



"Celebrating 300 Years"

Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

Presenter(s): Sharon Spencer

Title: Chairman

Agency/Dept.: Board of Commissioners

Item Title: Call to Order, Opening Prayer, Pledge of Allegiance

Attachments: No

Description: General activities to open the meeting.

Times Read: First

Impact on Budget: None

RECOMMENDATION: Approve

MOTION MADE BY:

____ S. Spencer
 ____ A. Byrd
 ____ D. Styron
 ____ B. Swindell
 ____ D. Tunnell

MOTION SECONDED BY:

____ S. Spencer
 ____ A. Byrd
 ____ D. Styron
 ____ B. Swindell
 ____ D. Tunnell

Vote:

S. Spencer
 A. Byrd
 D. Styron
 B. Swindell
 D. Tunnell

Aye

Nay



"Celebrating 300 Years"

Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

Meeting Date: 10.15.2012

Presenter(s): Sharon Spencer

Title: Chairman

Agency/Dept.: Board of Commissioners

Item Title: Consideration of Agenda

Attachments: Yes

Description: Agenda for Meeting.

Times Read: First

Impact on Budget: None

RECOMMENDATION: Approve

MOTION MADE BY:

_____ S. Spencer
 _____ A. Byrd
 _____ D. Styron
 _____ B. Swindell
 _____ D. Tunnell

MOTION SECONDED BY:

_____ S. Spencer
 _____ A. Byrd
 _____ D. Styron
 _____ B. Swindell
 _____ D. Tunnell

Vote:

S. Spencer
 A. Byrd
 D. Styron
 B. Swindell
 D. Tunnell

Aye

Nay



Since 1712

HYDE COUNTY BOARD OF COMMISSIONERS

Monday, October 15, 2012 - 6 PM

Hyde County Courthouse Multi-purpose Room

30 Oyster Creek Road, Swan Quarter, NC

and the

Ocracoke School Commons Area

120 School House Road, Ocracoke, NC

AGENDA

CALL TO ORDER, OPENING PRAYER

Chrm. Spencer

CONSIDERATION OF AGENDA

Chrm. Spencer

APPROVAL OF MINUTES FROM THE OCTOBER 1, 2012 MEETING

Chrm. Spencer

PUBLIC HEARINGS (none)

PUBLIC COMMENTS

The public comment period is a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes and should be directed to the entire board and not to an individual Commissioner, staff member or member of the public. Time for one person to speak cannot be used by another person. Comments that reflect the need for assistance are typically continued to a future Board meeting agenda.

EMPLOYEE RECOGNITION

Leah Gibbs, Senior Center Assistant - October Employee of the Month

Mazie Smith

ITEMS OF CONSIDERATION

- | | |
|---|----------------|
| 1) GovDeals - Surplus Property | Andrea Gregory |
| 2) Management Contract Amendment - FY09 CDBG-CR Project | Chris Hilbert |
| 3) Program Amendment & Management Contract Amendment - FY10 CDBG-SS Project | Chris Hilbert |
| 4) Hurricane Irene Hazard Mitigation Grant Program - Designated Agent | Kris Noble |
| 5) Mattamuskeet Lodge Sewer Project | Kris Noble |
| 6) MOU between Hyde County & NC State University - Agricultural COA | Kris Noble |

BUDGET MATTERS

Administrative Transfers (none)

Transfers by Board

- | | | |
|-----------|--|--------------|
| 1) Health | \$13,011.50 received from Region 9 Community Grant Project (does increase the budget for Health Promotion/Healthy Communities program) | Wesley Smith |
| 2) Health | \$4,200.00 from Home Health Salaries line to create an Overtime line to compensate nurses for 60 hours/month for 3 months in overtime pay (does not increase the budget for Home Health) | Wesley Smith |

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.

CLOSED SESSION (if required)

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department
- 2) Senior Center
- 3) Code Enforcement/Inspections
- 4) Planning
- 5) Health Department
- 6) Animal Control

Other Information

- 1) IACP 2012: FAA's update on selection of six UAS test sites
- 2) Hyde County Hotline October Newsletter
- 3) Mike Smith, Dean, UNC-SOG - Manager Visits in Eastern North Carolina
- 4) Sales & Use - For the Month Ending August 31, 2012
- 5) NACo - South Region Update
- 6) Hyde County Soil & Water Conservation District Annual Report 2012

MEETING CALENDAR

EMPLOYMENT ANNIVERSARIES



Since 1712

HYDE COUNTY

NORTH CAROLINA

Meeting Date: 10.15.2012

Presenter(s): Sharon Spencer

Title: Chairman

Agency/Dept.: Board of Commissioners

Item Title: Consideration of Minutes

Attachments: Yes

Description: Minutes of the meeting held on October 1, 2012

Times Read: First

Impact on Budget: None

RECOMMENDATION: Approve

____ A. Byrd
 ____ B. Swindell
 ____ D. Styron
 ____ D. Tunnell
 ____ S. Spencer

____ A. Byrd
 ____ B. Swindell
 ____ D. Styron
 ____ D. Tunnell
 ____ S. Spencer

	Yea	Nay
____ A. Byrd	____	____
____ B. Swindell	____	____
____ D. Styron	____	____
____ D. Tunnell	____	____
____ S. Spencer	____	____

1 **Meeting Minutes**

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

4
5 **October 1, 2012**

6 Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of
7 Commissioners to order at 6:00 PM on Monday, October 1, 2012 in the Hyde County
8 Government Center, Multi-Use Room, and the Ocracoke School Commons Room using
9 electronic conferencing equipment. The following members were present on the mainland:
10 Commissioners Sharon Spencer and Barry Swindell; Attorney Fred Holscher; County Manager
11 Mazie Smith; Deputy Clerk to the Board Lois Stotesberry; and, members of the public. The
12 following members were present on Ocracoke: Commissioner Tunnell; Deputy Clerk Jamie
13 Carter; and, members of the public.

14 Commissioners Darlene Styron and Anson Byrd were absent.

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

17 **Agenda:**

18 Chairwoman Spencer asked for any changes to the October 1, 2012 meeting Agenda as presented
19 by the Clerk. Commissioner Swindell moved to approve the agenda as presented by the Clerk
20 with addition of Closed Session. Mr. Tunnell seconded the motion. The motion passed on the
21 following vote:

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

23 **Consideration of Minutes:**

24 Chairwoman Spencer asked for approval of meeting minutes.

25 Commissioner Swindell moved to approve the September 17, 2012 regular meeting minutes as
26 presented by the Clerk. Mr. Tunnell seconded the motion. The motion passed on the following
27 vote:

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

29 **Public Comments:**

30 Chairwoman Spencer called for comments from the public.

1 John Fletcher, Ocracoke – requested that the County Manager and Hyde Soil & Water look into
2 drainage problems on Ocracoke Island

3 Mazie Smith, County Manager, reported that research is underway and discussion with NCDOT
4 continues.

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

6 **Items of Consideration:**

7 **Reappointments to Hyde County Health Board**

8 Wesley Smith, Health Director, reported that at their quarterly meeting on September 25, 2012,
9 Board of Health members approved the reappointment of Cheryl Ballance and Randy Hignite for
10 a second, three-year term on the Hyde County Board of Health. Ms. Balance and Mr. Hignite
11 were initially appointed by the Hyde County Board of Commissioners in July of 2009. Both
12 have expressed a desire to continue serving on the Board of Health.

13 Commissioner Swindell moved to reappoint Cheryl Ballance and Randy Hignite to the Hyde
14 County Board of Health for a second three-year term. Mr. Tunnell seconded the motion. The
15 motion passed on the following vote:

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

17 **NC Local Government Debt Setoff Program Update**

18 Mazie Smith, County Manager, reported that Hyde County adopted Resolution to join the
19 NCACC (NC Association of County Commissioners) Local Government Debt Setoff Program
20 on November 16, 2009. Since joining the program, Hyde County has received \$23,770.41.
21 Currently a total of \$177,461.82 in delinquent debt is listed for Debt Setoff collection.

22 Corrinne Gibbs assumed the position of Debt Setoff Hearing Officer when she was appointed
23 Finance Officer in June of 2011. She wishes to turn over designation of Hearing Officer to Lois
24 Stotesberry. Conversation with Mr. Bill Walsch, Five Star Computing, Inc., confirms that it is
25 acceptable to designate a new Hearing Officer without adopting a new resolution. Lois has
26 agreed to assume Debt Setoff Hearing Officer duties.

27 Commissioner Tunnell moved to designate Lois Stotesberry as the Hyde County Debt Setoff
28 Hearing Officer. Mr. Swindell seconded the motion. The motion passed on the following vote:

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

30 Mazie Smith, County Manager, will work with Tax Department staff to begin utilizing Debt
31 Setoff collection services.

32

1 **ABC Board Lease Agreement**

2 Mazie Smith, County Manager, reported that at its regularly scheduled meeting on July 16, 2012,
3 the Board of Commissioners approved the Lease Agreement between Hyde County and the Hyde
4 County ABC Board for lease of the Mainland ABC Store with revisions made to Sections 6 and
5 8 of the Agreement.

6 Commissioner Tunnell moved to sign the ABC Board Lease Agreement as reviewed and
7 approved by County Attorney Fed Holscher. Mr. Swindell seconded the motion. The motion
8 passed on the following vote:

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

10 **Budgetary Matters: (none)**

11 **County Commissioners Reports:**

12 **Commissioner Tunnell** – reported that he attended the Mid-East Housing meeting where budget
13 matters were discussed. Mr. Tunnell reported that Board member Collins Cooper passed away.
14 He also attended the Vernon James 100 Year History of Research and Invention event; the Tar-
15 Pamlico River Oversight Committee meeting; Albemarle RC&D meeting at Perquimans Avenue
16 Recreation Facility; and, the District Agricultural Extension meeting at Ocracoke Community
17 Center. Mr. Tunnell reported that the Ocracoke Middle School volleyball team was victorious
18 against Creswell earlier in the day.

19 **Commissioner Swindell** – reported that he attended the Board of Health meeting. Mr. Swindell
20 announced that his son, Matthew, is getting married on Sunday; and, a nephew will get married
21 in three weeks.

22 **Commissioner Spencer** – reported that she attended the Albemarle Commission, Northeast
23 Workforce Development (NWD) Executive meeting where she and Manager Smith met with
24 Director Wendy Jewett. Ms. Spencer reported that the NWD will be renting office space in the
25 Government Center. She met with Hyde County School Board Chairman Thomas Whitaker
26 where discussion of a \$570,000 Hyde County Schools Budget Deficit and Reduction In Force
27 (RIF) were discussed. Ocracoke School will not be affected by the RIF. Ms. Spencer reported
28 that fourteen school employees are eligible for retirement; and, the total reduction may be fewer
29 than expected depending on how many employees choose to retire now. Staffing cuts are
30 scheduled for October and again in the second semester.

31 **County Manager's Report:**

32 Manager Smith presented report of her activities over the past month and results of the Public
33 Safety Center (PSC) – Indoor Air Quality – Mold Report.

1 In a letter from Allied Environmental Services, PLLC, dated September 25, 2012, Katherine Marciniak, PG, CMI, reported that she conducted air sampling and a brief visual inspection of the facility in the areas that had been previously remediated. There were a total of seven air samples collected and analyzed for fungal concentrations.

2 The dehumidifier units being run throughout the building require maintenance to keep them in proper working condition- most of the units in the unoccupied areas of the building need to have the filters cleaned. There did not appear to be any visible mold growth in the areas inspected, except for a small area in the server room where there has been a drip from the wall mounted air conditioning unit. The plywood panel on the wall in the server room should be removed to determine if there is mold growing along the wall and backside of the sheet of plywood. There also appears to have been some repair work around some of the ceiling ducts in the facility.

4 The analysis of the air samples shows that, in general, the indoor concentrations of mold are lower than the outdoor, "normal" populations. This indicates that the indoor air, where sampled, is "cleaner" than the outdoor air.

6 Ms. Marciniak reported that it should be noted that the concentrations in the Block D area are elevated, in particular the species *Cladosporium* which is a known indicator of water damaged building materials (i.e. drywall, paper, paint, etc.).

7 It was reported at the time of inspection that some of the employees in the facility are experiencing what sounds like an allergic reaction to something in the building, said Ms. Marciniak. It is possible that even though the indoor counts are lower than the outdoor concentrations, the concentrations may be at a level high enough for the employees to experience health effects. There are no set levels for regulating mold in the environment due to the wide range of susceptibility from person to person. AES usually recommends that the people experiencing any reaction take the analytical results to their doctor to aid in diagnosis and treatment if required.

9 Ms. Marciniak concluded her report on the Public Safety Center building stating that her letter and report in no way recommends any medical action or treatment, a doctor should be consulted for any medical information/advice.

10 Manager Smith reported that she has scheduled a preliminary meeting with an engineering firm
11 where alterations to the Public Safety Center will be discussed. Funding resources are being
12 investigated. Ms. Smith will continue to present updates on the project.

13 Mike Smith, Dean of UNC-School of Government visited Ms. Smith earlier in the week. He
14 complimented Mazie Smith for completing the PELA (Public Elected Leaders Academy);
15 Corrinne Gibbs who will participate in the first LGFCU-PELA (Local Government Federal
16 Credit Unions – Public Elected Leaders Academy) course; Tammy Blake who will attend the
17 Introduction to Public Employment Law course next week; and, Lois Stotesberry who will
18 complete the IIMC Clerk Certification course later this month.

19 **Public Comments:**

20 Chairwoman Spencer called for comments from the public.

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

22 **Closed Session**

23 Commissioner Swindell moved to enter into closed session at 6:25p.m., pursuant to G.S.
24 N.C.G.S. 143-318.11 (a)(6). Mr. Tunnell seconded the motion. The motion passed on the
25 following vote:

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

27 Commissioner Swindell moved to come out of closed session at 6:35p.m. Ms. Spencer seconded
28 the motion. The motion passed on the following vote:

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

1 Commissioner Swindell moved to approve the reorganization of the Hyde County Emergency
2 Services Department, which eliminates the Deputy Emergency Services Director position as
3 proposed by Manager Smith. Ms. Spencer seconded the motion. The motion passed on the
4 following vote:

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

6 **Department Reports**

- 7 a) Public Information Officer (PIO)
- 8 b) DSS Transportation Department

9
10 **Supplemental Information**

- 11 a) Installation of Dr. Barbara Tansey, President, BCCC
- 12 b) Board of Health Meeting Minutes – June 19, 2012
- 13 c) Hyde County Hotline's 2nd Annual Winter GALA

14 **Meeting Calendar**

- 15 10-01-2012 Commissioners Meeting – 6:00p.m.
- 16 10-10-2012 OCBA Candidates Night at Ocracoke Community Center – 7:00p.m.
- 17 10-18-2012 Southern Albemarle Association Meeting
- 18 10-20-2012 Ocracoke Island Health Fair – 10:00a.m. – 2:00p.m.
- 19 10-22-2012 Commissioners Meeting – 6:00p.m.
- 20 10-29-2012 Community Meeting with Senator Kay Hagan at SQVFD – 11:00a.m.

21
22 Commissioner Swindell moved to adjourn the meeting. Mr. Tunnell seconded the motion. The
23 motion passed on the following vote:

24
25 Ayes – Spencer, Swindell and Tunnell Nays – None Absent – Byrd and Styron

26 The meeting adjourned at 6:38p.m.

27
28 Respectfully submitted:

29
30 Minutes approved on the 15th day of October, 2012.

31
32
33 _____
34 Lois Stotesberry, Deputy Clerk
35 Hyde County Board of Commissioners

36
37 _____
38 Sharon Spencer, Chair
Hyde County Board of Commissioners

39 Attachments: (none)



Since 1712

HYDE COUNTY

NORTH CAROLINA

Presenter(s): Citizens

Title:

Agency/Dept.:

Item Title: Public Comments

Attachments: No

Description: 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.

Times Read:

Impact on Budget:

Recommendation: Listen for understanding.

MOTION MADE BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

MOTION SECONDED BY:

____ A. Byrd
____ B. Swindell
____ D. Styron
____ D. Tunnell
____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay



Since 1712

HYDE COUNTY

NORTH CAROLINA

Meeting Date: 10.15.12

Presenter(s): Mazie Smith

Title: County Manager

Agency/Dept.: County of Hyde

Item Title: Recognition of October 2012 Employee of the Month

Attachments: None

Description: The Employee of the Month, Leah Gibbs, will be introduced to the Board and the public.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Congratulate and thank employee.

MOTION MADE BY:

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

MOTION SECONDED BY:

_____ A. Byrd
_____ B. Swindell
_____ D. Styron
_____ D. Tunnell
_____ S. Spencer

Vote:

A. Byrd
B. Swindell
D. Styron
D. Tunnell
S. Spencer

Aye

Nay

Congratulations

THIS CERTIFICATE IS TO COMMEND

LEAH GIBBS

EMPLOYEE OF THE MONTH

AWARDED THIS THE 15TH DAY OF OCTOBER, 2012.

SHARON P. SPENCER, CHAIRWOMAN
HYDE COUNTY BOARD OF COMMISSIONERS

MAZIE SWINDELL-SMITH, COUNTY MANAGER



Since 1712

HYDE COUNTY

NORTH CAROLINA

Meeting Date: 10.15.2012

Presenter(s): Andrea Gregory

Title: Assistant Finance Officer

Agency/Dept.: Finance Office

Item Title: GovDeals Surplus

Attachments: None

Description: HP Color Laser Jet 4600 PCLP Printer sell for \$100.00
three toners

The printer is no longer needed and Wesley has asked me to auction it on GovDeals as the price listed above.

Times Read: First

Impact on Budget: Does not increase the budget.

Recommendation: Approve

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
_____ A. Byrd	_____ A. Byrd	A. Byrd	_____	_____
_____ B. Swindell	_____ B. Swindell	B. Swindell	_____	_____
_____ D. Styron	_____ D. Styron	D. Styron	_____	_____
_____ D. Tunnell	_____ D. Tunnell	D. Tunnell	_____	_____
_____ S. Spencer	_____ S. Spencer	S. Spencer	_____	_____



Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

Item Number:

Date: 10.15.12

Title: Management Contract Amendment -- FY09 CDBG Community Revitalization Project

Sponsor: Chris Hilbert **Title:** Program Administrator -- HCP, Inc.

Agency/Dept.: Holland Consulting Planners, Inc.

Description: The county is in the process of closing out its FY09 CDBG-CR project, which included housing, water, and sewer improvements on Lake Swamp Road in Engelhard. HCP, Inc. requests that the board approve a final \$7,500 contract amendment which can be paid from unobligated funds in the total \$850,000 grant. HCP requests that the board approve this amendment to cover the following additional CDBG work items:

- >Assistance with Hurricane Irene HMGP e-grants application for Hurricane Irene (due to FEMA in November 2012).
- >Preparation of a FY12 CDBG Infrastructure pre-application (water improvements).
- >Assistance with preparation of proposed FY12 CDBG Catalyst application to renovate Hycienda Heights housing project.
- >Preparation of CDBG-CR program amendment and management of amendment construction services, which included moving funds from C-1 housing activities to local option project to allow reconstruction/rehab of two local option units.

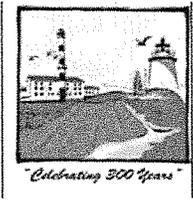
Attachments: No (contract amendment to be submitted to Chairman for signature if approved)

Reading number: First

Impact on Budget: None. Special Project funded by NC Dept. of Commerce

Recommendation Approve HCP \$7,500 contract amendment for additional services provided on FY09 CDBG-CR project.

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>VOTE:</u>	<u>Aye</u>	<u>Nay</u>
_____ Byrd	_____ Byrd	Byrd	_____	_____
_____ Spencer	_____ Spencer	Spencer	_____	_____
_____ Styron	_____ Styron	Styron	_____	_____
_____ Swindell	_____ Swindell	Swindell	_____	_____
_____ Tunnell	_____ Tunnell	Tunnell	_____	_____



Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

Item Number:

Date: 10.15.12

Title: Program Amendment and Management Contract Amendment -- FY10 CDBG-Scattered Site Project

Sponsor: Chris Hilbert **Title:** Program Administrator -- HCP, Inc.

Agency/Dept.: Holland Consulting Planners, Inc.

Description: The board has approved a program amendment to its ongoing CDBG Scattered Site project to add an additional low-income household that suffered storm damage during Hurricane Irene. HCP, Inc. will prepare the program amendment, complete the required environmental review, and bid and manage the required residential construction work required to complete the additional unit. HCP requests that the board approve a contract amendment to HCP's existing management contract setting aside 12% of available surplus funds (total surplus estimated to be \$55,000) for payment for these additional services. A 12% management fee is significantly less than the 18% administrative threshold mandated by the supervisory state agency and is consistent with fees HCP has charged for similar program amendments in the past

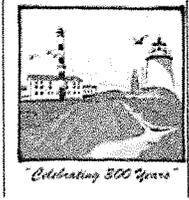
Attachments: No (contract amendment to be submitted to Chairman for signature if approved)

Reading number: First

Impact on Budget: None. Special Project funded by NC Dept. of Commerce

Recommendation Approve HCP contract amendment for 12% of surplus FY10 CDBG-SS funds available for construction of additional low-income housing unit. Authorize Chair to sign Program Amendment to reconstruct one additional unit.

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>VOTE:</u>	<u>Aye</u>	<u>Nay</u>
_____ Byrd	_____ Byrd	Byrd	_____	_____
_____ Spencer	_____ Spencer	Spencer	_____	_____
_____ Styron	_____ Styron	Styron	_____	_____
_____ Swindell	_____ Swindell	Swindell	_____	_____
_____ Tunnell	_____ Tunnell	Tunnell	_____	_____



Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

Item Number:

Date: 10.15.2012

Title: Hurricane Irene Hazard Mitigation Grant Program -- Designated Agent

Sponsor: Kris Noble **Title:** County Planner

Agency/Dept.: Planning

Description: The County Planner requests that the board approve a primary and secondary agent to manage the county's activities related to an upcoming HMGP Elevation Program for Hurricane Irene. The county has received notification from NC Emergency Management that five residential units meet benefit/cost guidelines for elevation and the state agency is preparing an application to be submitted to FEMA in November.

Attachments: Yes (DA Form)

Reading number: First

Impact on Budget: None. Special Project funded by FEMA and NC Emergency Management

Recommendation Approve the DA form as submitted.

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>VOTE:</u>	<u>Aye</u>	<u>Nay</u>
_____ Byrd	_____ Byrd	Byrd	_____	_____
_____ Spencer	_____ Spencer	Spencer	_____	_____
_____ Styron	_____ Styron	Styron	_____	_____
_____ Swindell	_____ Swindell	Swindell	_____	_____
_____ Tunnell	_____ Tunnell	Tunnell	_____	_____

RESOLUTION
DESIGNATION OF APPLICANT'S AGENT
 North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) Disaster Number:
Hyde County

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):
North Carolina Department of Public Safety

Applicant's Fiscal Year (FY) Start Month: July Day: 1

Applicant's Federal Employer's Identification Number
 56-60000-308

Applicant's Federal Information Processing Standards (FIPS) Number
 - -

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Mazie S. Smith	Agent's Name Kris Cahoon Noble
Organization Hyde County Government	Organization Hyde County Government
Official Position County Manager	Official Position Planning Director
Mailing Address PO Box 188	Mailing Address PO Box 188
City, State, Zip Swan Quarter, NC 27885	City, State, Zip Swan Quarter, NC 27885
Daytime Telephone 252-926-4178	Daytime Telephone 252-926-4180
Facsimile Number 252-926-3701	Facsimile Number 252-926-3701
Pager or Cellular Number n/a	Pager or Cellular Number 252-531-8352

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended), Chapter 166A of the North Carolina General Statutes, or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this _____ day of _____, 20____.

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Hyde County Board of Commissioners	Name Lois Stotesberry
Name and Title	Official Position Deputy Clerk to the Board of Commissioners
Name and Title Chairman, Hyde County Board of Commissioners	Daytime Telephone 252-926-4400

CERTIFICATION

I, Lois Stotesberry, (Name) duly appointed and Deputy Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Hyde County (Organization) on the 15th day of October, 2012.

Date: _____

Signature: _____

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

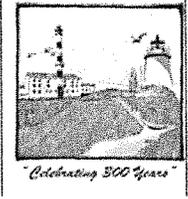
1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require

compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the

satisfaction of the Regional Director.



Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

Date: 10.15.2012

Title: Mattamuskeet Lodge Sewer Project

Sponsor: Kris Noble **Title:** County Planner

Agency/Dept.: Planning

Description: The NC Rural Center has deobligated three grants at a maximum amount of \$1.5M due to the inability of the County to enter into a construction contract. The funding has been appropriated since 2008 and the County has been unable to move forward due to two factors: 1) The inability to fund the remaining \$200,000+ funding gap 2) complications due to the failure of the Engelhard Wastewater Lagoon. A conference call with CWMTF on October 5th with Planning Staff has lead the Planning Director to make a recommendation to the Hyde BOC to deobligate the CWMTF funding and Golden Leaf funding and to focus all activities on Phase I (CDBG-Contingency line from Martele's to Beck's) and the restoration of the Engelhard Wastewater Treatment Lagoon. CWMTF commented that Phase II was a good project and that hopefully Hyde County can come back and reapply at a later date after the Wastewater Lagoon issues are cleared.

Attachments: Yes - Letter from NC Rural Center.

Reading number: First

Impact on Budget: None

Recommendation Authorize Planning Staff to move forward with deobligation of CWMTF funds under Grant Project No. 2010-523 and Golden Leaf Funding under the Project Title: Mattamuskeet Lodge Sewer. Authorize Chair to execute all documents associated with deobligation and cover letter.

<u>MOTION MADE BY:</u>	<u>MOTION SECONDED BY:</u>	<u>VOTE:</u>	<u>Aye</u>	<u>Nay</u>
_____ Byrd	_____ Byrd	Byrd	_____	_____
_____ Spencer	_____ Spencer	Spencer	_____	_____
_____ Styron	_____ Styron	Styron	_____	_____
_____ Swindell	_____ Swindell	Swindell	_____	_____
_____ Tunnell	_____ Tunnell	Tunnell	_____	_____



Valeria L. Lee
Chair

Billy Ray Hall
President

October 2, 2012

The Honorable Sharon P. Spencer, Chairperson
Hyde County Board of Commissioners
PO Box 188
Swan Quarter, NC 27885

Re: Project # 2008-307-40101-112 "New Engelhard Wastewater Treatment Facility"
Project # 2009-180-40101-112 "Wastewater System to Serve the Mattamuskeet Lodge"
Project # 2009-258-40101-112 "Wastewater System to Serve the Mattamuskeet Lodge"

Dear Chairperson Spencer:

The Rural Center Executive Committee awarded \$500,000 for each of the three referenced grants. The first was awarded on June 18, 2008, the second awarded on December 10, 2008, and the third awarded on February 25, 2009. Currently, the projects are not under contract with the Rural Center. We understand the challenges faced by the County in securing additional funding for this project; however, after more than four years since the first grant was awarded, the force main portion of this project has not progressed to the point of entering into a construction contract. It has become difficult to justify reserving \$1.5 million for more than four years for projects that were required to enter into a construction contract within one year of award.

The Rural Center will de-obligate the funds awarded to project number 2008-307-40101-112 and project number 2009-180-40101-112. The total amount for de-obligation is \$1 million.

We are dedicated to assisting the County and based on communications and correspondences from the NC Department of Commerce's Community Investment Division, it is our interpretation that the portion of the project which received CDBG funding is an independent project that can be supplemented by one of the three grants from the Rural Center. You will receive additional correspondence from George T. Collier regarding the necessary steps to contract project number 2009-258-40101-112.

Please contact me if you have any questions or concerns.

North Carolina

Sincerely,

Rural Economic

Development Center, Inc.

Julie Haigler Cubeta, Senior Director
Physical Infrastructure Office

4021 Carya Drive

cc: George T. Collier, Director, Economic Infrastructure Program
Larry Horton, P.E., Wastewater Infrastructure Project Manager, CWMTF
Ted Lord, Vice President, Golden LEAF
Kristin Noble, Director, Hyde County Economic Development and Planning
Mazie Smith, County Manager, Hyde County
Patrick N. Woodie, Vice President, Rural Development Programs

Raleigh, NC 27610

Phone: (919) 250-4314

FAX: (919) 250-4325



Hyde County Board of Commissioners AGENDA ITEM SUMMARY SHEET

Item Number:

Date: 10.15.2012

Title: Memorandum of Understanding Between Hyde County & NC State University Re: Agricultural COA

Sponsor: Kris Noble **Title:** County Planner

Agency/Dept.: Planning

Description: The purpose of this MOU is to establish a corporative agreement between NC State and Hyde County that will allow the use of the Hyde County Airport and it's associated facilities to conduct research, development capabilities, and jointly support the growth of business related to unmanned aircraft systems (UAS). The attached MOU has been reviewed by the County Attorney and unanimously approved by the Hyde County Airport Advisory Board in September. These activities will not interfere with general aviation traffic.

Attachments: Yes - MOU

Reading number: First

Impact on Budget: None

Recommendation Approve and authorize Board Chair to execute Memorandum of Understanding.

MOTION MADE BY:

_____ Byrd
 _____ Spencer
 _____ Styron
 _____ Swindell
 _____ Tunnell

MOTION SECONDED BY:

_____ Byrd
 _____ Spencer
 _____ Styron
 _____ Swindell
 _____ Tunnell

VOTE:

Byrd
 Spencer
 Styron
 Swindell
 Tunnell

Aye

Nay

MEMORANDUM OF UNDERSTANDING
BETWEEN HYDE COUNTY AND
NORTH CAROLINA STATE UNIVERSITY

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between North Carolina State University, on behalf of its Institute for Transportation Research and Education (NC State) and Hyde County.

A. PURPOSE:

The purpose of this MOU is to establish a corporative agreement between NC State and Hyde County that will allow the use of the Hyde County Airport (7W6) and it's associated facilities to conduct research, development capabilities, and jointly support the growth of business related to unmanned aircraft systems (UAS) (collectively "UAS activities" herein).

B. HYDE COUNTY SHALL:

1. Allow for NC State's use of airport facilities including the airport terminal for UAS activities with the understanding that this use is in common with others and not exclusive.
2. Allow access to telecommunications systems in support of UAS flights on and near the airport.
3. Allow observation personnel to operate unrestricted on airport property to ensure the safety of non-participating aircraft operating to or from the airport.
4. Allow NC State designated personnel to operate two-way communications on the airports Common Traffic Advisor Frequency (CTAF) to advise aircraft of the status of UAS activities.
5. Issue notices to airmen (NOTAMS) when requested by the NC State UAS Mission Commander detailing UAS activities in the area.

C. NC State SHALL:

1. Conduct UAS activities on, or within five (5) miles of the Hyde County Airport.
2. Sponsor, submit and maintain Certificates of Authorization (COAs) issued by the Federal Aviation Administration (FAA). This includes emergency COA request as required.

3. Abide by all provisions established by FAA as a result of establishing a COA on and within 5 miles of the Hyde County Airport.
4. Secure and maintain agreements as required with the air traffic controlling agency at Marine Corps Air Station Cherry Point.
5. Provide an onsite NC State liaison located on the Hyde County Airport during UAS activities whether on, or within 5 miles of the airport.
6. Ensure that all personnel operating on airport movement areas are thoroughly trained on established movement area safety practices and procedures.

D. TERMS AND CONDITIONS:

1. MODIFICATIONS. Modifications to this MOU shall be made by mutual consent of the parties, by issuance of a written modification, signed and dated by authorized officials, prior to any changes being performed.

2. PARTICIPATION IN SIMILAR ACTIVITIES. This agreement in no way restricts Hyde County or NC State from participating in similar activities with other public or private agencies, organizations, and individuals.

3. TERMINATION. Either party, upon sixty (60) days written notice, may terminate the agreement in whole, or in part, at any time before the date of expiration.

4. PRINCIPLE CONTACTS:

NC State:

Hyde County:

5. NON-FUNDING OBLIGATION DOCUMENT. This agreement is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between parties to this agreement will be handled in accordance with applicable laws, regulations, and procedures. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This agreement does not provide such authority. Each party shall be fiscally responsible for their own portion of work performed under the MOU.

6. COMPLIANCE. The parties agree to be bound by applicable state and federal rules governing Equal Employment Opportunity, Non-Discrimination and Immigration.

7. COMMENCEMENT/EXPIRATION DATE. This agreement is executed as of the date of the last signature below (Effective Date) and is effective for a period of 36 months at which time it will expire unless extended.

8. LIABILITES. It is understood that neither Party is the agent of the other and or liable for the wrongful acts or negligence of the other. Each party shall be responsible for its negligent acts or omissions and those of its officers, employees, agents or students (if applicable), howsoever caused, to the extent allowed by North Carolina law.

9. WARRANTIES. NEITHER PARTY MAKES ANY WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED WITH REGARD TO THE WORK SET FORTH IN ARTICLES B AND C, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

10. SIGNATORIES. The undersigned signatories each represents that he or she is duly authorized to execute this Agreement on behalf of his or her respective Party.

11. AUDITOR. The State or NC State auditor shall have access to persons and records related to this MOU as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with North Carolina General Statutes §§ 147-64.7 and 143-49(9).

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the Effective Date.

FOR NC STATE:

Name and Title

Date

FOR HYDE COUNTY:

Name and Title

Date