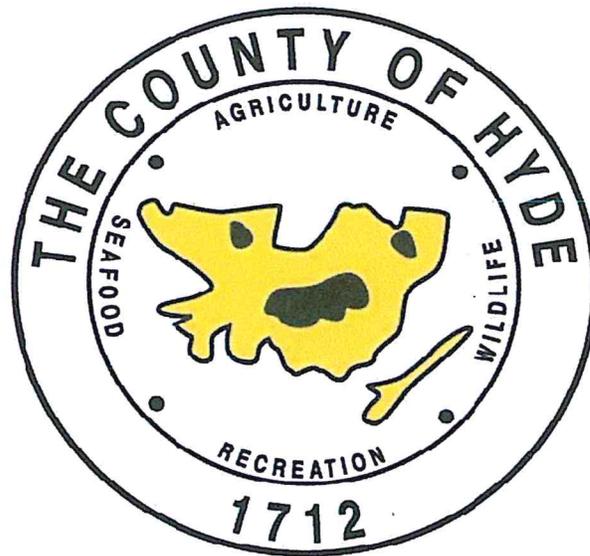


HYDE COUNTY BOARD OF COMMISSIONERS



Hyde County Courthouse Multi-purpose Room

30 Oyster Creek Road, Swan Quarter, NC

and

Ocracoke School Commons Area

120 School House Road, Ocracoke, NC

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

Meeting Date: October 5, 2015
Presenter: Chairman Barry Swindell
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

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

Meeting Date: **October 5, 2015**
Presenter: **Chairman Barry Swindell**
Attachment: **Yes**

ITEM TITLE: **CONSIDERATION OF AGENDA**

SUMMARY: Attached is the proposed Agenda for the October 5, 2015, Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

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

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

Vote: ___ Barry Swindell
 ___ Earl Pugh, Jr.
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' MEETING

MONDAY, OCTOBER 5, 2015 – 6:00 PM

CALL TO ORDER

OPENING

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

- 1) September 8, 2015 – Regular Meeting Minutes

PUBLIC HEARINGS

- 1) Rural Operating Assistance Program..... Beverly Paul

PRESENTATIONS (none)

EMPLOYEE RECOGNITION

PUBLIC COMMENTS

Public Comments are a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes or less and comments should be directed to the entire Board and not to individual members, the staff or to other members of the public. Comments requesting assistance will typically be referred to the County Manager for follow-up or for Board action at a future meeting.

ITEMS OF CONSIDERATION

1) Appointments

- a. Ocracoke Development Ordinance Board of Adjustments Mgr. Rich

2) Ordinances

- a. North Carolina Building Reuse Grant Program Budget Ordinance Kris Noble

3) Resolutions

- a. Resolution – “Stepping Up Initiative to Reduce the Number of People with Mgr. Rich
Mental Illness in Jails”

- 4) Manager’s Contract – Changes Corrinne Gibbs

- 5) Approval of Subdivision of Property for Jeff Credle, Currituck Township Kris Noble

- 6) Wireless Telecommunications Facility Located at 124 Cedar Road, Ocracoke, NC Kris Noble
- 7) Update on Request to Amend Hyde County Noise Ordinance Mgr. Rich
- 8) Hatteras Ocracoke Vehicle Ferry Toll Mgr. Rich
- 9) Monthly Activity and Accomplishment Report Will Doerfer
- 10) Request to Move NC Highway 45 to US Highway 264 Comm. Fletcher

BUDGET MATTERS

- a) Planning – Building Reuse Grant received for Ocracoke Brewing Co. (\$21,893.00)
- b) Administration – Ocracoke Scenic Byway (\$625)
- c) Health
 - 1. 06-16 – CC4C Program (Travel)
 - 2. 07-16 – General Health
 - 3. 08-16 – Child Health (Travel)

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 (discussion and possible action if required)

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department (requires signature)
- 2) Mattamuskeet Senior Center
- 3) Department of Social Services (DSS)
- 4) Health
- 5) Human Resources (HR)

Informational Items

- 1) Albemarle RC&D Annual Report 2014 - 2015
- 2) Law Suit Involving Former Lancaster School Superintendent
- 3) Flu Shot Clinic

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: **October 5, 2015**
Presenter: **Rosemary Johnson, Deputy Clerk**
Attachment: **Yes**

ITEM TITLE: **CONSIDERATION OF MINUTES**

SUMMARY: Attached are the September 8, 2015 Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

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

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

Vote: ___ Barry Swindell
 ___ Earl Pugh, Jr.
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher

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Regular Meeting Minutes

**Board of County Commissioners
Hyde County**

Tuesday, September 8, 2015

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00pm on Tuesday, September 8, 2015, 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 Earl Pugh, Jr., Dick Tunnell, Benjamin Simmons, John Fletcher and Barry Swindell; Attorney Fred Holscher; County Manager Bill Rich; Deputy Clerk to the Board Rosemary Johnson; and, members of the public.

The following members were present on Ocracoke: Public Information Officer Sarah Johnson and members of the public.

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

Agenda:

Chairman Swindell asked for changes to the September 8, 2015 Meeting Agenda.

Commissioner Tunnell moved to approve the September 8, 2015 Meeting Agenda as presented with addition of Presentation No. 5 – Water Management Plan for Pocosin Lakes Wildlife Refuge, presentation by Reed Gelderman; and No. 6 – Pungo District Hospital funding request. Commissioner Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None.

Consideration of Minutes:

Commissioner Fletcher moved to approve the August 3, 2015 Board of Commissioners Regular Meeting Minutes as presented. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None.

Presentations:

Impact of Solar Farms-Development of Solar & Wind Ordinances

Kris Noble introduced Dr. Herbert Eckerlin of N.C. State University. Dr. Eckerlin is a professor and senior extension specialist in the Department of Mechanical & Aerospace Engineering. Dr. Eckerlin presented general information about solar farms, the pros and cons of solar farms, the impact on county revenue, operation and disposal, and the development process for a solar ordinance. The commissioners thanked Dr. Eckerlin for his presentation. Ms. Noble presented a gift of appreciation to Dr. Eckerlin. No action was taken.

ABC Board Report

Meredith Nicholson, Chairman of the ABC Board presented a five-year comparison of sales and costs for operation of the county’s alcoholic beverage stores on the mainland and Ocracoke. She reported that gross profits on sales have been consistently increasing over the five-year period, expenses have been cut by \$43,000.00 for the current year and a gross profit of over \$40,000 was reported for fiscal year ending June 30, 2015. The county receives 25% of the profits. The ABC stores have one full time general manager, 5 permanent part-time employees and 2 on-call employees. Chairman Swindell commended the board and expressed thanks to all employees for their efforts to improve sales and cut costs. Commissioner Fletcher thanked Ms. Nicholson for her report. Ms. Nicholson stated that the next monthly meeting of the ABC board will be held Monday, September 14.

Ag Extension Award Presentation

The Hyde County Board of Commissioners was recently honored with the North Carolina Cooperative Extension Service County Partnership Award. The award was presented at the N.C. Association of County Commissioners (NCACC) annual conference in Greenville on August 22. Only a few counties across the state received the award, which signifies an outstanding level of partnership between government leaders and Cooperative Extension. Hyde County was one of 22 counties that were selected for the award. Natalie Wayne, Hyde County Extension Director officially presented the award plaque to the commissioners and thanked them and county government for their support to the Cooperative Extension office.

58 **Hyde County Government Center-Ocracoke Campus**

59 Will Doerfer, Special Assistant to County Manager Bill Rich, included for discussion a Power Point
60 presentation with information and pictures of two properties located on Ocracoke that the county is
61 considering for a new EMS location. The two properties are located on Back Road and Highway 12.
62 Commissioner Fletcher expressed concern that the Highway 12 property would exceed the square
63 footage requirement and be in violation of the Ocracoke Development Ordinance. Selection of a site is
64 discussed later in the meeting.
65

66 **Pocosin Lake Wildlife Refuge Water Management Plan Discussion**

67 Reed Gelderman who is employed in the Ponzer community, spoke to the commissioners and audience
68 about the current water management practices of the Pocosin Lake Wildlife Refuge and how it is
69 affecting surrounding landowners. Mr. Gelderman stated that the Pocosin Refuge is proposing to
70 construct a dyke that will contain water on the refuge and maintain wildlife habitat. Surrounding
71 landowners are concerned that in events of excessive rain, there will be overflow onto their properties
72 will damage cropland. Mr. Gelderman provided maps of the properties involved and the maps for
73 Watershed #1 dated 4/16/1993 as exhibits. He also requested that Hyde County pass a resolution
74 opposing all new flooding on the Pocosin Lake Wildlife Refuge that is not included in their water
75 management plan and that the refuge abide by the guidelines of the water management plan prepared
76 by the USDA-Soil Conservation Service. He presented the request in writing, along with signatures
77 from concerned landowners and citizens in the area. Commissioner Fletcher moved that the Board
78 adopt a resolution as per Mr. Gelderman's request and send the resolution to the Governor, Hyde
79 County's congressmen and representatives, and the Pocosin Lakes Refuge manager. Commissioner
80 Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell,
81 Simmons and Swindell; Nays – None.
82

83 **Pungo District Hospital Funding Request**

84 Dr. Charles Boyette and Beaufort County Commissioner Hood Richardson spoke about recent efforts
85 to acquire title to Pungo District Hospital from Pantego Creek, LLC. Dr. Boyette appealed for the
86 support of Hyde County to work together with the entire service area to make the hospital re-opening a
87 reality. Dr. Boyette stated that there is a Florida-based hospital that has expressed interest in assisting
88 with re-opening the hospital. Grant funding in the amount of \$400,000 is being sought from the NC
89 Department of Commerce for up-fit purposes. A total of \$649,000 is needed to re-open the hospital
90 and a certificate of need would need to be issued by the Department of Health and Human Services.
91 Hood Richardson stated that they would like to officially request that Hyde County loan the supporters
92 of the hospital \$300,000, which is needed immediately for start-up. He further stated that the \$300,000
93 would be repaid when the \$400,000 grant funds were received. Attorney Fred Holscher had been
94 asked to research documentation, legality and funding requests at the June 1 Board of Commissioners
95 meeting. Mr. Holscher reported tonight that based on his conversation with the School of Government,
96 he has concerns about the legality of the loan request. Commissioner Swindell asked how much has
97 Belhaven invested. Mr. Richardson responded that Belhaven is providing \$200,000 in unrestricted
98 funds. Commissioner Simmons asked if any supporters have provided financial support. Mr.
99 Richardson stated that many funding sources are being sought.
100

101 Commissioner Pugh moved that if it is determined that the county can legally lend the \$300,000,
102 public support for the decision be sought via a referendum. Commissioner Fletcher seconded the
103 motion. After discussion of the cost of a referendum, Commissioner Pugh withdrew his motion and
104 Commissioner Fletcher withdrew his second. Commissioner Fletcher motioned that the commissioners
105 vote yes or no in favor of loaning \$300,000 to supporters of Pungo District Hospital if determined to
106 be legal. The motion was denied on the following vote: Ayes-None; Nays-Fletcher, Pugh, Tunnell,
107 Simmons and Swindell.
108

109 **Employee Recognition:**

110 Kris Noble commended Rosemary Johnson, Planning Assistant for her job performance during
111 the past year. Ms. Johnson has just completed one year of service. Ms. Noble stated that Ms.
112 Johnson has been a valuable addition to her department. Ms. Johnson spun the Wheel of
113 Thanks and won a \$25.00 gift certificate to Swan Quarter Equipment Company.
114

115 **Public Comment:**

116 Chairman Swindell called for comments from the public.
117

118 **Claudia Horwitz** - Ms. Horwitz requested that the Commissioners consider lowering the decibel level
119 requirement on the noise ordinance stating that 70 decibels is too loud.
120

121

122 **Amy Johnson** – Ms. Johnson expressed concern about the recent scabies outbreak on Ocracoke.

123 She stated that the outbreak has caused the Ocracoke Child Care to close until March 2016.

124

125 **Sean Death** - Mr. Death is recommending revisions to the existing noise ordinance. He recommends
126 that after 10:00 PM, the maximum decibel level be 62. Mr. Death obtained signatures in support of this
127 suggestion from adjacent neighbors to his property, the Ocracoke Bar & Grille. Mr. Rich requested a
128 copy of the revised ordinance and signatures.

129

130 **Eunice Williams** – Ms. Williams requested the Board reconsider their decision regarding the Pungo
131 District Hospital fund request.

132

133 **Items of Consideration:**

134

135 **Resolution:**

136

137 **Support for Congressional Legislation**

138 Manager Rich presented a resolution in support for congressional legislation of Senate Bill 1648, the
139 “Rural Emergency Acute Care Hospital Act”. This act allows emergency medical services in rural
140 areas without the requirement of inpatient beds. Commissioner Fletcher moved to adopt the resolution
141 in support for congressional legislation of Senate Bill 1648. Commissioner Simmons seconded the
142 motion. The motion passed on the following vote: Ayes: Fletcher, Simmons, Swindell, Tunnell and
143 Pugh; Nays - None.

144

145

*Clerk's Note: A copy of “Resolution Supporting Congressional Legislation of Senate Bill 1648” is attached herewith
as Exhibit A and incorporated herein by reference.*

146

147

148

149

Appointment

150 Sharon Sadler, Hyde County Vice President of the Southern Albemarle Association requested the
151 commissioners approve a list of nominees to be submitted to the Southern Albemarle Association.
152 Commissioner Pugh moved to approve the list of nominees for the Southern Albemarle Association.
153 Commissioner Fletcher seconded the motion. The motion passed on the following vote: - Ayes:
154 Fletcher, Pugh, Simmons, Swindell and Tunnell; Nays: - None.

155

156 **Ocracoke Noise Ordinance**

157 Will Doerfer has gathered and reviewed noise ordinances from other counties (Dare, Currituck, Bald
158 Head Island) and compared them to the current noise ordinance for Ocracoke. Mr. Doerfer suggested
159 that the level of 70 decibels specified in the current ordinance remain in effect up to 10:00 PM, and the
160 Commissioners work to determine a decibel level to be considered for the hours after 10:00 PM.

161

162 **Hurricane Irene Hazard Mitigation Program (HMGP) Project Budget Ordinance**

163 Kris Noble requested approval for the Hurricane Irene Hazard Mitigation Program (HMGP) project
164 budget ordinance. The Federal Emergency Management Agency (FEMA) approved the amendment to
165 the HMGP 4019-0023 grant for the elevation of (5) residential structures for Hyde County. This
166 amendment adds an additional \$81,000 of federal and state funds to the project, raising the total project
167 cost from \$319,288 to \$400,288. There is no cost to Hyde County for the amendment. The increase is
168 reflected in the attached Project Budget Ordinance. Commissioner Pugh moved to approve the HMGP
169 Project Budget Ordinance as presented. The motion was seconded by Commissioner Fletcher. The
170 motion passed on the following vote: Ayes: - Pugh, Fletcher, Swindell, Simmons, Tunnell; Nays: -
171 None.

172

173

*Clerk's Note: A copy of the “Hurricane Irene Hazard Mitigation Program (HMGP) Project Budget Ordinance” is
attached herewith as Exhibit B and incorporated herein by reference.*

174

175

176

177 **NC Building Reuse Grant Application for New Holland Properties, LLC**

178 New Holland Properties, LLC has requested Hyde County to apply for a Business Reuse Grant with
179 the NC Department of Commerce on its behalf. The NC Building Reuse Grant provides funds to local
180 governments to renovate vacant buildings. New Holland Properties, LLC has recently purchased the
181 property formerly known as “Phillip’s Place” located at 23145 US Hwy 264, Swan Quarter. The
182 business will be branded under the name “Outpost Mattamuskeet” and will house the operations of
183 Dare to Hyde Adventures. Dare to Hyde Adventures specializes in custom created outdoor adventures
184 including bear hunting, guided duck hunts, offshore charter fishing and wildlife viewing. Phase I plans
185 for the property include complete renovation of the 10 motel rooms as well as minor upgrades to the
186 vent facility. Phase 2 of the project will renovate 3 other buildings on the property, including the
187 historically significant Civilian Conservation Corp. building. New Holland Properties, LLC has

188 requested \$60,000 to do the renovations. The County will be required to contribute at least 5% of the
189 cash match, or \$3,000.00. The county will get return on its investment through occupancy tax. The
190 LLC plans to hire 6 full time positions once the renovations are complete. Commissioner Pugh moved
191 to approve the Building Reuse Application for New Holland Properties, LLC. Commissioner Fletcher
192 seconded the motion. The motion passed on the following vote: Ayes: - Pugh, Fletcher, Swindell and
193 Tunnell; Nays: - None. Commissioner Simmons abstained from the vote.
194

195 **Leases for the Hyde-Davis Center**

196 The County is in the process of negotiating two lease agreements with Beaufort County Community
197 College and Beaufort-Hyde-Martin Library for space in the Hyde-Davis Center. BCCC plans to use
198 the leased space to provide online continuing education classes and Certified Nursing Assistant
199 training classes/laboratory. BHM Library plans to operate a full-service library. The leases will be rent-
200 free for one year, with an option to renew for an additional 5-year term, rent free. Ms. Noble requested
201 approval of the leases and authorization to negotiate modifications to the leases if applicable. The
202 commissioners noted that they have a problem with the liability insurance limits specified in the lease
203 contracts. They requested that Mr. Rich look into the matter further and tabled the approval until the
204 October meeting.
205

206 **Report – Special Assistant Will Doerfer:**

207 Will Doerfer, Special Assistant to County Manager Bill Rich, presented report on projects he began
208 during the month of August. Mr. Doerfer has been working on several projects and attending various
209 functions. Activities include the Ocracoke EMS site project, the Waterways Commission, the
210 NCACC Conference and spearheading a community gardens project with the Hyde County Extension
211 office.
212

213 **Ongoing Projects Update:**

214 Bill Rich provided updates on the following ongoing projects:
215

216 **Pungo District Hospital**

217 Matters concerning the Pungo District Hospital were covered earlier in the meeting.
218

219 **EMS Site**

220 Discussion continued regarding the selection of a permanent EMS location in Ocracoke. It has been
221 narrowed down to two locations, 270 Back Road (Bertha O’Neal property) and Hwy 12 (790 Irvin
222 Garrish Hwy property owned by Sandra O’Neal). The owner of 270 Back Road is willing to finance
223 with an option to purchase in 3 years. Commissioner Pugh moved that 270 Back Road be selected as
224 the permanent EMS location and that the County enter into a contract with Bertha O’Neal to lease the
225 property. Commissioner Fletcher seconded the motion. The motion passed on the following vote:
226 Ayes: - Pugh, Fletcher, Simmons, Swindell, Tunnell; Nays: - None.
227

228 **Priority Pass**

229 County Manager Rich reported that the proposed \$150.00 fee for priority boarding passes for non-
230 residents (Senate Bill 540) will not be included in the State budget.
231

232 **Passenger Ferry Public Hearing**

233 Mr. Rich reported that the passenger ferry public meeting went well.
234

235 **Federal Grant 7.2**

236 No Report.
237

238 **Hatteras Inlet**

239 See Mr. Fletcher’s comments.
240

241 **NCACC**

242 Mr. Rich reported a good session.
243

244 **Sales Tax/Occupancy Tax**

245 No Report.
246

247 **Maurice Ballance Road-Ocracoke**

248 Mr. Rich stated that DOT will be taking over the maintenance to the Maurice Ballance Road on
249 Ocracoke.
250

251

252

253 **Soundside Access:**

254 Mr. Rich reported that the meeting with Dave Hallac of the National Park Service went well. Mr.
255 Hallac was very receptive to county representatives regarding proposed sound side access.

256

257 **Noise Ordinance:**

258 The noise ordinance was discussed earlier in the meeting.

259

260 **Topics of Concern:**

261 Commissioner Fletcher discussed several concerns:

- 262 • Hatteras Shoaling- Mr. Fletcher wants to create a unified plan with Dare County and state and
263 federal government to better coordinate control of Hatteras Inlet.
- 264 • Beach Access Report-No report
- 265 • Fire Lane on Ocracoke-Mr. Fletcher would like to check on fire service regulations
- 266 • Scabies in Ocracoke School and Day Care-work to find solution.
- 267 • School Report Cards-Mr. Fletcher expressed concern about letter grades assigned to public
268 schools based on evaluations by the state. Mr. Fletcher noted that Mattamuskeet Elementary
269 received a B grade, Mattamuskeet Middle School received a C grade, and Mattamuskeet Early
270 College High School received a D grade. He commented that kids in Hyde County deserve to
271 have a decent education.

272

273 **Budget Revisions:**

274 County Manager Rich presented one budget revision for Board approval.

275

276 Commissioner Fletcher moved to approve the Hyde County Health Department's request to transfer
277 \$330.00 from postage, travel, advertising, office and department expenses to fund the salary and FICA
278 taxes for the part-time nurse on Ocracoke to participate in serving the county's WIC clients.

279 Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes –
280 Fletcher, Pugh, Tunnell, Simmons, and Swindell; Nays – None.

281

282 **Management Reports:**

283

284 **Commissioner Fletcher** – Stated that he would like to see slot machines installed on the ferries.

285

286 **Commissioner Pugh** – Attended the Blacklands Management tour, 4-H conference, "Stepping Up",
287 met with Governor McCrory, the IOMAX testing at the Engelhard airport and the Ocracoke Fig
288 Festival.

289

290 **Commissioner Tunnell** – Attended the County Security Task Force meeting.

291

292 **Chairman Swindell** – Will be the welcome speaker at the upcoming Relay for Life and attended the
293 Health Department meeting.

294

295 **Commissioner Simmons** – Attended the first Mattamuskeet football game of the season.

296

297 **Manager Rich** – Informed everyone that Lois Stotesberry will be undergoing surgery on September 9.
298 Mr. Rich will be the guest speaker at the upcoming Hyde Chamber Issues Luncheon on September 17.

299

300 **Public Comments:**

301

302 Chairman Swindell called for comments from the public.

303

304 **Connie Leinbach** – Commented about the building reuse grant application for New Holland
305 Properties, LLC, and the Pungo District Hospital funding request. She also commented that she
306 thought that a task force should be formed for the scabies outbreak on Ocracoke.

307

308 **Closed Session:**

309 There was no closed session held.

310

311

312

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318

319 **Adjourn:**

320 Commissioner Fletcher moved to adjourn the meeting. Mr. Tunnell seconded the motion. The motion
321 passed on the following vote: Ayes: – Fletcher, Pugh, Tunnell, Simmons, and Swindell; Nays: – None.

322

323 The meeting adjourned at 8:40 p.m.

324

325 Respectfully submitted:

SEAL

326

327 Minutes approved on the 5th day of October, 2015.

328

329

330

331

332 _____
Rosemary O. Johnson

333 Deputy Clerk, Hyde County Board of Commissioners

334

335

336 Attachment:

337

338 Exhibit A: "Resolution Supporting Congressional Legislation of Senate Bill 1648"

339

340 Exhibit B: "Hurricane Irene Hazard Mitigation Program (HMGP) Project Budget Ordinance"

Barry Swindell
Chair, Hyde County Board of
Commissioners

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: October 5, 2015
Presenter: Beverly Paul, Director, Hyde County Transit
Attachment: Yes

ITEM TITLE: PUBLIC HEARING – RURAL OPERATING ASSISTANCE PROGRAM – _____

SUMMARY: The Rural Operating Assistance Program (ROAP) is a state-funded, public transportation grant program administered by the N.C. Department of Transportation Public Transportation Division. ROAP consists of 3 individual programs which includes the Elderly and Disabled Transportation Assistance Program (EDTAP), the Employment Transportation Assistance Program (EMPL), and the Rural General Public (RGP) Transportation Program.

Ms. Paul is asking the Board of Commissioners to support the attached Grant Resolution with the recommended allocations.

RECOMMEND: Conduct Public Hearing.

Motion Made By: Barry Swindell
(Open) Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Made By: Barry Swindell
(Close) Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

FY14-15 Rural Operating Assistance Program Summary

The Rural Operating Assistance Program is a public transportation funding grant that Hyde County has been a recipient of since the creation of Hyde County Transit in 1987. The grantor is the North Carolina Public Transportation Division. The grant has three funding components: Elderly & Disabled Transportation Assistance Program, Employment Transportation Program, and the Rural General Public Program.

The Elderly and Disabled Assistance Program (\$41,225.02) serves the needs of county residents that are over the age of 60 or more, and residents who have a physical or mental impairment that substantially limits a major life activity. The EDTAP program requires no local match. This funding program was utilized in FY14-15 to provide the following transportation:

Mattamuskeet Senior Center (\$13,907.28) – In FY14-15, Mattamuskeet Senior Center utilized their sub-allocation to provide public transportation for their participants to and from the Senior Center as well as senior health fairs and other activities. Hyde County Transit provided 2,704 passenger trips for the Senior Center program.

Ocracoke Program (\$7,752.13)- In FY14-15, Hyde County Transit sent a vehicle to Ocracoke Island to provide 2 trips per month to the Outer Banks so elderly or disabled residents could obtain their necessary provisions. This is particularly beneficial for the Island residents during the summer months when traffic is at its most congested levels and the families of the elderly and disabled are working long hours during the peak season. In FY14-15, Hyde County Transit performed 459 EDTAP passenger trips.

Hyde County Transit (\$19,565.61) – HCT utilized their sub-allocation to provide in-county as well as out-of-county transportation services for employment access and general transportation needs. In FY14-15, HCT provided 2,505 passenger trips to destinations in-county as well as Belhaven, Washington, Greenville, and the Outer Banks. While our elderly and disabled residents prefer to keep trips as local as possible, they have to access out-of-county transportation services in order to pick-up medications, clothing, and other supplies or that we do not have available within our county.

Rural General Public Program (\$38,709) – In FY14-15, Hyde County Transit utilized \$3,998 from this program to serve as local match requirements for the Job Access Reverse Commute Program. HCT provided a total 1,338 passenger trips for employment access in FY14-15. With the remaining funds, Hyde County Transit provided in-county and out-of-county services to residents for 4-H activities, to visit local government offices and organizations, shopping, to attend local community events and meetings, and to provide connection service to other forms of public transportation such as commercial buslines.

Employment Transportation Program (\$4,756) - This program is intended to provide employment transportation service for individuals that are transitioning off the DSS Work First Program and low-income or disadvantaged general public passengers. The program also provides service to the

Employment Security Commission, Job Fairs, and certain employment training opportunities. The program funds were utilized to fulfill the local match requirements for the Job Access Reverse Commute (JARC) Grant.

FY15-16 Rural Operating Projected Services

Total ROAP Allocation - \$84,967

EDTAP Sub-Allocations – (\$42,247) Increased \$ 466 from FY14-15 Allocation

Mattamuskeet Senior Center- \$15,000- Reflects a \$1,072.72 allocation increase from FY14-15 expenditures. Proposed services changes have included selecting certain days of the week for outlying areas participants until the number of participants from that area increase.

Ocracoke Program - \$7,800 - Reflects a \$47.47 allocation increase from FY14-15 expenditures HCT is planning on outposting a vehicle on the island for the Medical Express Program. This will also increase awareness and ridership for other services such as the EDTAP program.

Hyde County Transit – \$19,447- Reflects a \$118.61 allocation decrease from FY14-15 actual expenditures.

Sub-allocations recommendations were based on previous fiscal year's expenditures. Services will include in-county and out-of-county services as was performed for FY14-15.

Rural General Public Program – (\$38,469) Decreased \$240 from FY14-15 Allocation

Provides in-county and out-of-county transportation for residents. HCT will also apply some of the allocation towards the local match requirements of the Job Access Reverse Commute Grant that will enable residents to get to and from work.

Employment Transportation Program – (\$4,251) Decreased \$505 from FY14-15 Allocation

HCT will utilize these funds for the local match requirement for the Job Access Reverse Commute Grant for residents to get to and from work.

Hyde County Transit performed 13,301 passenger trips in FY14-15

Senior Services 60+/Disabled	5,209	39%
Rural General Public	4,747	36%
Employment	1,338	10%
Medical Access	796	6%
Ocracoke Services	605	Age 60+ 459 /RGP 146
Community Services	264	
Cooperative Extension	156	
Private Pay	<u>40</u>	
Total	13,301	

CERTIFIED STATEMENT
FY2016
RURAL OPERATING ASSISTANCE PROGRAM
County of Hyde

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipients of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP State Management Plan. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

WHEREAS, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2015 to June 30, 2016 regardless of the date on which ROAP funds are disbursed to the county.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Hyde North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips for at least five years that prove that an eligible citizen was provided an eligible transportation service on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state and federal guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips provided throughout the period of performance.

- The county will only use the ROAP funds to provide trips when other funding sources is not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2016 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county will provide an accounting of trips and expenditures in a semi-annual report and a final year-end report to NCDOT – Public Transportation Division or its designee.
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY2016 Rural Operating Assistance Program funds:

State-Funded Rural Operating Assistance Program	Allocated	Requested
Elderly & Disabled Transportation Assistance Program (EDTAP)	42,247	42,247
Employment Transportation Assistance Program (EMPL)	4,251	4,251
Rural General Public Program (RGP)	38,469	38,469
TOTAL	84,967	84,967

Bill

Corrine

WITNESS my hand and county seal, this _____ day of October, 2015.

Signature of County Manager/Administrator

Signature of County Finance Officer

Printed Name of County Manager/Administrator

Printed Name of County Finance Officer

State of North Carolina County of Hyde

County Seal Here

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

Meeting Date: **October 5, 2015**
Presenter: **County Manager Bill Rich**
Attachment: **No**

ITEM TITLE: **EMPLOYEE OF THE MONTH**

SUMMARY: Manager Bill Rich will announce the Employee of the Month.
The employee will spin the “Wheel of Thanks.”

RECOMMEND: **Congratulations.**

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

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

Vote: ___ Barry Swindell
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher
 ___ Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: **October 5, 2015**
Presenter: **Citizens**
Attachment: **Yes**

ITEM TITLE: **PUBLIC COMMENTS**

SUMMARY: Citizens are afforded an opportunity at this time to comment on issues they feel may be of importance to the Commissioners and to their fellow citizens.

Comments should be kept to (3) minutes and directed to the entire Board, not just one individual Commissioner, staff member or to a member of the audience.

Time for one person cannot be used by another person.

Comments that reflect the need for additional assistance will be directed to the County Manager or referred to a future meeting agenda.

RECOMMEND: Receive comments.

To whom it may concern,

September 16, 2015

My husband and I have spent our last three anniversaries on Ocracoke. We were referred to Oscar's House by a friend who had been staying there for years. We actually live near the beach in Wilmington, North Carolina, and were looking for a place where we could completely unplug. We wanted quiet, peaceful, and calm. As much as we love our home, it is not that kind of town. So we were thrilled when we got to Oscar's and were able to realize our dream of the perfect getaway. Ocracoke represents for us, the place where everything stops! We don't work, we can ride our bikes to dinner, sit on a quiet beach, and at the end of the day, with not even a street light, when can turn in and get a great nights sleep in our lovely room at Oscar's.

This year we came for our anniversary like the last couple of years. We were thrilled to check in and get on our bikes and let our hectic lives stay back on the mainland. After our first dinner, we returned to Oscar's to turn in for the night. Suddenly, we realized the quiet was gone from our perfect retreat spot. Not only was there loud music playing late into the night, but it sounded like there was a party in the street! People were screaming and laughing and I felt like I was in New York City again...not Ocracoke!!

This went on for our entire stay. It became stressful because we knew when we were going to go to bed, we were going to be subjected to what sounded like a frat party every night. One night at about 1 am, it sounded like a person was screaming in distress! I got concerned until I heard laughter shortly after. Now, I used to live in NYC, and that's where you are concerned about your car getting broken into..not Ocracoke! We just bought a new vehicle and I lay there an night hoping against hope that my car would either not get broken into, or that some drunk person wouldn't hit it with his car!

We adore Ocracoke, and we have cherished our time at Oscar's. We desperately need the time to recover from a year of very intense work schedules. It breaks my heart to think that this very special and rare quiet place is about to turn into just another Myrtle Beach with screaming drunks and loud music right outside our window. The locals are very proud that they have been able to uphold all the Ocracoke represents and it sickens me to think that this bar is going to be allowed to ruin the whole mystique. Please think hard on this. If I want an all night environment, I'll stay home! Why should anyone travel by car and then ferry to get to a place that's just as stressful as the one they're taking a break from?

Thank you,

Robin Macek

Claudia Horwitz
claudiahorwitz@gmail.com
919/225-8399
P.O. Box 623, Ocracoke NC 27960

Hyde County Board of Commissioners
Hyde County Manager
Hyde County Attorney

September 21, 2015

Dear all,

Thank you for all of the work you do on behalf of the citizens of Hyde County. I am writing to ask that you please take Ocracoke's unique culture and the well-being of all of its citizens into account when determining what to do about the noise ordinance.

I have been coming to Ocracoke for over 20 years and am a five-year seasonal employee at Oscar's House. Now I am becoming a long-term resident. I have volunteered with the Ocracoke Preservation Society and our community radio station, WOVV. I am inspired by the island's people and culture. I have seen it at the square dance on July 4th, the annual Christmas pageant, concerts at Deep Water Theatre, and late-night jams during OcraFolk. I feel it in interactions with tourists who visit the B&B, business owners, artists, naturalists, retired folks, elders and all those who make this place what it is. I am committed to the health and well-being of Ocracoke!

For us, island life is very compromised right now from ongoing noise coming from the Ocracoke Bar and Grille across the street from us. Imagine if someone showed up in front of your house, plugged a boom box into an amplifier, and played loud music. Then the next night, they did it again, and the night after that, and on and on. I think you and your families would be frustrated. That's what life is like here now. And, later in the evenings when folks have had more to drink there is loud partying. (It is not, as was suggested at the September Commissioner's meeting, just hollering from the traffic on the street.) I would invite you to come spend a night at Oscar's House and experience the disruption for yourselves. We have a steady stream of complaints from guests which is not good for business, to say the least.

There must be a solution that will work for everyone. I would like the Grille to succeed. But business owners need to remember they live and work within a larger community. I hope and trust that you all can find a noise ordinance that will protect the island's quiet and peace that so many people come here to enjoy, while still enabling people to make their businesses profitable.

Thank you for listening.

Sincerely,



Claudia Horwitz

Linda Mayo Willis, Ph.D.

September 22, 2015

Hyde County Commissioners
County of Hyde
30 Oyster Creek Road
Swan Quarter, NC 27885

Dear Commissioners Tunnell, Pugh, Simmons, Swindell, and Fletcher,

I am writing this open letter to register with the all the members of the Hyde County Commissioners, the Hyde County Manager, and Hyde County Attorney, the atrocity of the current situation regarding the enforcement of the noise ordinance, or in actuality, the lack of enforcement of this ordinance, on Ocracoke in the business district located on the Irwin Garrish Highway.

From 2002 to 2012, I lived in Ocracoke serving the community as a teacher employed by Hyde County Schools. The back yard of my property shared a boundary with a motel parking lot that on many summer weekends grotesquely transformed into a loud, raucous party space. I often called the sheriff's department to request that the deputies police the area and restore the peace. My house was also located adjacent to Highway 12 near the South Ferry docks right down the street from the open-air bar, S'MacNally's. During this ten-year time frame, live musical performances at S'MacNally's occurred frequently and the bar's management was consistently conscientious about turning down the volume or actually ending performances by 10 pm. This course of action, in my view, was respectful of the residents living in the surrounding neighborhood and the tourists spending the night across the street from the bar at the Anchorage, one of the larger hotels on the island.

Not all proprietors shared this neighborly value. Or perhaps they were simply disinclined or unable to control the behavior of guests patronizing their establishments. The most disturbing example of out-of-control, loud and potentially dangerous behavior occurred several years ago when my young granddaughter and I went out my back door to gather vegetables from my garden and witnessed a tourist standing on the railing of his second floor motel room balcony screaming repeatedly at the top of his lungs, "It is time to take this party to the next level." We saw open beer cans everywhere, visible evidence of drug use, and heard loud music blaring from motel rooms that evening like a bad soundtrack for a grade B movie. I quickly took my little granddaughter back inside my house and called the sheriff's department to summon assistance. I was deeply concerned that the party animal described above was about to harm himself by falling off the balcony rail. Imagine commissioners trying to explain to your grandchild the follies and foibles of adults displaying an utter lack of regard for themselves or their neighbors in broad daylight. Then accompany your explanation with a plausible reason why little children are not allowed to play in their grandmother's back yard while questionable, inappropriately sexually suggestive music blares across property boundaries.

I now live and work on the mainland continuing in my employment with Hyde County Schools as Director of Student Services and Grants. In this capacity I travel

Linda Mayo Willis, Ph.D.

frequently to Ocracoke to support the LEA's Ocracoke School personnel and many grant funded program services. When I am on the island I generally stay overnight at the Thurston House Bed and Breakfast. The noise emitted from the screened porch open air bar next door operated by Shawn Death before 10 pm prevents me from sitting outside on one of any number of the inn's lovely porches. After 10 pm the constant noise emanating from very loud music streaming from Mr. Death's bar consistently disturbs my sleep.

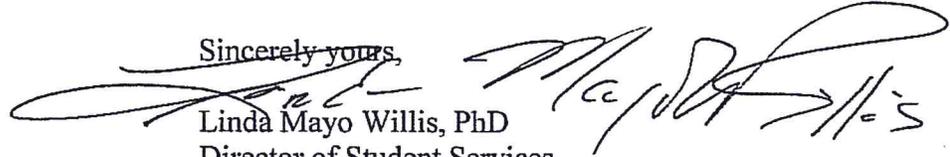
While I recognize I could simply stay at another hotel, I love staying in this beautiful old family home surrounded by genuine hospitality from a long established island family. I even remember old Captain Thurston taking me out on his boat many years ago. Many of the Gaskins family members currently helping Mrs. Donna Gaskins Boor to operate the inn are graduates of Ocracoke School and now have a significant number of a new generation of grandchildren, nieces, nephews, and cousins enrolled across the grade levels in Kindergarten through Grade 12. It is a family and school connection I deeply cherish on an island I have loved all my life.

I entreat Commissioners Pugh, Tunnell, Fletcher, Simmons, and Swindell to consider carefully the impact that an unrealistic and unevenly enforced noise ordinance has on the quality of life for Ocracoke residents and tourists alike. Not everyone visits Ocracoke to participate in a continuous party loop consisting of days and nights filled with loud music buoyed by an over-consumption alcohol with the intention of engaging in outrageous, socially inappropriate behavior that often accompanies alcohol and recreational drug use.

As a member of the Hyde County community now residing on the western shore of the Pamlico Sound, I dare say this type of behavior would not be tolerated on the mainland in any one of the villages on a nightly basis. Therefore Commissioners, can you explain to me why is it acceptable for this to happen on Ocracoke, the economic engine of the county?

My best wishes to each of you as you find a way to do the right thing and restore some peace and quiet to the historic neighborhoods coexisting with hotels, bars, shops and restaurants comprising the main business district of an old island community venerated by tourists and residents alike for its charm and beauty.

Sincerely yours,



Linda Mayo Willis, PhD
Director of Student Services
Hyde County Schools

Cc: sarah.johnson@hydecountync.gov

To

Hyde County Commissioners and County Manager

I recently sent a letter, hoping to help with comments on the issue of noise on Ocracoke. I have a few more remarks I'd like to make. I am a native of the island and have watched with awe and excitement as this little village has blossomed into a tourist destination. Most of the villagers, myself included have all been helped financially one way or another by the tourist industry. We see the advertisements for our island as a peaceful little fishing village. I for one would love to see it continued as a quiet place to live. Please don't let a few people change our way of life. Do you think most families that come to the island want any noise from bars and such after 10 pm? I would think not. If people want to holler and make noise after 10 pm do so indoors.

Sincerely

Marlene Gaskins Mathews

September 21 2015

TO: The Hyde County Manager, Commissioners and Attorney

RE: **The Ocracoke Noise Ordinance**

I understand that you will soon be defining the Ocracoke Noise Ordinance, and I recognize how difficult that may be for you since most of you do not live in Ocracoke. With that in mind, I offer the following information in hopes it may bring the situation 'closer to home' for you.

Imagine you lived in Ocracoke in the house your grandparents built, or perhaps in a retirement house you and your spouse saved for years to buy. Knowing that the lack of zoning in Ocracoke allows business and residential buildings to be next to each other, imagine now that a bar opens next to your house, and that the bar has an outdoor music venue. As things stand now, the outdoor music can go on until 10pm as long as the sound does not exceed 70dB at the edge of the bar property. *70dB is a level of sound the human ear cannot filter out.*

The businesses making disturbing noises in Ocracoke are usually bars. The bars have music to attract customers who drink, since the purpose of a bar is to sell alcohol. The foundation question then is this: ***does one business owner have the right to disturb the surrounding neighbors in order to make a profit selling alcohol?***

I know you are aware that the majority of Ocracoke's summer visitors are families, and in spring and fall, they are largely older people. Ocracoke is not a "party island". One reason Ocracoke is a desirable vacation spot is precisely because it is quiet. (What a change from the environments in which so many people live and commute!)

Who will stand for Ocracoke, for the village described as "quaint" and "charming"? Please, let it be you. I ask you to let the noise ordinance of a ***small island community reflect that we expect businesses to be good neighbors, respectful of the community in which they operats.***

With respectful thanks for your thoughtful consideration,

Anne Loughrey

loughreyanne@hotmail.com

Hi Sarah...I understand that this week is a public comment review period regarding the Ocracoke Noise Ordinance....I have written you once, but want to reiterate my position. The Ocracoke community is very small with the downtown area especially dense, businesses and residences all mixed in together....the voters of Ocracoke have twice mandated that this is the way we want it, with no defined zoning. I support that position. Bearing that in mind, we must act now to protect the families and property owners that reside in the village by defining, enacting and enforcing a Noise Ordinance that drops the decibel level before 10pm and confines it completely after 10pm. The current ordinance states that noise cannot cross your property line after 10pm...this seems perfectly reasonable, clear and enforceable to me. From an enforcement standpoint, if the sheriffs are making their rounds after 10pm and they hear noise coming from inside an establishment, then they are in violation...what could be easier?

It is inconceivable to me that the County Commissioners would not feel an obligation to settle this once and for all for the good of the community as a whole. There are maybe five businesses on Ocracoke that provide outdoor music to their customers. While I respect their need to provide entertainment during some evening hours, it is profoundly unfair when this infringes on the rights of **all** other businesses and residents, to the extent that normal life, such as watching tv or going to bed, is impossible. To stress this point, please know that on some summer evenings, I can personally hear three different establishments at the same time in my bedroom....this situation needs to be dealt with NOW. We love our island life and want to protect it, please help us.

Sarah, I ask that this letter be made part of a public record, and that copies are forwarded to all the County Commissioners for review at the upcoming meeting.

Many thanks to you,
Debbie Wells, resident, property and business owner on Ocracoke for 37 years.

To whom it may concern,

I attended the September county commissioners meeting and have comments that I want to share about an item on the agenda. After the meeting ended, I rode my bike home. As I rode past the Ocracoke Bar and Grill, I could hear the amplified live music. When I was on the road just in front of Oscar's House the music was "loud" to my ears, way louder than conversation or any air conditioner. It was about 8:30 pm. I would be unhappy if this was my regular evening background sound. It seems a poor venue for this level of music with no effort on the part of the owners to contain or muffle the sound output.

There is also music at Dajio which is another venue that is close to many residential and rental accommodations. Riding past Dajio when there is live music, I perceive the sound as quiet. Dajio is further from the road, there are lots of sound absorbing plants on the patio adjacent to the stage and a substantial brick wall around the patio.

- Elizabeth Dyer

To Sarah Johnson (and Hyde County Commissioners):

I am writing to state my concern with the noise issue/decibel level allowable in Ocracoke. As a resident of 16 years and one of many who deeply value the easy-going, quiet charm of our village, I am concerned with the amount of noise that is generated by some eating/drinking establishments (and sometimes individuals partying in rental houses or on the streets), particularly after 10pm.

Given the closeness of commercial and residential properties to one another here, it is essential that that reality be taken into account when setting limits on noise levels here. I understand that 60 Db is the limit for some other towns and that 45 Db is deemed "enough to wake up a sleeping person." As of now, it is 70 Db until 10pm in Ocracoke, which seems too high, and the limit after 10pm is not addressed in decibel levels (only that you may not make noise that carries beyond your own property lines).

To avoid disputes and lack of clarity, I suggest 60 Db be adopted as the noise limit until 10pm, and lower than 45 Db after 10pm. I hope you will take this under consideration at your next meeting on October 5th.

I will very much appreciate your forwarding this letter to all Commissioners, the County Manager and Assistant Country Mgr, and the County Attorney.

With thanks,

Felicity Gage
resident and property owner, Ocracoke NC

9.25.15

Dear Hyde County Commissioners, County Manager and Assistant Manager, County Attorney, and Hyde County Sheriff:

Thanks for everything you are doing to study and focus on a Noise Ordinance for Ocracoke that is fair to residents and businesses. I am writing to give you a small picture of the last three weeks at my Bed and Breakfast house, located less than 40 feet across the street from Ocracoke Bar and Grille on Hwy 12.

- 1) Over Labor Day weekend some regular customers booked all my rooms for a workshop. On Friday night of the weekend they purchased a lot of Thai food to enjoy eating on a private little outdoor deck area I have in the B&B back yard. Music from the Bar across the street started up and it became impossible for them to continue eating and enjoying their workshop outside.
- 2) The next week after Labor Day, some guests arrived after 7pm to check into the B&B. I saw them pull up, went outside to welcome them, but the music from O. Bar and Grille was too loud for me to speak with them **in my own front yard**. They were elderly. I had to ask them to step inside to welcome them to the island and the B&B.
- 3) This past week a very old and dear friend of mine passed away in Raleigh. I was unable to talk on the phone with other friends unless I went into the bathroom of my apartment where I live across the street from O. Bar and Grille! I also could not sleep with people screaming.. Noise did not end at 10 pm, but continued until 2 am, not music, but the noise of screaming and laughing. This noise was from bar patrons, not people walking by.
- 4) I continue to be unable to work in my yard or garden, or sit on my back deck and read because the noise from O. Bar and Grille

makes reading impossible, and sometimes talking also. The wind carries the sound and sweeps it through my property. My B&B guests are also denied this usage of the property.

With the previous Hyde County Noise Ordinance we had quiet from 10 pm- 7am.. We NEED this again. After 10 pm music and partying need to move INSIDE to **buildings with walls**, so that residents may sleep. I may be old-fashioned but I still believe that Ocracoke has strong community and family values, and believe our Commissioners do too. We already have many outdoor music venues. When 3 or 4 have music at the same time, many residents can hear them all inside their homes, as well as outside where they might like to have a cookout or visit on their porch.

We will kill many old ways of communicating here on the island: porches, walking around and visiting, cooking out in yards, and more... if we cannot see the value of these activities and act to protect them. Are there more bars in our future? I believe that I should have the right to enjoy my own property, inside the house and out, when I have worked my entire adult life to pay for it.

Isn't this what a Noise ordinance protects?

I pray that you will all see the need to lower the DB level before 10pm to 60 DB (standard for residential neighborhoods).. All of our music venues are small rooms that simply do not need this 70db volume for **their** patrons to hear the musicians. They can lower the volume so the adjacent neighborhoods do not also have to hear..

And second, Please let's preserve the quiet after 10 pm. I am also a minister and last week had an early wedding and wanted to go to sleep before 10pm to be rested for the wedding. This was IMPOSSIBLE with the noise from O.Bar and Grille. It does not seem right to me that one

business affects the rights of so many others to earn a living or go to sleep in our own homes. I hope you will support the full community of Ocracoke with your actions to quiet things down.

Since the O. Bar and Grille received a citation for continuing to play amplified music after 10 pm, we have been awaiting a court date. They have frequently broken this part of the ordinance again and I have called the Hyde Cty. Sheriff's office. Often Ocracoke deputies have asked them to settle down, turn off the stereo system, relayed complaints by neighbors. There are MANY other unhappy people about this issue, often elderly, but many of them simply will not write letters or stand up at Commissioners' meetings and speak publicly. In private they are thankful that some of us will do so.. Please join with us to protect this quiet island life that we love.

This summer I traveled to 2 resort areas, Provincetown, Mass at the end of Cape Cod, and Wolfeboro, NH, the oldest summer resort in America. NEITHER of these resort areas were as loud as Ocracoke!

In closing, in the last 10 days I have had to move into a room in my B&B to order to go to sleep before 2am, when the O.Bar closes. This has cost me income, as I am then unable to rent this room, and unable to stay in my own apartment which I have spent \$15,000. to renovate in the last 3 years. Yes, I am frustrated about this inability to use my own property, as well as the loss of business income as a single woman over 65 years old. Please help!

Thanks so much for listening and considering all the island residents,
Ann Ehringhaus, Oscar's House B&B since 1984 and resident since 1971

To whom it may concern:

As Ocracoke business owners who have dealt with the noise issue for many years, we are strongly in favor of establishing an enforceable noise ordinance. In the past we have had to pursue litigation against an establishment (the former Pelican Restaurant) and were able to obtain a restraining order limiting their noise output and the late night hours. There needs to be an enforceable ordinance that allows local businesses and private citizens protection of their property rights which includes the right to not be encumbered with someone else's noise at all hours.

Thank you for your consideration.

Wayne and Jennifer Garrish
Bluff Shoal Motel

Hello Sarah,

I am contacting you in regards to the upcoming county commissioners meeting scheduled that will address possible changes to the noise ordinance that effect Ocracoke Island. I currently own property beside the Ocracoke Bar and Grill owned/operated by Sean Death and it is my understanding that he has submitted that changes be made to our current ordinance. I can tell you from living next to not only his establishment but what was formerly Creekside Bar & Grill that the current noise level is too high for our area. I have sat in my living room many nights just waiting for 10:00 pm to arrive so the sound will stop and I can finally rest and not hear the continued pounding of amplified music. I am unable to open my windows and have to increase the volume on my TV to drown out the noise. I understand that they are trying to run a business but they knew of these noise restrictions before they leased this property and also assured myself and another property owner that there would be no amplified music here and they didn't want to disturb the neighborhood. I rent my house June through August but because of the increase in the noise level I moved out in early spring and have not been able to return to my house. I work in the operations department of Ocracoke Island Realty and it can be very stressful, I do not look forward to returning home and not being able to rest in my own home. I have also received complaints from the guest that have occupied my home during the summer.

I strongly urge you to not amend the current ordinance to allow additional time beyond the 10:00 pm but to also revisit reducing the decibel level of 70Db before 10:00 pm. We do not want to have to repeatedly call the Sherriff's Dept. to report this disturbance as I'm sure they don't want to be wardens of noise during a busy summer season.

I greatly appreciate any assistance you can provide to myself and our neighborhood in this matter.

Please forward this to our County Commissioners, County Manager, Asst. Manager, County Attorney and Sherriff.

Thank you,

Cyndi Gaskill

I am writing to you to express my concerns about the Hyde County Noise Ordinance. As a resident and business owner on Ocracoke for 32 years I am aware of the negative effects created by loud sounds from music and voices on neighborhoods. These neighbors are both residents and tourists alike whose peace and quiet can be, and is, disturbed by the sounds from next to, or nearby establishments.

The current allowable decibel level until 10 pm is TOO LOUD! 70 decibels is unbearable if you live or work in a residential area and Ocracoke is residential everywhere! Please, for the good of the community, for the consideration of the majority of the population who live and vacation here, PLEASE consider lowering this to a decent level. Ocracoke is such a small place, sound is intensified by the proximity to the source of noise. You would not want to live next to, across the street, or near any noise from any establishment whose sole purpose is to make money at the expense of neighbors' peace. It just is not fair.

After 10 pm, our ordinance states that you may not make any sounds which carry beyond your own real estate boundaries. This is common sense and civilized. Go inside. Even inside, where I live, loudspeaker systems from revelers can wake you up. Yelling, screaming from porches can be heard hundreds of feet away. Imagine a bar next to your home. Would you tolerate this? It's not humane, it's not in the best interest of the majority who live and travel here. Please do not permit unfair decibels. Please consider everyone's right to a good night's sleep. After 10 pm, GO INDOORS.

THANK YOU FOR YOUR CONSIDERATION.
Sincerely, Carmie Prete

I am right in line with the way Ann Ehringhaus is thinking about the future of Ocracoke and preserving it's dignity.

I believe we should stay with the ordinance that says "you may not make any sounds which carry beyond your own real estate boundaries".

I believe that much LOWER than 45 DB level should be in place after 10pm, if that is being considered, at all establishments that play music for the public to enjoy.

Also, for those of us who live and work here year round, as we have all found out, outside partying is very disturbing when there are people hooting and hollering throughout the night while you are putting babies to sleep or preparing for a full day's work and need sleep. The Motels, Hotels and B&B's are also having a very hard time with the noise being generated currently.

Thank you all for preserving the peace that should come with choosing to live out here on this beautiful island. We are not all here to just make a profit but to live in peace.

Ms. Mickey Baker

Long time resident and business owner

[252-921-0159](tel:252-921-0159)

Hyde County Commissioners,

Ocracoke is a small community. Folks who have businesses need to make a living wage and I would hope we all want this potential for each other.

In the issues related to the sound ordinance, it makes sense that noise that exceeds the comfort level of indoor residents/tenants who reside near an outdoor source of entertainment is cause for concern. I have managed a guest house for over 25 years. When I had a rooster next door that crowed all hours of the night and day, I lost business. People asked if the rooster was still next door before returning to my establishment. I know if I had a restaurant with outdoor entertainment across the street that was noisy to the point of disturbing my indoor guests, I would lose business. That is not right or fair. I do not think that the bar would lose business or have patrons walking out if the music was turned down a few notches at 10.

I don't know enough about decibel measurements to offer an opinion on what is fair and reasonable. But a fair and reasonable sound ordinance should allow both sides to win, no lost business on either side.

Ruth Fordon

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

Meeting Date: **October 5, 2015**
Presenter: **County Manager Bill Rich**
Attachment: **Yes**

ITEM TITLE: **OCRACoke DEVELOPMENT ORDINANCE
BOARD OF ADJUSTMENTS**

SUMMARY: Effective October 15, 2015, Ocracoke Development Ordinance Board of Adjustments Chairman Jim Borelin resigned his position with the Board.

The Hyde County Board of Commissioners thanks Mr. Borelin for five years of service on the ODO Board.

RECOMMEND: Appointment.

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

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

Vote: ___ Barry Swindell
 ___ Earl Pugh, Jr.
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher

Ocracoke Development Ordinance Board of Adjustments

Scheduled Meetings:

	Appointed	Term	Expires	Re-Appointed	Expires
Jim Borelin, Chairman	06/30/2012	2 yrs.	06/30/2014	<i>Resigned</i>	
Rufus Keel	06/01/2013	1 yr.	06/01/2014		
Daphne Bennett	06/30/2012	2 yrs.	06/30/2014		
William (Bill) Monticone, Vice-Chairman P.O. Box 687 Ocracoke, NC 27960 252-928-6306	06/30/2011	1 yr.			
Elizabeth Chamberlin, Secretary		3 yrs.	06/30/2013		
Tim Fields			06/30/2012		
Dale Mutro P.O. Box 222 Ocracoke, NC 27960 252-588-0090 dalemutro@embarqmail.com		3 yrs.	06/30/2013		

Lois Stotesberry

From: Bill Rich <brich@hydecourtync.gov>
Sent: Tuesday, September 29, 2015 2:25 PM
To: 'Jim Borland'
Cc: 'Lois Stotesberry'
Subject: RE: Variance board, resignation

Thanks Jim. I'll be sure this makes our October agenda so Mr. Fletcher can chose a replacement. Thank you for all your time and years of service and happy travels.

Bill

-----Original Message-----

From: Jim Borland [<mailto:jsborland@centurylink.net>]
Sent: Tuesday, September 29, 2015 12:54 PM
To: brich@hydecourtync.gov
Subject: Variance board, resignation

Bill, After better than 5 years on this board, I feel it is time to move on and do some traveling. I would therefore tender my resignation, effective October 15th 2015. I have enjoyed my tenure and will be glad to work with my successor. If I need to do anything further please let me know. Jim Borland

Sent from my iPad

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

Meeting Date: October 5, 2015
Presenter: Kris Cahoon Noble
Attachment: Yes – NC Building Reuse Grant Program Budget Ordinance

ITEM TITLE: NC BUILDING REUSE GRANT-OCRACOKE BREWING PROGRAM BUDGET ORDINANCE

SUMMARY: We are requesting approval of a project budget ordinance in connection with a grant award to Ocracoke Brewing from the North Carolina Department of Commerce/North Carolina Rural Economic Infrastructure Authority in the amount of \$25,000.00. The budget ordinance will authorize us to accept and administer grant funds to Ocracoke Brewing.

RECOMMEND: REVIEW AND APPROVE PROGRAM BUDGET ORDINANCE

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

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

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

HYDE COUNTY- NC BUILDING REUSE GRANT – OCRACOKE BREWING
Program Budget Ordinance
October 5, 2015

Be it ordained by the Hyde County Board of Commissioners, that pursuant to Section 143B-472.127 and .128 of the General Statutes of North Carolina, the following grant program ordinance is hereby adopted:

Section 1. The program authorized is the NC Building Reuse Grant for Ocracoke Brewing, Inc. described in the work statement contained in the supplemental Rural Economic Development Loan Agreement and Legally Binding Commitment between Hyde County and the Owner. This program is more familiarly known as the NC Building Reuse Grant – Ocracoke Brewing.

Section 2. Hyde County staff is hereby directed to proceed with the grant program within the terms of the grant document(s), the rules and regulations of the North Carolina Rural Economic Infrastructure Authority and the North Carolina Department of Commerce, and the budget contained herein.

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

<u>NC BUILDING REUSE GRANT – OCRACOKE BREWING</u>	
NC Commerce Grant	\$25,000.00
Total	\$25,000.00

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

<u>NC BUILDING REUSE GRANT – OCRACOKE BREWING</u>	
Program Budget	\$25,000.00

Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Program Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Rural Infrastructure Authority and North Carolina Department of Commerce 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 Department of Commerce in an orderly and timely manner.

Section 7. Copies of this grant program ordinance shall be made available to the Grant Finance Officer for direction in carrying out this program.

Adopted this 5th day of October, 2015.

Barry Swindell, Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, Clerk to the Board

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

Meeting Date: **October 5, 2015**
Presenter: **County Manager Bill Rich**
Attachment: **Yes**

ITEM TITLE: **RESOLUTION OF THE BOARD OF COMMISSIONERS FOR HYDE
COUNTY, NORTH CAROLINA IN SUPPORT OF**

**“Stepping Up Initiative to Reduce the Number of People
with Mental Illnesses in Jails”**

SUMMARY: County Commissioners will utilize the comprehensive resources available through the Stepping Up Initiative to develop a plan to reduce the number of people with mental illness in the county jail for 2016-2020, consistent with the Council of State Governments Justice Center report and recommendations, to be presented to the Board of Commissioners at its first meeting in December 2015.

RECOMMEND: Adopt.

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

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

Vote: ___ Barry Swindell
 ___ Earl Pugh, Jr.
 ___ Dick Tunnell
 ___ Ben Simmons
 ___ John Fletcher

COUNTY OF HYDE

Board of Commissioners

Barry Swindell, Chair
Earl Pugh, Jr., Vice-chair
Dick Tunnell,
Ben Simmons, III
John Fletcher

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



“Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jails”

WHEREAS, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jails each year; and,

WHEREAS, prevalence rates of serious mental illnesses in confinement facilities are three to six times higher than for the general population, with statistics showing that almost 13% of North Carolina’s prison population requires some type of intervention due to mental health issues; and,

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and,

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and,

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and,

WHEREAS, without the appropriate treatment and services, people with mental illnesses can continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals, their families, and their communities; and,

WHEREAS, county jails are generally an unsafe environment for those with mental health treatment needs; and,

WHEREAS, the North Carolina Association of County Commissioners has undertaken a serious effort to address the local service needs of those with mental illnesses through the appointment of a special Task Force; and,

WHEREAS, Hyde County, like all counties, takes pride in our responsibility to protect and enhance the health, welfare and safety of our residents in efficient, safe, and socially just ways; and,

WHEREAS, through the Stepping Up Initiative, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging counties to reduce the number of people with mental illnesses in county jails;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners, Hyde County,

1. That the Board of Commissioners does hereby sign on to the Call to Action to reduce the number of people with mental illnesses in our county jails and commits to sharing lessons learned with other counties in North Carolina and across the country to support the Stepping Up Initiative, and
2. That the Board of Commissioners will utilize resources available through the Stepping Up Initiative and other resources provided by the Council of State Governments Justice Center to convene a diverse team of leaders and decision makers from multiple agencies who are committed to safety reducing the number of people with mental illnesses in jails, and
3. That this team will utilize the comprehensive resources available through the Stepping Up Initiative to develop a plan to reduce the number of people with mental illness in the county jail for 2016-2020, consistent with the Council of State Governments Justice Center report and recommendations, to be presented to the Board of Commissioners at its first meeting in December 2015.

Adopted this the 5th day of October, 2015, in Hyde County, North Carolina.

SEAL

ATTEST:

Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman