

Meeting Minutes

Board of County Commissioners Hyde County

Monday, March 4, 2013

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00 p.m. on Monday, March 4, 2013 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 Anson Byrd, John Fletcher, Earl Pugh, Jr., Dick Tunnell and Barry Swindell; Attorney Fred Holscher; Clerk to the Board Lois Stotesberry; and, members of the public. The following members were present on Ocracoke: Assistant Clerk Rachel Cobb and members of the public.

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

Agenda:

Chairman Swindell asked for any changes to the March 4, 2013 meeting Agenda as presented by the Clerk.

Commissioner Byrd moved to approve the agenda as presented by the Clerk with addition of Items of Consideration – No. 1(d) – Appointments: Budget Officer – Bill Rich; No. 7 (a) – Presentation of Proposed Phone Upgrade; and, No. 15 – Mattamuskeet Association Letter of Support. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Consideration of Minutes:

Commissioner Pugh moved to approve the February 4, 2013 Regular Meeting Minutes as presented by the Clerk. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Commissioner Tunnell moved to approve the February 18, 2013 Special Meeting Minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Public Hearing:

CDBG NC-Tomorrow Close Out

Commissioner Byrd moved to open public hearing on CDBG-NC Tomorrow grant close out. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Chris Hilbert, Project Manager, Holland Consulting Planners, Inc., reported that FY2011-2012 CDBG-NC Tomorrow Grant program activities are completed and the County is in the process of closing out the program.

Commissioner Fletcher moved to authorize Chairman Swindell to sign the CDBG-NC Tomorrow Close-out documents. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Commissioner Fletcher moved to close public hearing on CDBG-NC Tomorrow grant close out. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Public Comments:

Chairman Swindell called for comments from the public.

Darlene Styron, Ocracoke – welcomed County Manager Bill Rich; encouraged the Board to write a letter of thanks to Dare County for its assistance with the Ferry Channel issue; and, requested commissioners attend the March 13 Ferry Toll Public Hearing on Ocracoke.

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

Items of Consideration:

Oath of Office – Assistant Clerk

Chairman Swindell moved to appoint Rachel Cobb as Assistant Clerk to the Board of Commissioners. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Notary Public Katherine Parker-Lowe administered the Oath of Office for Rachel Cobb.

Appointments – Swan Quarter Sanitary District

NCGS 130A-54 states that any vacancy in a sanitary district board shall be filled by the county commissioners until the next election for sanitary district board members. If the district is located in more than one county, the vacancy shall be filled by the county commissioners of the county from which the vacancy occurred. The Board must appoint citizens who live in the Swan Quarter district. Commissioners are not eligible for this appointment.

Commissioner Tunnell recommended appointment of Susan Taylor and Lyla Cahoon. They will be contacted and asked to serve on the Swan Quarter Sanitary District Board.

Commissioner Fletcher moved to table appointment until the April 1, 2013 Board of Commissioners meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Appointments – Ocracoke Planning Board

Commissioner Fletcher reported that the Ocracoke Planning Board has one vacant seat and that Chairman Bill Rich will withdraw from the Board at its next regularly scheduled meeting. Mr. Fletcher reported that Mr. Archie P. Pentz and Ms. Sharon O’Neal Justice have expressed interest in serving on the Board.

Commissioner Fletcher moved to appoint Archie P. Pentz to complete the three year term of Bill Rich and Sharon O’Neal Justice to serve on the Ocracoke Planning Board. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Appointment – Budget Officer

Chairman Swindell moved to appoint County Manager Bill Rich to serve as Hyde County Budget Officer. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Resolution to Preserve and Defend The Constitution of The United States and The State of North Carolina

Chairman Swindell presented a resolution to defend and preserve citizen’s Second and Tenth Amendment constitutional rights to keep and bear arms.

Commissioner Byrd moved to adopt “A Resolution To Preserve And Defend The Constitution Of The United States And The State of North Carolina.” Mr. Pugh seconded the motion. The motion

passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "A Resolution To Preserve And Defend The Constitution Of The United States And The State of North Carolina" is attached herewith as Exhibit A and incorporated herein by reference.

Resolution For Approving Water Shortage Response Plan

Clint Berry, Utilities Director, reported that NCGS 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan. He reported that the Water Shortage Response Plan for Hyde County has been approved by NC Department of Environment and Natural Resources (NCDENR).

Commissioner Fletcher moved to adopt "Resolution For Approving Water Shortage Response Plan." Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Resolution For Approving Water Shortage Response Plan" is attached herewith as Exhibit B and incorporated herein by reference.

Resolution Approving Financing Terms and Documents for 2013 County Building Installment Refinancing

Corrinne Gibbs, Finance Officer, reported that Hyde County has previously determined to carry out a plan to refinance the County's existing loans related to the acquisition and construction of the County Courthouse and the County's Public Safety Center. Branch Banking & Trust Company (BB&T) has submitted a proposal to provide the new financing to the County. County Attorney Fred Holscher has reviewed the documents and approves.

Commissioner Fletcher moved to adopt "Resolution Approving Financing Terms and Documents for 2013 County Building Installment Refinancing." Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Resolution Approving Financing Terms and Documents for 2013 County Building Installment Refinancing" is attached herewith as Exhibit C and incorporated herein by reference.

Refinancing of the Public Safety Center and Government Center Loans

Corrinne Gibbs, Finance Officer, previously presented Resolution for Refinancing of the Hyde County Courthouse and the Public Safety Center Loans under which the County would borrow approximately \$3,200,000.00 to refinance existing building loans that were used to finance the construction of the Hyde County Courthouse (30 Oyster Creek Rd., Swan Quarter) and the Hyde County Public Safety Center (1223 Main St., Swan Quarter).

Ms. Gibbs presented the BB&T proposal to provide the Courthouse refinancing agreement and requested Board approval that she and the county manager complete the closing.

Hyde County's status with the Local Government Commission (LGC) for the refinancing of the Public Safety Center is still somewhat up in the air.

Bond Counsel Engagement Letter

Commissioner Pugh moved to accept and approve the Hyde County – 2013 County Building Installment Refinancing Bond Counsel Engagement Letter from Sanford Holshouser, LLP; and, to authorize Finance Officer Corrinne Gibbs and County Manager Bill Rich to complete the loan closing contingent upon Local Government Commission (LGC) approval. Mr. Fletcher seconded

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

Report to the People

Mac Gibbs, Director, Hyde County Cooperative Extension, presented a Power-point update on department activities and on-going projects within the County. He recognized Sandra Tunnell, State ALS member; Connie Bureson, Administrative Assistant; Stacey Midgett, PCS Agent; Natalie Wayne, 4-H Agent; and, Carol Evans, JCPC Coordinator for their contributions to profitable and sustainable agriculture systems, local food systems, school to career, natural resources conservation and environmental sustainability and healthy eating, physical activity and chronic disease risk reduction programs. Mr. Gibbs also reported that Natalie Wayne has written a Monsanto Grant for \$10,000 and is awaiting confirmation of award.

Hyde County Telemedicine

Shelia Davies, MPA and Kelly Newman, RN, reported that on February 26, 2013 primary care via telemedicine became available to residents of Hyde County at the Hyde County Health Department. Telemedicine is the use of video conferencing technology that enables patients in remote areas to access medical care provided by general practitioners and specialists in another location. Physicians in one area are therefore able to assess, diagnose, and treat patients who live in another location. The primary care providers will be located at a comprehensive medical clinic in Jacksonville, NC. Providers and patients will interact will interact over a secure, confidential connection that provides two-way, real time interaction via high definition audio and video technology. This demonstration project has been made possible through grant funds from the North Carolina Office of Rural Health and Community Care, the Kate B. Reynolds Charitable Trust, and Vidant Pungo Hospital's Community Benefits Grant Program.

Telemedicine is also available at the Engelhard Medical Center; and, Cheryl Ballance, RN, Director of Ocracoke Medical Center, is in the process of partnering with the Telemedicine program.

Secondary Roads Improvement to Creekside Drive – State Road 1135

Sterling Baker, Division Maintenance Engineer and Darrick Lee, PE, District Engineer, NC Department Of Transportation (DOT), reported that secondary road improvement funding to grade, drain, base and pave Creekside Drive (SR1135) was approved several years ago. At that time, NC DOT was made aware of utility issues with water and sewer lines that were non-traffic bearing and in conflict with the proposed NC DOT project; and, there were issues with how to proceed with the project. NC DOT is now ready to move forward with the project after discussing with the Board the process for moving forward. Mr. Lee presented the proposed costs and estimates associated with this project.

Commissioner Tunnell moved to adopt "Resolution to Draft NC DOT Secondary Roads Funds to Pave SR1135 – Creekside Drive." Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Resolution to Draft NC DOT Secondary Roads Funds to Pave SR1135 – Creekside Drive" is attached herewith as Exhibit D and incorporated herein by reference.

Mr. Baker reported that Anthony Roper, NCDOT Division Operations Engineer is working on Commissioner Fletcher's request for signs on Ocracoke.

Voice and Data Network Upgrades for Hyde County

Justin Gibbs, Director of Emergency Management, presented proposal of two options to upgrade the existing Voice and Data equipment currently maintained by CenturyLink for all departments located at the Hyde County Government Center, Health Department, Water Department, Public Safety Center and Department of Social Services.

Option 1: Upgrade the Existing Software and Renew Maintenance Coverage.

Option 2: Purchase all new hardware and upgrade to IP Office with Maintenance Coverage and upgrade of Internet Port for County Network.

After discussion, it was determined that Option 2, which includes upgrading Ethernet/DIA service from 10Mbps to 30 to 50 Mbps to allow for addition of NC FAST program for DSS and the purchase of new hardware and software, new phones, etc. for all locations, would generate savings for the County and allow for future expansion capability.

Commissioner Fletcher moved to authorize County Manager Bill Rich to select which option to approve and to sign maintenance coverage documents. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Dates for Board of Equalization and Review Meeting(s)

Linda Basnight, Tax Administrator, reported that each year not earlier than the first Monday in April or later than the first Monday in May the Board of Equalization and Review (E&R) shall convene its first meeting to hear appeals from individual taxpayers as to the value of their property. It is required that a majority (at least 3) members of the Board of Commissioners be present for the Board of E&R hearings. No other business may be conducted during the time that the Board of E&R is in session.

Commissioner Byrd moved to set the first Board of Equalization and Review (E&R) meeting for Monday, April 1, 2013, from 4:00 p.m. to 6:00 p.m. prior to the regularly scheduled commissioners meeting with contingent Board of E&R meeting date set for Monday, April 15, 2013 at 6:00 p.m. if required. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

GovDeals – Surplus Items

Bill Rich, County Manager, requested Board approval to list a Dell computer and other miscellaneous surplus computer attachments for sale on GovDeals.

Commissioner Fletcher moved to declare the Dell computer and other miscellaneous computer attachments surplus and to list the items on GovDeals for sale. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Report For The Hyde County Administration Building Roof Drainage Failures and The Public Safety Center Building Renovation

Andy Lamm, PE, President of Lamm Engineering Associates, PLLC, and Clint Berry, Utilities Director, presented: 1) proposal to provide a preliminary investigation into the roof drain leakage issues that have occurred at the Government Center as well as propose solutions to resolve the Stormwater water infiltrating into the building; and 2) proposal to provide possible design and cost alternatives for an interior renovation plan for the currently underutilized Public Safety Center building as well as exterior site additions in the form of asphalt drives and parking areas.

Funds have been identified in the Emergency Management line to pay for Government Center (\$3,800.00) and Public Safety Center (\$4,2000.00) engineering proposal services. A capital improvements project is necessary in order to not have to relocate the Sheriff's Department at a cost of approximately \$30,000.00 per month. Proposed funding options for the projects will be presented at the Monday, April 1, 2013 regularly scheduled Board of Commissioners meeting.

Commissioner Byrd moved to approve “*Proposal to Provide Engineering Services for Initial Investigation for Solutions and Report to the Manager and Commissioners for the Hyde County Administration Building Room Drainage Failures*” and “*Proposal to Provide Engineering Services for Initial Investigation for Solutions and Report to the Manager and Commissioners for the Hyde*

County Public Safety Building Renovations” and to pay Lamm Engineering Associates, PLLC \$8,000.00 from Emergency Management funds. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Pre-Disaster Mitigation Contract Awards

Chris Hilbert, Project Manager, Holland Consulting Planners, Inc., reported that Hyde County has received a 2011 Pre-Disaster Mitigation Project award in the amount of \$548,377.00 from the NC Division of Emergency Management to elevate eight (8) owner-occupied homes located throughout the county. Two of the eight homes were addressed with CDBG funds, and two additional homes cannot be elevated due to poor structural condition. Mr. Hilbert reported that bids were accepted for the remaining four units on February 14, 2013. According to Mr. Hilbert (the county’s PDM consultant, HCP, Inc.), the low bids are very reasonable and both low bidders are experienced, capable, and ready to proceed immediately following the required pre-construction conferences and the county’s receipt of the required 25% owner contribution. Holland Consulting Planners, Inc. (HCP) recommended that the Mayo (\$57,220) and the Nixon (\$56,025) houses be awarded to Paul Woolard Construction of Bath, NC and that the Casper (\$68,500) and Hierholzer (\$82,500) houses be awarded to Bray’s House Movers of Camden, NC.

Commissioner Fletcher moved to award the four (4) PDM elevation/retrofitting contracts to the low bidders of record. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

CDBG-NC Tomorrow Anti-Displacement and Relocation Assistance Plan

Averi Simmons, Planning Assistant, reported that the CDBG-NC Tomorrow grant was a planning grant in which funds were used to develop a Comprehensive Economic Development Strategy plan for the northeastern North Carolina region. A requirement Hyde County must fulfill prior to closing out the grant is adopting an Anti-Displacement and Relocation Plan. This plan is required for all CDBG projects, but it is grant-specific.

Commissioner Byrd moved to adopt Resolution for County of Hyde Anti-Displacement and Relocation Assistance Plan. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Clerk’s Note: A copy of “Resolution for County of Hyde Anti-Displacement and Relocation Assistance Plan” is attached herewith as Exhibit E and incorporated herein by reference.

Amendment of Rules of Procedures for The Hyde County Board of Commissioners

Chairman Swindell reported that the Rules of Procedure for the Hyde County Board of County Commissioners, which were approved by the Hyde County Board of Commissioners on October 6, 2008, are based upon the 2002 edition of the UNC Institute of Government “Suggested Rules of Procedure for the Board of County Commissioners” and include the “Rules of Procedure for Meetings Utilizing Simultaneous Communication.”

At its organizational meeting on December 3, 2012, the Hyde County Board of Commissioners moved to call for Regular Meetings on the first Monday of each month at 6:00p.m., or as otherwise provided.

At its regularly scheduled meeting on February 4, 2013, the Board moved to update the “Rules of Procedure” – Rule 6: Regular and Special Meetings (a) Regular Meetings to reflect changes made at the Organizational Meeting on December 3, 2012. At that time, Commissioner Fletcher also asked that each Board member review the Rules of Procedure and make recommendation for further revision if necessary at the March 4 Board meeting.

While researching meeting minutes from the December 6, 2010 Hyde County Board of Commissioners meeting, Clerk to the Board Lois Stotesberry discovered that the “Rules of Procedures for Meetings Utilizing Simultaneous Communication” were revised by deletion of Rule No. 7 ~~If at any time during the meeting, because of equipment failure or any other cause, clear simultaneous communication is not possible so that each commissioner can clearly hear and effectively participate in the Board discussion of the matters on the agenda, and so that members of the public attending the meeting at either the official location or the remote location can listen to the meeting, then it shall be the duty of the Chairperson of the Board to recess the meeting until such time as clear simultaneous communication is again possible.~~

After discussion, it was decided that the final version of the amended “Rules of Procedures for The Hyde County Board of Commissioners” be presented for approval by the Board at its next regularly scheduled Board of Commissioners meeting on April 1, 2013.

Installation of Earthquake Monitoring System at Hyde County Airport

Jane Hodges, Airport Manager, reported that EarthScope is a National Science Foundation (NSF) project to investigate the structure of the North American continent and the physical processes controlling earthquakes and volcanic eruptions. Incorporated Research Institutions for Seismology (IRIS), a non-profit consortium of over 100 US universities, manages facilities for seismological research and is responsible for the installation, operation and removal of the earthquake monitoring equipment of EarthScope under a cooperative agreement with the National Science Foundation. NSF as a federal agency retains title to all equipment.

Approval of placement of this station grants permission to IRIS to install, operate, maintain and service a Seismic Recording System as part of the EarthScope project. This system will measure ground movements caused by earthquakes and other natural sources.

This permit is for 36 months from January 1, 2013, which may be terminated at any time with or without cause upon 30-Day Notice in writing to IRIS. The Hyde County Airport Advisory Committee and County Attorney Holscher have reviewed and approve this agreement.

Commissioner Fletcher moved to permit installation of EarthScope earthquake monitoring system at Hyde County Airport for a period of 36 months beginning January 1, 2013. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Endorsement of MOU Between NC State University and Mattamuskeet Association

Commissioner Byrd moved to endorse the Memorandum of Agreement (MOA) between North Carolina State University, on behalf of its NextGen Air Transportation (NGAT) Center in the Institute for Transportation Research and Education (ITRE) (NC State), and the Mattamuskeet Association which will allow access to easements that are part of the Association’s property in order to conduct research, develop capabilities, and jointly support the growth of business related to fixed and rotary wind unmanned aircraft systems(UAS). Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Budget Revisions

Chairman Swindell reported that in accordance with FY2011-2012 Budget Ordinance, Article XIX, Section 1, no transfers were approved administratively and nine transfers needed Board approval.

Board Approval Required		
Department/Program	Amount	Explanation
Senior Center		
Equipment	\$ 5,000.00	Funds received from BCBS Grant to purchase exercise equipment for the Senior Center. Does increase the budget.
Utilities		
Telephone Lines	\$ 9,000.00	Funds being transferred interdepartmentally to cover under-budgeted telephone line through the end of the budget year. Does not increase the budget.
Solid Waste	\$ 7,868.47	Funds being transferred interdepartmentally to cover costs of site improvements on Ocracoke and Mainland collection sites. Does not increase the budget.

Maintenance	\$ 5,500.00	Funds being transferred interdepartmentally to cover unexpected costs of maintenance and repairs. Does not increase the budget.
Health		Hyde County Health Department will receive additional NC Breast and Cervical Cancer Control Program (NC BCCCP) funding to provide breast and cervical cancer screening services. The Health Department will provide screening services to 7 eligible women with federal funds and will be reimbursed at a rate of \$300.00 per woman. This revision does increase the budget for BCCCP.
BCCCP	\$ 2,199.00	
WIC	\$13,185.00	Transferring funds from Salaries (part-time) line into Salaries, FICA, Group Insurance and Retirement lines in Women, Infants and Children (WIC) Program to clear out negative/low balances. This transfer does not increase the budget for WIC.
Homemaker Program	\$ 700.00	Transferring funds from Salaries line into Retirement line in Homemaker Program to clear out negative balance. This transfer does not increase the budget for the Homemaker Program.
Private Well Program	\$ 346.53	Transferring funds from Postage and Salaries (Part Time) lines into Salaries, Group Insurance and Retirement lines in the Private Well Program to clear out negative balances. This transfer does not increase the budget for the Private Well Program.
PHP&R	\$ 1,622.00	Final transfer of funds from Salary and Fringe lines into Department Supplies line. The Health Department anticipates a reduction in funding for FY2013-2014, and at the direction of State consultants, Health Director Smith is purchasing items that the Health Department would need to respond to a Public Health event. Included in the order will be refills for sanitizer dispensers at DSS, Court House and ADAP Center, as well as preparedness supplies to be handed out during a Health Fair in April. This revision does not increase the budget for Public Health Preparedness & Response.

Commissioner Fletcher moved to approve the nine budget transfers as presented. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell, Tunnell; Nays – None; Absent or not voting – None.

Reports:

Commissioner Fletcher – reported that he attended the Essentials for County Government training.

Commissioner Byrd – reported that he attended the State of The Region meeting where Hyde County was spotlighted.

Commissioner Pugh – reported that he attended the Albemarle Commission meeting; the State of The Region meeting; and, the met with the RPA representative from NC State University to discuss the Airport. Mr. Pugh announced that the Engelhard Medical Center has a new full-time Physician’s Assistant (PA) provider.

Commissioner Tunnell – reported that he attended the State of The Region meeting and the Telemedicine Open House at Hyde County Health Department. Mr. Tunnell congratulated Hyde County athletic teams for a good job done at last week game.

Chairman Swindell – invited Board members to attend “Coffee with Expert” at the Senior Center on Monday, April 11 and encouraged citizens and commissioners to attend the NCDOT Ferry Toll Public Hearing on Ocracoke on Wednesday, March 13. He thanked staff for a job well done during the past two months during his term as Interim County Manager and welcomed County Manager Bill Rich.

County Manager Rich – reported that although he was not officially County Manager until March 1, 2013, February was a busy and exciting month. He met with Chairman Swindell where an employment agreement was negotiated; attended an introductory Parks and Recreation meeting with Commissioner Tunnell and Kris Noble; met with Timothy Waters of Rose Acres along with Timothy Cathey; attended an Ocracoke Community Park planning meeting to discuss ball field construction, funding, grants and permit updates; attended the Ocracoke Planning Board meeting with Commissioner Fletcher and concerned citizens; and, met with the Ocracoke Community Park Planning Group for a conference call with Core Banks representative.

On February 18, 2013 Mr. Rich was named County Manager. He spend the next day with Chairman Swindell touring the county facilities and meeting department heads and numerous county employees. The following day he met with John Bridgers and Thomas Morgan from NC Department of State, Lands Records Department along with Linda Basnight, Merita Spencer and Kris Noble. On February 28th Mr. Rich met with Albemarle RC&D’s Rodney Johnson, Marshall Stevenson, Charles Tooley, J. W. Spencer and Mark Powell; and, Chairman Swindell, Kris Noble, Connie Burluson and Daniel Brinn to discuss availability for grant monies for different county and

public projects. Later that afternoon he met with Chairman Swindell, Justin Gibbs and Ginger Little to discuss the County phone system.

Mr. Rich's first official work day was spent at the North Carolina's Northeast (NCNE) "State of The Region" event in Williamston, NC, along with Commissioners Tunnell, Byrd, Pugh; Planner Kris Noble and Assistant Averi Simmons; Cooperative Extension Director Mac Gibbs and 4-H Director Natalie Wayne, where Hyde County's Unmanned Aircraft Systems (UAS) program was the star of the event. While at the event he met with UAS representatives Kyle Snyder and Randy Breedlove; Commissioners Byrd and Pugh; Mac Gibbs, Natalie Wayne, Kris Noble; Art and Alice Keeney; and, NCNE representatives Vann Rogerson and Richard Bunch.

Mr. Rich will attend the Ferry Toll Public Hearing on Ocracoke on Wednesday, March 13, 2013.

Public Comments:

Chairman Swindell called for comments from the public.

Connie Lienbach, Ocracoke – questioned request for signs on Ocracoke.

Darlene Styron, Ocracoke – asked if commissioners would be attending the Ferry Toll Public Hearing on Ocracoke on March 13; and, recommended the Government Center and Public Safety Center repairs and renovations be planned for a later date without raising taxes.

Commissioners Pugh and Byrd plan to attend the Public Hearing.

Chairman Swindell reported that the County will receive substantial reimbursement from the State once the Public Safety Center renovations are completed.

Janie Jacoby, Ocracoke – asks that commissioners drive around on the 13th and check out conditions on Highway 12.

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

Closed Session (none)

Adjourn

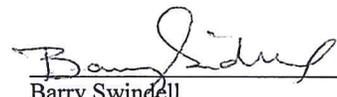
Commissioner Fletcher moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

The meeting adjourned at 7:55 p.m.

Respectfully submitted:

Minutes approved on the 1st day of April, 2013.


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


Barry Swindell
Chair, Hyde County Board of Commissioners



Attachments:

Exhibit A: *"A Resolution To Preserve And Defend The Constitution Of The United States And The State of North Carolina"*

Exhibit B: *"Resolution For Approving Water Shortage Response Plan"*

Exhibit C: *"Resolution Approving Financing Terms and Documents for 2013 County Building Installment Refinancing"*

Exhibit D: *"Resolution to Draft NC DOT Secondary Roads Funds to Pave SR1135 – Creekside Drive"*

Exhibit E: *"Resolution for County of Hyde Anti-Displacement and Relocation Assistance Plan"*

NORTH CAROLINA
HYDE COUNTY

**A RESOLUTION TO PRESERVE AND DEFEND THE CONSTITUTION OF
THE UNITED STATES AND THE STATE OF NORTH CAROLINA**

WHEREAS, the Constitution of the United States provides: "A well regulated militia being necessary to the security of a free state, the right of the People to keep and bear arms shall not be infringed." (Second Amendment). And

WHEREAS, the Constitution of the State of North Carolina provides: "A well regulated militia being necessary to the security of a free State, the right of the People to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice." (Article I, Section 30). And

WHEREAS, the United States Supreme Court in recent months has twice upheld the Second Amendment as applying to individuals' right to keep and bear arms (Heller and McDonald) And

WHEREAS, The President and Vice President of the United States have been reported recently to be considering adopting laws, regulations or actions which would have the effect of infringing on the right of Americans to keep and bear arms, And

WHEREAS, the reasons given in support of such infringements as gun registration, banning certain kinds of weapons and accessories, requiring extreme background checks, restricting the bearing of arms such as excessive restrictions on concealed carry and possibly other restrictions, have not been shown by the substantial weight of scientific evidence to have been effective in accomplishing the stated objectives of such restrictions as compelling necessities for government action to protect the public safety,

NOW THEREFORE BE IT RESOLVED, by the Hyde County Board of Commissioners, sitting in duly called session on this day, that:

The Hyde County Board of Commissioners calls upon the Governor and General Assembly of the State of North Carolina to immediately pass an act to nullify the implementation within the State of North Carolina of any Federal law, executive order or regulations restricting the right to keep and bear arms, and

BE IT FURTHER RESOLVED, the County Manager be directed to see that no county paid staff participate in nor allow any county resources be used in the implementation of any Federal law, executive order or executive directive that infringe on the right to keep and bear arms, and

BE IT FURTHER RESOLVED, that the General Assembly is petitioned to take the appropriate action to have a constitutional convention called upon concurrence by 2/3 of the state legislatures for the specific purpose of amending the United States Constitution to strengthen the Second and Tenth Amendments as applicable against Federal infringement of the inalienable right of the People to keep and bear arms and prohibit infringement by the Federal government in the states' rights to guarantee the protection of the right to keep and bear arms, And

BE IT FURTHER RESOLVED, that the General Assembly adopt a proposed Amendment to the North Carolina Constitution to be submitted to the voters to change Article I, Sec 30 to guarantee the right of a law abiding citizen to carry unimpeded a concealed weapon in any place that a duly sworn law enforcement officer may carry a weapon and that any law passed by the General Assembly, or imposed by any executive official, restricting the right to keep and bear arms, be subject to the strictest judicial scrutiny if challenged as infringing on the right to keep and bear arms, And

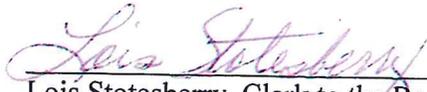
BE IT FURTHER RESOLVED, that this resolution, properly enacted and executed this the 4th day of March, 2013 be transmitted to the Clerk of the Senate and House of Representatives of the North Carolina General Assembly, the Governor, and each member of the General Assembly as well as to each County Commission in the State of North Carolina and to the N.C. Association of County Commissioners and to the public.




Barry Swindell, Chairman
Hyde County Board of Commissioners

NORTH CAROLINA
HYDE COUNTY

I, Lois Stotesberry, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and verified copy of a resolution adopted by the Hyde County Board of Commissioners.


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

RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Hyde County Water System, has been developed and submitted to the County Of Hyde for approval; and

WHEREAS, the County of Hyde finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for Hyde County Water System, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the County of Hyde of the Hyde County Water System that the Water Shortage Response Plan entitled, Water Shortage Response Plan Hyde County, NC dated March 17, 2010, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the County of Hyde intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 4th day of March, 20 13.



Name: Barry Swindell

Title: Hyde County (Board Chairman)

Signature: [Handwritten Signature]

ATTEST: Leis Stephens, CMC, NCCCC
Clerk, Hyde County Board of Commissioners

Resolution Approving Financing Terms and Documents for 2013 County Building Installment Refinancing

WHEREAS --

Hyde County has previously determined to carry out a plan (the "Project") to refinance the County's existing loans related to the acquisition and construction of the County Courthouse and the County's Public Safety Center, each in Swan Quarter.

Branch Banking and Trust Company (the "Bank") has submitted a proposal to provide the new financing to the County.

The County's Finance Officer has made available to this Board a draft dated February 20, 2013, of a Financing Agreement and Deed of Trust (the "Agreement") related to the County's carrying out the financing plan.

This resolution provides the County Board's final approval of the refinancing loan terms and documents.

BE IT THEREFORE RESOLVED by the Board of Commissioners of Hyde County, North Carolina, as follows:

1. *Determination To Proceed with Financing* – The County confirms its plans to undertake and finance the Project. The County will carry out the plan with financing from the Bank, substantially in accordance with a financing proposal dated February 4, 2013.

Under the financing plan, the Bank will make funds available to the County for use on Project costs. The County will repay the amount advanced, with interest, over time. The County will grant to the Bank a mortgage-type interest in the Courthouse to secure the County's repayment obligation. This mortgage will replace the mortgage on the Courthouse that secures the existing loans.

2. *Approval of Agreement; Direction To Execute Agreement* -- The Board approves the form of the Agreement submitted to this meeting. The Board authorizes the Board's Chairman and the County Manager, or either of them, to execute and deliver the Agreement in its final form. The Agreement in its final form must be in substantially the form presented, with such changes as the Chairman or the County Manager may approve. The execution and delivery of the Agreement by an authorized County officer will be conclusive evidence of such officer's approval of any such changes.

The Agreement in final form, however, must be consistent with the financing plan described in this resolution and must provide (a) for the amount financed by the County not to exceed \$3,200,000, (b) for an annual interest rate not to exceed 3.79% (in the

absence of a change in tax status), and (c) for a financing term not to extend beyond 20 years from the closing date.

3. ***Officers To Complete Closing*** – The County Manager, the Finance Officer and all other County officers and employees are authorized to take all proper steps to complete the financing in cooperation with the Bank and in accordance with this resolution.

The Board authorizes the Finance Officer to hold executed copies of all financing documents authorized or permitted by this resolution in escrow on the County's behalf until the conditions for their delivery have been completed to such officer's satisfaction, and thereupon to release the executed copies of such documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the foregoing, the Board specifically authorizes the Finance Officer to approve changes to any documents, agreements or certifications previously signed by County officers or employees, provided that such changes do not conflict with this resolution or substantially alter the intent from that expressed in the form originally signed. The Finance Officer's authorization of the release of any such document for delivery will constitute conclusive evidence of such officer's approval of any such changes.

In addition, the Finance Officer is authorized and directed to take all appropriate steps for the efficient and convenient carrying out of the County's on-going responsibilities with respect to the financing. This authorization includes, without limitation, contracting with third parties for reports and calculations that may be required under this resolution or otherwise with respect to the Agreement.

4. ***Resolutions as to Tax Matters*** -- The County will not take or omit to take any action the taking or omission of which will cause its obligations to pay principal and interest (the "Obligations") to be "arbitrage bonds," within the meaning of Section 148 of the "Code" (as defined below), or "private activity bonds" within the meaning of Code Section 141, or otherwise cause interest components of the installment payments to be includable in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the County will comply with any Code provision that may require the County at any time to pay to the United States any part of the earnings derived from the investment of the financing proceeds. In this resolution, "Code" means the United States Internal Revenue Code of 1986, as amended, and includes applicable Treasury regulations.

5. ***Obligations are "Bank-Qualified"*** - The County designates its payment Obligations as "qualified tax-exempt obligations" for the purpose of Code Section 265(b)(3), which provides certain tax advantages for financial institutions providing financing to the County.

6. *Miscellaneous Provisions* -- All County officers and employees are authorized to take all such further action as they may consider necessary or desirable in furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified. Upon the absence, unavailability or refusal to act of the County Manager, the Board's Chairman or the Finance Officer, any other of such officers may assume any responsibility or carry out any function assigned in this resolution. In addition, the Vice Chairman or any Deputy or Assistant Clerk to the Board may in any event assume any responsibility or carry out any function assigned to the Chairman or the Clerk, respectively, in this resolution. All other Board proceedings, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

* * * * *

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Commissioners of Hyde County, North Carolina; that this meeting was properly called and held on March 4, 2013; that a quorum was present and acting throughout the meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this 4th day of March, 2013.

[SEAL]



Lisa Stalder

Clerk, Board of Commissioners
Hyde County, North Carolina

Board of Commissioners
Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

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

BILL KICH
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



**Resolution Requesting Secondary Roads Funds
For Improvement to Creekside Drive (SR1135)**

WHEREAS, on June 18, 2012, Hyde County Board of Commissioners adopted "Resolution of The Hyde County Board of Commissioners Approving the 2012-13 Secondary Road Improvement Program"; and,

WHEREAS, the Hyde County Board of Commissioners approves of the Plan and requests that the NC DOT seek full implementation of the Secondary Road Improvement Program; and,

WHEREAS, on March 4, 2013, NC DOT Division Maintenance Engineer Sterling Baker reported to the Hyde County Board of Commissioners that secondary road improvement funding to grade, drain, base and pave Creekside Drive (SR1135) in Swan Quarter, NC was approved several years ago; and,

WHEREAS, at that time, NC DOT was made aware of utility issues with water and sewer lines that were non-traffic bearing and in conflict with the proposed NC DOT project and that there were issues with how to proceed with the project; and,

WHEREAS, NC DOT is now ready to move forward with the project and has necessary funding to complete the project; and,

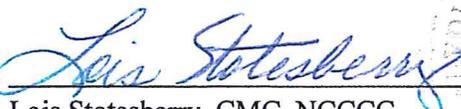
NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners requests that 2012-13 Secondary Roads funds be utilized for the additional costs of sewer and water lines relocation necessary for the completion of the previously approved road improvement project to grade, drain, base and pave Creekside Drive (SR1135) in Swan Quarter, NC.

Adopted this the 4th day of March, 2013, in Hyde County, North Carolina.

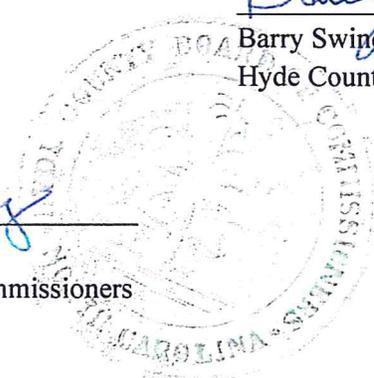

Barry Swindell, Chairman

Hyde County Board of Commissioners

ATTEST:



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



Anti-Displacement and Relocation Plan

COUNTY OF HYDE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN UNDER SECTION 104(d) OF THE HOUSING & COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED

WHEREAS, the County of Hyde has been awarded Community Development Block Grant funds:

WHEREAS, the County is required to adopt a Residential Anti-Displacement and Relocation Assistance Plan;

WHEREAS, the purpose of this plan is to minimize residential displacement and to provide relocation assistance to displaced residents in a timely manner;

NOW, THEREFORE, BE IT RESOLVED that the following constitutes the Residential Anti-Displacement and Relocation Assistance Plan for the County of Hyde:

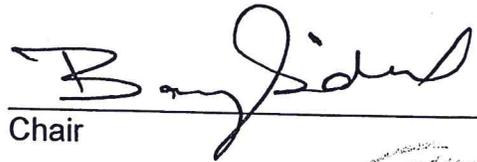
The County of Hyde will replace all occupied or vacant and occupiable low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing as a direct result of activities assisted with funds provided under the Housing & Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b) (1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The County of Hyde will provide relocation assistance, as described in 570.606 (b) (2), to each low/moderate income household displaced by demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

This 4th day of March 2013,


Chair

