

ORGANIZATIONAL / REGULAR MEETING MINUTES

HYDE COUNTY BOARD OF COMMISSIONERS

MONDAY, DECEMBER 2, 2019

Following opening prayer by Commissioner Simmons; and, Pledge of Allegiance, Chairman Pugh called the Organizational Meeting of the Hyde County Board of Commissioners to order at 6:00p.m., on Monday, December 2, 2019 in the Hyde County Government Center Multi-Use Room and the Ocracoke Community Center using electronic conferencing equipment.

The following members were present on the mainland: Chairman Earl Pugh, Jr.; Commissioners Ben Simmons, Shannon Swindell and James Topping; County Manager Kris Cahoon Noble; Attorney Franz Holscher; Clerk to the Board Lois Stotesberry; IT Director Donnie Shumate; and, members of the public.

Vice-Chair Tom Pahl; EM Director Justin Gibbs; Teresa Adams and members of the public were present on Ocracoke.

CONSIDERATION OF AGENDA:

Commissioner Swindell moved to approve the Monday, December 2, 2019 Organizational Meeting Agenda as presented by the Clerk with addition of Item No. 7 – Teresa Adams; and, Regular Meeting Agenda with addition of Item No. 3 – Resolution Opposing Reclassification of Jurisdictional Waters of North Carolina. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

ELECTION OF CHAIRMAN:

Clerk to the Board of Commissioners Lois Stotesberry opened the organizational meeting and called for nomination of the chairman for the ensuing year.

Commissioner Simmons nominated Earl Pugh, Jr. to serve another year as Chairman to the Board of Commissioners. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Chairman Pugh continued the organizational meeting.

ELECTION OF VICE-CHAIRMAN:

Commissioner Simmons nominated Tom Pahl to serve another year as Vice-Chairman to the Board of Commissioners. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

APPOINTMENT OF COUNTY ATTORNEY:

Commissioner Simmons moved to reappoint Franz Holscher to serve another year as County Attorney. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

APPOINTMENT OF CLERK TO THE BOARD OF COMMISSIONERS:

Commissioner Swindell moved to reappoint Lois Stotesberry to serve another year as Clerk to the Board of Commissioners. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

APPOINTMENT OF DEPUTY CLERK TO THE BOARD OF COMMISSIONERS:

Commissioner Simmons moved to reappoint Rosemary Johnson, Justin Gibbs and Donnie Shumate and to appoint Teresa Adams to serve as Deputy Clerk to the Board of Commissioners. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Clerk of Superior Court Brandy C. Pugh administered Oaths of Office to the clerk and deputy clerks.

Chairman Pugh declared the organizational meeting closed at 6:15p.m.

CONSIDERATION OF MINUTES:

November 4, 2019 – Regular Meeting Minutes and November 18-20 Special Meeting Minutes

Commissioner Pahl moved to approve the November 4, 2019 regular meeting minutes with deletion of ~~of compensation and terms of an employment contract~~ on page 5 line 19; and, to approve the November 18-20, 2019 special meeting minutes with correction on page 2 line 31 ~~motion second~~ and deletion of ~~and debris removal~~ on page 4 line 21.

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

RESOLUTION TO ADOPT MEETING CALENDAR FOR 2020

Commissioner Simmons moved to adopt “Resolution No. 2019-12-02 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates”. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of “Resolution No. 2019-12-02 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates” is attached herewith as Exhibit A and incorporated herein by reference.

TAX REPORT

Tax Administrator Linda Basnight presented the November, 2019 TR-407 Daily Distribution Report.

Commissioner Swindell moved to approve the TR-407 report as presented. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

PUBLIC COMMENT:

Kelley Shinn, Ocracoke – suggested a public comment session on dispersing funds for Ocracoke post Dorian and stated transparency is vital.

Darlene Styron, Ocracoke – discussed the supplies ferry and requested an update on the north end road repair.

Peter Vankevich – asked that priority passes be issued for residents with new vehicles on the Island.

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

ITEMS OF CONSIDERATION:

AMENDMENT TO ABANDONED VEHICLE ORDINANCE

Emergency Manager Justin Gibbs presented “An Ordinance to Amend Chapter 34, Article 1 Vehicles Abandoned On County Property.”

County Attorney Franz Holscher will review and bring the final version back to the Board at its next regularly scheduled meeting on Monday, January 6, 2020.

HYDE COUNTY NURSING HOME COMMUNITY ADVISORY COMMITTEE

County Manager Kris Cahoon Noble reported Jasmine Wilson, Aging Program & Contract Specialist, CAC Program Assistant with the Albemarle Commission, Area Agency on Aging, requests re-appointment of Karen Meekins to serve on the Hyde County Nursing Home Community Advisory Committee.

Commissioner Simmons moved to re-appoint Karen Meekins to serve another three-year term on the Hyde County Nursing Home Community Advisory Committee. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

RESOLUTION OPPOSING RECLASSIFICATION OF JURISDICTIONAL WATERS

County Manager Kris Cahoon Noble reported the North Carolina Marine Fisheries Commission (MFC) and the North Carolina Wildlife Resources Commission (WRC) formed a joint committee for the purpose of determining boundaries defining inland and coastal waters. Ms. Noble reported the proposed Reclassification of Jurisdictional Waters would create a loss of approximately 144,984 square acres or 226.5 sq. miles of coastal and commercial fishing waters. The financial impact as proposed would exceed \$1,000,000.00 for sustainable economic impact as prescribed in the NC Administrative Procedure Act.

Commissioner Swindell moved to authorize Manager Noble to write a resolution opposing reclassification of jurisdictional waters. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of “Resolution Opposing Reclassification of Jurisdictional Waters” is attached herewith as Exhibit B and incorporated herein by reference.

BUDGET REVISIONS

Health Department

06-20 – Health Department – Adult Health\$ 700.00
07-20 – Mental Health/ Substance Abuse \$36,250.42

MANAGEMENT REPORTS:

Vice-Chairman Tom Pahl – reported much progress has been made and over all the Island looks good. Mr. Pahl also complimented the “Ocracoke Strong” Christmas decorations.

Commissioner Topping – no report.

Commissioner Swindell – no report.

Commissioner Simmons – offered condolences to the family of Steve Bryan and suggested he be honored at the January 6, 2020 meeting. Mr. Simmons reported on state hurricane relief funding for the Fairfield Drainage District.

Commissioner Pugh – attended Ocracoke Control Group meetings, Ocracoke – Engelhard Medical Center meeting, Community Health Assessment Action Plan and the Albemarle Commission meeting. Mr. Pugh announced he will not be running for re-election. Registration is open until noon on December 20th.

Kris Cahoon Noble, County Manager – reported the SBA would be in the Government Center on Tuesday and Wednesday to assist citizens with Hurricane Dorian relief. Ms. Noble will continue working on long term sustainability. She reported repair to the north end is on schedule and should be completed on Friday; and listed departure times for the Swan Quarter and Cedar Island ferries.

PUBLIC COMMENT: (none)

CLOSED SESSION: (none)

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

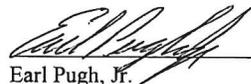
The meeting adjourned at 6:50p.m.

Respectfully submitted:

Minutes approved on the 6th day of January, 2020.

Attest:

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



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

Attachments

Exhibit A: “Resolution No. 2019-12-02 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates”

Exhibit B: “Resolution Opposing Reclassification of Jurisdictional Waters”

Board of Commissioners

Earl Pugh, Jr.
Benjamin Simmons, III
Thomas Pahl
Shannon Swindell
James R. Topping

COUNTY OF HYDE

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

Kristen Cahoon Noble
County Manager

Franz Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



Resolution No. 2019-12-02

**RESOLUTION OF THE HYDE COUNTY BOARD OF COMMISSIONERS
ESTABLISHING REGULAR MEETING DATES**

WHEREAS, pursuant to NCGS 153A-40, the Hyde County Board of Commissioners have elected to adopt a meeting schedule by resolution so that its members and the public may know when Regular meetings of the Board are to be held;

WHEREAS, the Hyde County Board of Commissioners adopted Rules of Procedure on February 4, 2013, calling for Regular meetings on the first Monday of each month, or as otherwise provided;

WHEREAS, nothing in this Resolution shall preclude the Hyde County Board of Commissioners from holding Special or Emergency meetings as such may be allowed by law;

WHEREAS, the Board of Commissioners desires to begin all calendar year 2020 Regular Board Meetings at 6:00 p.m.; and,

WHEREAS, the Hyde County Board of Commissioners utilizes an electronic meeting system for the simultaneous audio and/or video conduct of Regular meetings on both the Mainland and Ocracoke, the sites of such electronic meetings being as follows unless an alternative location is posted on the door of the meeting site:

- "Government Center" means the Multi-Use Room in the Government Center, 30 Oyster Creek Road, Swan Quarter, NC.
- "Ocracoke" means the Community Center, 999 Irvin Garrish Highway, Ocracoke, NC.
- * means the meeting date is on Tuesday.

WHEREAS, the Hyde County Board of Commissioners, at its Organizational Meeting on December 2, 2019, unanimously moved to call for Regular meetings on the first Monday of each month, or as otherwise provided;

NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners adopts the following schedule for regular Board meetings:

January 6, 2020
February 3, 2020
March 2, 2020
April 6, 2020
May 4, 2020
June 1, 2020

July 6, 2020
August 3, 2020
September 8, 2020*
October 5, 2020
November 2, 2020
December 7, 2020

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this Resolution on the courthouse bulletin board and to publish a summary in the *Coastland Times* newspaper on or before December 30, 2019.

Duly adopted this the 2nd day of December, 2019.



Chair, Hyde County Board of Commissioners

ATTEST:


Clerk to the Board of Commissioners



Board of Commissioners

Earl Pugh, Jr.
Benjamin Simmons, III
Thomas Pahl
Shannon Swindell
James R. Topping

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
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252-926-4400
252-926-3701 Fax

Kristen Cahoon Noble
County Manager

Franz Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



**Resolution
Opposing Reclassification of Jurisdictional Waters**

WHEREAS, in January of 2019, the NC Marine Fisheries Commission (MFC) and the NC Wildlife Resources Commission (WRC) formed a joint committee for the purpose of determining boundaries defining inland and coastal waters; and,

WHEREAS, the joint committee had its last meeting in May of 2019, after having disagreements between the agencies on the "salinity value" to determine boundaries; and,

WHEREAS, in August of 2019, the WRC business meeting was held with little direct notice to the MFC or to the NC Department of Environmental Quality (NCDEQ). At this meeting the WRC decided to move forward with the proposed boundaries based on the arbitrary "2.6 ppt salinity value"; and,

WHEREAS, in 2017 the MFC conducted a review of rules pertaining to delineation (15A NCAC 03Q.0200 et seq) and determined there was no basis to adjust jurisdictional boundaries; and,

WHEREAS, the proposed Reclassification of Jurisdictional Waters would be a loss of approximately 144,984 square acres or 226.5 sq. miles of coastal and commercial fishing waters. Thus, creating even more confusion and regulations to the already over regulated NC commercial fishing industry; and,

WHEREAS, the MFC would be required by law, to perform a comprehensive financial analysis to modify jurisdictional boundaries, which would include a review of all existing rules and a detailed mapping effort expected to take over a year to complete with added costs to the taxpayers of North Carolina; and,

WHEREAS, the financial impact as proposed would exceed \$1,000,000.00 for sustainable economic impact as prescribed in the NC Administrative Procedure Act; and,

WHEREAS, fisheries management plans of important commercial and recreational species under MFC authority follow a criterion initially to establish coastal and joint waters but not inland waters. Thus, a complete review of all MFC rules would have to be completed at NC taxpayer expense.

THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners strongly opposes the Reclassification of Jurisdictional Waters as prescribed by the NC Wildlife Resources Commission. Under such research we have not found where a Salinity Value is a determination of boundary lines between coastal and inland waterways.

Adopted this the 2nd day of December, 2019.



Chair, Hyde County Board of Commissioners

ATTEST:


Clerk to the Board of Commissioners

