 PDM Project.

Section 2. Hyde County staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the North Carolina Division of Emergency Management, and the budget contained herein.

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

| | |
|---|---|
| C-1: FY2011 PDM Program | |
| PDM Grant | $411,282.75 |
| Owner Contributions | $137,094.25 |
| Total | $548,377.00 |

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

| | |
|---|---|
| C-1: FY2011 PDM Program | |
| Project Budget | $548,377.00 |

Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Division of Emergency Management required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Division of Emergency Management in an orderly and timely manner.

Section 7. The Grant Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Grant Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this council.

Section 9. Copies of this grant project ordinance shall be made available to the Grant Finance Officer for direction in carrying out this project.

Adopted this 4th day of ~~August~~ September, 2012,

Sharon P. Spencer

Sharon P. Spencer, Chair
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry

Lois Stotesberry, Deputy Clerk to the Board

**BOARD OF COMMISSIONERS**
**OF THE COUNTY OF HYDE,**
**NORTH CAROLINA**

# PROCLAMATION

**HUNGER ACTION MONTH**
**"30 WAYS IN 30 DAYS"**
**SEPTEMBER 2012**

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**WHEREAS,** Feeding America is the nation's leading domestic hunger-relief organization with a mission to feed and advocate for America's hungry through a nationwide network of member food banks; and

**WHEREAS,** the Food Bank of the Albemarle is a member of Feeding America and fights hunger and poverty in 15 northeast North Carolina counties by partnering with more than 130 local agencies to distribute food to the hungry; and

**WHEREAS,** both the Food Bank of the Albemarle and Feeding America seek to engage our citizens locally, statewide, and nationally in the fight to end hunger; and

**WHEREAS,** the number of people in the Albemarle area who need assistance is increasing as reflected in more households in poverty and more individuals being unemployed; and

**WHEREAS,** the fight against hunger is a fight that concerns each of us; and

**WHEREAS,** the contribution of our time, talent and treasure moves us ever closer to an answer to issues of hunger and poverty in our communities; and

**WHEREAS,** the citizens of Hyde County can visit the Food Bank of the Albemarle's website (www.afoodbank.org) for ideas of ways to make a difference for local emergency feeding programs, for the Food Bank, and especially for our hungry and needy during these thirty days of opportunities;

**NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners of do hereby proclaim September 2011 as Hunger Action Month - with the theme of "30 Ways in 30 Days" in Hyde County.**

Adopted this the 4th day of September, 2012 in Hyde County, North Carolina.

Sharon P. Spencer

Sharon P. Spencer, Chair
Hyde County Board of Commissioners

Attested by:

Mazie Smith

Mazie S. Smith, Clerk to the Board
Hyde County Board of Commissioners