

**Special Meeting Minutes**

**Joint Board of Education and Board of County Commissioners  
Hyde County**

**Monday, April 6, 2015**

Following the Hyde County Board of Equalization & Review Meeting from 4:00pm until 6:00pm, Hyde County Board of Education Chairman Thomas Whitaker opened the Joint Meeting with Hyde County Board of Commissioners at 6:00pm on Monday, April 6, 2015, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

The following Board of Education members were present on the mainland – Chairman Thomas Whitaker; Board members Myra Chandler, Aletta Cox, and Randy Etheridge; Superintendent Dr. Randolph Latimore and Finance Officer Kenneth Chilcoat. Board Member David Tolson attended on Ocracoke.

The following Board of County Commissioners members were present on the mainland – Chairman Barry Swindell, Vice Chairman Earl Pugh, Jr., Commissioners Dick Tunnell and Ben Simmons, Attorney Fred Holscher; County Manager Bill Rich; Clerk to the Board Lois Stotesberry; and, members of the public. Commissioner John Fletcher and Public Information Officer Sarah Johnson were present on Ocracoke along with members of the public.

Following opening prayer by Board of Education Chairman Thomas Whitaker and pledge of allegiance the meeting was called to order.

**FY2015 – 2016 Hyde County Board of Education Budget**

Dr. Randolph Latimore, Superintendent, Hyde County Board of Education, presented budget requests for local revenue for consideration of full funding for the 2015/2016 school year. The FY2015 – 2016 Board of Education local revenue budget was accepted by the Board of Commissioners on March 16, 2015. The request for funding from local revenue does reflect a restoration of local revenue to the 2009 appropriation plus \$3,518.00. Dr. Latimore reported the needs of the public schools of Hyde County are not diminishing while overall revenue from the State and Federal government has been on a decrease.

Dr. Latimore and Kenneth Chilcoat explained the major backdrops for the requests for the restoration of funding to \$3,518.00 more than the 2009 local appropriations are: (1) requests from citizens and the desire of the Board of Education for the restoration of the art program at both campuses - \$119,402.00, (2) allocation of funds to support the development of the Ocracoke ballpark used by Ocracoke School students - \$10,000.00, and (3) funding for drivers education which is now required by GS 115C-216 - \$10,398.00. Due to reduction in e-Rate funding, local revenue will be readjusted to help off-set that decrease. Additionally, in order to maintain the part-time custodial position at Ocracoke School, local funding will be reallocated to maintain that needed position. The total local revenue being requested for the 2015-2016 school year is \$1,428,086.00. The local revenue appropriated for the current year is \$1,288,286.00. The Board of Education is requesting the restoration of \$139,800.00 (\$119,402.00 for two art positions, \$10,000.00 for support of the Ocracoke ballpark used by Ocracoke School students, and \$10,398.00 for driver's education based on NCGS 115C-216). Dr. Latimore reported next year the Elementary School will need two 5<sup>th</sup> Grade teachers and he may have to come back to the Board of Commissioners to seek additional funding.

As reported by state testing, Ocracoke School received a grade of A; mainland Mattamuskeet Elementary School received a grade of C, Mattamuskeet Early College High School received a grade of D. Dr. Latimore reported Mattamuskeet Early College High School (MECHS) had a zero percent dropout rate this past year.

Board of Education Chairman Thomas Whitaker thanked the Board of Commissioners for the joint meeting and recommended two meetings per year in the future.

Member Randy Etheridge moved to close the Joint Board of Education and Board of Commissioner meeting. Aletta Cox seconded the motion. The motion passed unanimously.

**Regular Meeting Minutes**

**Board of County Commissioners  
Hyde County**

**Monday, April 6, 2015**

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:40pm on Monday, April 6, 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 and Barry Swindell; Attorney Fred Holscher; County Manager Bill Rich; Clerk to the Board Lois Stotesberry; and, members of the public.

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

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

**Agenda:**

Chairman Swindell asked for changes to the April 6, 2015 Meeting Agenda.

Commissioner Fletcher moved to approve the April 6, 2015 meeting Agenda as presented by the Clerk with deletion of Item of Consideration: No. 2. c. – BHM Regional Library Board Appointment and addition of Items: No. 2 – Ordinance to Amend Chapter 4, Animals, Section 3-2 – Duties of Animal Control Officer and Section 4-16 – Determination of a Potentially Dangerous Dog; Item No. 7 – Appointment: Hyde County Emergency Operations Plan Control Group 2<sup>nd</sup> Vice Chair – Ocracoke Deputy Emergency Management Coordination Bill Rich; and, Item No. 12. A. – National Park Service Update. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Consideration of Minutes:**

Commissioner Pugh moved to approve the March 2, 2015 Board of Commissioners Regular Meeting Minutes as presented by the Clerk with corrections on page 2 – line 45 – *the close of the fiscal year by \$39,927,631 \$39,927,631*; and, on page 8 – line 42 – Manager Rich was asked to also discuss with NCDOT the speed limit signage on Sunset Road and *maintenance on* the road behind the new Ocracoke Fire Department. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Public Hearing:**

**Amendment of The Hyde County Code: Article VII; Ocracoke Development Ordinance – Section 36-172. Permit Procedure**

Commissioner Fletcher moved to open public hearing on Amendment of The Hyde County Code: Article VII; Ocracoke Development Ordinance – Section 36-172. Permit Procedure. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Chairman Swindell called for comments from the public.

**Archie Pentz** – Ocracoke Planning Board – has discussed with Building Inspector Jerry Hardison the need to get a building permit for Ocracoke on the same day as applied for and recommends deletion of the 10-day waiting period.

**Tom Pahl** – Builder and former member of the Ocracoke Planning Board – would like the same application requirements on Ocracoke as on the mainland.

Commissioner Fletcher moved to close public hearing on Amendment of The Hyde County Code: Article VII; Ocracoke Development Ordinance – Section 36-172. Permit Procedure. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Commissioner Fletcher moved to adopt Ordinance to Amend The Hyde County Code: Article VII; Ocracoke Development Ordinance – Section 36-172. Permit Procedure. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "Ordinance to Amend The Hyde County Code: Article VII; Ocracoke Development Ordinance – Section 36-172. Permit Procedure" is attached herewith as Exhibit A and incorporated herein by reference.*

**An Ordinance to Amend Chapter 4. Animals, Section 3-2 – Duties of Animal Control Officer and Section 4-16 – Determination of a Potentially Dangerous Dog**

Bill Rich, County Manager reported the County Health Director will transfer all duties of enforcement of the state laws with regard to animals and especially with regard to dogs and cats and the confinement or leashing of vicious and destructive animals to the Hyde County Sheriff. The county manager will be designated as the person to hear any appeal from a determination made as to whether a dog is a potentially dangerous dog.

Commissioner Pugh moved to adopt "An Ordinance to Amend Chapter 4. Animals, Section 3-2 – Duties of Animal Control Officer and Section 4-16 – Determination of a Potentially Dangerous Dog". Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "An Ordinance to Amend Chapter 4. Animals, Section 3-2 – Duties of Animal Control Officer and Section 4-16 – Determination of a Potentially Dangerous Dog" is attached herewith as Exhibit B and incorporated herein by reference.*

**Proclamations:**

**Week of the Young Child – April 2015 and Child Abuse Prevention Month – April 2015**

Lisa Woolard, Beaufort/Hyde Partnership for Children, asked commissioners to proclaim April 2015 Child Abuse Prevention Month and April 6 – 12, 2015 Week of the Young Child.

April 6 – 12, 2015 "Week of the Young Child" in Hyde County, NC encourages all citizens to work to make a good investment in early childhood.

Commissioner Pugh moved to proclaim April 6 – 12, 2015 "Week of the Young Child". Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "Proclamation – April 6 – 12, 2015 "Week of the Young Child" is attached herewith as Exhibit C and incorporated herein by reference.*

April, 2015 "Child Abuse Prevention Month" calls upon citizens, community agencies, faith groups, medical facilities, other elected leaders and business to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the communities in Hyde County.

Commissioner Fletcher moved to proclaim April, 2015 "Child Abuse Prevention Month". Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "Proclamation – April, 2015 "Child Abuse Prevention Month" is attached herewith as Exhibit D and incorporated herein by reference.*

Lisa Woolard thanked Manager Rich for books donated for Beaufort/Hyde Partnership for Children to distribute within Hyde County during Week of the Young Child.

**Employee Recognition:**

**Employee of the Month**

Bill Rich, County Manager, announced the employee of the month is Justin Gibbs, Emergency Management Director. Mr. Rich complimented Mr. Gibbs on his ability to handle many different situations during emergencies. Mr. Gibbs spun the "Wheel of Thanks" and received a \$25 Gift Certificate for Swan Quarter Supply.

### **Public Comments:**

Chairman Swindell called for comments from the public.

**Peter Vankevich, Ocracoke Observer** – recommended placing a Lost & Found box on Ocracoke.

**Darlene Styron, Ocracoke** – recommended allowing Ocracoke to decide how to best appropriate Ocracoke Occupancy Tax and promote tourism. She complimented Kris Noble, Planner, for work done on the proposed Ocracoke Tourism Board.

### **Resolutions:**

#### **Resolution In Support of Southern Flounder**

David Hilton, Ocracoke Working Watermen's Association (OWWA) thanked the Chamber of Commerce for the Fishermen's forum on March 13. Mr. Hilton asked the Board of Commissioners to adopt a resolution asking the NC Marine Fisheries Commission (NCFMC) to not support the NC Division of Marine Fisheries (NCDMF) use of the supplement process to implement reductions of southern flounder. The amendment process is the traditional process used by MCDMF to develop any changes to a Fishery Management Plan (FMP). The proposed cuts in harvest will have significant economic harm to OWWA fishermen, Ocracoke Seafood Company and to all Hyde County communities that rely on commercial fishing income. He also asked the Board of Commissioners to send a representative of Hyde County to the May NCMF meeting in New Bern.

Commissioner Fletcher moved to adopt "A Resolution Asking The NC Marine Fisheries Commission (NCMFC) To Not Support The NC Division of Marine Fisheries (NCDMF) Use of The Supplement Process To Implement Reductions of Southern Flounder". Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "A Resolution Asking The NC Marine Fisheries Commission (NCMFC) To Not Support The NC Division of Marine Fisheries (NCDMF) Use of The Supplement Process To Implement Reductions of Southern Flounder" is attached herewith as Exhibit E and incorporated herein by reference.*

#### **NCDOT Division of Highways Request for Addition to State Maintained Secondary Road System – Maurice Ballance Road**

Bill Rich, County Manager, presented request for addition of Maurice Ballance Road to the state maintained secondary road system.

Commissioner Pugh moved to adopt "North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System". Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System" is attached herewith as Exhibit F and incorporated herein by reference.*

#### **Agreement Between The Hyde County Health Department ("Health Department") And County of Hyde ("County") For Use of County Grounds And Facilities**

David Howard, Health Director and Anna Shafer, Public Health Educator II, presented a joint use agreement between the Health Department and the County to be utilized in order to ensure availability of space to host wellness programming events in different county locations. Ms. Shafer has applied for a relatively small grant through the Health Department from the Vidant Community Benefits Grant Program to be used for organized fitness/wellness opportunities that would otherwise not be available to those living and working in the County.

Commissioner Swindell moved to adopt "Agreement Between The Hyde County Health Department ("Health Department") And County of Hyde ("County") For Use of County Grounds And Facilities" and to sign a letter of support to be submitted with the grant application. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

*Clerk's Note: A copy of "Agreement Between The Hyde County Health Department ("Health Department") And County of Hyde ("County") For Use of County Grounds And Facilities". is attached herewith as Exhibit G and incorporated herein by reference.*

#### **Resolution In Opposition of Sunday Hunting**

Bill Rich, County Manager, presented requests for adoption of "Resolution In Opposition of Sunday Hunting" in North Carolina. Mr. Rich reported legislation (Senate Bill #658 and a House Bill) will be filed soon to allow Sunday hunting.

Commissioner Pugh moved to adopt "Resolution In Opposition of Sunday Hunting". Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

*Clerk's Note: A copy of "Resolution In Opposition of Sunday Hunting" is attached herewith as Exhibit H and incorporated herein by reference.*

**Appointments:**

**Ocracoke Community Center Board**

Bill Rich, County Manager reported at its November 3, 2014 Board of Commissioners Meeting Doreen Gaskill Robinson and Sundae Horne were appointed to serve on the Ocracoke Community Center Board. Three additional vacancies need to be filled.

Commissioner Fletcher moved to increase the number of members on the Ocracoke Community Center Board to seven. The motion died for lack of a second. Mr. Fletcher withdrew the motion.

Commissioner Fletcher moved to appoint Rocke Perez to serve a 2 year term; Bob Toth to serve a 2 year term; and, Candy Gaskill to serve a 1 year term on the Ocracoke Community Center Board. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Appointment to U.S. Fish & Wildlife Steering Committee for Ecotourism**

Kris Noble, Planner, reported in January of this year, the U. S. Fish & Wildlife Service North Carolina Coastal Plain Refuge Complex hosted an information meeting regarding ecotourism in northeastern North Carolina and a potential future workshop titled "Balancing Nature and Commerce". Representatives from Hyde and surrounding counties attended the meeting. Based on overwhelming response from participants, a full workshop will be held in the fall of this year. The USFWS has asked the Chair of the Hyde County Board of Commissioners to designate representatives from Hyde County to participate in a Steering Committee to assist in designing the fall workshop.

Commissioner Pugh moved to nominate:

Dick Tunnell - Hyde County Board of Commissioners  
Kris Cahoon Noble - Economic Development Coordinator, Hyde County  
April Temple - Trust for Tomorrow  
Jessica Gibbs - Hyde County Chamber of Commerce  
Janet Russ - Hyde County Chamber of Commerce  
Rosemary Johnson - Planning Assistant, Office of Planning/Economic Development

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

Kris Noble will follow up with invitation to Jamin Simmons to join the Balancing Nature and Commerce committee.

**Accounting Services Agreement – Andrew Harris, CPA, PLLC**

Bill Rich, County Manager, has offered contract to provide accounting consulting services for Hyde County to Andrew Harris, CPA, PLLC.

**Accounting duties will include:**

- a. Recommendations to improve internal controls of each accounting cycle
- b. Provide training to the finance department staff
- c. Assist with the year-end audit engagement preparing reconciliations, etc.
- d. Preparation of the financial statements at year-end
- e. Assist with accounting policies and procedures
- f. Preparation of an accounting procedures manual for the finance department staff
- g. Assist with the implementation of any accounting software
- h. Assist with the annual budget and budget amendments
- i. Assistance with any other finance department related duties that the County Manager or Finance Director deem are necessary

**Compensation at hourly rates:**

- a. Andrew Harris \$75.00 per hour
- b. Accounting Staff (if needed) \$40.00 per hour
- c. Travel cost such as lodging and meals shall be reimbursed at 100% of cost
- d. Mileage will be reimbursed at the IRS standard mileage rate

Commissioner Simmons moved to approve Accounting Services Agreement with Andrew Harris, CPA, PLLC, contingent upon final approval of County Attorney Fred Holscher. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Request for School Resource Officer Position**

Sheriff Guire Cahoon presented request to hire a School Resource Officer (SRO) to serve both Mattamuskeet Elementary and Mattamuskeet Early College High School. The Resource Officer will be hired on June 1<sup>st</sup> under the Sheriff's budget and will attend SRO training on June 12-13, 2015. On July 1, 2015 this position will be moved under the schools budget.

Commissioner Fletcher moved to approve the School Resource Officer position for the month of June, 2015 and make this a continuous position under the schools budget in July, 2015. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Tourism Development/Occupancy Tax**

Bill Rich, County Manager, reported that at the March 12 Ocracoke Community Center meeting he presented the idea of creating an Ocracoke Visitors Bureau out of the existing 3% occupancy tax, rather than increasing occupancy tax by 2%. The proposed Ocracoke Visitors Bureau would include a full-time position of a Visitors Bureau Director and Public Information Officer.

Commissioner Fletcher stated the Occupancy Tax Board and the Civic Club do not want a Visitors Bureau on Ocracoke.

Chairman Swindell applauded Kris Noble for work done on the proposed Ocracoke Visitors Bureau project but agrees Ocracoke citizens should be allowed to handle this project.

Kris Noble, Planner, presented update on the research she has done over the past year and explained if approved by the Board of Commissioners the Ocracoke Visitors Bureau Director would be an Ocracoke citizen and the Board would consist of one member from the OCBA, two members from the Occupancy Tax Board and three members at-large.

No action taken.

**Storm Evacuations**

Justin Gibbs, Emergency Management Director, explained the purpose of the Control Group is to assist (on Ocracoke Island) in the development and implementation of Emergency Management functions and to staff the Emergency Operations Center (EOC) during incidents. The Control Group will recommend evacuation to the Board of Commissioners.

Commissioner Fletcher moved to approve appointment of County Manager Bill Rich as Ocracoke Deputy Control Group 2<sup>nd</sup> Vice Chair – Ocracoke Deputy Emergency Management Coordinator. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Ocracoke Dump Site – Hours of Operation**

Commissioner John Fletcher presented suggestions for operating the Ocracoke Dump Site, 1140 Irvin Garrish Highway, without closing for one hour lunch breaks.

No action taken.

**Regional Emergency Communications Center (RECC) Update**

Bill Rich, County Manager, presented report on the public forum about the Regional Emergency Communications Center (RECC) that took place on Tuesday, March 31, 2015, at 5:30p.m., in the Hyde County Government Center in Swan Quarter and the Ocracoke School Commons utilizing electronic conferencing equipment. In attendance along with Manager Rich and EMS Director Justin Gibbs were Dare County Manager Robert Outten, Dare County Communications Center Manager Captain Trey Piland and North Carolina 9-1-1 Board Members Richard Taylor, David Dodd and Tina Bone.

The Hyde County EMS Department hosted the public forum to discuss the creation of a regional emergency communications center with Dare and Tyrrell Counties. The meeting began with an overall

summary of the project, followed by a status update and concluded with a question and answer session. Mr. Rich reported good information was presented at the meeting. No action taken.

**Update – Property Search for Ocracoke EMS Station**

Bill Rich, County Manager, presented update on Hyde County’s search for property on Ocracoke to relocate the EMS Station. Mr. Rich reported at the February 2, 2015 Board of Commissioners meeting, Cheryl Ballance, CEO of Ocracoke Health Center and Engelhard Medical Center announced Ocracoke and Engelhard Clinics were awarded Federally Qualified Health Center (FQHC) status in November of 2013. The clinics are increasing case management capacity, expanding immunization programs and planning to establish a pharmacy at the Engelhard site. Staffing has increased across the board by 35% and Ocracoke Clinic has outgrown the original physical layout of the site and will need its second building that is presently leased to Hyde County. Ms. Ballance notified Commissioners of the Center’s Board of Directors intent to terminate the lease for the EMS building at 309 Back Rd., Ocracoke, NC, effective December 31, 2015. Manager Rich received information about eight properties available for purchase and will present details at the May 4<sup>th</sup> Commissioners Meeting.

No action taken.

**Correction to January 5, 2015 Board of County Commissioners Meeting Minutes**

On page 4 of 7 of the January 5<sup>th</sup> Board of Commissioners Meeting Minutes Tideland EMC Grant was incorrectly entered.

<p><b><u>Mainland Occupancy Tax Board Funding Requests</u></b>  <i>County Manager Rich reported the Mainland Occupancy Tax Board, at its November 21, 2014 meeting, approved \$6,500 from the Tideland EMC Grant the Board received for the Hyde County Chamber of Commerce Website and have requested commissioner consideration.</i></p> <p><i>Commissioner Fletcher moved to approve Mainland Occupancy Tax Board funding requests for \$6,500.00 from its Tideland EMC Grant for the Hyde County Chamber of Commerce Website. Commissioner Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, Tunnell and Swindell; Nays – None; Absent or not voting – None.</i></p> <p style="text-align: right;"><small>Meeting Minutes – Hyde County Board of Commissioners January 5, 2015 - Page 4 of 7</small></p>
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Commissioner Fletcher moved to approve correction on page 4 of 7 of the January 5, 2015 Board of County Commissioners Meeting Minutes with deletion of Tideland EMC Grant. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Legislative Feedback Requested**

Bill Rich, County Manager, reported Hyde County is one of the counties (15 out of 100) not currently in NCGS 153A-15 – Consent of board of commissioners necessary in certain counties before land may be condemned or acquired by a unit of local government outside the county. NCACC has been approached by a legislator who would like to make this status apply to all 100 counties.

Commissioner Pugh moved to join the other 85 counties currently in NCGS 153A-15. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**National Park Service (NPS) Update**

Commissioner John Fletcher reported on the need for access to sound side beaches on Ocracoke without buying a pass. Update will be presented at the May 4, 2015 Board of Commissioners Meeting.

No action taken.

**Budget Revision**

(FO Use) BR#	Department	Account #	Line Item Account Name/ Explanation	Debit	Credit
BR28-15	Maternal Health	10.5820.4502	Contract Nurse Practitioner	\$ 700.00	
		10.3481.0051	Revenue – Medicaid Escrow		\$ 700.00
	<i>This increases the Maternal Health budget; however funds are being transferred from Medicaid escrow to cover the cost of nurse practitioner expenses through the end of the fiscal year. No funds are needed locally.</i>			\$ 700.00	\$ 700.00
BR29-15	Public Health Preparedness	10.6200.1100	PHPR – Telecommunications	\$ 600.00	
		10.6200.1400	Travel		\$ 200.00
		10.6200.3300	Department Supplies		\$ 400.00
	<i>This revision DOES NOT increase the overall budget. Funds are being transferred from Travel and Department Supplies to cover expenditures for Telecommunications through the end of the fiscal year.</i>			\$ 600.00	\$ 600.00
BR30-15	Health - Breast & Cervical Cancer	10.5962.4503	Contract Radiology	\$ 5,000.00	
		10.3481.0051	Revenue – Medicaid Escrow		\$ 5,000.00
	<i>This increases the BCCCP budget; however funds are being transferred from Medicaid escrow to cover the cost of mammograms through the end of the fiscal year. No funds are needed locally.</i>			\$ 5,000.00	\$ 5,000.00

BR31-15	WIC	10.5970.1400	Travel		\$ 200.00
		10.5970.1200	Postage	\$ 200.00	
	<i>This does not change the WIC budget; this is only a move of funds from travel where we have excess funds to postage. No local funds are needed.</i>			\$ 200.00	\$ 200.00
BR32-15	Environmental Health	10.6170.4500	Contract Services		\$ 1,000.00
		10.2600.0014	PME Escrow	\$ 1,000.00	
	<i>This budget transfers funds from the PME Escrows balance line into Contract Services line to cover the cost of service provided for Environmental Health by contractor Ralph Hollowell/ARHS for onsite wastewater. This revision DOES NOT increase the budget for Environmental Health. No local funds are needed.</i>			\$ 1,000.00	\$ 1,000.00
BR33-15	Vidant – Project Direct Legacy Chronic Disease Self-Management	10.5891.4501	DSMP (Diabetes Self-Management Program) Session Leaders Reimbursement		\$ 1,500.00
		10.5891.4500	Community Walk Leaders Reimbursement		\$ 1,500.00
		10.5891.3300	Departmental Supplies	\$ 3,000.00	
	<i>This budget transfers funds from the Travel and Community Walk Leaders lines to the Departmental Supplies Line to enable the purchase of Chronic Disease Self-Management Charts for use by the trained community volunteers with those they educate. This revision DOES NOT increase the budget for this program. All local funds are grant dollars.</i>			\$ 3,000.00	\$ 3,000.00
BR34-15	Health – Adult	10.5890.1200	Postage	\$ 300.00	
		10.5890.2600	Advertising		\$ 300.00
	<i>This DOES NOT increase the budget for Adult Health. Funds are being transferred from Advertising to Postage to cover postage expenditures through the end of the fiscal year.</i>			\$ 300.00	\$ 300.00
BR35-15	Health – Family Planning	10.5950.0200	Salaries	\$ 711.80	
		10.5950.0500	FICA	\$ 76.50	
		10.5950.0600	Group Insurance	\$ 140.00	
		10.5950.0700	Retirement	\$ 71.70	
		10.3480.0003	Revenue – Family Planning – Title X (State)		\$ 1,000.00
	<i>Hyde County Health Department has received additional funds to support activities for at-risk individuals receiving Family Planning Services. Services are targeted to individuals receiving Out-Of-Wedlock birth prevention and must include services not reimbursable by Medicaid. The additional funds will increase the budget for Family Planning; however no local appropriations are required, as the State is providing this funding.</i>			\$ 1,000.00	\$ 1,000.00
BR36-15	Healthy Communities	10.5830.3300	General Supplies		\$ 700.00
		10.5830.7400	Equipment	\$ 700.00	
	<i>This moves \$700.00 from General Supplies to Equipment Expense for the purchase of a laptop computer to be used for coordination of all Healthy Communities programming. This budget revision DOES NOT increase the budget for Healthy Communities.</i>			\$ 700.00	\$ 700.00
BR37-15	Health – IAP	10.5870.3300	Department Supplies	\$ 600.00	
		10.5870.1200	Postage		\$ 600.00
	<i>This does NOT increase the budget for Immunization Action Plan. Funds are being transferred from Postage to Department Supplies to cover expenditures through the end of the fiscal year.</i>				
BR38-15	Health – Communicable Disease	10.5850.4600	Medical Supplies	\$ 200.00	
		10.5850.4502	Contract Pharmacy		\$ 100.00
		10.5850.5300	Registration		\$ 100.00
	<i>This does NOT increase the budget for Communicable Disease. Funds are being transferred from Contract Pharmacy and Registration to Medical Supplies to cover expenditures through the end of the fiscal year.</i>			\$ 200.00	\$ 200.00
BR39-15	Health – Family Planning	10.5950.4501	Contract Nurse Practitioner	\$ 240.00	
		10.5950.4506	Contract Lab Testing	\$ 210.00	
		10.5950.2600	Advertising		\$ 450.00
	<i>This does NOT increase the budget for Family Planning. Funds are being transferred from Advertising to Contract Nurse Practitioner and Lab Testing to cover expenditures through the end of the fiscal year.</i>			\$ 450.00	\$ 450.00
BR40-15	Healthy Communities	10.5830.2600	Advertising		\$ 425.00
		10.5830.4503	Ocracoke Health Fair		\$ 200.00
		10.5830.1400	Travel	\$ 625.00	
	<i>This moves \$625.00 from Advertising and the Ocracoke Health Fair expense lines to Travel for travel expenses through the end of FY2014-2015. This budget revision DOES NOT increase the budget for Healthy Communities.</i>			\$ 625.00	\$ 625.00
	Cooperative Extension	10.6050.1500	Maintenance & Repairs		\$ 515.00
		10.6050.7400	Equipment		\$ 189.00
		10.6050.7411	Copier Lease		\$ 500.00
		10.6050.3300	Department Expense	\$ 1,204.00	
	<i>Funds needed to help cover cost of supplies for summer programs.</i>			\$ 1,204.00	\$ 1,204.00
	Hyde Soil & Water	10.6060.3100	Gas, Oil & Tires		\$ 1,000.00
		10.6060.1400	Travel & Training	\$ 1,000.00	
	<i>Sponsors middle and high school students to participate in the Area 5 &amp; 6 Coastal Envirothon Competition at Cool Springs Environ. Ed Center in New Bern. In March the top placed teams advance to the State Competition in Burlington, NC April 24-25, 2015. Mattamuskeet Middle School team took 3<sup>rd</sup> place at the area competition and will advance to State. This revision is needed to cover the cost of securing four rooms in Burlington for the team.</i>			\$ 1,000.00	\$ 1,000.00

	Hyde Soil & Water	10.6060.5400	Beaver Management		\$ 850.00
		10.6060.2600	Public Education	\$ 850.00	
<i>Through an action of the Hyde District Board of Supervisors at their District Board meeting on March 10, 2015 the Board approved a budget revision to move a portion of money from Beaver Management line to Public Education line to financially support Hyde County 4-H in securing the interactive playground equipment for Hyde Seek &amp; Discover Day Camp scheduled for June 29 – July 2, 2015.</i>				\$ 850.00	\$ 850.00

Commissioner Fletcher moved to approve Health Department budget transfers – BR28-15 through BR 40-15; Cooperative Extension transfer; and Hyde Soil & Water Travel transfer and Beaver Management transfer as presented. Commissioner Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Management Reports:**

**Commissioner Fletcher** – attended the fisheries meeting, Tideland EMC appreciation party, Occupancy Tax Board and Ocracoke Civic and Business Association meetings. Mr. Fletcher also reported Dare County added a tax to pay for dredging.

**Commissioner Simmons** – has been approached by citizens looking for a place to have a community garden. Mr. Simmons asked everyone to also remember the Sasnett family who lost their son, “Reid”, in a farming accident earlier in the day.

**Commissioner Pugh** – attended the NC Catch Summit, Raleigh North Carolina Legislative Seafood Forum; judged an art contest; and, will attend the North East meeting, in Plymouth, with Kris Noble, Planner and Manager Rich.

**Commissioner Tunnell** – attended the Legislative Seafood Forum with Commissioner Pugh and Manager Rich; the Farm Bureau Legislative Tour on the grounds of the Capital; and, Ethics/Conflict Management class.

**Chairman Swindell** – attended the Ethics/Conflict Management class with Commissioner Tunnell; 911 Regional Forum and the Health Board meeting.

Commissioner Pugh moved to approve a walk-around tax revaluation in mainland Hyde County and on Ocracoke Island as requested by Tax Administrator Linda Basnight. Commissioner Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

**Manager Rich** – reported the previously approved Airport Hanger Project was pulled from the UAV Program. Bobby Walston, NCDOT–Division of Aviation, Manager of Statewide Plans and Programs, notified Manager Rich the funds will be available if an approved program becomes available. Mr. Rich announced Will Doerfer will start on June 1 and the State will pay his June salary; Corrinne Gibbs, FO, Tammy Blake, HR, and he attended health insurance meetings. Manager Rich stated he likes the Board of Education proposal and work continues on the FY2015-2016 Hyde County Budget. Mr. Rich informed the Board of Commissioners that we closed both Golden LEAF Revolving Loans on Good Friday. They were Ocracoke Brewery and Ocracoke Bar & Grill. He continues to encourage tourism and sales tax as a source of income for Hyde County.

**Public Comments:**

Chairman Swindell called for comments from the public.

**Darlene Styron, Ocracoke** – recommended hiring a marketing firm to work together with the OCBA and Ocracoke Occupancy Tax Board to promote tourism on Ocracoke.

**Janey Jacoby, Ocracoke** - recommends taking care of problems on Ocracoke first; and, then strengthen the tourism industry.

**Connie Leinbach, Ocracoke** – stated \$100,000.00 flows from the proposed Visitor Bureau to the Planning Department.

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

**Closed Session** (none)

**Adjourn**

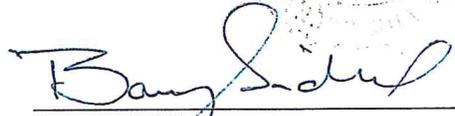
Commissioner Fletcher moved to adjourn the meeting. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

The meeting adjourned at 8:40p.m.

Respectfully submitted:

Minutes approved on the 4<sup>th</sup> day of May, 2015.

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

  
  
Barry Swindell  
Chair, Hyde County Board of Commissioners

**Attachments:**

- Exhibit A: *"Ordinance to Amend The Hyde County Code: Article VII; Ocracoke Development Ordinance – Section 36-172. Permit Procedure"*
- Exhibit B: *"An Ordinance to Amend Chapter 4. Animals, Section 3-2 – Duties of Animal Control Officer and Section 4-16 – Determination of a Potentially Dangerous Dog"*
- Exhibit C: *"Proclamation – April 6 – 12, 2015 "Week of the Young Child"*
- Exhibit D: *"Proclamation – April, 2015 "Child Abuse Prevention Month"*
- Exhibit E: *"A Resolution Asking The NC Marine Fisheries Commission (NCMFC) To Not Support The NC Division of Marine Fisheries (NCDMF) Use of The Supplement Process To Implement Reductions of Southern Flounder"*
- Exhibit F: *"North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System"*
- Exhibit G: *"Agreement Between The Hyde County Health Department ("Health Department") And County of Hyde ("County") For Use of County Grounds And Facilities"*
- Exhibit H: *"Resolution In Opposition of Sunday Hunting"*

**AN ORDINANCE TO AMEND CHAPTER 36, SUBDIVISIONS, ARTICLE VII,  
OCRACOCKE DEVELOPMENT, SECTION 36-172 PERMIT PROCEDURE  
OF THE HYDE COUNTY CODE**

**WHEREAS**, Article VII, Ocracoke Development, Division 2. Administrative and Enforcement, of Chapter 36, Section 36-172 Permit Procedure (a) Standard Procedure (1), is hereby amended to read:

- (1) An original and ~~three copies, (each of which shall be stamped "COPY")~~ the application, plans and all additional information submitted shall be filed with the building inspector. ~~The building inspector shall at the same time send two copies of the application and all documents as filed to the development ordinance enforcement officer.~~ The building inspector shall set the date for posting in the Ocracoke Post Office the information concerning the application a minimum of three days after the documents are placed in the mail to the development ordinance enforcement officer.

**WHEREAS**, Article VII, Ocracoke Development, Division 2. Administrative and Enforcement, of Chapter 36, Section 36-172 Permit Procedure, (a) Standard Procedure (2) is hereby deleted in its entirety:

- ~~(2) In order that the development ordinance enforcement officer may have an opportunity to consider any questions or objections before a permit is issued for any use of land or construction of a building or structure, persons having questions or objections may present them, in writing, to the building inspector, who shall inform the development ordinance enforcement officer of the questions or objections. The permit shall not be issued before the development ordinance enforcement officer has advised the building inspector concerning any questions or objections that have been made, and in no event less than ten days after the information concerning the application has been posted in the post office.~~

**WHEREAS**, Article VII, Ocracoke Development, Division 2. Administrative and Enforcement, of Chapter 36, Section 36-172 Standard Procedure (3) is hereby amended to read:

- ~~(3) A decision on the permit application shall be made within 20 days of the posting.~~ After a permit has been issued or denied, any person aggrieved may appeal to the board of adjustment (see section 36-205(a)).

WHEREAS, Article VII, Ocracoke Development, Division 2. Administrative and Enforcement, of Chapter 36, Section 36-172 Permit Procedure, (a) Standard Procedure (4) is hereby amended to read:

(4) After deciding upon an application for a permit, the building inspector shall mark the original and two copies approved or disapproved, with a signed and dated explanation in the case of disapproval. ~~One copy, along with the plans or sketch and sheet containing the information from the application, shall be sent by the building inspector to the chairman of the board of adjustment, who shall post notice of the building inspector's decision in the Ocracoke Post Office. The first copy of the application and all accompanying documents shall be placed in the Ocracoke files of the board of adjustment. The second copy shall be returned to the applicant. In case of approval, the second copy shall be available on the construction site until the completion of the project. The original of the application and accompanying documents shall be filed at the building inspection department.~~

WHEREAS, Article VII, Ocracoke Development, Division 4. Changes and Amendments, of Chapter 36, Section 36-229 Application, (b) Filing is deleted in its entirety.

~~(b) Filing. The application shall be filed with the development ordinance enforcement officer no later than ten days prior to the meeting of the board at which the application is to be considered.~~

NOW, THEREFORE BE IT ORDAINED the Ocracoke Development was amended and adopted in whole, as amended, on April 20, 1998. It was amended on September 6, 2005, November 20, 2006, December 3, 2007, and is further amended this the 6<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Barry Swindell, Chairman

ATTEST:

  
\_\_\_\_\_  
Lois Stotesberry, Clerk



**AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS,  
SECTION 3-2 – DUTIES OF ANIMAL CONTROL OFFICER AND  
SECTION 4-16 – DETERMINATION OF A POTENTIALLY DANGEROUS DOG**

Be it ordained by the Board of Commissioners of Hyde County, North Carolina, that the following Animal Control Ordinance and the original Ordinance #17 as subsequently amended, is hereby further amended as follows:

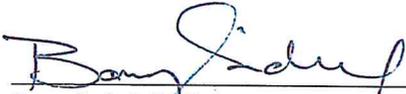
**CHAPTER FOUR: ANIMAL CONTROL ORDINANCE**

**SECTION 4-3 (2). DUTIES OF ANIMAL CONTROL OFFICER:** Cooperating with the ~~Health Director~~ **Hyde County Sheriff** and assisting in the enforcement of the state laws with regard to animals and especially with regard to dogs and cats and the confinement or leashing of vicious and destructive animals; and

**SECTION 4 (16). DETERMINATION OF A POTENTIALLY DANGEROUS DOG.**

- (a) ~~The director or acting director of the county health department~~ **Hyde County Sheriff or a Hyde County Deputy Sheriff** is hereby designated as the person responsible for determining when a dog is a potentially dangerous dog.
- (b) ~~The County board of health~~ **Manager** is hereby designated as the authority to hear any appeal from a determination made as to whether a dog is a potentially dangerous dog.  
(Res. Of 4-7-2008)

This Animal Control Ordinance was duly adopted by the Hyde County Board of Commissioners at a meeting on the 18<sup>th</sup> day of April, 1994; adopted as amended on the 18<sup>th</sup> day of June, 2001; further amended on the 7<sup>th</sup> day of April, 2008 and on the 21<sup>st</sup> day of May, 2012 and on the 2<sup>nd</sup> day of June, 2014; and, subsequently further amended on the 6<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Barry Swindell, Chairman  
Hyde County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Lois Stotesberry, Clerk to the Board  
Hyde County Board of Commissioners





BOARD OF COMMISSIONERS  
OF THE COUNTY OF HYDE,  
NORTH CAROLINA

PROCLAMATION  
WEEK OF THE YOUNG CHILD  
APRIL 2015

Whereas, the Beaufort/Hyde Partnership for Children and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 12<sup>th</sup> – 18<sup>th</sup>, 2015; and

Whereas, these organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Hyde County, NC; and

Whereas, child care providers, teachers, parents, and others who make a difference in the lives of young children in Hyde County, NC deserve thanks and recognition; and

Whereas, public policies that support early learning for all young children are crucial to young children's futures;

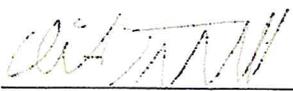
NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners do hereby proclaim April 12<sup>th</sup> – 18<sup>th</sup> as the Week of the Young Child in Hyde County, NC and encourage all citizens to work to make a good investment in early childhood.

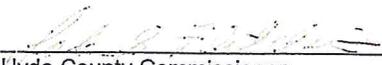
Adopted this the 6<sup>th</sup> day of April, 2015 in Hyde County, North Carolina.

  
Hyde County Commissioner

  
Hyde County Commissioner

  
Hyde County Commissioner

  
Hyde County Commissioner

  
Hyde County Commissioner





BOARD OF COMMISSIONERS  
OF THE COUNTY OF HYDE,  
NORTH CAROLINA

PROCLAMATION  
CHILD ABUSE PREVENTION MONTH  
APRIL 2015

**Whereas**, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets;

**Whereas**, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

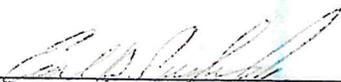
**Whereas**, child abuse and neglect is a community responsibility affecting both the current and future quality of life to a community;

**Whereas**, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

**Whereas**, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

**NOW, THEREFORE BE IT RESOLVED** that the Hyde County Board of Commissioners do hereby proclaim April as "CHILD ABUSE PREVENTION MONTH," and call upon all citizens, community agencies, faith groups, medical facilities, other elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in Hyde County.

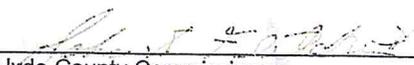
Adopted this the 6<sup>th</sup> day of April, 2015 in Hyde County, North Carolina.

  
Hyde County Commissioner

  
Hyde County Commissioner

  
Hyde County Commissioner

  
Hyde County Commissioner

  
Hyde County Commissioner



# COUNTY OF HYDE

## Board of Commissioners

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

30 Oyster Creek Road  
PO Box 188  
SWAN QUARTER, NORTH CAROLINA 27885  
252-926-4400  
252-926-3701 Fax

Bill Rich  
County Manager

Fred Holscher  
County Attorney

Lois Stotesberry, CMC, NCCCC  
Clerk to the Board



**A RESOLUTION ASKING THE NC MARINE FISHERIES COMMISSION (NCMFC)  
TO NOT SUPPORT THE NC DIVISION OF MARINE FISHERIES (DCDMF) USE OF THE  
SUPPLEMENT PROCESS TO IMPLEMENT REDUCTIONS OF SOUTHERN FLOUNDER**

**WHEREAS**, the southern flounder fishery is regionally diverse throughout Hyde County and statewide with regards to gear, timing of harvest and size of fish harvested; and,

**WHEREAS**, the southern flounder fishery is a \$5.6 million fishery for NC commercial fishermen and the economic impact to the region would be devastating if harvest cuts of 25% to 60% are implemented by NCMFC; and,

**WHEREAS**, recent MCDMF stock assessment report did not pass peer review and the harvest reduction parameters are arbitrary and subjective and not based on stakeholder input; and,

**WHEREAS**, the supplement process disenfranchises stakeholders because of lack of public input; and,

**WHEREAS**, Hyde County's commercial fishermen have already made their investments for the fall 2015 season that will not be recovered, which subjects them to a double economic hit that will be catastrophic for these small business; and,

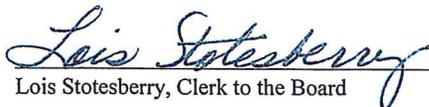
**WHEREAS**, there is need for thoughtful and comprehensive review of any proposed measure to assess the long-term viability of the fishery, and that review must incorporate stakeholder input.

**NOW, THEREFORE, BE IT RESOLVED**, that the Hyde County Board of Commissioners asks the NC Marine Fisheries Commission to not support the NC Division of Marine Fisheries use of the supplement process to implement reductions of southern flounder and that any proposal to limit the fishery by subjected to comprehensive review that includes stakeholder input.

This the 6<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Barry Swindell, Chairman

ATTEST:

  
\_\_\_\_\_  
Lois Stotesberry, Clerk to the Board

North Carolina Department of Transportation  
Division of Highways  
Request for Addition to State Maintained Secondary Road System

North Carolina  
County of Hyde  
Road Description Maurice Ballance Road

---

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Hyde requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

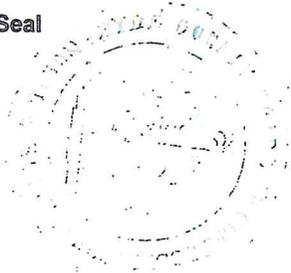
NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Hyde that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

**CERTIFICATE**

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Hyde at a meeting on the 6<sup>th</sup> day of April, 2015.

WITNESS my hand and official seal this the 6<sup>th</sup> day of April, 2015.

Official Seal



Clerk, Board of Commissioners  
County of Lain Stotenberg

**PLEASE NOTE:**

Forward direct with request to the **Division Engineer, Division of Highways**

**AGREEMENT BETWEEN THE HYDE COUNTY HEALTH DEPARTMENT  
("HEALTH DEPARTMENT") AND COUNTY OF HYDE ("COUNTY") FOR USE OF  
COUNTY GROUNDS AND FACILITIES**

**Recitals**

**WHEREAS**, under appropriate circumstances, these publicly held lands and facilities should be used most efficiently to maximize use and increase recreational opportunities for the community; and

**NOW, THEREFORE**, the Health Department and the County agree to cooperate with each other as follows:

**1. Term**

This Agreement will begin on February 1, 2015 and will continue for a period of one year, *[and then shall be automatically renewed on a yearly basis]* unless sooner terminated as provided for hereinafter in Section 12.

**2. Facilities Covered**

The term "Active Use Areas" will be used for purposes of this Agreement to mean the grounds used for community health and wellness programming and outreach.

Terms of this Agreement will apply to all Active Use Areas owned by the County.

**3. Permitted Uses of Active Use Areas**

The Health Department shall be entitled to use of Active Use Areas for the purposes of health department educational and recreational activities.

The Health Department shall be entitled access to Active Use Areas for use by the community when the County is not using the Active Use Areas. Such use shall be referred to as "Public Access Hours."

**4. Compliance with Law**

All use of County property shall be in accordance with state and local law and County Policies and Procedures.

**5. Parking Areas**

The County will permit use by the public of parking areas on the grounds of the County grounds and facilities. Use of parking areas requires compliance with all posted signage and local and state laws as well as County Policies and Procedures.

## **6. Obligations of Health Department**

### **a. Designation of Employee**

The Health Department shall designate an employee with whom the County may confer regarding the terms of this Agreement.

### **b. Access and Security**

The County or Health Department shall provide the staff necessary to open and close the Active Use Areas at times designated for use during Public Access Hours.

### **c. Inspection and Notification**

The County and Health Department staff shall inspect the Active Use Areas to ensure these sites are returned in the condition they were received. The staff shall ensure the County is notified immediately in the event that an Active Use Area suffers damage during Public Access Hours.

### **d. Supervision**

The County and Health Department shall provide personnel necessary for the direction or supervision of activities sponsored by the County and Health Department at Active Use Areas. The Health Department shall enforce all County rules, regulations, and policies provided by the County while directing community activities at Active Use Areas.

### **e. Equipment and Storage**

The County and the Health Department shall furnish all expendable materials necessary for carrying out its programs.

### **f. Custodial**

The County shall make its trash receptacles available during Public Access Hours. The Health Department and the County shall encourage community users to dispose of trash in the trash receptacles.

## **7. Obligations of County**

### **a. Designation of Employee**

The County shall designate an employee with whom the Health Department may confer regarding the terms of this Agreement.

### **b. Access and Security**

The Health Department or County shall provide the staff necessary to open and close the Active Use Areas at times designated for use during Public Access Hours.

### **c. Inspection and Notification**

The Health Department and County staff shall inspect the Active Use Areas to ensure these sites are returned in the condition they were received. The staff shall ensure the County is notified immediately in the event that an Active Use Area suffers damage during Public Access Hours.

**d. Equipment and Storage**

The County may provide a locked equipment storage facility at a location specified by the County.

**e. Custodial**

The County shall make its trash receptacles available during Public Access Hours. The Health Department and the County shall encourage community users to dispose of trash in the trash receptacles.

**8. Maintenance**

The County shall perform normal maintenance of Active Use Areas at basic level of service subject to normal wear and tear. The County shall notify the Health Department of any known change in condition of the Active Use Areas.

**9. Operational Costs**

**a. Documentation of Costs**

The County and the Health Department shall maintain records of costs associated with the Agreement.

**10. Liability and Indemnification**

a. The Health Department shall defend, indemnify, and hold the County, its officers, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury are caused by or result from the negligent or intentional acts or omissions of the Health Department, its officers, agents, or employees.

b. The County shall defend, indemnify, and hold the Health Department, its officers, employees and agents, harmless from and against any and all liability, loss, expense, attorneys' fees or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury are caused by or result from the negligent or intentional acts or omissions of the County, its officers, agents, or employees.

**11. Insurance**

The County agrees to provide the following insurance in connection with this Agreement.

a. Commercial General Liability for bodily injury and property damage, including Personal Injury and Blanket Contractual, with limits of \$1,000,000.00 per claim with a \$3,150,000 aggregate.

- b. Workers' Compensation. Workers' compensation coverage, as required by 97-1 of the NC Workers' Compensation Act.
- c. Documentation of Insurance. The County shall provide a certificate of insurance to the Health Department each year this Agreement is in effect showing proof of the above coverage.

**12. Termination**

This Agreement may be terminated at any time prior to its expiration, for good cause upon sixty days written notice by either entity.

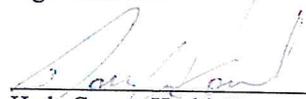
**13. Entire Agreement**

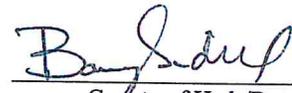
This Agreement constitutes the entire understanding between the parties with respect to the subject matter relating to the use of the grounds used for community health and wellness programming and outreach.

**14. Amendments**

This Agreement may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved in the same manner as this Agreement.

Signatures/Date

  
Hyde County Health Department/Date

 10/06/2015  
County of Hyde/Date

# COUNTY OF HYDE

30 Oyster Creek Road  
PO Box 188

SWAN QUARTER, NORTH CAROLINA 27885  
252-926-4400  
252-926-3701 Fax



## Board of Commissioners

Barry Swindell, Chair  
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Ben Simmons  
John Fletcher  
Dick Tunnell

Bill Rich  
County Manager

Fred Holscher  
County Attorney

Lois Stotesberry, CMC, NCCCC  
Clerk to the Board

## Resolution in Opposition of Sunday Hunting

WHEREAS, Sunday is a day of rest and a religious "holy" day, or day set apart, for many of our residents; and,

WHEREAS, Sunday is a family day for many of our resident families; and,

WHEREAS, our local culture has a history of honoring and valuing The Ten Commandments and the specific commandment to remember the Sabbath and keep it holy, or set apart; and,

WHEREAS, we have many outdoor enthusiasts who compete with hunters for time in the woods and outdoor areas, including, but not limited to, hikers, campers, runners, cyclists, equestrians, bird watchers, and photographers; and,

WHEREAS, Sunday is the one day of the week during hunting season when non-hunters can safely enjoy the woods and outdoor areas used by hunters on the other six days of the week; and,

WHEREAS, with loss of farms and open spaces, outdoor areas are increasing valuable and sought after by all our citizens, and it is reasonable to balance access to the woods and outdoor areas.

THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners opposes hunting on Sunday and the legalization of any gun hunting activities on Sunday, and urges the NC General Assembly to defeat any bills proposing gun hunting on Sunday.

ADOPTED, this the 6<sup>th</sup> day of April, 2015, in Hyde County, North Carolina.

ATTEST:

Lois Stotesberry  
Clerk to the Board

Barry Swindell  
Chairman of County Commissioners