Regular Meeting Minutes

Board of County Commissioners
Hyde County

Monday, October 12, 2015

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00pm on Monday, October 12, 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 Dick Tunnell, Ben Simmons and Barry Swindell; County Manager Bill Rich; Clerk to the Board Lois Stotesberry; and, members of the public. Commissioner Earl Pugh, Jr., attended via telephone conferencing equipment and Attorney Fred Holscher was absent.

The following members were present on Ocracoke: Commissioner John Fletcher, Will Doerfer, Special Assistant Hyde County Manager, Public Information Officer Sarah Johnson and members of the public.

Following opening prayer by Commissioner Simmons and pledge of allegiance the meeting was called to order.

Agenda:
Chairman Swindell asked for changes to the October 12, 2015 Meeting Agenda.

Commissioner Tunnell moved to approve the October 12, 2015 Amended Meeting Agenda as presented by the Clerk with addition of approval of Emergency Meeting Minutes on October 1, 2015; Presentation of Report on Hurricane Juaquin by Justin Gibbs, EM Director; and, addition of suggested modifications to the current Noise Ordinance by Sean Death. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Simmons, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Consideration of Minutes:
Commissioner Fletcher moved to approve the September 8, 2015 Board of Commissioners Regular Meeting Minutes as presented by the Clerk. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Commissioner Fletcher moved to approve the October 1, 2015 Board of Commissioners Emergency Meeting Minutes as presented by the Clerk. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Public Hearing:
FY14-15 Rural Operating Assistance Program Summary
Beverly Paul, Director of Hyde County Transit (HCT), presented (via telephone) statistics on programs utilized by the FY14-15 Rural Operating Assistant Program (ROAP) a public transportation funding grant. These programs are:

- The Elderly and Disabled Assistance Program ($41,225.02) – serves the needs of county residents that are over the age of 60 or more, and residents who have a physical or mental impairment that substantially limits a major life activity.

- Mattamuskeet Senior Center ($13,907.28) – HCT provided 2, 704 passenger trips for the Senior Center Program.

- Ocracoke Program ($7,752.13) – In FY14-15 HCT performed 459 EDTAP passenger trips.

- Hyde County Transit (19,565.61) – In FY14-15 HCT provided 2,505 passenger trips to destinations in-county as well as Belhaven, Washington, Greenville and the Outer Banks.

- Rural General Public Program ($38,709) – In FY14-15 HCT provided a total of 1,338 passenger trips for employment access.

- Employment Transportation Program ($4,756) – provides employment transportation service for individuals that are transitioning off the DSS Work First Program and low-income or disadvantaged general public passengers.

Commissioner Fletcher moved to adopt the FY2016 ROAP Certified Statement and approve the FY15-16 ROAP Allocation. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Update on Hurricane Juaquin

Justin Gibbs, EM Director, presented report on incidents the Swift-Water Rescue Team and National Guard assisted with on Mainland Hyde County and reported on Coast Guard assistance to the residents of Ocracoke Island. Mr. Gibbs also reported on assistance form the Forestry Division with pumps, sand and sand bags in Fairfield. Overall benefit from this assistance is an effort by the Soil and Water Department to try to procure pumps for permanent installation in Hyde County.

Employee Recognition:

County Manager Rich commended Justin Gibbs, EM Director and Sarah Johnson, PIO for a superb job done during Hurricane Juaquin. Mr. Gibbs spun the "Wheel of Thanks" for himself and Ms. Johnson. Justin won a gift certificate to Bare Necessities in Ponzer and Sarah won a gift certificate to NAPA Auto Parts in Engelhard.

Public Comment:

Ocracoke residents Debbie Wells, Mickey Baker, and Ann Ehringhaus, discussed concerns about the noise level on the Island.

Commissioner Fletcher reports he has no complaint with noise on Ocracoke.

Peter Vankevich, Ocracoke Observer, urged the County to get involved with efforts to control derelict boats on Ocracoke.

NC Building Reuse Grant – Ocracoke Brewing Program Budget Ordinance

Kris Noble, Director of Economic Development, requested approval of a project budget ordinance in connection with a grant award to Ocracoke Brewing from the North Carolina Department of Commerce/North Carolina Rural Economic Infrastructure Authority – Building Reuse Grant in the amount of $25,000.00. The budget ordinance authorizes Hyde County to accept and administer grant funds to Ocracoke Brewing.

Commissioner Fletcher moved to approve the NC Building Reuse Grant Program Budget Ordinance in the amount of $25,000.00 awarded to Ocracoke Brewing. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "NC Building Reuse Grant-Ocracoke Brewing Program Budget Ordinance" is attached herewith as Exhibit A and incorporated herein by reference.

Resolution – "Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jails"

Bill Rich, County Manager, reported the County Commissioners will utilize the comprehensive resources available through the Stepping Up Initiative to develop a plan to reduce the number of people with mental illnesses in the county jail for 2016-2020, consistent with the Council of State Governments Justice Center report and recommendations, to be presented to the Board of Commissioners at its first meeting in December 2015.

Guire Cahoon, Sheriff, reported he currently sends these inmates to Raleigh for safe keeping.

Commissioner Fletcher moved to adopt Resolution of Support for "Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jails". Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of Resolution – "Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jails" is attached herewith as Exhibit B and incorporated herein by reference.

Proclamation – Termination of State of Emergency for Hyde County – Hurricane Joaquin

Commissioner Tunnell moved to adopt Proclamation – Termination of State of Emergency for Hyde County – Hurricane Joaquin. Mr. Simmons seconded the motion. The motion passed on the following

vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Proclamation – Termination of State of Emergency for Hyde County – Hurricane Joaquin" is attached herewith as Exhibit C and incorporated herein by reference.

Health Insurance Amount Set for County Manager
Corrinne Gibbs, Finance Officer, reported the County Manager would like for his health insurance reimbursement rate (Section 13 in his contract) to be changed and locked in at the 2014-2015 rate of $650.18 per month effective for the balance of his contract.

Commissioner Simmons moved to change and lock in the County Manager's health insurance reimbursement rate at the 2014-2015 rate of $650.18 per month effective for the balance of his contract. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Approval of Subdivision of Property for Jeff Credle, Currituck Township, Hyde County
Kris Noble, Director of Economic Development, presented request for approval of Mr. Jeff Credle's plat representing a minor subdivision of property located in Currituck Township. The existing property contains approximately 16.27 acres into three lots. All three lots contain road frontage. Properly executed certification of the Hyde County Water Department, the Hyde County Health Department, the CAMA Officer and the subdivider's certification have been obtained.

Commissioner Fletcher moved to approve subdivision of the 16.27 acres of land into three lots as proposed. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Wireless Telecommunications Facility Located at 124 Cedar Road, Ocracoke, NC
Kris Noble, Director of Economic Development, presented a proposal from Verizon Wireless for minor modifications to an existing wireless telecommunications facility located at 124 Cedar Road, Ocracoke. This minor modification will enhance service to the surrounding community for various mobile devices.

According to construction drawings submitted by Jacobs Engineering the scope of work includes modification of an existing self-support (lattice) tower facility. Three (3) antennas are to be removed and replaced along with the addition of nine (9) new antennas and six (6) radio units on the tower located within the existing fence compound. Verizon Wireless antennas are to be mounted on an 85' centerline on existing tower. No additional equipment cabinets are being proposed in the existing Verizon shelter for the project. No electrical work is required for this project. No height increase to the tower and no footprint changes on the ground are to occur.

Commissioner Simmons moved to approve request for minor modification to an existing wireless telecommunications facility located at 124 Cedar Rd., Ocracoke. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Update on Request to Amend Hyde County Noise Ordinance
Bill Rich, County Manager, reported the court case to modify the Hyde County Noise Ordinance has been appealed. Mr. Rich and Mr. Doerfer will continue to work with citizens on this request to amend the Noise Ordinance.

Hatteras Ocracoke Vehicle Ferry Toll
Bill Rich, County Manager, reported he and Commissioners Swindell and Simmons will meet with NC DOT Ed Goodwin and Malcolm Fearing to continue discussion on Hatteras Ocracoke Vehicle Ferry Toll.

Report – Special Assistant Will Doerfer:
Will Doerfer, Special Assistant to County Manager Bill Rich, presented report on projects he continues working on, both on Ocracoke and the Mainland. Mr. Doerfer continues work on Courthouse Safety Committee, Records Requests, Training, Ferry Meetings, Personnel Policy Meeting and research with HR Director, Noise Ordinance research, Safety Committee, OSHA and Insurance training, Internet and Cloud research, Ocracoke Control Group, and fuel and maintenance assessment. He also contacted Jerry Jennings, NCDOT regarding placement of a sign on the north end of Ocracoke informing visitors of food and lodging within the village.

Request to Move NC Hwy 45 to US HWY 264
Commissioner John Fletcher discussed the benefits to Hyde County from moving NC Highway 45 to US Highway 264 to expose ferry passengers to the businesses on US264.

Commissioner Tunnell asked if old Hwy 45 is a hurricane evacuation route.

Request for public comments will be made with discussion at its next regularly scheduled Board of Commissioners meeting on November 2, 2015.

Budget Revisions:
County Manager Rich presented the listed budget revisions for Board approval:

1. Planning – Building Reuse Grant received for Ocracoke Brewing Co. ($21,893.00)
2. Administration – Ocracoke Scenic Byway ($625)
3. Health
   a. 06-16 – CC4C Program (Travel) ($500)
   b. 07-16 – General Health (MCD Reserve Funds) ($1,500.00)
   c. 08-16 – Child Health (Travel) ($400)

Commissioner Fletcher moved to approve the Planning, Administrative and Health budget revisions as presented. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

Management Reports:

Commissioner Pugh – commended Justin Gibbs, EM Director, Sarah Johnson, PIO, and the Ocracoke Control Group for keeping citizens informed during Hurricane Joaquin.

Commissioner Tunnell – attended the Ag concerns meeting along with approximately 90% of Hyde County farmers to talk with Ag Commissioner Troxler about crop damage. Mr. Tunnell also reported he is on the Mid-East Housing Authority has a management problem where the Authority has two boards with the same manager.

Commissioner Simmons – discussed dike and flood regulations. He would like to put a dike around the entire county.

Commissioner Fletcher – requested the telephone message on the Clerk to the Board of Commissioners telephone be changed to mirror the message on the Clerk of Court's telephone system.

Chairman Swindell – attended Relay for Life where greater than $46,000 was collected. Mr. Swindell reported a lot of acres of land have gone back to trees in the Sladesville-Scranton area. He will attend the Hatteras Ferry Toll meeting on Wednesday.

Manager Rich – reported a Declaration of Disaster is needed so citizens with storm damage can receive assistance.

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

Justin Gibbs, EM Director, reported Sarah Johnson, PIO and the Planning Department have posted notice advising citizens to contact them for information about storm recovery assistance.

George Chamberlin reported good feedback from visitors who evacuated the Island and who had traveler's insurance and complimented Hyde County employees for a job well done. Mr. Chamberlin reported Steve Lanier, DOT Aviation is working on Ocracoke Airport plans.

Connie Lienbach, Ocracoke citizen asked about the status of David's Trash Service.
Manager Rich reported David's Trash is moving their assets to another company.

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

Closed Session: (none)

Adjourn:

Commissioner Simmons moved to adjourn the October 12, 2015 Board of Commissioners Meeting. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Fletcher, Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – None.

The meeting adjourned at 7:20p.m.

Respectfully submitted:

Minutes approved on the 2nd day of November, 2015.

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

Barry Swindell
Chair, Hyde County Board of Commissioners

Attachment:

Exhibit A: *"NC Building Reuse Grant-Ocracoke Brewing Program Budget Ordinance"*

Exhibit B: *"Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jails"*

Exhibit C: *"Proclamation – Termination of State of Emergency for Hyde County – Hurricane Joaquin"*

HYDE COUNTY- NC BUILDING REUSE GRANT – DARE TO HYDE, LLC
Program Budget Ordinance
November 2, 2015

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 NC Building Reuse Grant for Dare to Hyde, LLC. described in the work statement contained in the supplemental Rural Economic Development Loan Agreement and Legally Binding Commitment between Hyde County and the Owner. This program is more familiarly known as the NC Building Reuse Grant – Dare to Hyde, LLC.

Section 2. Hyde County staff is hereby directed to proceed with the grant program within the terms of the grant document(s), the rules and regulations of the North Carolina Rural Economic Infrastructure Authority and the North Carolina Department of Commerce, and the budget contained herein.

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

NC BUILDING REUSE GRANT – DARE TO HYDE	
NC Commerce Grant	$60,000.00
Hyde County Local Match	$ 3,000.00
Total	$63,000.00

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

NC BUILDING REUSE GRANT – DARE TO HYDE	
Construction Budget	$63,000.00
Total	$63,000.00

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 Rural Infrastructure Authority and North Carolina Department of Commerce 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 Commerce 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 2nd day of November, 2015.

Barry Swindell, Chairman
Hyde County Board of Commissioners

ATTEST:

Lois Stotesberry, CMC, NCCCC
Lois Stotesberry, Clerk to the Board

BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA

PROCLAMATION

TERMINATION OF STATE OF EMERGENCY FOR HYDE COUNTY

HURRICANE JOAQUIN

October 12, 2015

WHEREAS, on October 1, 2015 at 12:00 (noon) I proclaimed a local State of Emergency for Hyde County with Mandatory Evacuation for Ocracoke Island, effective as of 3:00pm on October 1, 2015; and,

WHEREAS, I issued Proclamation – Termination of Mandatory Evacuation for Ocracoke Island on October 3, 2015 effective at ~~12:00 PM.~~ 5:00 AM

WHEREAS, I have determined that a State of Emergency no longer exists; and,

WHEREAS, I thereby terminate the Proclamation of State of Emergency and all of the restrictions and orders therein in Hyde County, North Carolina; and,

Now therefore this proclamation is signed on this date, October 12, 2015, and becomes effective at 6:00PM on October 12, 2015.

ATTEST:

Barry Swindell, Chairman
Hyde County Board of Commissioner

Lois Stotesberry, Clerk to the Board
Hyde County Board of Commissioners

BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE,
NORTH CAROLINA

PROCLAMATION

TERMINATION OF MANDATORY EVACUATION FOR OCRACOKE ISLAND

HURRICANE JOAQUIN

October 2, 2015

WHEREAS, on Thursday, October 1, 2015 at 12:00 (noon) I proclaimed a State of Emergency for Hyde County with Mandatory Evacuation for Ocracoke Island, effective as of 3:00pm on October 1, 2015; and,

WHEREAS, I have determined that a State of Emergency will remain in effect for Hyde County, North Carolina; and,

WHEREAS, I have determined that Mandatory Evacuation of Ocracoke Island be lifted on Saturday, October 3, 2015, at 5:00a.m., conditioned that tourists and visitors can still not enter Ocracoke because of infrastructure and road conditions; and,

WHEREAS, I thereby terminate Mandatory Evacuation for Ocracoke Island with re-entry limited to emergency, utility, vendors, resident and non-resident property owners; and,

Now therefore this proclamation is signed on this date, October __2__, 2015, and becomes effective until further notice.

ATTEST:

Earl Pugh, Jr., Vice-Chairman
Hyde County Board of Commissioner

Lois Stotesberry, Clerk to the Board
Hyde County Board of Commissioners

COUNTY OF HYDE

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

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 2
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board

"Stepping Up Initiative to Reduce the Number of People with Mental Illnesses in Jails"

WHEREAS, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jails each year; and,

WHEREAS, prevalence rates of serious mental illnesses in confinement facilities are three to six times higher than for the general population, with statistics showing that almost 13% of North Carolina's prison population requires some type of intervention due to mental health issues; and,

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and,

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and,

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and,

WHEREAS, without the appropriate treatment and services, people with mental illnesses can continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals, their families, and their communities; and,

WHEREAS, county jails are generally an unsafe environment for those with mental health treatment needs; and,

WHEREAS, the North Carolina Association of County Commissioners has undertaken a serious effort to address the local service needs of those with mental illnesses through the appointment of a special Task Force; and,

WHEREAS, Hyde County, like all counties, takes pride in our responsibility to protect and enhance the health, welfare and safety of our residents in efficient, safe, and socially just ways; and,

WHEREAS, through the Stepping Up Initiative, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging counties to reduce the number of people with mental illnesses in county jails;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners, Hyde County,

1. That the Board of Commissioners does hereby sign on to the Call to Action to reduce the number of people with mental illnesses in our county jails and commits to sharing lessons learned with other counties in North Carolina and across the country to support the Stepping Up Initiative, and

2. That the Board of Commissioners will utilize resources available through the Stepping Up Initiative and other resources provided by the Council of State Governments Justice Center to convene a diverse team of leaders and decision makers from multiple agencies who are committed to safety reducing the number of people with mental illnesses in jails, and

3. That this team will utilize the comprehensive resources available through the Stepping Up Initiative to develop a plan to reduce the number of people with mental illness in the county jail for 2016-2020, consistent with the Council of State Governments Justice Center report and recommendations, to be presented to the Board of Commissioners at its first meeting in December 2015.

Adopted this the ~~5th~~ 12th day of October, 2015, in Hyde County, North Carolina.

ATTEST:

Lois Stotesberry

Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
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252-926-4400
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Board of Commissioners
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Earl Pugh , Vice-chair
Ben Simmons
John Fletcher
Dick Tunnell

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry
Executive Assistant to Manager
Clerk to the Board

RESOLUTION REGARDING NC BUILDING REUSE GRANT

WHEREAS, the County of Hyde intends to apply for a North Carolina Building Reuse Grant on behalf of New Holland Properties, and

WHEREAS, the NC Building Reuse Grant provides funds to local governments to renovate vacant buildings, and

WHEREAS, New Holland Porperties has purchased the property located at 23145 US Hwy 264, Swan Quarter to house the operations of Dare to Hyde Adventures to include complete renovation of the 10 motel rooms as well as minor upgrades to the event facility, and

WHEREAS, New Holland Properties has requested Hyde County to apply on its behalf for a NC Building Reuse Grant in the amount of $60,000, and

WHEREAS, Hyde County will be required to contribute 5% of the cash match for the grant in the amount of $3,000.

NOW, THEREFORE, BE IT RESOLVED THAT THE Hyde County Board of Commissioners intends to apply for a NC Building Reuse Grant in the amount of $60,000 with a contributing cash match from Hyde County in the amount of $3,000 and administer the grant under the terms and conditions of the NC Department of Commerce.

This the 12th day of October 2015.

By: _____
Barry Swindell
Chairman, Hyde County Board of Commissioners

Attest: Lois Stotesbery, CMC, NCCCC
Clerk to Board