

Regular Meeting Minutes

Hyde County Board of Commissioners

Monday, February 4, 2019

Following a joint meeting with the Hyde County Board of Education at 5:00p.m., opening prayer by Chairman Pugh and pledge of allegiance the Regular Meeting of the Hyde County Board of Commissioners was called to order at 6:25p.m. on Monday, February 4, 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.; Vice-chairman Tom Pahl; Commissioners Shannon Swindell and James Topping; County Manager Kris Cahoon Noble; Attorney Franz Holscher; Clerk to the Board Lois Stotesberry and members of the public.

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

Commissioner Ben Simmons was absent.

IT Director/ Deputy Clerk Donnie Shumate ran the electronic conferencing equipment on the Mainland and Teresa Adams ran the electronic conferencing equipment on Ocracoke.

Consideration of Agenda:

Commissioner Swindell moved to approve the Monday, February 4, 2019 Meeting Agenda as presented by the Clerk with addition of:

Item No. 1

- “First Amendment to 1997 Resolution Modifying and Amending Resolutions Creating The Regional Planning Commission Known As The Albemarle Commission”

Item No. 2

- appointment of Albemarle Commission Delegate
- appointment to Ocracoke Board of Adjustments
- appointment to Ocracoke Waterways Commission
- deletion of appointment to Ocracoke Township Tourism Development Authority (TDA)

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

Consideration of Minutes:

January 7, 2019 Regular Meeting Minutes

Commissioner Topping re-visited Lease Renewal and Proposed Expansion of BHM Library on page 4, lines 33 – 45.

After discussion, Commissioner Swindell moved to approve the Monday, January 7, 2019 Regular Meeting Minutes as presented by the Clerk. Commissioner Pugh seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Presentation:

NC Complete Count Commission 2020 Census

James Cofield, a member of the North Carolina Complete Count Commission presented information concerning the 2020 Census. Mr. Cofield reported Governor Roy Cooper signed Executive Order 79 establishing the North Carolina Complete Count Commission, an advisory membership charged with increasing awareness and understanding about the importance of the 2020 census and encouraging the citizens of North Carolina to participate in the 2020 Census. He is the Hyde County representative during this Census and asks for the Board of Commissioners participation particularly with hard to count populations. For statistics – go to: www.census.nc.gov.

Employees of the Month:

County Manager Kris Cahoon Noble commended Tax Department employees, for undergoing training and conversion to Farragut Software (a new tax software system). Ms. Noble presented Certificates of Appreciation and Hyde County pins to Linda Basnight, Tax Administrator; Sue Gurganus, Deputy Tax Administrator; Justin Gibbs, Emergency Services Director; Lois Stotesberry, Clerk/ ES Administrative Assistant and Donnie Shumate, IT Director.

Public Comments:

Timmy Hodges, Swan Quarter – discussed his disappointment with no 911 services in Hyde County.

Peter Vankevich, Ocracoke – requested funding to be used to address derelict boats in Hyde County.

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

Items of Consideration:

Resolution – First Amendment to 1997 Resolution Modifying and Amending Resolution Creating the Regional Planning Commission Known As The Albemarle Commission

County Manager Kris Cahoon Noble presented a resolution amending Articles I through VIII of the 1997 resolution creating the Albemarle Commission to change the method for appointment of delegates and the terms for delegates to two years, ending on December 31 regardless of the date of appointment by the appointing authority.

Commissioner Pahl moved to adopt First Amendment to 1997 Resolution Modifying and Amending Resolution Creating the Regional Planning Commission Known as The Albemarle Commission. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Clerk's Note: A copy of "First Amendment to 1997 Resolution Modifying and Amending Resolution Creating the Regional Planning Commission Known as The Albemarle Commission" is attached herewith as Exhibit A and incorporated herein by reference.

Resolution – Designation of Applicant's Agent

Justin Gibbs, Director, Emergency Management, presented North Carolina Emergency Management Resolution for Designation of Applicant's Agent for Disaster Number: FEMA-4393-NC.

Commissioner Swindell moved to adopt Resolution – Designation of Applicant's Agent naming Corrinne Gibbs Primary Agent and Justin Gibbs Secondary Agent authorized to execute and file applications for federal and/or state assistance on behalf of Hyde County for the purpose of obtaining certain state and federal financial assistance. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, and Swindell; Nays – Topping; Absent or not voting – Simmons.

Clerk's Note: A copy of "Designation of Applicant's Agent – FEMA-4393-NC" is attached herewith as Exhibit B and incorporated herein by reference.

Appointments:

Ocracoke Occupancy Tax Board

Commissioner Pahl recommended re-appointment of Trudy Austin to serve a three-year term on the Ocracoke Occupancy Tax Board ending on July 6, 2021.

Ocracoke Board of Adjustment

Commissioner Pahl recommended re-appointment of John Giagu to serve a three-year term on the Ocracoke Board of Adjustments ending on January 14, 2021.

Ocracoke Waterways Commission (OWC)

Commissioner Pahl recommended re-appointment of Justin LeBlanc to serve a three-year term on the Ocracoke Waterways Commission ending on July 10, 2020.

Albemarle Commission Delegate

Commissioner Pahl recommended Earl Pugh, Jr. remain Hyde County Delegate on the Albemarle Commission.

Commissioner Pahl moved to approve all appointments as recommended by Commissioner Pahl. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Agreement for Hyde County Medical Director

Justin Gibbs, Director, Emergency Management, requested authorization for County Manager Kris Noble to approve the medical director contract once the County receives the signed contract from ECU.

Commissioner Swindell moved to authorization County Manager Kris Noble to approve the medical director contract once the County receives the signed contract from ECU. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Procurement of Legal/Appraisal Services for the Hyde County HMGP Rescopement Program

County Manager Kris Cahoon Noble reported proposals have been requested and received for legal services for the HMGP Rescopement Program – Hurricane Irene. Proposals were received from Misa B. Raynor PA and from Rodman, Holscher, Peck & Edwards.

Commissioner Swindell moved to award the contract for legal services to Rodman, Holscher, Peck & Edwards of Washington, NC. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Parks & Recreation Hyde County Mainland Ballfield Land Request

County Manager Kris Cahoon Noble reported the Hyde County Mainland Ballfield Committee has been working towards the goal of a ballfield complex that would be suitable to house Hyde County mainland youth recreation and to host tournaments in the area. The group composed of parents, teachers, coaches, Hyde County Cooperative Extension, Hyde County Health Department, Hyde County Schools and Hyde County Baseball & Softball League have been working to find a site and apply for a 2018-19 NC Parks & Recreation Trust Fund (PARTF) Grant for the 2018-19 funding year. The group has identified a site, owned by Hyde County, and located behind the Mattamuskeet EMS Station on Juniper Bay Road. The site is approximately 7.821 acres minus the roughly one acre tract where the EMS lot is located.

The PARTF Grant match is 50/50 however the appraised value of the land does qualify as a match. The current tax value of the land is \$57,000.00. The group asked that the Board of Commissioners consider the donation of this land towards this project and to allow the group to use the proposed site in their PARTF Grant Application.

Over the next two months, the group will be finalizing improvement budgets, developing a long-term operation and maintenance budget, looking at long-term lease options, completing a site evaluation that includes a private appraisal and title search, surveying and drainage analysis with corresponding drainage plan.

If the submitted PARTF grant application is accepted and funded, the group will present to the Hyde County Board of Commissioners with a plan to operate and maintain the property over the long term and proposed long term lease terms. If PARTF grant funds are received and accepted, the county will be the administrator of the funds and the land must remain in recreational use in perpetuity.

Commissioner Pahl moved to endorse the group to work with Hyde County staff to develop a PARTF grant application with the purpose of building a mainland ballfield complex on the Mattamuskeet EMS property. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Davis Center Lease Renewal for Beaufort County Community College

County Manager Kris Cahoon Noble reported the existing lease between Hyde County and Beaufort County Community College for the space leased within the Davis Center is set for renewal. BCCC President Dr. David Loope, has reviewed and signed the lease renewal and is in agreement with the terms.

Commissioner Swindell moved to correct a typographical error on page one of the lease and to approve renewal of the Davis Center Lease for Beaufort County Community College. Commissioner Swindell Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

Budget Revisions:

Soil & Water

Stream Cleanup \$184,025.00

Health Department

09-19 – Maternal Health – Postage	\$	120.00
10-19 – Adult Health – Lab Testing	\$	500.00
11-19 – Communicable Disease – Contract Pharmacy	\$	275.00
12-19 – Family Planning – Postage	\$	261.00
13-19 – BCCCP – Radiology	\$	370.00
15-19 – General – Equipment Lease	\$	5,000.00
16-19 – General – Dues & Fees	\$	500.00
17-19 – PME – Postage	\$	100.00

Commissioner Pahl moved to approve the S&W budget transfer as presented. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Topping; Nays – None; Absent or not voting – Simmons.

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

Management Reports

Chairman Pugh – attended the NCACC Legislative Goals Conference meeting in Raleigh and the Trillium Health Resources meeting in Washington and the red wolf listening session. He also met with NC Insurance Commissioner Mike Causey at Swan Quarter VFD, and attended a meeting with Senator Steinburg and Commissioner Simmons.

Vice-chairman Pahl – thanked James Blount and Gwen Cahoon for training site-attendants and clean up at the Ocracoke transfer station. Mr. Pahl discussed meetings with the Ocracoke Planning Board ~~Community Volunteer~~ ⁰³⁻⁰⁴⁻¹⁹ ~~Group~~, Waterways Commission and Ocracoke Civic & Business Association. He attended a session on radio with Peter Vankevich and has reviewed Hyde County Building Permit procedure.

Commissioner Topping – attended Essentials of County Government and Ethics Training for newly elected county officials. He met with Senator Steinburg. Mr. Topping requested that materials for the commissioners meetings be delivered earlier.

Commissioner Simmons – was absent.

Commissioner Swindell – attended Essentials of County Government and Ethics Training for newly elected county officials. He attended a meeting with Senator Steinburg and Commissioner Topping where water management and broadband service for under-served areas in the state were discussed.

County Manager Kris Cahoon Noble – presented update on projects and activities during the month. Ms. Noble's calendar was provided for the month of January, 2019.

Public Comment

Barry Swindell, Scranton – thanked the Board on behalf of the Recreation Committee for opportunities for Hyde County youth.

Donnie Shumate, Swan Quarter – discussed broadband in rural counties and reported TriCounty and River Street are ready to come to Hyde County.

Closed Session (none)

Adjourn

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

The meeting adjourned at 8:20p.m.

Respectfully submitted:

Minutes approved on the 4th day of March, 2019.

Attest:


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

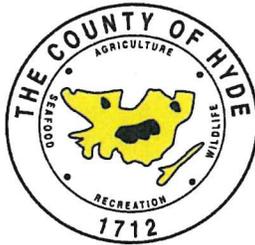

Earl Pugh, Jr.
Chair, Hyde County Board of Commissioners



Attachments

Exhibit A: "First Amendment to 1997 Resolution Modifying and Amending Resolution Creating the Regional Planning Commission Known as The Albemarle Commission"

Exhibit B: "Designation of Applicant's Agent – FEMA-4393-NC"



**FIRST AMENDMENT TO 1997
RESOLUTION MODIFYING AND
AMENDING RESOLUTIONS CREATING
THE REGIONAL PLANNING COMMISSION
KNOWN AS THE ALBEMARLE COMMISSION**

WHEREAS, in 1970 the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans and Tyrrell, (the "Initial Counties"), began a regional cooperative effort by creating a regional planning and economic development commission known as the Albemarle Commission; and,

WHEREAS, the County of Washington was granted membership in 1971 with unanimous consent of the Initial Counties (the Initial Counties and the County of Washington may be referred to individually as a "County" and collectively as the "Counties"); and,

WHEREAS, N.C. Gen. Stat. '153A-391 provides that the Counties may, by unanimous action, modify and amend the resolution creating the Albemarle Commission; and'

WHEREAS, in 1997, the Counties unanimously modified and amended the resolution creating the Albemarle Commission by adopting that certain document entitled "Resolution Modifying and Amending Resolutions Creating the Regional Planning Commission known as the Albemarle Commission" (the "1997 Resolution"); and,

WHEREAS, Article II of the 1997 Resolution provides the method for the appointment of delegates by the member Counties, including terms for such appointments, that the governing board of the Albemarle Commission has requested be changed as set forth below; and,

WHEREAS, the Counties, after due and diligent consideration, desire to modify and amend the 1997 Resolution through this First Amendment to the 1997 Resolution to change the method for appointment of delegates and the terms for delegates.

NOW, THEREFORE, BE IT RESOLVED by each of the Boards of Commissioners for the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington, in separate sessions duly convened, by the adoption and enactment of this First Amendment to the 1997 Resolution by each of the Boards, do hereby modify and amend the 1997 Resolution as follows:

Section 1. By replacing Articles I through VIII thereof with the following:

**ARTICLE I
NAME**

The name of the regional planning commission shall be the ALBEMARLE COMMISSION.

ARTICLE II
ALBEMARLE COMMISSION MEMBERSHIP AND GOVERNING BOARD

A. Albemarle Commission Membership – The Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington shall be member governments of the Albemarle Commission. The Albemarle Commission shall be governed by a board of 15 members appointed as follows:

- 1) The governing board of each member government shall appoint one “Commissioner” delegate who must be a member of the member government’s governing board. Commissioner delegates who no longer hold office as an elected member of their member government’s governing board are unable to continue as a delegate unless they can be and are approved as an at large delegate.
- 2) Four additional “At Large” delegates who do not hold an elective office shall be initially appointed as follows:
 - (a) One delegate appointed by Camden County’s governing board;
 - (b) One delegate appointed by Chowan County’s governing board;
 - (c) One delegate appointed by Currituck County’s governing board;
 - (d) One delegate appointed by Dare County’s governing board.

The At Large delegates appointed as of the adoption of this Resolution may continue to serve the remainder of their terms as set forth below. Successors shall thereafter be appointed by the governing board’s member governments in a rotating manner which order shall be determined alphabetically until the end of the alphabet is reached and then starting over (e.g., two years after the year in which this Resolution is adopted one delegate would be appointed by each of the following counties: Gates, Hyde, Pasquotank, and Perquimans; two years thereafter, one delegate would be appointed by each of the following counties: Tyrrell, Washington, Camden, and Chowan; and the appointments would continue rotating every two years in this alphabetical manner).

- 3) The immediate past chair shall serve for one year as an ex-officio, non-voting member unless they can be and are appointed as a Commissioner Delegate or an At Large Delegate.

The member governments are encouraged to consider making appointments that will result in at least four delegates being racial minorities.

B. Terms; Removal; Vacancies – Delegates of the Albemarle Commission shall serve two-year terms. Terms shall be measured by calendar years but shall end on December 31, regardless of the date of appointment by the appointing authority. A delegate may be removed with or without cause by the appointing member government’s governing board. Appointment to fill vacancies shall be made for the remainder of the unexpired term by the respective appointing member government’s governing board.

C. Officers; Compensation – Those officers currently serving as of the date of adoption of this resolution, shall continue serving until the next organizational meeting of the Albemarle Commission governing board.

Thereafter, the Albemarle Commission governing board shall hold an organizational meeting annually in January to elect a chair, vice-chair and secretary by simple majority vote of those delegates present and voting at a properly constituted meeting. Only Commissioner delegates, i.e., those delegates who are members of a

member government's governing board, shall be eligible to hold an office, other than the non-voting office of immediate past chair.

Delegates may be compensated and reimbursed for their expenses at an appropriate mileage rate by the Albemarle Commission for attendance at meetings of the Albemarle Commission governing board.

ARTICLE III POWERS AND DUTIES

The Albemarle Commission shall possess the following powers:

- (1) Apply for, accept, receive, and disburse funds, grants, and services made available to it by the State of North Carolina or any agency thereof, the federal government or any agency thereof, any unit of local government or any agency thereof, or any private or civic agency;
- (2) Employ personnel;
- (3) Contract with consultants;
- (4) Contract for services with the State of North Carolina, any other state, the United States, or any agency of those governments;
- (5) Study and inventory regional goals, resources, and problems;
- (6) Prepare and amend regional development plans, which may include recommendations for land use within the region, recommendations concerning the need for and general location of public works of regional concern, recommendations for economic development of the region, and any other relevant matters;
- (7) Cooperate with and provide assistance to federal, state, other regional, and local planning activities within the region;
- (8) Encourage local efforts toward economic development;
- (9) Make recommendations for review and action to its member governments and other public agencies that perform functions within the region;
- (10) Exercise any other power necessary to the discharge of its duties.

ARTICLE IV FINANCES

Funding for the Albemarle Commission's administrative and general operational requirements shall, in addition to other funds which might become available, be provided by member governments. Each member government's proportionate share shall be determined by a per capita assessment based on the most recent United States Census. Thereafter, the Albemarle Commission governing board shall develop and adopt, by simple majority vote, an annual budget for each up-coming fiscal year showing the anticipated contribution of each county which budget shall be submitted to the member governments for review and comment not later than May 1.

ARTICLE V BUDGETARY AND FISCAL CONTROL

The Albemarle Commission budget and fiscal affairs shall comply with the

procedures set forth in the Local Government Budget and Fiscal Control Act, Chapter 159, Subchapter III of the North Carolina General Statutes.

The Albemarle Commission shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of the each fiscal year and a certified copy of the audit shall be filed promptly with each member government.

**ARTICLE VI
WITHDRAWAL**

A member government may withdraw from the Albemarle Commission by giving at least two years' written notice to the other member governments.

**ARTICLE VII
AMENDMENTS**

This resolution may be amended, modified or repealed by the unanimous action of the member governments.

**ARTICLE VIII
DISSOLUTION**

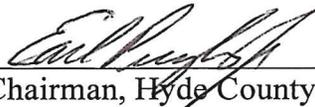
If the Albemarle Commission is dissolved by the unanimous action of the member governments then the proceeds that may be derived from the sale of the Albemarle Commission's assets, less payment of debts and liabilities, shall be distributed among the member governments pursuant to the following formula:

<u>Member Government Population</u>	X	Total Dollar	=	Member government's
Total population of		Value of Albemarle		Share
Member governments		Commission assets		

Section 2. All provisions of resolutions creating, amending or modifying the 1997 Resolution which are not re-enacted by this resolution, are hereby repealed.

Section 3. This resolution shall take effect immediately upon its unanimous adoption by the Counties.

ADOPTED the 4th day of February, 2019.



Chairman, Hyde County
Board of Commissioners

ATTEST:


Clerk to the Board



(SEAL)

