

Meeting Minutes

Board of County Commissioners Hyde County

Monday, August 1, 2016

Chairman Earl Pugh, Jr. called the Regular Meeting of the Hyde County Board of Commissioners to order on Monday, August 1, 2016, 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: Chairman Earl Pugh, Jr., Dick Tunnell, and Barry Swindell; Attorney Fred Holscher; County Manager Bill Rich; Clerk to the Board Lois Stotesberry; and, members of the public.

Public Information Officer Teresa Adams and members of the public were present on Ocracoke.

Commissioners John Fletcher and Ben Simmons were absent.

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

Agenda:

Commissioner Tunnell moved to approve the August 1, 2016 Hyde County Board of Commissioners Regular Meeting Agenda as presented by the Clerk with deletion of Items of Consideration No. 1. Appointments – b. Ocracoke Occupancy Tax Board and Item No. 13. Commissioner Concerns; and, addition of Resolution to Express Hyde county's Desire to Participate In The State Health Plan and Items of Consideration No. 15. Certificate Holder for 2017 Fireworks on Ocracoke. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Consideration of Minutes:

Commissioner Swindell moved to approve the July 5, 2016 Hyde County Board of Commissioners Regular Meeting Minutes as presented by the Clerk. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Presentations:

Mainland Community Recreation

Kris Cahoon Noble, Assistant County Manager/Planner, presented update on proposal to begin a Hyde County Youth Athletics program. Ms. Noble reported a committee (Anna Motteler, Lee Brimmage, Andy Holloway, Brandi Pugh, Kris Noble and Co-Directors Bryant Morrison and Shawn Zehnacker) has been formed. Staff has worked with Mr. Morrison and Mr. Zehnacker to offer Winter Basketball to the youth on mainland Hyde County with a long-term goal of offering a full recreation program in FY17-18. The group has worked to refine expenditures and revenue sources. Revenue sources for Winter Basketball include, but are not limited to registration fees, concessions and sponsorships. The group has also worked toward securing facilities and finding long-term funding for the program.

Preliminary Flood Maps

Kris Cahoon Noble, Assistant County Manager/Planner, reported the National Flood Insurance Program (NFIP) requires the Federal Emergency Management Agency (FEMA) to revise and update all floodplain areas and flood hazard zones at least once every five years. The North Carolina Floodplain Mapping Program (NCFMP) has provided all 100 North Carolina counties preliminary flood hazard data for their communities. These preliminary flood maps are available to view online at <http://fris.nc.gov/fris/>. Local communities/residents are being encouraged to visit the website. Community comments will be considered before adopting the floodplain maps. Within the next 2 months, NCFMP will hold a public meeting of officials, residents and other interested parties to present the findings contained on the FRIS website and to solicit public comments. The Hyde County public meeting is scheduled for Tuesday, August 23, 2016 at 1:00pm in the Multi-use room of the Government Center.

Employee Recognition

Kris Cahoon Noble, Assistant County Manager/Planner, commended Jane Hodges, Permits Technician/Airport Manager, for her service to the county and willingness to help others. Jane spun the "Wheel of Thanks" and won a \$25.00 Gift Certificate to Gibbs Enterprise in Engelhard.

Public Comments:

Hearing no comment from the public, Chairman Pugh continued the meeting.

Resolution To Express Hyde County's Desire To Participate In The State Health Plan

Bill Rich, County Manager, reported Hyde County in conjunction with Lobbyists Joe and Henri McClees and with the support of Pamlico County was able to get the Senate, House Representatives and Governor McCrory to sign off on increasing the enrollment for the State Health Plan from 10,000 to 15,000. Hyde County is one of the first on the list to be considered in July 2017 when our current insurance plan expires.

Commissioner Tunnell moved to adopt "Resolution To Express Hyde County's Desire To Participate In The State Health Plan" in accordance with SB 865 signed by Governor Pat McCrory on July 22, 2016. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Clerk's Note: A copy of "Resolution To Express Hyde County's Desire To Participate In The State Health Plan" is attached herewith as Exhibit A and incorporated herein by reference.

Items of Consideration:

Appointments – Ocracoke Development Ordinance – Planning Advisory Board

Bill Rich, County Manager, reported on June 6 the Board of Commissioners: 1) re-appointed Archie P. Pentz and Thomas Payne to serve a three-year term, 2) appointed John Simpson to complete the term of Benjamin Arden and to serve a three-year term, 3) appointed Steve Wilson, Farris O'Neal, Ashley Harrell and Vince O'Neal to serve three-year terms with all terms to expire on June 6, 2019. On July 5, 2016, Manager Rich presented request from Tom Pahl, Ocracoke, to correct Ocracoke Planning Advisory Board appointments made at the previous meeting. Mr. Rich reported Ashley Harrell will complete the unexpired term of Amy Srail Johnson.

Commissioner Swindell moved to make all appointments made in June to become effective on July 1 of each year. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

2015 Tax Settlement Report

Linda Basnight, Tax Administrator, presented recapitulation of the 2015 tax collections from July 1, 2015 through June 30, 2016. According to the audit for FY2014-2015 the tax office collected 94.83% of the 2014 tax levy. Unaudited figures show that the tax office collected 95.58% of the 2015 tax levy (a slight increase over the 2014 collection rate).

Ms. Basnight thanked Attorney Fred Holscher and his staff for their assistance in collection of delinquent Hyde County taxes. Due to their combined aggressive efforts delinquent county-wide taxes collected from July 1, 2014 to June 30, 2015 totaled \$314,108.79 and delinquent tax interest was \$56,714.57; and, from July 1, 2015 to June 30, 2016 totaled \$362,267.87 and delinquent tax interest was \$69,286.30. From July 1, 2015 to June 30, 2016 delinquent tax collections increased \$48,159.08 and delinquent tax interest collections increased \$12,571.73.

Commissioner Swindell moved to approve both the 2015 tax settlement and the July 2016 Collection Report as submitted by Linda Basnight, Tax Administrator. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Slocum Drainage Association Assistance

Kris Cahoon Noble, Assistant County Manager/Planner, reported Hyde County approved acceptance of loan funds from the NC Electric Membership Corporation (EMC) as an intermediary in order to provide assistance to a group of voluntary land owners in the Slocum area in the amount of \$60,000.00 for a proposed pump project. Hyde County will be the borrower of the funds from Tideland EMC and serve as an intermediary for the distribution of the funds to Slocum Drainage Association. The loan from the EMC to Hyde County will be \$60,000.00 with an APR of 0% and an 8-year term. Ms. Noble reported Hyde County must now create a contractual relationship between the county and Slocum Drainage Association in which the landowners are obligated to repay Hyde County any funds the county provides.

Commissioner Tunnell moved to authorize the County Manager to execute the Loan Agreement; and, authorize staff to work with the County Attorney to create a contractual relationship between the county and the landowners (doing business as) Slocum Drainage Association in which the group is obligated to repay Hyde County any funds with which the county assists the Association. Mr. Swindell seconded the motion. The motion

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

Wastewater Treatment Facility Replacement – Engelhard Sanitary District Request for Waiver of Fees

Kris Cahoon Noble, Assistant County Manager/Planner, reported the Engelhard Sanitary District has struggled with a failing, defective wastewater treatment facility for many years, which included a moratorium on new construction within the district for the past four years. After extensive effort, the Engelhard Sanitary District has received a modified permit from the State of North Carolina and a grant/loan funding package from the U.S. Department of Agriculture in the approximate amount of \$1.3 million to replace the treatment facility and make other necessary repairs. The project is being advertised for bid, with bid opening scheduled for August 3rd. The Engelhard Sanitary District has requested that any fees including but not limited to applicable land use, inspections and health department fees be waived for this project.

Commissioner Tunnell moved to waive building inspection fees to the Engelhard Sanitary District for the wastewater treatment facility replacement project. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Awarding of Bid for Airport Terminal Drainage, Signage and Beacon Repair

Jane Hodges, Permits Technician/Airport Manager, reported NC Department of Transportation-Aviation (DOTA) has allowed Hyde County to use monies that would have expired June 30, 2016 to complete the airport terminal drainage, signage and beacon repair project. A sign will be placed at the end of the airport road announcing the Hyde County Airport; the low-lying areas around the terminal building will be excavated and a drain system will be put in to allow water to flow to the ditch and the low areas will also have extra dirt put in the spots to try and level off the ground to prevent any future standing water; and, the current beacon has been there since the inception of the airport and has rusted making it necessary to make the change.

Commissioner Swindell moved to award the drainage repair project to RPC in the amount of \$83,040.00 and the beacon repair project to Cedar Peaks in the amount of \$79,520.00. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Shoffner Sub-division Plan

Kris Cahoon Noble, Assistant County Manager/Planner, reported James F. Gilliam and Richard W. Shoffner have submitted a plat proposing minor subdivision for review. The original map is labeled as Deed Bk93 Pg577. It is a simple minor subdivision creating no new streets; however, it does create new right-of-ways. The sub-dividers are requesting to take Lots 1 and 2 as shown on the Plan of Land and Subdivision of Tracts Surveyed for Texie L. Dillon Heirs and divide those lots into Lots 6, 7, 8 and 9. Lot 6 will be deeded to Mr. James Gilliam. Lot 8 will be deeded to Mr. Shoffner along with Lot 7 which serves as Shoffner's right of way to Lot 8. Lot 9 is being subdivided to serve as mitigated area to be set aside in an exchange for constructing the right-of-way shown as Lot 7. All parcels meet minimum size requirements under the Hyde County Subdivision Ordinance.

This proposed minor subdivision has been sent out for review by the following:

- a. The Division of Highways district engineer as to the proposed roadways;
- b. The Hyde County Health Department or the state Department of Environment and Natural Resources (DENR), Division of Environmental Health or its successor as appropriate, for the proposed water and sewage systems;
- c. The local CAMA permit officer to determine if the property lies within a designated area of environmental concern and what permits are required;
- d. The Hyde County Water Department as to the proposed water service;
- e. The Natural Resource Conservation Service or its successor as the matters of topography and drainage;
- f. The Hyde County Fire Marshal to approve new road or street names for subdivisions which will serve three or more residences and the placement of fire hydrants and fire control equipment as required by this chapter; and
- g. The County Attorney.

Commissioner Swindell moved to approve subdivision pending approval by the County Attorney and U.S. Army Corp of Engineers. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Proposed Sale of Hyde County Home Health Agency (d/b/a) Hydeland Home Care Agency

Bill Rich, County Manager, presented update on the proposed sale of Hydeland Home Health to Liberty Home Care Management Services. Request for bid was sent to eleven (11) entities and Liberty was the only responding entity. The purchase price for the business and assets (seller's home health care operation, Certificate of Need (CON), operating permits and licenses and Medicare and Medicaid Provider Numbers) will be in the amount of \$150,000.00.

Commissioner Swindell moved to approve sale of Hydeland Home Care Agency (Medicare-certified home health agency operations and assets) to Home Care Management Services, LLC, on behalf of Liberty Homecare Group for the purchase price of \$150,000.00. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Ocracoke Convenience Site Landscaping

Bill Rich, County Manager, reported Jennifer Rich (his wife) of Ocracoke Garden Center, has agreed to beautify Hyde County's convenience site location on Ocracoke at her cost with the assistance of Kevin and his staff. All supplies are provided at Mrs. Rich's cost of \$681.04 plus tax \$45.97, totaling \$727.01. Labor costs total \$240.00.

Commissioner Swindell moved to approve Ocracoke Convenience Site Landscaping by Jennifer Rich. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

County Manager Management Performance and Development Evaluation Form

Earl Pugh, Jr., Chairman, presented the proposed "Management Performance and Development Evaluation for The County Manager" form for Board of Commissioner approval.

Chairman Pugh moved to approve "Management Performance and Development Evaluation for The County Manager Form". Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Approval of Emergency Services Job Descriptions

Justin Gibbs, Hyde County Emergency Services Director, presented new Emergency Services Department job descriptions for: 1) Emergency Services Administrative Assistant; 2) EMS Operations Section Chief; and, 3) EMS Training Section Chief.

Commissioner Tunnell moved to approve the Emergency Services Administrative Assistant, EMS Operations Section Chief and EMS Training Section Chief job descriptions as presented by ES Director Justin Gibbs; and to classify the EMS Operations Section Chief position and the EMS Training Section Chief position to be exempt employees. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Animal Control Agreement

Bill Rich, County Manager, reported Hyde County currently has no Animal Control Officer due to the recent resignation of J. M. Eakes, Animal Control Officer. Mr. Rich recommended merging with Tyrrell County to provide Hyde County animal control services. Manager Rich outlined Hyde County's requirements for animal control in previous discussion with Tyrrell County Manager David Clegg.

The Tyrrell County Board of Commissioners will discuss this request at their August 16, 2016 meeting.

NPS – Handicap Beach Access Update

Kris Cahoon Noble, Assistant County Manager/Planner, reported the National Park Service (NPS) has sufficient right-of-way on Highway 12 for relocation. NC DOT will send copy of their plans to Hyde County once they have been approved. Ms. Noble also reported two areas have been approved for sound side beach access. She will invite a representative of the NPS to the September 6 Hyde County Board of Commissioners meeting to present further update.

2017 Fireworks on Ocracoke

Commissioner Swindell moved to approve Hyde County to be the certificate holder for the 2017 fireworks show on Ocracoke. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

Davis Building Roof

County Manager Bill Rich reported estimates received to replace the Davis Building roof totaled \$300,000.00. He will compile the statistics/options to consider for the building for discussion at the September 6 Board of Commissioners meeting.

Budget Transfers: (none)

Management Reports:

Commissioner Ben Simmons was absent.

Commissioner John Fletcher was absent.

Commissioner Barry Swindell – vacationed on Ocracoke last week.

Commissioner Dick Tunnell – attended the county-wide drainage meeting.

Chairman Earl Pugh, Jr. – attended the Hyde County drainage stakeholder meeting and the Pocosin Lakes Refuge property owners meeting with Senator Tillis. Mr. Pugh also vacationed on Ocracoke.

County Manager Bill Rich – attended the Mattamuskeet Lodge meeting at NC Wildlife Resources Commission in Raleigh and reported legislation during the short session allocated \$200,000.00 in transference of the Lodge to NC WRC. Mr. Rich reported the HVAC systems at the Government Center need new coils at a cost of \$62,000.00. Utilities Director Clint Berry will research options to repair or replace the units. Mr. Rich's June calendar was provided.

Assistant County Manager Kris Noble – reported Hyde County received a CDBG Training Grant in the amount of \$50,000.00 to be used to send five county employees to UNC-SOG. Ms. Noble will present the project budget ordinance for this grant at the next Board of Commissioners meeting.

Public Comments:

Chairman Pugh called for comments from the public.

Connie Leinbach – requested update on trash pick-up on Ocracoke.

Manager Rich – reported the service will be put out for bids.

Peter Vankevich – Ocracoke Observer, will host the “Durham Boys” from UNC-Journalism Department.

There being no further comment from the public, Chairman Pugh continued the meeting.

Closed Session (none)

Adjourn

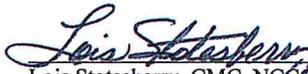
Commissioner Swindell moved to adjourn the meeting. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes –Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Simmons.

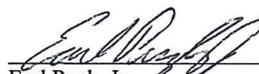
The meeting adjourned at 7:20p.m.

Respectfully submitted:

Minutes approved on the 6th day of August 2016.

Attest:


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


Earl Pugh, Jr.
Chair, Hyde County Board of Commissioners

Attachments:

Exhibit A: “Resolution to Express Hyde County’s Desire to Participate in the State Health Plan”

COUNTY OF HYDE

Board of Commissioners

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

30 Oyster Creek Road

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Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Statesberry, CMC, NCCCC
Clerk to the Board



RESOLUTION TO EXPRESS HYDE COUNTY'S DESIRE TO PARTICIPATE IN THE STATE HEALTH PLAN

WHEREAS, the General Assembly has authorized units of local government to enroll their employees and dependents in the State Health Plan for Teachers and State Employees;

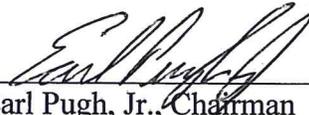
WHEREAS, Senate Bill 865 has a statute allowing local participation (G.S. 135.48.47);

WHEREAS, the session law designation assigned to SB 865 is S.L. 2016-104;

WHEREAS, Governor Pat McCrory signed SB 865/S.L. 2016-104 July 22, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners desires to participate in the State Health Plan effective July 1, 2017.

This the 1st day of August, 2016.



Earl Pugh, Jr., Chairman

ATTEST:



Bill Rich, County Manager

