

**Regular Meeting Minutes**

**Board of County Commissioners  
Hyde County**

**Tuesday, January 9, 2018**

After opening prayer Chairman Earl Pugh, Jr. called the Regular Meeting of the Hyde County Board of Commissioners to order on Tuesday, January 9, 2018, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing equipment. The regularly scheduled Monday, January 8, 2018 meeting was rescheduled due to inclement weather conditions.

The following members were present on the mainland: Chairman Earl Pugh, Jr.; Commissioners Ben Simmons; Attorney Fred Holscher; Assistant County Manager Kris Noble; Clerk to the Board Lois Stotesberry; IT Director Donnie Shumate; and, members of the public.

Commissioner Tom Pahl; County Manager Bill Rich; and, members of the public were present on Ocracoke.

Vice-chairman Barry Swindell and Commissioner Dick Tunnell were absent.

**Consideration of Agenda:**

Commissioner Simmons moved to approve the January 9, 2018 Board of Commissioners Regular Meeting Agenda as presented by the Clerk with addition of Item No. 8 – Waterfowl Issues. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

**Consideration of Minutes:**

**December 4, 2017 – Organizational Meeting**

Commissioner Pahl moved to approve the December 4, 2017 Hyde County Board of Commissioners Organizational Meeting Minutes as presented by the Clerk. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

**December 4, 2017 – Regular Meeting**

Commissioner Simmons moved to approve the December 4, 2017 Hyde County Board of Commissioners Regular Meeting Minutes as presented by the Clerk with verbiage added on Page 1 – Line 36 – *Commissioner Pahl supports the concept of Marsy's Law but is opposed to the portion of information to make this a part of the Amendment to the North Carolina Constitution*, on Page 2 – Line 21 – *Commissioner Pahl asked that job opportunities be made available to Hyde County residents*, and on Page 4 – Line 24 – *Commissioner Pahl requested the Airport Advisory Committee prepare and present a business plan to the Board of Commissioners*. Correction was made on Page 3 – Line 8 – Mr. Simmons Swindell seconded the motion and on Page 5 – Line 19 - \$250 million thousand grant funding. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

**December 12, 2017 – Joint Meeting**

Commissioner Pugh moved to approve the December 12, 2017 Joint Hyde County Board of Commissioners and Hyde County Board of Education Meeting Minutes as presented by the Clerk. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

**Recognition:**

Chairman Pugh presented retiring County Attorney Fred Holscher with a plaque of appreciation for his years of dedicated service to Hyde County.

Attorney Holscher is retiring after practicing law the past 45 years.

Natalie Wayne, Cooperative Extension Director, her staff and Daniel Brinn, Water and Flood Control Coordinator designed and fabricated the engraved cedar plaque.

**Presentations:**

**DMA-LEG Requirement SL 2017-57-Sec.11H.15.21.222**

Laurie Potter, DSS Director, presented update on proposed legislative requirements that (DMA) will address concerning the responsibility of Counties concerning Medicaid determination errors. Ms. Potter referenced:

§ 108A-70.47. (a) Medicaid eligibility determination processing accuracy standards. The Department shall require county departments of social services to comply with quality assurance minimum standards set forth in rule. The quality assurance standards shall be based upon best practices and shall be developed by the Department in consultation with the State Auditor.

**SUPPORT IMPROVEMENT IN THE ACCURACY OF MEDICAID ELIGIBILITY DETERMINATIONS**  
**SECTION 11H.22.(g)** – The Department of Health and Human Services shall design and implement a training and certification program for caseworkers utilizing North Carolina Families Accessing Services Through Technology (NC FAST). The training and certification program shall be available on a statewide basis, and the Department shall provide training to caseworkers at county departments of social services at a location within reasonable travel distance from the county departments of social services multiple times per year. No later than 18 months after the Department has implemented the training and certification program, the Department shall require all caseworkers inputting data or making determinations for eligibility for State programs through NC FAST to be certified. A certification may last no longer than three years before an individual is required to be recertified. The Department may adopt and amend rules to implement this training and certification program.

DSS Director Potter will be asking for a Quality Control employee position in the FY2018/2019 Budget.

No action required at this time.

#### **Wireless Telecommunications Facilities**

Donnie Shumate, IT Director, presented requests from Network Building & Consulting, LLC (NB&C) represented by Project Manager, Drew Patterson-Consultant for TowerCom, LLC, to construct and operate two 300-foot guyed telecommunications towers for T-Mobile. One of the towers will be on a 3.5-acre parcel located on the east side of the intersection of US Hwy 264 and Rose Bay Turnpike. The second tower will be on a 60 ft. x60 ft. fenced compound on .24 of an acre 10,552 sq. ft. located at 4711 NC 45 N, Pantego, NC.

Commissioner Simmons moved to approve request to construct and operate a telecommunications tower for T-Mobile located at Hyde Park Canal, 4711 NC 45 N, Pantego, NC. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

Commissioner Simmons moved to approve request to construct and operate a telecommunications tower for T-Mobile located at the intersection of US HWY 264 and Rose Bay Turnpike. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

#### **Public Comments:**

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

#### **Items of Consideration:**

##### **Project Budget Ordinance for Farmland Preservation Grant Award**

Daniel Brinn, Water and Flood Control Coordinator, presented for Commissioner approval *Project Budget Ordinance – North Carolina Department of Agriculture & Consumer Services through the Agricultural Development and Farmland Preservation Trust Fund Program Grant Cycle X* on behalf of J. W. and Kathy G. Spencer. Mr. Brinn reported a grant application was made through the Hyde Soil & Water Conservation District on behalf of landowners J. W. and Kathy G. Spencer to place 210 acres of farmland in a Farmland Preservation Conservation Easement. This farm will remain an agriculture producing farm.

Commissioner Simmons questioned a previous easement request similar to this and stated he is highly upset.

After discussion, the Project Budget Ordinance for Farmland Preservation Grant Award was tabled until the next regularly scheduled Hyde County Board of Commissioners meeting on February 5, 2018. Hyde Soil & Water Board will be invited to attend the meeting to discuss this item further.

##### **Appointment to North Carolina Rural Fire District 2018 Board of Trustees – Engelhard VFD**

Kris Noble, Assistant County Manager, reported the Firefighter's Relief Fund (FRF) program is designed to financially assist firefighters in the event of In-Line of Duty injury or death. It may also be used for supplemental retirements, educational benefits and to purchase other insurance/pension plans.

Chief Tony Spencer requests appointment of two Engelhard Fire Department Directors to the department's Relief Fund Board of Trustees (to replace two individuals who no longer have any affiliation). Current FRF trustees are Jeff Farrow, Larry Weston and Ike Wyant. Nominees are Troy Hodges, Chairman and Beadie Gibbs, Director.

Commissioner Simmons moved to appoint Troy Hodges (Chairman) and Beadie Gibbs (Director) to serve on the Engelhard Volunteer Fire Department Relief Fund Board of Trustees. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

### **Fire Department Matching Grant**

Kris Noble, Assistant County Manager, reported on behalf of the Hyde County Volunteer Fire Departments, Chief Tony Spencer requests consideration for the continuation of matching grant funds of \$10,000.00 (each department) for the North Carolina Volunteer Fire Fund Grant in the upcoming fiscal year. For Hyde County departments, a 25% match is required and the \$10,000.00 becomes \$40,000.00. This past year, the use of county matching funds made a significant difference in the ability of the departments to begin to modernize equipment.

The OSFM Grant, enacted by NCGS 58-87, is funded from a small portion of all fire insurance premiums paid in North Carolina. Funds must be expended as laid out IAW the NCGS and the NC Administrative Code, therefore any funds not obtained locally will simply go to other counties (arguably in less need). Our departments score very highly based upon a matrix of the following criteria, making it an almost guaranteed award: 1) number and age of vehicles, 2) population served, 3) county per capita income, 4) source of department funding, 5) money on hand, 6) protective equipment requested, 7) vehicles requested, 8) miscellaneous equipment requested, 9) capital improvements requested, and 10) current fire insurance rating.

The timeline for the grant is to open in January, due at the end of February, announced on May 15, and complete by September 30. As part of the application process, the department must certify the ability to match the grant award which is the reason for a January BOC meeting agenda item, in order that we may have time to solicit vendors and prepare appropriately. The departments will as last year, provide the BOC with the final grant application listing the requested equipment and further documentation of purchases when requesting the county funds in the July timeframe.

Commissioner Pahl moved to commit to funding the matching grant funds of \$10,000.00 (each department) IRT the North Carolina Volunteer Fire Fund Grant in the upcoming fiscal year. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

### **2018 IRS Standard Mileage Rate**

Kris Noble, Assistant County Manager, reported the Internal Revenue Service (IRS) has issued the 2018 optional standard mileage rates and beginning on January 1, 2018, the standard mileage rates for the use of a car, van, pickup or panel truck will be 54.5 cents per mile for business miles driven (up from 53.5 cents in 2017).

Commissioner Pahl moved to adopt the IRS standard mileage rate for 2018 of 54.5 cents per mile. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

### **Hyde County Flood Maps**

Kris Noble, Assistant County Manager, presented update on the new Hyde County Flood Maps. Ms. Noble anticipates adoption and implementation of the new flood maps effective December, 2018. The link to the flood maps is <http://fris.nc.gov> on the Hyde County website [www.hydecountync.gov](http://www.hydecountync.gov). No action required at this time.

### **Resolution to Delay the Delinquency Date for 2017 Taxes**

Kris Noble, Assistant County Manager, presented a resolution to delay the delinquency date for the 2017 taxes due and payable on September 1, 2017. Ms. Noble reported that in accordance with recommendations from the Institute of Government by GS105-395, the Hyde County Board of Commissioners may extend tax delinquency deadlines due to inclement weather.

Commissioner Simmons moved to approve a resolution to extend the 2% interest assessment on the 2017 taxes through Monday, January 15, 2018. Mr. Pahl seconded the motion.

Commissioner Simmons and Commissioner Pahl withdrew the motion and the second.

After further discussion, Commissioner Simmons moved to approve a resolution to extend the 2% interest assessment on the 2017 taxes through Friday, January 12, 2018 with a clear press release explaining the extension. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl and Simmons; Nays – None; Absent or not voting – Swindell and Tunnell.

*Clerk's Note: A copy of "Resolution to Delay Delinquency Date for 2017 Taxes" is attached herewith as Exhibit A and incorporated herein by reference.*

### **Ocracoke Job Fair**

Commissioner Pahl presented discussion in regard to meeting seasonal workforce demands on Ocracoke with mainland employees. Mr. Pahl recommends holding a job fair on Ocracoke at the Community Center to interview applicants from the mainland and Ocracoke to work in the hospitality industry on the Island.

Kris Noble, Assistant County Manager, will work with the Hyde County Department of Social Services (DSS) and Northeast Workforce Development Board (NWDB) to grow and retain job opportunities for interested applicants.

**Waterfowl Issues**

Commissioner Simmons reported on duck hunting issues in Pamlico Sound. He reported the Hyde County Sheriff's Office had two incidents between hunters in Swan Lake this season.

Kris Noble, Assistant County Manager, will compare ordinances in surrounding counties and review public waters laws and report her findings at the next regularly scheduled Board meeting on February 5, 2018.

**Budget Transfers:**

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

**Health Department**

BR13-18 – Health – Maternal .....	\$ 2,000.00
BR14-18 – Health – WIC .....	\$ 2,700.00
BR15-18 – Health – Vidant HP .....	\$ 1,000.00

**Emergency Management**

LEPC Tier II Grant .....	\$ 1,000.00
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**Solid Waste**

Disposal Fees – Ocracoke .....	\$ 5,000.00
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Commissioner Pahl moved to approve Health Department transfers; EM transfer and Solid Waste transfer as presented. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pahl, Pugh and Simmons; Nays – None; Absent or not voting – Tunnell and Swindell.

**Management Reports:**

**Chairman Earl Pugh, Jr.** – attended the County Christmas Party, the Joint Meeting with the Board of Education and the Island Inn building and property tour. Chairman Pugh thanked Manager Rich for attending Sunday Hunting hearing in Columbia.

Mr. Pugh reminded members of the scheduled Joint Board of Education meeting on Ocracoke to tour the school on February 5<sup>th</sup> at 4:00p.m.

**Commissioner Ben Simmons** – attended Fairfield Drainage meeting where drainage tax issues were discussed.

**Commissioner Tom Pahl** – attended the Ocracoke Preservation Society, Tourism Development Authority, Planning Board, Civic and Business Association and Waterways Commission meetings. Mr. Pahl also toured the Island Inn building and property.

**Commissioner Barry Swindell** – absent.

**Commissioner Dick Tunnell** – absent.

**County Manager Bill Rich** – recommends the Island Inn property for an Ocracoke EMS Station. Mr. Rich attended Fish Camp (through the Sea Grant program) and the Ocracoke Oyster Roast. He reported Joe McClees will meet with Dr. Latimore, Randy Etheridge, Kris Noble and himself February 15<sup>th</sup>. He presented update on the Ocracoke Tram project and discussed the County funding removal of derelict boats on Silver Lake.

**Assistant County Manager Kris Noble** – discussed Fairfield Drainage District billing. Ms. Noble met with Representative Brian Turner where Mattamuskeet Lodge was discussed. She informed the Board that Reid Whitesell of Holland Consulting Planners passed away.

**Public Comments:**

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

**Closed Session** (none)

**Adjourn**

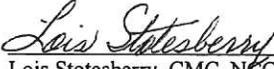
Commissioner Simmons moved to adjourn the meeting. Mr. Pahl seconded the motion. The motion passed on the following vote: Ayes – Pahl, Pugh and Simmons; Nays – None; Absent or not voting – Tunnell and Swindell.

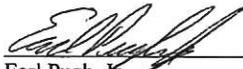
The meeting adjourned at 7:35p.m.

Respectfully submitted:

Minutes approved on the 5<sup>th</sup> day of February, 2018.

Attest:

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

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

Attachments:

Exhibit A: *"Resolution to Delay Delinquency Date for 2017 Taxes"*



**Board of Commissioners**

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

# COUNTY OF HYDE

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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



## RESOLUTION TO DELAY DELINQUENCY DATE FOR 2017 TAXES

**WHEREAS**, in accordance with GS 105-360(a) "Interest on taxes due and payable on September 1 of the fiscal year for which the taxes are levied" (2017 tax) are subject to 2% interest if paid after January 6, 2018;

**WHEREAS**, the Hyde County Government offices were closed from 1:00 pm on the 3<sup>rd</sup> to 10:00 am Tuesday the 9<sup>th</sup> due to inclement weather;

**WHEREAS**, the NC Institute of Government states that the spirit of GS 105-395 authorizes extending tax delinquency deadlines due to inclement weather;

**THEREFORE, LET IT BE RESOLVED** that in accordance with recommendations by the Institute of Government, the Hyde County Board of Commissioners hereby authorizes the assessment date of the 2% interest on 2017 taxes be extended through Friday, January 12, 2018.

Adopted this the 9<sup>th</sup> day of January, 2018

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

Lois Stotesberry,  
Clerk to the Board

