Organizational Meeting Minutes

Board of County Commissioners
Hyde County

Monday, December 7, 2015

Chairman Barry Swindell called the Organizational Meeting of the Hyde County Board of Commissioners to order at 6:00pm on Monday, December 7, 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., Ben Simmons, John Fletcher and Barry Swindell; County Manager Bill Rich; Special Assistant Hyde County Manager Will Doerfer; Attorney Fred Holscher; Clerk to the Board Lois Stotesberry; and, members of the public. Commissioner Dick Tunnell was absent.

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

Following opening prayer by Commissioner Simmons, pledge of allegiance and remembrance of Pearl Harbor anniversary the meeting was called to order.

Consideration of Minutes:
Commissioner Pugh moved to approve the November 2, 2015 Board of Commissioners Regular Meeting Minutes as presented by the Clerk. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

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

Nominations and Appointments:
Commissioner Fletcher moved to nominate Commissioner Pugh for Chairman of the Board of Commissioners. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Commissioner Pugh assumed his position as Chairman and stated he plans to be as good a chairman as he possibly can.

Commissioner Simmons moved to nominate Commissioner Swindell for Vice-Chairman of the Board of Commissioners. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Commissioner Swindell moved to re-appoint Lois Stotesberry for Clerk to the Board of Commissioners. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Commissioner Swindell moved to re-appoint Justin Gibbs and Rosemary Johnson for Deputy Clerk(s) of the Board of Commissioners and to appoint PIO Teresa Adams for Deputy Clerk. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Commissioner Simmons moved to re-appoint Fred Holscher County Attorney for the Board of Commissioners. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Oath of Office:
Brandy Pugh, Clerk of Court administered "Oath of Office" to Teresa Adams, Public Information Officer/Deputy Clerk.

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

Commissioner Swindell moved to approve the revised December 7, 2015 Regular Meeting Agenda as presented by the Clerk with addition of Introduction – Teresa Adams, PIO – Biography; add corrected Health Department budget revision No. BR17-16 and add No. BR21-16; and, DSS funds transfer. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Introduction:
County Manager Rich introduced Teresa Adams, Public Information Officer (PIO) and Virginia Spencer, DSS Board Chair, introduced Laurie Potter, DSS Director.

Employee Recognition:
County Manager Rich and the Board of Commissioners offered their condolences to the family of April Guthrie, Hyde County Dispatch.

Presentation:
Tax Collections Update – Linda Basnight, Tax Administrator, presented update on a November 19th meeting with Manager Rich, Lonnie Baker, Dynamic Data Services and Joe Echel, Custom Computer Software. Upgrades discussed for the Tax Department include: 1) developing a web-site on which taxes due will be shown and, 2) upgrading the tax office tax collection programs to allow the tax office to accept debit/credit card payments, telephone debit/credit card payments and on-line payments. The project will begin in January 2016.

Public Comment:
Chairman Pugh called for comments from the public.

Peter Vankevich – Ocracoke Observer, complimented former PIO Sarah Johnson and welcomed PIO Teressa Adams.

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

Items of Consideration:
Resolution to Adopt Meeting Calendar for 2016
Commissioner Swindell moved to adopt "Resolution No. 2015-12-07 – A Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates". Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Clerk's Note: A copy of "Resolution No. 2015-12-07 – A Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates" is attached herewith as Exhibit A and incorporated herein by reference.

Reaffirm "Resolution of The North Carolina Hyde County Board of Commissioners In Support of Alternate Methods of Recognition for Veterans Status to WWII Coastwise Merchant Mariners"
County Manager Bill Rich reported Mr. J. Don Horton, President, WW II Coastwise Merchant Mariners, requested the Hyde County Board of Commissioners send a letter to Senator Burr to reaffirm continued support of WW II Coastwise Merchant Mariners.

On May 4, 2015, the Hyde County Board of Commissioners adopted "A Resolution of the North Carolina Hyde County Board of Commissioners In Support Of Alternative Method of Recognition for Veterans Status to WW II Coastwise Merchant Mariners".

Commissioner Fletcher moved to send a letter of support to Senators Richard Burr and Thom Tillis and Representatives Walter Jones and G. K. Butterfield reaffirming the Hyde County Board of Commissioners support of "A Resolution of the North Carolina Hyde County Board of Commissioners In Support Of Alternative Method of Recognition for Veterans Status to WW II Coastwise Merchant Mariners". Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Clerk's Note: A signed copy of "A Resolution of the North Carolina Hyde County Board of Commissioners In Support Of Alternative Method of Recognition for Veterans Status to WW II Coastwise Merchant Mariners" and letter of support is attached herewith as Exhibit B and incorporated herein by reference.

Resolution – "Requesting The Albemarle Regional Planning Organization To Delay Consideration of Tolling Ferry Routes"
The Hyde County Board of Commissioners is requesting that the Albemarle Rural Planning Organization (ARPO): 1) Refrain from considering tolling ferry routes until the 2016 session of the North Carolina General Assembly has an opportunity to explore and consider alternate funding sources for new and replacement ferry vessel and ferry support vessels and, 2) All the members of the ARPO support this endeavor.

Commissioner Simmons moved to adopt "Resolution Requesting The Albemarle Rural Planning Organization (ARPO) To Delay Consideration of Tolling Ferry Routes". Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Clerk's Note: A signed copy of "Resolution Requesting The Albemarle Regional Planning Organization To Delay Consideration of Tolling Ferry Routes" and letter of support is attached herewith as Exhibit C and incorporated herein by reference.

Payment of Ferry Expenses
Commissioner Fletcher reported Ocracoke citizens oppose ferry tolls.

Commissioner Simmons reported he and the Currituck County representative voted no to ferry tolls at the November RPO meeting.

Ocracoke Development Ordinance (ODO) Board of Adjustments
Commissioner Fletcher reported effective October 15, 2015, Ocracoke Development Ordinance Board of Adjustments Chairman Jim Borland resigned his position with the Board. Mr. Fletcher recommended Wayne Clark to fill the vacancy.

Commissioner Fletcher moved to appoint Wayne Clark to serve on the Ocracoke Development Ordinance Board of Adjustments. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Noise Update
Will Doerfer, Assistant Manager, reported Manager Rich presented noise control options to the Ocracoke Civic and Business Association (OCBA). Mr. Doerfer will go to Ocracoke next week to measure noise decibels.

Commissioner Fletcher reported Ocracoke is a tourism business and most citizens are not bothered by the noise.

Approval of DSS Board Hiring Laura Potter
County Manager Bill Rich reported Gloria Spencer retired July, 2015 and Suzanne Johnson served as Interim DSS Director. Mr. Rich reported the Hyde County Department of Social Services (DSS) Board has requested Board of Commissioners approval for hiring Laura Potter to fill the vacant DSS Director position.

Commissioner Simmons moved to approve the DSS Board hiring Laura Potter to fill the vacant DSS Director position. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Chairman Pugh and the commissioners thanked Ms. Johnson for her service and welcomed Ms. Potter.

Hyde County DSS – Overpayment
Removed from Agenda and correction made by a budget transfer.

Proposed Changes – Hyde County Code – Chapter 36-145 – Article VII Ocracoke Development
Kris Noble, Planning Director, reported the Ocracoke Planning Advisory Board (OPAB) needs to approve suggested changes to the Ocracoke Development Ordinance. Requests for approval will be made at a later date.

Request to Require Ocracoke Planning Advisory Board and The Ocracoke Board of Adjustments (Variance Board) Conduct Joint Meetings
County Manager Bill Rich reported by Resolution adopted November 5, 2015 the Ocracoke Planning Advisory Board requests the Hyde County Board of Commissioners require the Ocracoke Planning

Advisory Board and the Ocracoke Board of Adjustment (Variance Board) to conduct joint meetings a minimum of three (3) times a calendar year.

Commissioner Fletcher moved to adopt "Resolution In Support of Triannual Joint Meetings of The Ocracoke Planning Advisory Board and The Ocracoke Board of Adjustment" requiring triannual joint meetings. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Clerk's Note: A signed copy of "Resolution In Support of Triannual Joint Meetings of The Ocracoke Planning Advisory Board and The Ocracoke Board of Adjustment" and letter of support is attached herewith as Exhibit D and incorporated herein by reference.

Revolving Loan Request – Michael Casper, DBA Lake Landing Trucking

Kris Cahoon Noble, Planning Director, reported Michael and Jennie Casper would like to start a new business, Lake Landing Trucking Company. The company will provide transportation of goods locally and across the county. Mr. Casper has requested $30,000.00 from the Hyde County Golden LEAF Revolving Loan Fund to purchase the truck and trailer and acquire all permits and licenses. The total cost of the project is approximately $70,000.00. Mr. Casper has secured additional funding from cash on hand and a private donor. Mr. Casper has requested a loan term of seven (7) years with monthly payments of $396.40 at 3.00% interest. The loan will be secured by the truck and trailer which will be used by the business. Ms. Noble requested approval of the loan contingent upon final approval by the Revolving Fund Committee (RLF).

Commissioner Swindell moved to approve a Revolving Loan Fund request of $30,000.00 to Michael Casper, dba – Lake Landing Trucking Co., contingent upon final approval by the Revolving Loan Fund Committee. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Request for Funding Three Teacher Assistant Positions:

Superintendent Dr. Randolph Latimore presented Hyde County Schools Board of Education Update at the November 2nd Board of Commissioners meeting. Dr. Latimore reported the Hyde County Board of Education has approved his request to request the Hyde County Board of Commissioners fund three (3) teacher assistant positions, one (1) for Ocracoke School and two (2) for Mattamuskeet Elementary School. The positions will be assigned to the early elementary grades. The average annual salary for this position is approximately $37,000.00 each. At that time the Hyde County Board of Commissioners decided to table the request and bring it back on December 7, 2015.

After further discussion offer was made to fund two (2) teacher assistant positions at Mattamuskeet Elementary School for the rest of the fiscal year with no positions being funded at Ocracoke School.

Commissioner Swindell moved to fund $42, 250.00 for two teacher assistant positions for Mattamuskeet Elementary School for the remainder of the fiscal year. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

McClees Consulting Inc. Contract Renewal

Bill Rich, County Manager, reported the December 1, 2014 Contract for Services with McClees Consulting, Inc. has expired. The fee for services requested is $27,500.00 with the first payment due on January 10, 2016.

Commissioner Simmons moved to negotiate the 2016 fee for consulting services with McClees Consulting, Inc. at $25,000.00. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Beach Access

Kris Noble, Planning Director, will present update on Ocracoke beach access at a later Board of Commissioners meeting.

PILT Program FY2015-16 Funding

Bill Rich, County Manager, reported Hyde County is just one of nearly 1,900 counties in 49 states and three U.S. territories that receive PILT (Payment In Lieu of Taxes) funding. The federal government owns approximately 28 percent of all land in the U.S., and these lands are not taxable by local governments. PILT helps to offset these losses in tax revenues and help communities provide essential services to federal employees and families, the public and users of public lands. Without the certainty of full funding for the PILT program, Hyde County will

be unable to provide their residents with essential services such as education, law enforcement, rescue, road maintenance and public health. Full funding in FY2016 for the PILT program is essential to provide our counties with the certainty they need to plan their own 2016 budgets. Mr. Rich reported Hyde County received $200,000.00 in FY2015 and funds have decreased to $111,000.00 for FY2016. In a letter dated November 17, Manager Rich requested Senators Burr and Tillis and Representatives Jones and Butterfield sign the bipartisan Crapo-Bennet letter in support of PILT. On November 23rd eighty two (82) congressmen signed a letter to Speaker Ryan and Leader Pelosi requesting Congress work together to enact a long-term, sustainable solution to fully fund PILT.

NC MFC Management/ Hyde County Flounder Fishing Economic Impact Statement
Bill Rich, County Manager, reported he attended a recent Marine Fisheries meeting in Dare County where the importance of fishermen and southern flounder fishery's impact on Hyde County economy was discussed. In adopting a supplement to the Southern Flounder Fishery Management Plan, the N.C. Marine Fisheries Commission (NC MFC) has instituted a combination of size limit changes, modifications to fishing gear allowances, total allowable landings and season closures.

Request to Move NC Hwy 45 to US HWY 264
Assistant Manager Will Doerfer reported on discussion with NCDOT Division Engineer Jerry Jennings who will investigate additional signage at the intersection of Highway 45 and 264 By-Pass in Swan Quarter. Mr. Jennings indicated re-routing Highway 45 to run with the US 264 By-Pass is unlikely.

Monthly Activities and Accomplishments Report
Will Doerfer, NCACC/ICMA Management Fellow, presented report of his monthly activity and accomplishments. Mr. Doerfer will go to Ocracoke next week to investigate "duck" complaints on the Island.

Closed Session Minutes
Commissioner Swindell moved to accept Closed Session Minutes for review in accordance with NCGS142-318.10(e). Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

Budget Revisions:
Commissioner Swindell moved to approve the following budget revisions:

Health
BR10-16 – Family Planning – State
BR12-16 – Adult Health – Lab Testing Expense
BR13-16 – Family Planning – Lab Testing Expense
BR14-16 – PHPR Program – Contract Employee
BR15-16 – PHPR Ebola Program – Contract Employee
BR16-16 – Vidant Healthy Hyde Grant – Contract Employee
BR17-16 – CC4C – Part-Time Wages and Travel
BR18-16 – Family Planning – Medical Supplies
BR19-16 – General Health – Longevity Pay and Travel
BR20-16 – Adult Health – Interpreter Service
BR21-16 – Communicable Disease - Revenue

Social Services
Funds transfer to cover overpayment for Child Day Care

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

Management Reports:

Commissioner Fletcher – attended various Board meetings on Ocracoke.

Commissioner Simmons – attended the Fairfield Methodist Church Christmas Play. MECHS will be playing basketball at Edenton.

Commissioner Swindell – participated in the Engelhard and Scranton Christmas Parades on December 5th.

Chairman Pugh – attended the Dare County Community Meeting where ferry tolling was discussed and attended Swan Days. Mr. Pugh would like the Board of Commissioners, County Manager, Assistant County Manager to visit Mattamuskeet and Ocracoke Schools, County Departments and Volunteer Fire Departments. He also requests a Board meeting be conducted on Ocracoke.

Commissioner Tunnell – absent.

Manager Rich – reported he attended the Safety Committee, Golden LEAF, NCMF, Ocracoke Ferry; Courthouse Software, Personnel Policy and EMS Building meetings. He participated in the OCBA and ARSWMA meetings via telephone. Mr. Rich provided his November calendar. Mr. Rich also reported he has accepted a position on the Red Wolf Recovery Board.

Public Comments:
Chairman Pugh called for comments from the public.

Tom Pahl, Ocracoke – stated both sides of the noise ordinance discussion have good ideas.

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

Closed Session: (none)

Adjourn:
Commissioner Swindell moved to adjourn the December 7, 2015 Board of Commissioners Meeting. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Simmons, and Swindell; Nays – None; Absent or not voting – Tunnell.

The meeting adjourned at 7:50p.m.

Respectfully submitted:

Minutes approved on the 4th day of January, 2016.

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

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

Attachment:

Exhibit A: ***"Resolution No. 2015-12-07 – A Resolution of The Hyde County Board of Commissioners Establishing Regular Meeting Dates"***

Exhibit B: ***"A Resolution of the North Carolina Hyde County Board of Commissioners In Support Of Alternative Method of Recognition for Veterans Status to WW II Coastwise Merchant Mariners" and Letter of Support***

Exhibit C: ***"Resolution Requesting The Albemarle Regional Planning Organization To Delay Consideration of Tolling Ferry Routes"***

Exhibit D: ***"Resolution In Support of Triannual Joint Meetings of The Ocracoke Planning Advisory Board and The Ocracoke Board of Adjustment"***

Board of Commissioners
Barry Swindell, Chair
Earl Pugh, Jr., Vice-chair
Ben Simmons
John Fletcher
'ck Tunnell

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. 2015-12-07

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 2016 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 Commons Area, Ocracoke School, 1 Schoolhouse Road, Ocracoke, NC.
- * means the meeting date is on Tuesday.

WHEREAS, the Hyde County Board of Commissioners, at its Organizational Meeting on December 7, 2015, 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 4, 2016	July 5, 2016 *
February 1, 2016	August 1, 2016
March 7, 2016	September 6, 2016 *
April 4, 2016	October 3, 2016
May 2, 2016	November 7, 2016
June 6, 2016	December 5, 2016

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, 2015.

Duly adopted this the 7th day of December, 2015.

Chair, Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, CMC, NCCCC
Clerk to the Board

SEAL

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

December 8, 2015

Senator Richard Burr
100 Coast Line St., Room 210
Rocky Mount, NC 27804

Senator Thom Tillis
United States Senate
G55 Dirksen Senate Office Building
Washington, D.C. 20510-3309

Representative Walter Jones
2333 Rayburn House Office Building
Washington, DC 20515

Representative G. K. Butterfield
2305 Rayburn House Office Building
Washington, DC 20515

Dear Senators Burr and Tillis and
Representatives Jones and Butterfield,

At its regular meeting on Monday, May 4, 2015, the Hyde County Board of Commissioners unanimously adopted:

"A Resolution of The North Carolina Hyde County Board of Commissioners In Support of Alternative Method of Recognition for Veterans Status to WWII Coastwise Merchant Mariners"

On Monday, December 7, 2015, the Hyde County Board of Commissioners unanimously reaffirmed and is respectfully requesting your support of the attached Resolution.

Respectfully submitted,

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

Cc: J. Don Horton, President, WWII Coastwise Merchant Mariners
County Commissioners & Manager

A RESOLUTION OF THE NORTH CAROLINA HYDE COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS STATUS TO WW II COASTWISE MERCHANT MARINERS

Findings 1: Some US Merchant Marine Seamen of WW II gained veteran status under a court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). The USCG later **required** they meet certain eligibility requirements.

Findings 2: Some 10,000 to 30,000 **coastwise** seagoing tug and barge merchant seamen have been or may be denied recognition upon application because actions taken by government agencies (prior to P. L. 95-202) have removed required eligibility records from being available to the veteran.

Findings 3: Commandant, USCG Ltr 5739 Ltr of 09 Apr 2010 states, "**The US Government did not issue mariner credentials to females during the World War II**."

Findings 4: USCG Information Sheet #77 (April 1992) identifies **acceptable forms of documentation** for eligibility meeting the requirements pursuant to Schmacher V. Aldridge, 655 41(D.D.C 1987)

a. Certificate of Discharge (Form 718A)
b. Continuous Discharge Books (ship's deck/engine logbooks. (Non-military document)
c. Company letters showing vessel names and dates of voyages. (Non-military document)

Findings 5: Commandant USCG Order of 20 March, 1944 **relieves masters** of tugs, towboats and seagoing barges **of the responsibility of submitting reports of seamen shipped or discharged on forms 718A**. This action removes item (a) from the eligibility list in Findings 4.

Findings 6: USCG Information Sheet # 77 (April, 1992) further states "Deck logs were traditionally considered to be the property of the owners of the ships. After World War II, however, the deck and engine logbooks of vessels operated by the War Shipping Administration were turned over to that agency by the ship owners, and **were destroyed during the 1970s because they were too burdensome to keep and too costly to maintain.**" This action effectively eliminates item (b) from the eligibility list in Findings 4

Findings 7: Company letters showing vessel names and dates of voyages are highly suspect of ever existing due to the strict orders prohibiting even the discussion of ship/troop movement. Then consider item (c) of Findings 4 should be removed from the eligibility list. USCG Info Sheet # 77, page 2 refers

Findings 8: Excerpts from Pres. Roosevelt's fireside Chat 23: On the Home Front (Oct. 12, 1942):"In order to keep stepping up our production, we have had to add millions of workers to the total labor force of the Nation. "In order to do this, we shall be compelled to use **older men, and handicapped people, and more women, and even grown boys and girls**, wherever possible and reasonable, to replace men of military age and fitness; **to use their summer vacations, to work somewhere in the war industries.**" Underage combatants had served in all of America's wars from the time of the Revolution. The unknown number who served in the Second World War perpetuated that legacy. They served with distinction and valor, and indisputably demonstrated that, despite their age, they could serve as well as those around them.

Findings 9: Post the Revolutionary War; many Acts of Congress were enacted to provide pensions to those veterans applying for support. Thousands of servicemen were without documented service and remained without any viable means to prove service. Excerpts from documents retained at the NARA provide: **Generally the process required an applicant to appear before a court of record in the State of his or her residence to describe under oath the service for which a pension was claimed.** This

establishes precedence for using certified oaths in conjunction with the Social Security documents as alternative documentation.

Findings (10): US CG Official Shipping/Discharge documents (Forms 718A) were obtained from the National Archives and Records Administration, Wash. DC that contained information proving Active Duty (AD) services for some WW II coastwise barge and tug Mariners. Together with information obtained via a FOIA request to the National Maritime Center, research brought forth additional information. **Research** conducted between **June-August 2013, in concert with the NMC**, using official records of 1172 coastwise mariners and the USCG Merchant Marine Casualties of WW II report of 1950 identified:

WW II Coastwise Mariners Listing: Excel Sheet #1

1172 Mariners identified via official USCG Shipping/Discharge Forms 718A
84 Mariners may be women according to their feminine sounding names; OR 7.2%
1058 Mariners' ages were specified. Ages ranged from 10 to 78.
583 Mariners identified within draft age and included those in 4F status; OR 55.1% of known ages.
525 Mariners identified at over the draft age of 37; OR 49.6% of known ages.
114 Mariners with age not specified; OR 09.7%
47 Mariners who served were under the age of 17; OR 4.4% of known ages.
16 Mariners KIA with 1 receiving DD Form 1300.

National Maritime Form DD 214 Listing: Excel Sheet #2

794 Mariners were identified on NMC Coastwise Mariners listing identifying Active Duty services.
291 Mariners on NMC listing had no USCG MMLD numbers listed; OR 36.6%
85 Mariners **issued** DD Form 214 from NMC listing, OR 10.7% of NMC; OR 7.2% of WW II CMM

Merchant Marine KIA & MIA Casualties from all causes = 9521 * (usmm.org)

5662 Mariner Casualties from USCG per 1950 Report * (USCG 1950 casualty report)
3859 Mariner Casualties from Other Sources * (Additional sources = Art. Moore and US Congress)

Merchant Marine Casualties recognized by all sources = 414

344 Mariner Casualties from USCG 1950 Casualty Report * (USCG 1950 casualty report)
70 Mariner Casualties from NMC report & not listed on USCG 1950 Casualty List * (NMC DD 1300 Report)
1 Mariner in NMC DD 1300 files as having received Form DD 1300 yet 16 identified on WW II CM listing

Rationale: 9521 Merchant Mariners KIA or MIA serving and **only 414** receiving Veteran status.

Findings 11: The USCG **cannot** provide a **true estimate** of merchant mariners serving in WW II. **GAO/HEHS-97-196R** refers. Estimates range from 250,000 to 840,000 from recognized historians and GAO audit... None of these historians were aware of these 10,000 to 30,000 coastwise merchant seamen where many served without proper credentials and were not included in above estimates. **Some were elderly handicapped; others women and some were school children** who served in billets, drew wages and paid taxes. They served on the same vessels in the same hostile war zones and performed the same services alongside others who were documented. **Yet, only about 91,000 merchant mariners have been recognized as veterans with just 1192 of these veterans in receipt of compensation or pension benefits the VA refers.** This is a vast disparity in ratio of the other service branches.

Findings 12: DOD and NARA Agreement **N1-330-04-1 of Jul, 08, 2004** puts in place a procedure to transfer military personnel files of individuals from all services, (including civilian personnel or contractual groups who were later accorder military status under the provisions of Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). This agreement affects military personnel records of individuals **62 years** after separation from service. Action has taken place for all **except** the US Merchant Marine IAW above stated court order. This **inaction** by the **Department of Homeland Security via (COMDT USCG)** has caused many of the mariners to have **gone unrecognized** for their services. Many seafarers have passed without ever gaining recognition or benefits and soon all will be History. National Personnel Records Center estimate there are between 1400 to 2500 Cubic feet of Shipping/Discharge documents being stored at the NARA district offices and NMC yet to be transferred to the National Personnel Records Center in St. Louis, Missouri. NMC cites **about 91,000 out**

of 250,000 to 840,000 have ever received recognition as veterans; and, with many unable to gain access because of age and health condition requiring assistance for others outside family. Had compliance taken place, these records would have been available to all and providing the mariner a chance to being recognized many years ago and enjoying the benefits awarded to them via court order.

Whereas: (1) By court order, Schumacher v. Aldridge 665 F Supp 41 (D.D.C. 1987) **provided for veteran status** to certain US Merchant Marine seamen during WW II (07 December, 1941 to 31 December, 1946) with the same benefits accorded all veterans as administrated by the Veterans Administration. There were **no provisions** for the elderly handicapped, women or schoolchildren to even be considered for their services as mariners serving anywhere within the US Merchant Marine providing an avenue to veteran status.

Whereas: (2) The USCG Information Sheet #77 of Apr. 1992 identifies specific criteria to be used to prove active duty performed by an individual seaman for the purpose of attaining veteran status and findings (5), (6) & (7) identified specific **official government actions** that **removed** these particular documents from the reach of the mariner. This **clearly identifies the requirement** to put in place a method of utilizing **alternative** documentation and other approved methods to replace specific documents removed from use by the government actions cited elsewhere in this document.

Whereas: (3) Women **were removed** from ships at the onset of WW II and not allowed to serve in any capacity by direction of the War Shipping Administrator, Admiral Emory S. Land. The Captains of the Ports (USCG COTP) were given specific directions to **deny** official USCG maritime credentials to any woman requesting them. They **served but without official credentials** in every capacity on most vessels. Families were the sole crew on many barges throughout the WW II and afterwards. Companies **welcomed this** arrangement because **critical** crew replacements were **reduced** considerably. This allowed those barges to move the bulk war materials more quickly and freed the more abled bodied seaman to man the larger seagoing ships taking vital supplies to troops on all the fronts, keeping the enemy from our doors. A **win win** situation vital to war defense. **To date** there is **no law or other avenue** recognizing women as veterans of the US Merchant Marine during WW II

Whereas: (4) President Roosevelt's speech of 12 Oct, 1942 **puts in place the use of elderly and handicapped individuals, school children and women in an effort to support war efforts** by replacing men of military age and fitness, and in stepping up our production of war materials for those on the front lines. Because of this speech, women, the elderly disabled and schoolchildren entered the varied war defense plant services in droves and many found their way into the coastwise barge and tug trades as well.

Whereas: (5) DOD & NARA Agreement N1-330-04-1 of July 08, 2004 **provides for the transfer** of military records to the National Personnel Records Center, St. Louis, MO for use as archival records, open to the public. But **inaction by the DHS for the mariner in over 10** years has caused the veteran loss of due access of his records that may have accorded him recognition as a veteran. Recommend Congressional inquiry into delay of WW II Merchant Mariners personnel records.

Whereas: (6) Previously attempted bills, HR 1288 and S-1361, would have provided for **alternative records** to be used in place of **records lost, destroyed or denied** for coastwise seamen affected; and allowed women and school children be recognized for their services rendered for the first time ever. There are **no laws** in place to allow for resolution of this issue.

Whereas: (7) The elderly disabled, children and women have served in every war this nation has ever known. Most have served without recognition but history is replete with actions of young children stepping up to serve, some receiving our highest honors and others serving in our highest ranks of service, congress and the presidency; e.g. President Andrew Jackson (age **13**); America's first Admiral, David Glasgow Farragut was appointed a midshipman at (age **9**) by President James Madison; Willie Johnson (age **11**) was recipient of the Medal of Honor; Albert Cohen of Memphis TN who enlisted at age **11** & KIA age **15**. History is filled with children defending this nation and Coastwise Mariners had their fair share of them. **Findings #9 & #10 provide support** info.

Whereas: (8) Although they served gallantly and with honor, actions taken against those that were elderly and disabled, school children and women by denying them official credentials during WW II is considered **discrimination** today.

Whereas: (9) The process used to determine whether an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seamen who is recognized as having performed active duty service under the court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge Jr 665 f Supp 41 (D.D.C.1987). There are no considerations in any **existing** legislation that provides for women who served, under aged schoolchildren or elderly handicapped seaman any avenue to attain veteran status. **Nor** is there a current avenue to use alternative methods of recognition or other actions that have proved effective in past wars for use in lieu of documents that were denied and/or destroyed by several specific official government actions.

The following actions are recommended:

(1) Initiate congressional actions to: Provide sufficient response to support Merchant Mariners' provisions of HR 1288 (with wording intact to insure all coastwise barge and tugboat mariners who served during WW II (regardless of age, gender or disability) are recognized as veterans in accordance with or similar to: court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987**, granting veterans status**

(2) Initiate congressional inquiry into: Delay of WW II Merchant Mariners personnel records movement to National Military Personnel Center.

(3) Initiate congressional actions to: Recognize WW II Mariners identified as KIA/MIA as Veterans of this Nation.

Now, therefore, be it resolved that the Hyde County, North Carolina Board of Commissioners hereby supports these efforts on behalf of the World War II Coastwise Merchant Mariners and urges our Representatives in the Senate (Senators Richard Burr and Thom Tillis) and in the House (Representatives Walter Jones and George K. Butterfield) to fully support and initiate all necessary actions , including full support of HR 1288, "WW II Merchant Mariners Service Act", to pass legislation approving the above findings and recommendations.

Adopted this 04th day of May 2015.

Barry Swindell, Chairman
Hyde County, NC Board of Commissioners

Lois Stotesberry, Clerk
Hyde County, NC Board of Commissioners

COUNTY OF HYDE

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Earl Pugh, Jr., Vice-chair
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Fred Holscher
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Lois Stotesberry, CMC, NCCCC
Clerk to the Board

RESOLUTION REQUESTING THE ALBEMARLE REGIONAL PLANNING ORGANIZATION TO DELAY CONSIDERATION OF TOLLING FERRY ROUTES

WHEREAS, the North Carolina General Assembly adopted the Strategic Transportation Investment (STI) law in 2013; and,

WHEREAS, the STI law, also established a method for prioritizing transportation projects, the Strategic Mobility Formula, which is a new way of allocating available revenues based on data-driven scoring and local input.

WHEREAS, the Strategic Mobility Formula funds projects in three categories: Statewide Mobility, Regional Impacts and Division Needs; and,

WHEREAS, the Strategic Mobility Formula dictates that new and replacement ferry vessels and ferry support vessels can only be considered under the Division Needs category; and,

WHEREAS, the Albemarle Rural Planning Organization is within the North Carolina Department of Transportation (NCDOT) Division One and NCDOT Division One hosts more North Carolina ferry routes and vessels than any other Division along the coast; and,

WHEREAS, the North Carolina Ferry Division has determined the costs of ferry vessel replacements for Division One to be $5,000,000.00; and,

WHEREAS, NCDOT Division One is scheduled to receive roughly $33,000,000.00, in the Division Needs Category, per year in Strategic Transportation Investment funding to fund Highway, Bicycle and Pedestrian, Aviation, and Ferry projects within its fourteen County region; and

WHEREAS, inclusion of new and replacement ferry vessels and ferry support vessels in the Division Needs category will place an undue financial burden on all NCDOT Division One transportation projects;

NOW THEREFORE BE IT RESOLVED that Hyde County Board of Commissioners request that the Albemarle Rural Planning Organization refrain from considering tolling ferry routes until the 2016 session of the North Carolina General Assembly has an opportunity to explore and consider alternate funding sources for new and replacement ferry vessel and ferry support vessels.

BE IT FURTHER RESOLVED that the Hyde County Board of Commissioners are requesting that all the members of the Albemarle Rural Planning Organization support this endeavor.

ADOPTED this 7th day of December, 2015.

Barry Swindell, Chairman

ATTEST:

Lois Stotesbery, CMC, NCCCC
Clerk to the Board

Board of Commissioners
Earl Pugh, Jr. , Chair
Barry Swindell, Vice-chair
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hn Fletcher
ick Tunnell

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RESOLUTION IN SUPPORT OF TRIANNUAL JOINT MEETINGS OF THE OCRACOKE PLANNING ADVISORY BOARD AND THE OCRACOKE BOARD OF ADJUSTMENT

WHEREAS, the Ocracoke Development Ordinance is reviewed by the Ocracoke Planning Advisory Board and enforced, in part, by the Ocracoke Board of Adjustment (Variance Board); and,

WHEREAS, the Ocracoke Board of Adjustment (Variance Board) should be aware of any adopted changes or amendments to the Ocracoke Development Ordinance, including proposed changes or amendments by the Ocracoke Planning Advisory Board.

NOW, THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners require the Ocracoke Planning Advisory Board and the Ocracoke Board of Adjustment (Variance Board) conduct joint meetings a minimum of three times a calendar year.

This the _7th__ day of December, 2015.

Earl Pugh, Jr., Chairman

ATTEST:

Lois Stotesberry, Clerk to the Board