

Regular Meeting Minutes

**Board of County Commissioners
Hyde County**

Monday, December 4, 2017

After opening prayer Chairman Earl Pugh, Jr. called the Regular Meeting of the Hyde County Board of Commissioners to order on Monday, December 4, 2017, 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., Vice-chairman Barry Swindell, Assistant County Manager Kris Noble; Clerk to the Board Lois Stotesbery; Deputy Clerk Justin Gibbs; and, members of the public.

Commissioner Tom Pahl; County Manager Bill Rich; Attorney Fred Holscher; Public Information Officer Donnie Shumate and members of the public were present on Ocracoke.

Commissioner Ben Simmons attended via telephone.

Commissioner Dick Tunnell was absent.

Consideration of Agenda:

Commissioner Swindell moved to approve the December 4, 2017 Board of Commissioners Regular Meeting Agenda as presented by the Clerk with Presentation No. 2 – DMA-LEG Requirement moved to the January 8, 2018 meeting agenda and with correction of Item No. 3 – Appointment to BHM Ocracoke Library Board of Directors. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Pahl and Simmons; Nays – None; Absent or not voting – Tunnell.

Presentations:

Habitat Framework for Strategic Plan

Charles Poe, Consultant, New Era Industries, Inc., presented framework of the strategic plan for Habitat for Humanity North Carolina (HHNC). Goals and objectives of HHNC include: 1) Build a Sustainable Organization – Mobilize Resources & Steward Them Faithfully, 2) Build Community Impact – Improve Housing Conditions, 3) Build Sector Impact – Partner to Increase Shelter Access and 4) Build Societal Impact – Inspire Action to End Poverty Housing.

Proclamation of Support for HB551/SB595 (Marsy's Law)

Bill Rich, County Manager, reported Marsy's Law for North Carolina is a non-profit that is working to pass a victim's rights bill here in North Carolina. The bill would give victims of violent crimes the right under the state constitution to be notified about the release of their attacker, the date of the bail hearings, parole hearings, and the right to be kept informed about all aspects of the trial.

Commissioner Pahl supports the concept of Marsy's Law but is opposed to the portion of information to make this a part of the Amendment to the North Carolina Constitution.

Commissioner Pahl moved to adopt "Proclamation of Support for HB551/SB595 (Marsy's Law)". Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Pahl and Simmons; Nays – None; Absent or not voting – Tunnell.

Clerk's Note: A copy of "Proclamation of Support For HB551/SB595 (Marsy's Law)" is attached herewith as Exhibit A and incorporated herein by reference.

Employee Recognition:

Bill Rich, County Manager, thanked Attorney Fred Holscher for his service and friendship to Hyde County.

Public Comments:

Tom Kane, Ocracoke – requested information about the preliminary flood maps.

Kris Noble, Assistant County Manager, will send Mr. Kane a timeline and information about the maps.

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

Items of Consideration:

Resolution – Establishing Regular Meeting Dates

Commissioner Swindell moved to adopt "Resolution No. 2017-12-04 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates" as directed by General Statute §143-318.12. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Pahl and Simmons; Nays – None; Absent or not voting – Tunnell.

Clerk's Note: A copy of "Resolution No. 2017-12-04 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates" is attached herewith as Exhibit B and incorporated herein by reference.

Project Budget Ordinance – Stream Debris Removal Project

Daniel Brinn, Water and Flood Control Coordinator, reported this project budget ordinance will outline revenues and expenditures to complete the North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation Stream Debris Removal Project identified as Phase III award of the Disaster Recovery Act of 2016 in the amount of \$858,487.00.

Commissioner Pahl asked that job opportunities be made available to Hyde County residents.

Hyde County will work with Hyde Soil & Water to complete stream debris removal activities including cutting and removing downed trees, broken tops and woody/vegetative debris that impede or potentially impede water flow in 31 streams/canals and drainage districts throughout the county, as well as sediment removal and bank stabilization in a limited number of areas.

Commissioner Swindell moved to adopt "Hyde County – North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation Stream Debris Removal Project Phase III Award of the Disaster Recovery Act of 2016 Project Budget Ordinance". Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Pahl and Simmons; Nays – None; Absent or not voting – Tunnell.

Clerk's Note: A copy of "A Hyde County – North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation Stream Debris Removal Project Phase III Award of the Disaster Recovery Act of 2016 Project Budget Ordinance" is attached herewith as Exhibit C and incorporated herein by reference.

Consideration of Recommended Administrative Changes - Effective July 1, 2018

Bill Rich, County Manager, requested the Board's consideration of the selection of Kris Cahoon Noble as incoming County Manager and Bill Rich as a county-contracted employee as presented at the Board Retreat meeting on October 11, 2017.

Commissioner Pahl moved to approve the concept of the recommended administrative changes (to become effective July 1, 2018) as presented by County Manager Bill Rich. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Pahl and Simmons; Nays – None; Absent or not voting – Tunnell.

Commissioner Simmons left the meeting at 7:00p.m.

Appointment – BHM Regional Library Board of Trustees

Commissioner Pahl moved to re-appoint Liz Hotchkiss to serve as the Ocracoke representative on the Beaufort/Hyde/Martin Regional Library Board of Trustees. Mr. Simmons Swindell seconded the motion. The motion passed on the following vote: Ayes – Pahl, Pugh and Swindell; Nays – None; Absent or not voting – Tunnell and Simmons.

Update on 911

Justin Gibbs, Emergency Services Director, presented update on the Dare/Tyrrell/Hyde Regional Emergency Communications Center (DTH-RECC) project. Hyde County E-911 services are on track to cut over to Dare County on Wednesday, December 6, 2017.

CDBG-DR Conditional Award Letter – Davis Ventures Roof

Kris Noble, Assistant County Manager, reported Hyde County recently received notice from the Governor's Hurricane Recovery Office and the NC Division of Emergency Management that it is entitled to receive up to \$500,000.00 for a three year grant term under the NC CDBG-DR program for repairs to the roof of the Davis Ventures building in Engelhard. Hyde County will be required to execute a Memorandum of Agreement that will more thoroughly articulate the terms and conditions of the grant award. No action required at this time.

Contract and Agreement for Services – McClees Consulting

Kris Noble, Assistant County Manager, reported Hyde County's contract/agreement for services through McClees Consulting is up for renewal at the end of December. The contract term will run from January 1, 2018 through December 31, 2018.

Commissioner Swindell moved to renew McClees Consulting Contract and Agreement for 2018. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pahl, Pugh and Swindell; Nays – None; Absent or not voting – Tunnell and Simmons.

NC DOT Aviation Funds – Hyde County Airport Advisory Committee Recommendation of Expenditures

Kris Noble, Assistant County Manager, reported the Hyde County Airport Advisory Committee met on November 28, 2017 at the Hyde County Airport in Engelhard. In attendance were Airport Manager Jane Hodges; Committee members Wilson Daughtry, Greg Gibbs and Tim Whitfield; Assistant County Manager Kris Noble; and Jay Talbert of Talbert & Bright, Inc.

Each year NC DOT Aviation grants each general aviation airport in the nation \$150,000.00 non-primary entitlement funds including the Hyde County Airport. These grant funds are required to be matched with county funds in the amount of \$16,620.00 giving the airport an improvement budget of \$166,620.00 each year. This money can be held over for up to four fiscal years. After the fourth fiscal year, the remainder of the oldest portion of funds will revert back to the state.

Jay Talbert serves as Hyde County’s engineer and grant administrator for NC DOT Aviation grant funds and asked the committee for guidance in regard to all money expiring on June 30, 2018. NC DOT Aviation requires all FY2013 funds to be appropriated by December 15, 2017 and expended by June 30, 2018. The amount of funding to be expended is \$110,260.00 and the funds must be expended and not simply under contract.

The Airport Advisory Committee recommends the funding be appropriated towards the design and engineering of the following projects:

- Extension of the current runway to 5000 foot. This extension will potentially increase fuel sales and would allow larger planes to fly in.
- Construction of a NC DOT Aviation certified turnaround at the end of the extension. This makes the airport facility safer for multiple take offs and landings.
- Construction of a 100’ x 120’ airport hanger. This size hanger will make it possible to store approximately ten planes and create a mechanism for generation of revenue for the airport.

The group discussed how they plan to proceed in construction of the above projects after the design work is complete. Hyde will have approximately \$670,000.00 to spend out of FY2014-2017 money that can be utilized for construction. The group suggests combining the extension and turnaround to gain economies of scale with dirt work and grading. Also, it is hoped that there will be funds from the \$670,000.00 to improve the future site of the hanger. It is hoped that all site work for the hanger can be bid with the site work for the extension and turnaround.

In regard to funds to pay for the ultimate construction of the hanger, the group would like to utilize the maximum allocation of \$670,000.00 and seek interim financing for the remaining \$400,000.00. The financed amount will be paid through future grant funds. The three projects will take the groups long range planning strategies through 2022.

Commissioner Swindell moved to authorize Talbert and Bright to submit a package to the state to utilize the \$110,260.00 to design the runway extension, turnaround and a hanger sized 120’ x 100’ with insulation, electrical and heat. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pahl, Pugh and Swindell; Nays – None; Absent or not voting – Tunnell and Simmons.

Commissioner Pahl requested the Airport Advisory Committee prepare and present a business plan to the Board of Commissioners.

Budget Transfers:

Bill Rich, County Manager, presented the following budget transfers for Board of Commissioner approval.

Health Department

BR11-18 – Healthy Communities – Drug Take Back Project \$ 2,000.00

BR12-18 – Healthy Communities – Contract Radiology \$ 2,700.00

Veteran Services

Departmental Supplies – Travel \$ 250.00

Commissioner Swindell moved to approve Health Department BR11-18 and BR12-18 transfers and Veteran Services transfer as presented. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pahl, Pugh and Swindell; Nays – None; Absent or not voting – Tunnell and Simmons.

Veteran Services Officer

Tammy Blake, Human Resources Officer, reported Sherry Stotesberry has been hired for the Veteran Services Officer position. Sherry is familiar with veteran affairs. She is retired from Beaufort County Community College.

Management Reports:

Chairman Earl Pugh, Jr. – attended the Albemarle Commission Annual Awards Banquet where Manager Rich received the 2017 Outstanding County Manager in Region R award and attended a Trillium Health Resources meeting.

Commissioner Tom Pahl – attended a luncheon with the Ferry Division regarding the tram and passenger Ferry projects. He attended the NCDOT Ferry Division public information meeting, Waterways Commission meeting, and the Board of Adjustments meeting with William Howard. Mr. Pahl also met with Paul Spruill and Ben Beagle of Tideland EMC.

Commissioner Barry Swindell – no report.

Commissioner Ben Simmons – absent.

Commissioner Dick Tunnell – absent.

County Manager Bill Rich – reported Golden LEAF funds have been spent. He reported one of the three Revolving Loan Fund loans closed today and the other two loans will close tomorrow. Mr. Rich and Rosemary Johnson met with Dan Gurlock of Golden LEAF and requested an additional \$250 million grant funding. He attended a meeting with the attorney for PCL to discuss Hyde and Dare County settlements, attended the NC Beach and Inland Waterways meeting and the UNC-School of Government Foundation meeting.

Assistant County Manager Kris Noble – attended the Albemarle Commission Annual Awards Banquet where Manager Rich received the 2017 Outstanding County Manager in Region R award, and the Mattamuskeet Lodge meeting with the NC State Budget Office to discuss construction of the final roof and tower projects. Ms. Noble presented update on the Hyde County Youth Athletics program, Engelhard Sanitary District extension grant, Opioid Drug Task Force services, Tideland EMC West Quarter loan and pedestrian planning for Ocracoke. She invited everyone to attend the County Christmas Party in Fairfield on Wednesday.

Public Comments:

Justin Gibbs, ES Director – reported details and findings during testing and site visits on the E-911 consolidation project are all good.

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

Closed Session (none)

Adjourn

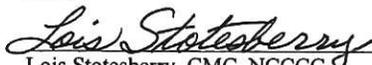
Commissioner Swindell moved to adjourn the meeting. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pahl, Pugh and Swindell; Nays – None; Absent or not voting – Tunnell and Simmons.

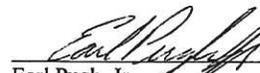
The meeting adjourned at 7:50p.m.

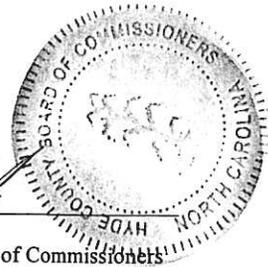
Respectfully submitted:

Minutes approved on the 8th day of January, 2018.

Attest:


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


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



Attachments:

- Exhibit A:** "Proclamation of Support for HB551/SB595 (Marsy's Law)"
- Exhibit B:** "Resolution No. 2017-12-04 – Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates"
- Exhibit C:** "A Hyde County – North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation Stream Debris Removal Project Phase III Award of the Disaster Recovery Act of 2016 Project Budget Ordinance"



WHEREAS, Marsy's Law For North Carolina and advocacy organizations statewide are dedicated to guaranteeing victims' rights and providing a voice; and

WHEREAS, Marsy's Law For North Carolina supporters agree victims should always be treated with fairness and respect throughout the criminal justice process, protected from the defendant, reasonably heard at public proceedings regarding their case, and given a voice through the process of the case; and

WHEREAS, per the Federal Bureau of Investigation's (FBI) most recent "Crime in the United States" report, in 2013 a total of 33,700 North Carolinians were the victim of Violent "Index Crimes" including: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson; and

WHEREAS, Marsy's Law for North Carolina will ensure that victim's receive the same rights that are afforded to criminals and have rights to notification of release, hearings, appropriate restitution, and the right to speak during criminal proceedings; and

WHEREAS, Victims' Rights is a non-partisan, non-political issue, and Marsy's Law is a common sense approach to ensuring Victims' Rights

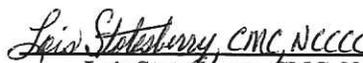
NOW THEREFORE, We the Hyde County Board of Commissioners, Swan Quarter, North Carolina, do hereby proclaim:

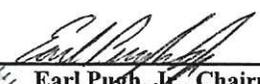
SUPPORT FOR HB 551/SB 595 (MARSY'S LAW)

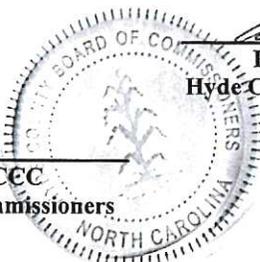
In and for the County of Hyde, and encourage all of our citizens to join in the commitment to protect the rights of North Carolina crime victims.

IN WITNESS WHEREOF, the Hyde County Board of Commissioners duly adopts this proclamation on the 4th day of December, 2017.

ATTEST:


Lois Stotessberry, CMC, NCCEC
Clerk, Hyde County Board of Commissioners


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



Board of Commissioners

Barry Swindell, Chair
Earl Pugh, Jr., Vice-chair
Benjamin Simmons, III
Dick Tunnell
Tom Pahl

COUNTY OF HYDE

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

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



Resolution No. 2017-12-04

**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 2018 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 4, 2017, 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 8, 2018	July 2, 2018
February 5, 2018	August 6, 2018
March 5, 2018	September 4, 2018*
April 2, 2018	October 1, 2018
May 7, 2018	November 5, 2018
June 5, 2018*	December 3, 2018

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, 2017.

Duly adopted this the 4th day of December, 2017.



Chair, Hyde County Board of Commissioners

ATTEST:


Clerk to the Board of Commissioners



**Hyde County – North Carolina Department of Agriculture and Consumer Services
Division of Soil & Water Conservation Stream Debris Removal Project
Phase III award of the Disaster Recovery Act of 2016
Project Budget Ordinance
December 4, 2017**

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

Section 1: The program authorized is the North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation Stream Debris Removal Project identified as Phase III award of the Disaster Recovery Act of 2016. The purpose of the project is to remove from streams debris resulting from past and recent hurricanes, ice storms and tornadoes, as well as sediment removal and bank stabilization in a limited number of areas. The project is funded by state appropriations from the Disaster Recovery Act of 2016.

Section 2: Hyde County and Hyde County Soil & Water Conservation staff are hereby directed to proceed with the grant program within the terms of the grant document(s), the rules and regulations of the North Carolina Department of Agriculture and Consumer Services Division of Soil & Water Conservation, and the budget contained herein.

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

Stream Debris Removal Project

NC Division of Soil & Water Conservation	\$858,487.00
Total:	<u>\$858,487.00</u>

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

Phase III award of the Disaster Recovery Act of 2016

Program Budget	<u>\$858,487.00</u>
-----------------------	----------------------------

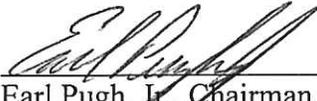
Section 5: The Grant Finance Officer is hereby directed to maintain within the Grant Program Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Division of Coastal Management required by the grant agreement(s) and federal and state regulations.

Section 6: Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of

Agriculture and Consumer Services Division of Soil & Water Conservation in an orderly and timely manner.

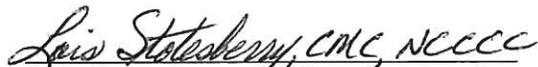
Section 7: Copies of this grant program ordinance shall be made available to the Grant Finance Officer for direction in carrying out this program.

Adopted this 4th day of December, 2017.



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

ATTEST:



Lois Stotesberry, Clerk to the Board

