

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' ORGANIZATIONAL MEETING

MONDAY, DECEMBER 4, 2017 – 6:00 PM

CALL TO ORDER

OPENING

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

November 6, 2017 – Regular Meeting Minutes

PRESENTATIONS

County Attorney Fred Holscher – Commendation

ORGANIZATIONAL MEETING

- 1) Opening of Organizational Meeting – Earl Pugh, Jr., Chairman
- 2) Nomination and Election of Board Chairman
- 3) Chair Takes Over Organizational Meeting
- 4) Nomination and Election of Vice-Chairman
- 5) Appointment of County Attorney
 - i. Franz F. Holscher, Attorney
- 6) Appointment of Board Clerk
 - i. Lois Stotesberry, CMC, NCCCC
- 7) Appointment of Deputy Clerks
 - i. Justin Gibbs
 - ii. Rosemary Johnson
 - iii. Donnie Shumate

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

Meeting Date: December 4, 2017
Presenter: Lois Stotesberry, Clerk
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the November 6, 2017 Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: Earl Pugh, Jr.
 Barry Swindell
 Dick Tunnell
 Ben Simmons
 Tom Pahl

Motion Seconded By: Earl Pugh, Jr.
 Barry Swindell
 Dick Tunnell
 Ben Simmons
 Tom Pahl

Vote: Earl Pugh, Jr.
 Barry Swindell
 Dick Tunnell
 Ben Simmons
 Tom Pahl

1 **REGULAR MEETING MINUTES**

2 **BOARD OF COUNTY COMMISSIONERS**
3 **HYDE COUNTY**

4
5 **Monday, November 6, 2017 at 6:00PM**

6
7 Following opening prayer by Commissioner Dick Tunnell and Pledge of Allegiance, Chairman Pugh called the
8 Regular Meeting of the Hyde County Board of Commissioners to order at 6:00pm, on Monday, November 6, 2017, in
9 the Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic
10 conferencing equipment.

11 The following members were present on the mainland: Chairman Earl Pugh, Jr., Commissioners Ben Simmons, Barry
12 Swindell and Dick Tunnell, Assistant County Manager Kris Noble, Attorney Fred Holscher, Clerk to the Board Lois
13 Stotesberry and members of the public.

14 Commissioner Tom Pahl, County Manager Bill Rich, Public Information Officer Donnie Shumate and members of the
15 public were present on Ocracoke.

16
17 **AGENDA:**

18 Commissioner Tunnell moved to approve the November 6, 2017 Hyde County Board of Commissioners Regular
19 Meeting Agenda as presented by the Clerk with addition of Item 9) Disposition of Ocracoke Property and 2.c.)
20 Ocracoke Tourism Authority Chair Appointment. Commissioner Simmons seconded the motion. The motion passed
21 on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting –
22 None.

23 **CONSIDERATION OF MINUTES:**

24 Commissioner Swindell moved to approve the October 2, 2017 Hyde County Board of Commissioners Regular
25 Meeting Minutes as presented by Clerk Lois Stotesberry with correction on page 4, line 41 – Ayes – Pugh, Pahl,
26 Simmons, Swindell and Tunnell; Nays – none Pahl. Commissioner Simmons seconded the motion. The motion
27 passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting
28 – None.

29 Commissioner Simmons moved to approve the October 11, 2017 Hyde County Board of Commissioners Special
30 Meeting “Board Retreat” Minutes as presented by Deputy Clerk Rosemary Johnson. Commissioner Swindell
31 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell;
32 Nays – None; Absent or not voting – None.

33 **PRESENTATIONS:**

34 **Senior Tar Heel Legislature Update**

35 Jan Moore, Hyde County NC Senior Tar Heel Legislature Delegate, presented report on the October 3-4, 2017 STHL
36 meeting in Chapel Hill. Ms. Moore reported the STHL approved re-establishing the Study Commission on Aging and
37 stated the delegates will present three other resolutions this year for approval.

38 **Hyde County ABC Board Update**

39 Meredith Nicholson, ABC Board Chair, presented a general financial update, a report on the ABC Board annual audit
40 for FYE 06-30-2017 and profit distribution. Ms. Nicholson stated the ABC Board did have a loss during the recent
41 power outage on Ocracoke but that Tideland EMC refunded approximately \$5,600.00 profit lost. She presented a

1 check in the amount of \$22,430.00 profit distribution for FY2016-17 to the Board of Commissioners and will continue
2 on a yearly basis.

3 **Incident Management Team Update**

4 Justin Gibbs, Emergency Services Director presented update on his deployment to Puerto Rico on October 10, 2017.
5 North Carolina Emergency Management officials put together a team of highly qualified individuals to help coordinate
6 relief for disaster stricken Puerto Rico. Justin served as a planning section chief supporting the Puerto Rico
7 Emergency Management Zone 1 (San Juan) Emergency Operations Center. The team assisted with the management,
8 direction, control and coordination of response and recovery actions with local, state/territorial and federal levels of
9 government.

10 **Albemarle Commission Presentation**

11 Cathy Davison, Executive Director of the Albemarle Commission gave a presentation regarding office space
12 alternatives to house Albemarle Commission staff and functions. Ms. Davison reported additional space
13 (approximately 22,000 sq. ft.) is needed to house the Albemarle Commission. The Commission does not have the
14 support of the majority 8 of the 10 counties to construct a new building and is considering leasing another space within
15 the region that meets its current and future needs.

16 **Employee/ Volunteer/ Friend of Hyde County – November, 2017**

17 County Manager Bill Rich and the Board of Commissioners recognized ABC Board Chair Meredith Nicholson and
18 General Manager Vicki Gibbs as “Friend of Hyde County” and commended their management of the Hyde County
19 ABC Board. Ms. Nicholson and Ms. Gibbs received a gift certificate for \$25.00 to a restaurant of their choice.
20

21 **PUBLIC COMMENTS:**

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

23 **ITEMS OF CONSIDERATION:**

24 **Resolution to Apply for Pedestrian Planning Grant**

25 Kris Noble, Assistant County Manager, reported Hyde County intends to apply for Pedestrian Planning Grant
26 funds to address the current foot traffic in Ocracoke Village and the expected increase in foot traffic due to the
27 passenger ferry project.

28 The NCDOT Division of Bicycle and Pedestrian Transportation and the Transportation Planning Branch
29 created an annual matching grant program – the Bicycle and Pedestrian Planning Grant Initiative – to
30 encourage municipalities to develop comprehensive bicycle plans and pedestrian plans. This program was
31 initiated in January 2004 and is currently administered through NCDOT-DBPT. The Planning Grant Initiative
32 has been successful in its fourteen years – since 2004, 183 planning grants have been awarded. To date, a total
33 of approximately \$5.0 million has been allocated to 181 municipalities and two counties through this grant
34 program.

35 This is a 20% grant match project with an expected total cost of \$40,000.00 yielding a total cash commitment
36 by Hyde County in the amount of \$8,000.00. Grant awards are announced in March 2018 with a commitment
37 needed within six months of award meaning the monetary commitment can come from the FY2018-19 budget
38 year.

39 Commissioner Pahl moved to adopt “Resolution To Apply For Pedestrian Planning Grant”. Commissioner Simmons
40 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell;
41 Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Resolution To Apply For Pedestrian Planning Grant" is attached herewith as Exhibit A and incorporated herein by reference.

Appointments

1. **Engelhard Sanitary District Board** – Kris Noble, Assistant County Manager, reported ESD Chairman Tony Spencer notified the Board of Commissioners that Joe Frank Sadler resigned his position with the Engelhard Sanitary District Board and in accordance with NCGS 130A recommends appointment of Laverne Fulford to complete Mr. Sadler's term.

Commissioner Swindell moved to appoint Laverne Fulford to complete the term of Joe Frank Sadler on the Engelhard Sanitary District Board. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – None.

2. **Hyde County Nursing Home Community Advisory Committee** - Kris Noble, Assistant County Manager, reported Brandi Jordan, MSW, Regional Long Term Care Ombudsman, Albemarle Commission, Area Agency on Aging recommends re-appointment of four committee members.

Commissioner Simmons moved to re-appoint Linda Flowers, Frances House, Jan Moore and Glen Credle to serve another three-year terms on the Hyde County Nursing Home Community Advisory Committee. Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – None.

3. **Ocracoke Tourism Authority Board Chair Appointment**

Commissioner Pahl moved to appoint Amy Howard to serve as Chair on the Ocracoke Tourism Authority Board. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – None.

Petition For The Formation Of A New Service District In Slocum

Daniel Brinn, Water and Flood Control Coordinator, reported the participants of the Slocum Drainage Partnership, a voluntary entity whose membership represents many landowners and producers within the Slocum watershed formally requests the county to begin working towards the formation of a service district to provide operation and maintenance of drainage infrastructure in Slocum in perpetuity.

Commissioner Swindell moved to sanction the consideration of creation of a new service district in Slocum in accordance with NCGS 153A-302. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – None.

Revolving Loan Request For Precision Transport, LLC

Bill Rich, County Manager, reported Precision Transport, LLC (formed in 2008) is a freight company that specializes in full truckload freight services. The company is located in Pantego, N.C. Principle owners are Leland Hershey and his brother Everett Hershey. The Hersheys are requesting a revolving loan in the amount of \$178,000.00 to build a new maintenance shop, purchase semi-truck lift and build the driveway. The Hersheys own the property on which the shop will be built. The shop currently being used does not meet the needs of the current fleet. The new shop will allow them to expand their operations to accommodate additional trucks and trailers and hire a full-time mechanic on site, eliminating the need to take the trucks to external shops for repairs and paying more expensive repair costs. This will also allow them to retain their current employees and grow their workforce with additional employees in the future. The Hersheys have

1 previously borrowed from the Hyde County revolving loan fund under another business entity, Precision
2 Pallet, LLC. All loans have been paid satisfactorily.

3 The Revolving Loan Committee met on October 25 and unanimously approved the Hershey's request for a
4 loan with a term of 20-year amortization at 3% interest. Security for the loan will be a first Deed of Trust on
5 the new truck shop and all equipment and fixtures to be located within. The Hersheys will also be required to
6 personally guarantee the loan.

7 Commissioner Simmons moved to approve a revolving loan in the amount of \$178,000.00 with a term of 20-
8 years amortization at 3% interest to Leland and Everett Hershey dba Precision Transport, LLC. Commissioner
9 Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons,
10 Swindell and Tunnell; Nays – None; Absent or not voting – None.

11 **Revolving Loan Request For 1718 Ocracoke Brewing Company**

12 Bill Rich, County Manager, reported 1718 Ocracoke Brewing Company, owned by Garick and Jacqueline
13 Kalna opened its doors for business on October 7 to rave reviews. The Kalna's received a revolving loan from
14 the Hyde County Golden Leaf RLF fund on March 31, 2015 for \$215,000.00 for brewing equipment, and
15 construction/renovations to the old Café Atlantic building, which is now the 1718 Ocracoke Brewing
16 Company. The Kalna's were the first borrowers to receive revolving loan funds from the Hyde County
17 Golden Leaf RLF fund. Mr. Rich reported the 1718 Ocracoke Brewing Company brews and sells a wide
18 variety of craft beer, all brewed on site. The company also sells craft beer to other businesses on the island.
19 The facility operates a tasting/tap room and plans to lease out the kitchen and dining space for a restaurant in
20 the near future. To accommodate future expansion, the Kalnas are requesting a \$30,000.00 loan to purchase
21 additional equipment.

22 The Revolving Loan Committee met on October 25 and unanimously approved the Kalna's request for a loan
23 with a term of 8 years at 3% interest and combining this new loan amount with the remaining balance of the
24 existing loan. Security for the loan will be all equipment purchased, a 2nd Deed of Trust on the 1718 Ocracoke
25 Brewing Company facility and personal guarantees by the Kalnas.

26 Commissioner Pahl moved to approve a revolving loan to Garick and Jacqueline Kalna in the amount of
27 \$30,000.00 with a term of 8 years at 3% interest and combining this new loan amount with the remaining
28 balance of the existing loan. Commissioner Swindell seconded the motion. The motion passed on the
29 following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting –
30 None.

31 **Revolving Loan Request For Christopher Williams/Hyde Park Properties**

32 Bill Rich, County Manager, reported Christopher Williams is requesting a \$110,000.00 revolving loan to
33 purchase the Hyde Park office building and the storage rental facilities located at 1271 & 1299 Main Street,
34 Swan Quarter. Part of the Hyde Park office space is leased by the United States Postal Service for the Swan
35 Quarter post office. Mr. Williams is not planning to further develop the properties. He will continue to lease
36 office space to the postal service, lease the remainder of the building for office space and operate the storage
37 rental facility across the street.

38 The Revolving Loan Committee met on October 25 and unanimously approved a loan in the amount of
39 \$110,000.00 with a term of 15 years at 3% interest. Security for the loan will be a First Deed of Trust on the
40 Hyde Park office building and the storage rental facility. The Revolving Loan Committee required Mr.
41 Williams personally guarantee the loan. Payments will be automatically drafted for this and all loans
42 outstanding to Mr. Williams.

1 Commissioner Simmons moved to approve a revolving loan to Christopher Williams in the amount of
2 \$110,000.00 with a term of 15 years at 3% interest and payments to be automatically drafted for this and all
3 loans outstanding to Mr. Williams. Commissioner Tunnell seconded the motion. The motion passed on the
4 following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting –
5 None.

6 **Colocation of Telecommunications Equipment On Existing Tower – Sadie Weston Road, Swan Quarter**

7 Kris Noble, Assistant County Manager, reported Jason Bagwell of Bluewave Deployment has submitted on
8 behalf of American Tower a Permit Application to colocate telecommunications equipment on an existing
9 tower on Sadie Weston Road to provide T Mobile Service. The application meets the requirements of the
10 Hyde County Telecommunications Ordinance and the Planning Department.

11 Commissioner Swindell moved to approve request to colocate telecommunications equipment on an existing
12 tower on Sadie Weston Road to provide T Mobile Service. Commissioner Simmons seconded the motion.
13 The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None;
14 Absent or not voting – None.

15 **Colocation of Telecommunications Equipment On Existing Tower – Bishop Road, Scranton**

16 Kris Noble, Assistant County Manager, reported Jason Bagwell of Bluewave Deployment has submitted on
17 behalf of American Tower a Permit Application to colocate telecommunications equipment on an existing
18 tower on Bishop Road to provide T Mobile Service.

19 Hyde County Planning & Building Inspections completed an internal audit during the month of January to establish
20 completion of projects permitted over the last five years. The tower owned by American Tower and located on Bishop
21 Road was the only tower that was built within the last 5 years and not equipped with telecommunications equipment.
22 Installation of T Mobile equipment to this tower will remedy that non-compliance to the Hyde County
23 Telecommunications Ordinance. The application meets the requirements of the Hyde County Telecommunications
24 Ordinance and the Planning Department.

25 Commissioner Swindell moved to approve request to colocate telecommunications equipment on an existing tower on
26 Bishop Road to provide T Mobile Service. Commissioner Simmons seconded the motion. The motion passed on the
27 following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – None.

28
29 **Disposition of Ocracoke Property**

30 County Manager Bill Rich reported update on the sale of County owned property (Lot 13-BlockA in Wahab Village)
31 located behind the Flying Mellon Restaurant on Ocracoke Island. Owners of the Flying Mellon have offered Hyde
32 County \$25,000.00 for the property. Mr. Rich reported the Hyde County Board of Education declined the
33 commissioners offer to gift the property to the Board of Education. He reported the Ocracoke Mosquito Control Board
34 approved sale of the property as long as drainage is maintained.

35 Commissioner Pahl moved to advertise the property for upset bids on the \$25,000.00 offer to Hyde County.
36 Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl,
37 Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – None.

38 **BUDGET TRANSFERS:**

39 County Manager Bill Rich presented the following budget transfers for Board of Commissioner approval:

40
41 **Administration**

42 Establish E-911 Budget Due to Consolidation Being Delayed \$127,592.58

1 Commissioner Simmons moved to approve the E-911 Budget as presented. Commissioner Swindell seconded the
2 motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell; Nays – None;
3 Absent or not voting – None.

4 **Health Department**

5 Healthy Communities	\$ 1,500.00
6 Vidant Health Promo	\$ 16,169.00
7 Child Health	\$ 300.00

8 Commissioner Swindell moved to approve the Health Department budget transfers as presented. Commissioner Pahl
9 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Tunnell;
10 Nays – None; Absent or not voting – None.

11 **MANAGEMENT REPORTS:**

12 **Chairman Earl Pugh, Jr.** – attended e-911 call service, Waterways Commission, Southern Albemarle
13 Association, Revolving Loan Fund and Mattamuskeet Lodge funding meetings and the Board of Commissioners
14 Retreat.

15 **Vice-chairman Barry Swindell** – attended Commissioner Planning Board, Health Board and Transit Board
16 meetings.

17 **Commissioner Dick Tunnell** – attended the Commissioners Board Retreat and the Mid-East Housing meeting.
18 Mr. Tunnell agrees with building security during Commissioners meetings.

19 **Commissioner Ben Simmons** – discussed drainage taxes and supports Farragut Software for collections. He also
20 recommended security at every commissioners meeting. Ms. Noble will discuss security with Sheriff Cahoon.

21 **Commissioner Tom Pahl** – attended the Dare County Working Waterways Commission, Board of Adjustments,
22 Ocracoke Civic and Business Association, joint Occupancy Tax, Transit and Tourism Development Board
23 meetings and the Board of Commissioners Retreat.

24 **County Manager Bill Rich** – reported he will meet with James Blount at the Ocracoke Convenience Site to do
25 fence and drainage work. Mr. Rich discussed the Courthouse Security Team and reported on Hyde County
26 partnering with East Carolina University. Manager Rich’s October 2017 calendar was provided.

27 **Assistant County Manager/Planner Kris Cahoon Noble** – attended a meeting in Raleigh to discuss new funding
28 strategy for Mattamuskeet Lodge, passenger ferry and Board of Adjustments meetings. Ms. Noble reported she and
29 members of the opioid abuse committee received training in Chapel Hill, she will follow up with Senator Burr’s
30 office, the e-911 project is on track and the recreation program and safety training are going well. She will follow
31 up on items discussed during the meeting.

32 **PUBLIC COMMENTS:**

33 Justin Gibbs, Emergency Services Director, reported the Sheriff’s Association did a security assessment of all
34 North Carolina courthouses.

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

36 **CLOSED SESSION:** (none)

37

1 **ADJOURN:**

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

4 The meeting adjourned at 8:15p.m.

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6 Respectfully submitted:

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8 Minutes approved on the 4th day of December, 2017.

9
10 Attest:

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

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

17
18 Attachments:

19
20 **Exhibit A:** “Resolution – Pedestrian Planning Grant Application”