

Meeting Minutes

Board of County Commissioners Hyde County

February 6, 2012

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Monday, February 6, 2012 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 Sharon Spencer, Barry Swindell and Dick Tunnell; Attorney Fred Holscher; Deputy Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk to the Board Jamie Carter; and, members of the public. Commissioner Anson Byrd was absent.

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

Agenda:

Chairwoman Spencer asked for any changes to the February 6, 2012 meeting Agenda as presented by the Clerk.

Commissioner Swindell moved to approve the agenda as presented by the Clerk with Item 5 – Introduction of New Employees and Item 6 – Recognition of Employee of the Month postponed; Item 17 – Administration – Transfers for Airport Expenses and Inspections – Transfers to Cover Exhausted Funds removed and addition of Administration – Unemployment Insurance Funds, DSS – LEAP Funds and DSS – Crisis Intervention Funds. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell
Nays – None
Absent – Byrd

Consideration of Minutes:

Chairwoman Spencer asked for approval of meeting minutes.

Commissioner Styron moved to approve the January 17, 2012 Commissioners regular meeting minutes as presented by the Clerk with corrections on page 8 – line 21 – ~~Commissioner Spencer~~ changed to *Commissioner Styron* and on line 24 – ~~Commissioner Styron~~ changed to *Mr. Tunnell*; and on page 10 – line 1 – ~~Ms. Spencer~~ changed to *Commissioner Byrd*. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell
Nays – None
Absent – Byrd

Commissioner Swindell moved to approve the January 26, 2012 Commissioners special meeting minutes as presented by the Clerk with correction on page 1 – line 7 – the ~~regular~~ meeting changed to *the special meeting*. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell
Nays – None
Absent – Byrd

Public Comments:

Chairwoman Spencer called for comments from the public.

There being no comments from the public, Chairwoman Spencer continued the meeting.

Items of Consideration:

Presentation: FY2010-2011 Hyde County Audit

Andrew Harris, CPA, presented the Hyde County 2010-2011 Independent Auditors Report. Mr. Harris reported that the previous year tax levy collection percentage was 91.47% and the current year tax levy collection percentage is 94.09% which demonstrates a 2.5% increase in tax levy collections.

Financial Highlights:

- **The assets of Hyde County exceeded its liabilities at the close of the fiscal year by \$42,052,884 (net assets).**
- **The government's total net assets increased by \$2,834,634, primarily due to increased net assets in the business-type funds.**
- **As of the close of the current fiscal year, Hyde County's governmental funds reported combined ending fund balances of \$10,450,440, after a net increase in fund balance of \$2,166,563. Approximately, 68.02 percent of this total amount, or \$7,108,016, is available for spending at the government's discretion (unassigned fund balance).**
- **At the end of the current fiscal year, unassigned fund balance for the General Fund was \$3,400,812, or 29.24 percent of total general fund expenditures for the fiscal year.**

Mr. Harris reported that fifteen deficiencies were corrected during the audit process and stated that this audit was much improved over the previous year.

Chairwoman Spencer thanked Mr. Harris and commended Finance Officer, Corrinne Gibbs and her staff for a job well done.

Commissioner Swindell moved to accept the FY2011-2012 Hyde County Audit as presented. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell

Nays – None

Absent – Byrd

Presentation: Northeastern Workforce Development Board (NWDB)

Jessica Lunsford, Youth Training and Employment Specialist presented NWDB programs being administered in Hyde County. The Northeastern Workforce Development Board is committed to growing and retaining employment opportunities for the workforce in our region. The youth program provides services to young people (age 16 to 21) who are both in school or who have dropped out; legally permitted to work in the US; residing in one of the ten Region "R" counties; meeting Workforce Investment Act (WIA) income eligibility guidelines; and, has at least one barrier to education as determined by WIA.

Ms. Lunsford is currently administering the NWDB Disaster Relief Employment Program in Hyde County. The program is designed to assist workers who have experienced job loss or the inability to work as a result of the disruption to business activities caused by Hurricane Irene. Under the

guidelines of the NWDB grant program, three employees have been placed in the Hyde County Government Center administration offices and other positions are available to eligible applicants.

Manager Smith thanked Ms. Lunsford for these employees and stated that their services are greatly appreciated.

Resolution Opposing House Bill 353 “Designation of Coastal Game Fish”

Kris Noble, Grant Administrator, reported that the General Assembly is moving forward with a proposal that would make red drum, spotted sea trout and striped bass off-limits to commercial fishermen and thus, the majority of the public. By designating the three species “game fish” they can only be caught recreationally, by hook and line, making them unavailable to the 97 percent of North Carolinians who do not fish for themselves. House Bill 353 appeared in 2011 but was fought with tough opposition from Dare, Hyde and other coastal counties through formal resolutions in March, 2011 and the legislation did not pass. However, the Bill has re-emerged. Dare County at a January Board of Commissioners meeting has agreed to recirculate the original resolution to the Legislature in opposition.

Commissioner Tunnell moved to join Dare County and the NC20 Group in re-circulating its original resolution in opposition to House Bill 353. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell

Nays – None

Absent – Byrd

Clerk’s Note: A copy of “Board of Commissioners of The County of Hyde, North Carolina, Resolution Opposing The House Bill DRH60052-SB-13 “Designation of Coastal Game Fish” is attached herewith as Exhibit A and incorporated herein by reference.

Plan for Opposing Ferry Tolls

Chairwoman Spencer asked Board members to consider joining with other coastal counties in lobbying against the assessment of increases in tolls on the ferries that serve Ocracoke Island.

After discussion, it was decided that Manager Smith and Commissioners Styron and Tunnell will meet with interested NC20 counties to research and discuss a plan of action to oppose the proposed ferry toll increases and report findings at its February 20, 2012 regularly scheduled meeting.

Resolution In Opposition To Ferry Tolls And Ferry Toll Increases

After further discussion, Commissioner Styron moved to adopt Resolution in Opposition to Ferry Tolls and Ferry Toll Increases and to send a copy to NC20 Coastal Counties, Legislature, Representatives, Albemarle Commission and The Southern Albemarle Association. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell

Nays – None

Absent – Byrd

Clerk’s Note: A copy of “Board of Commissioners of The County of Hyde, North Carolina, Resolution Opposing The Institution of Tolls On Ferry Service Operations To And From Ocracoke Island Or The Increase In Existing Tolls” is attached herewith as Exhibit B and incorporated herein by reference.

NC20 Resolution In Opposition to Ferry Tolls and Ferry Toll Increases

Manager Smith reported that Hyde County is one of twenty coastal counties which make up a group called "NC20." The NC20 Board of Directors has developed a resolution opposing the imposition of new tolls or increase in existing tolls that they would like each member county to consider.

After discussion, Commissioner Swindell moved to join the NC20 group in adopting Resolution in Opposition to Ferry Tolls and Ferry Toll Increases and to send a copy to NC20 Coastal Counties, Legislature, Representatives, Albemarle Commission and The Southern Albemarle Association. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes –Spencer, Styron, Swindell and Tunnell

Nays – None

Absent – Byrd

Clerk's Note: A copy of "NC20 Resolution By Hyde County In Joining With Its Sister Counties In Opposing Ferry Tolls Or The Increase In Existing Tolls" is attached herewith as Exhibit C and incorporated herein by reference.

Memorandum of Understanding (MOU) for Use of Paey School

Manager Smith reported that the draft Memorandum of Understanding presented to the Board at an earlier meeting was also presented to the Hyde County Board of Education (BOE) for approval. A few small changes were made to the document by the BOE which should be considered by the Board of Commissioners. The BOE will consider the amended draft MOU at its regular meeting on February 7, 2012. Changes to the agreement include the use of Mattamuskeet campus for similar purposes and whether or not a school system employee should be present (and paid) if the kitchen equipment is used.

Manager Smith thanked Dr. Randolph Latimore, Superintendent, and the Board of Education.

Commissioner Tunnell moved to approve the Memorandum of Understanding for Use of Paey School. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes –Spencer, Styron, Swindell and Tunnell

Nays – None

Absent – Byrd

Appointment: Hyde County Recreation Committee Board

Commissioner Styron reported that Ocracoke citizens are interested in forming a Hyde County Recreation Committee and need guidance.

Manager Smith stated that Steve Molar has offered to assist the group.

Kris Noble, Grants Administrator reported that she has researched parks and recreation projects and found possible grant funding. Ms. Noble advised that the application process would likely take one year and advised the group to start now.

Manager Smith stated that Mainland citizens who are interested in a Parks and Recreation Committee need to volunteer and that participating Ocracoke citizens need to form a task force to develop a plan of action to present to the Board of Commissioners. Ms. Smith questioned what financial support the County will be able to provide and reported that funding could be discussed during the FY2012-2013 budget workshops.

Appointment: Hyde County ABC Board

Manager Smith reported that a vacancy on the ABC Board needs to be filled.

Commissioner Swindell moved to appoint Glenda B. Williams to fill the vacant position on the Hyde County ABC Board. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell
Nays – None
Absent – Byrd

Appointment: Ocracoke Community Center Board of Directors

Manager Smith reported that a vacancy on the Ocracoke Community Center Board of Directors needs to be filled.

Commissioner Styron moved to appoint David Bundy to fill the vacant position on the Ocracoke Community Center Board of Directors. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell
Nays – None
Absent – Byrd

Budgetary Matters:

Administration - \$49,259.14; transferring funds from Insurance line to Unemployment Insurance line to cover Employment Security Commission bill for FY2010-2011.

Administration - \$4,250.00; transferring funds from Advertising line, Codification line and Facility Assessment line to Travel line and Office Supplies line interdepartmentally to cover training and office equipment needs.

Social Services - \$4,036.00; received funds from Federal Low Income Home Energy Assistance Program (LIEAP).

Social Services - \$16,529.00; received payment from Federal Crisis Intervention Payment.

Cooperative Extension - \$993.00; received additional funds for the SHIP Grant.

Health – Family Planning - \$2,419.00; received one-time performance based bonus funding to be used for any Title X approved expenditure with special emphasis on the provision of sterilization or to purchase long-acting reversible contraception (LARC). The additional funds will increase the budget for Family Planning and must be spent prior to May 31, 2012.

Health – Mosquito Control - \$4,438.00; received funding to provide financial support to the mosquito control program to conduct mosquito control activities on Mainland Hyde County (\$2,220) and to the Ocracoke Mosquito Control Commission to conduct mosquito control activities on Ocracoke Island (\$2,218). The additional funds will increase the Mosquito Control budget.

Health – KBR Community Change - \$1,700.00; transferring funds from the Contract – ECU line into Equipment line for the purchase of a laptop computer to be used by ECU Technical Assistant/ Evaluators during their on-site visits and performance of duties related to their role in the grant.

Commissioner Swindell moved to approve the Administration, Social Services, Cooperative Extension and Health Department budget transfers. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Spencer, Styron, Swindell and Tunnell
Nays – None
Absent – Byrd

County Manager's Report:

Manager Smith stated that she will be forever grateful to the Hyde County EMS crew who responded to the Engelhard Medical Center and assisted with her transport to PCMH during her illness in

January. Ms. Smith reported that she is currently working part-time and thanked Hyde County employees for doing a fantastic job while she was away. She introduced new citizens Ms. Pam Shirley and Mr. Bill Ruble who are interested in County activities. Ms. Smith also reported that the Budget Retreat scheduled for February 18, 2012 will be rescheduled to March 10, 2012.

County Commissioners Reports:

Commissioner Styron – expressed concerns about the State proposed toll fees for ferries and highways in North Carolina.

Commissioner Swindell – stated that he has completed work in western North Carolina and is excited to be home.

Commissioner Tunnell – stated that he is glad to see Manager Smith back to work. He recently toured some farms in Hawaii and is glad to be home also.

Commissioner Spencer – reported that she filled in for Manager Smith during her illness and attended meetings with FEMA representatives, NCDOT Ferry representatives, J. B. Coxwell and the Engelhard Sanitary Board. Ms. Spencer thanked Clint Berry, Corrinne Gibbs and Justin Gibbs for preparing documents and presenting requests for Hurricane Irene reimbursement from FEMA. Ms. Spencer commended Justin Gibbs for being asked to speak at the National Hurricane Convention in March. She also encouraged Commissioner Tunnell to attend the Bioenergy Workshop on March 6, 2012 at NC State University.

Closed Session: (none)

Supplemental Information:

Department Reports

Emergency Services
Senior Center
Tax Office

Other Information

NCDOT (letter dated 01-18-2012) – Replacement of Bridge #34 over Smith Creek on SR1148
The Chambergram
Social Services (letter dated 01-30-2012) – Christmas Cheer
NC Northeast Commission (news release dated 12-19-2011) Agriscience/Biotech High School

Calendar Notes

February, 2012

13th-29th Filing Period for Elections
03-14-2012 ABC Board Meeting, 7:00 pm
03-20-2012 Board of Commissioners Meeting, 6:00 p.m.

Employment Anniversaries

February, 2012

02-01-2012 Leah Gibbs, Senior Center (4 years)
02-07-2012 Matthew Sitterson, Sheriff's Department (1 year)
02-11-2012 Pamela Midgette, Social Services (14 years)
02-16-2012 Bob Thomas, Water Department (25 years)
02-17-2012 Phyllis Sawyer, Home Health (1 year)

02-18-2012 Anna Wilson, EMS (1 year)
02-19-2012 Angie Crets, Health Department (11 years)

March, 2012

03-01-2012 Debbie Cahoon, Soil & Water (9 years)
03-02-2012 Cindy Carawan, Elections/Veteran's Services (11 years)
03-07-2012 Judy Midyette, Home Health (13 years)
03-08-2012 Mattie Roper, Social Services (23 years)
03-13-2012 Jerry Hardison, Inspections (6 years)
03-15-2012 Baron Berry, Utilities (13 years)
03-17-2012 James Shelton, Utilities (20 years)
03-18-2012 Gerry Slade, Utilities (30 years)
03-24-2012 Wesley Smith, Health Department (4 years)

Commissioner Swindell moved to adjourn the meeting. Ms. Styron seconded the motion. The motion passed on the following vote:

Ayes –Spencer, Styron, Swindell and Tunnell
Nays – None
Absent - Byrd

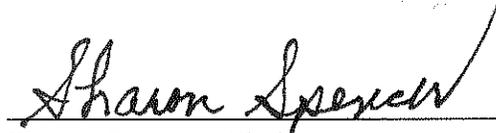
The meeting adjourned at 7:25 P.M.

Respectfully submitted:

Minutes approved on the 20th day of February, 2012.


Lois Stotesberry, Deputy Clerk
Hyde County Board of Commissioners




Sharon Spencer, Chair
Hyde County Board of Commissioners

Attachments:

- Exhibit A – *“Board of Commissioners of The County of Hyde, North Carolina, Resolution Opposing The House Bill DRH60052-SB-13*
- Exhibit B – *“Board of Commissioners of The County of Hyde, North Carolina, Resolution Opposing The Institution of Tolls On Ferry Service Operations To And From Ocracoke Island Or The Increase In Existing Tolls”*
- Exhibit C – *“NC20 Resolution By Hyde County In Joining With Its Sister Counties In Opposing Ferry Tolls Or The Increase In Existing Tolls”*



**BOARD OF COMMISSIONERS
OF THE
COUNTY OF HYDE, NORTH CAROLINA**

**RESOLUTION OPPOSING THE HOUSE BILL DRH60052-SB-13
"DESIGNATION OF COASTAL GAME FISH"**

WHEREAS, the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State while struggling to earn a living in an industry whose resources are managed by both the State and Federal agencies and whose labor accounts for revenue, jobs and is significant to the tax base; and

WHEREAS, designating "Game Fish Status" for Red Drum, Striped Bass, Spotted Sea Trout and other fish species will deprive consumers in North Carolina and the nation of access to fresh, locally harvested seafood; and

WHEREAS, allocating 100% of the resources to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the Fisheries Reform Act, and devastating to the economies of coastal communities; and

WHEREAS, designating a resource to "Game Fish Status Only" has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

WHEREAS, North Carolina, as a recognized leading producer of seafood, has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild caught fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, proven resource for all its citizens;

NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners strongly oppose imposing "Game Fish Status" by the legislature, and ask that they honor the Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

Adopted this the 21st day of March, 2011 in Hyde County, North Carolina.

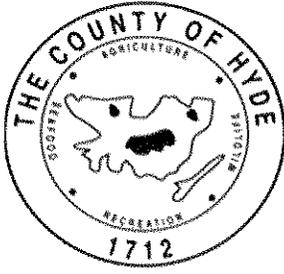
Sharon P. Spencer

Sharon P. Spencer, Chair
Hyde County Board of Commissioners

Attested by:

Mazie S. Smith

Mazie S. Smith, Clerk to the Board
Hyde County Board of Commissioners



**BOARD OF COMMISSIONERS
OF THE
COUNTY OF HYDE, NORTH CAROLINA**

**RESOLUTION BY THE COMMISSIONERS OPPOSING THE INSTITUTION OF TOLLS ON FERRY SERVICE
OPERATIONS TO AND FROM OCRACOKE ISLAND OR THE INCREASE IN EXISTING TOLLS**

WHEREAS , Ocracoke Island, located in Hyde County, is the State's only barrier island with no alternate form of public transportation infrastructure provided to them in return for the payment of State tax dollars; and

WHEREAS, the North Carolina Ferry Service is an extension of Ocracoke's road system where no alternative form of roadway exists and should be provided to the residents of Ocracoke just as traditional roadways, including highways and bypasses, and are provided across the state to residents and are funded by the North Carolina State Gasoline Tax; and,

WHEREAS , the continuance of a toll-free ferry service is guaranteed to residents in North Carolina by General Statute 136-89.197; and

WHEREAS the Hatteras-Ocracoke Ferry is an extension of the road infrastructure to connect the coastal communities of Hatteras and Ocracoke; and

WHEREAS Hyde County is among the poorest Counties in North Carolina as indicated by their Tier I designation; and

WHEREAS placing tolls and or increasing tolls on existing ferry service would create a financial hardship for local residents, and would impede their ability to obtain supplies and other services necessary to maintain their quality of life; and

WHEREAS tourism is the leading industry on Ocracoke Island and the addition or increase of tolls, coupled with decreased ferry runs, would threaten the capability of businesses and working families to earn a living; and

WHEREAS this loss in revenue to the citizens of Hyde County would also result in loss of revenue to the State of North Carolina, and would negatively impact the economy, the culture , and the overall well-being of entire State; and

WHEREAS 6,013 acres of Ocracoke Island's total acreage of 6,429 acres is part of the Cape Hatteras National Seashore and is owned by the federal government; and

WHEREAS this property is valued at \$503,372,209 yet the County of Hyde received less than \$60,000 during the last fiscal year in total as Payment in Lieu of Taxes on all federal property within Hyde County; and

WHEREAS the operations of the National Park Service, the United States Coast Guard, the U.S. Agency of Homeland Security and other federal agencies will be impeded by changes to current ferry operations; and

WHEREAS we believe there are better ways of financing State government such as by streamlining expenses and maximizing efficiency in order to lower costs without placing undue burden on citizens;

NOW, THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners strongly oppose imposing new tolls on ferry service to or from Ocracoke Island, and do also oppose the increase of tolls on said ferry service, and do oppose any decrease in the level of ferry service to and from Ocracoke Island, North Carolina.

Adopted this the *6th* day of *February*, 2012 in Hyde County, North Carolina.



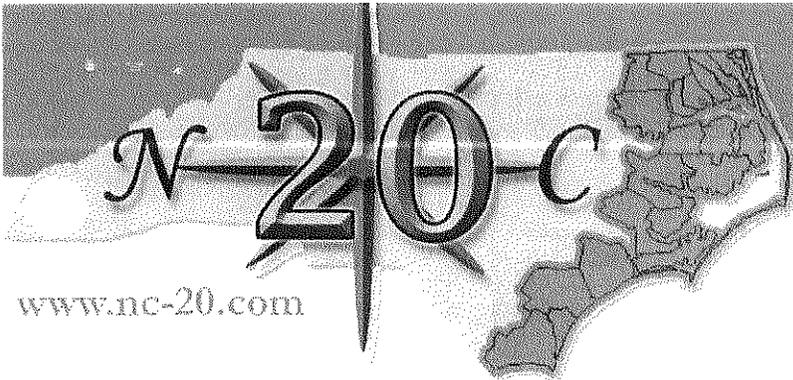
Sharon P. Spencer, Chair
Hyde County Board of Commissioners



Attested by:



Mazie S. Smith, Clerk to the Board
Hyde County Board of Commissioners



"TWENTY COUNTIES...ONE VOICE"

www.nc-20.com

RESOLUTION

WHEREAS, the State of North Carolina has proposed imposing or increasing fees on those who utilize the ferry system in North Carolina; and

WHEREAS, the ferries in question are essential to transportation not only for residents but to the economic well-being of the coast which is, in general, much poorer than the Piedmont area of the State; and

WHEREAS, the State of North Carolina has invested heavily in economic development projects in other areas of the State, e.g. the Microelectronics Center, the Biotechnology Center, the Research Triangle Park, and the Global Transpark, just to name a few; and

WHEREAS, road construction in the Piedmont areas of the State is consuming immense quantities of transportation funding to alleviate traffic congestion caused by vigorous economic growth there; and

WHEREAS, the ferries exist in many cases in the East because of a lack of investment in bridge construction in eastern North Carolina; and

NOW, THEREFORE, BE IT RESOLVED, that the undersigned county does hereby join with our sister counties, cities and organizations in eastern North Carolina in protesting this egregious use of State power which is in direct opposition to the economic well being of this region and the welfare of its citizens.

Done this 1st day of February, 2012.

Tom Thompson

Board Members

Tom Thompson Willo Kelly Larry Baldwin Bud Stille Missy Baskervill Fred Bone John Droz Kathleen Riely
Rudi Rudolph Bill Price Daniel Scanlon Frank Heath Randy Keaton David Peoples Tim Buck Russell Overman
Mazie Smith Randell Woodruff William Cowan Bobby Outten David Burton Bob Slocum

705 Page Road, Washington, North Carolina 27889 Office: (252) 946-3970 Fax: (252) 946-0849



NORTH CAROLINA

HYDE COUNTY

I, Lois Stotesberry, Deputy Clerk, certify that at its regularly scheduled meeting on February 6, 2012 the Hyde County Board of Commissioners voted to adopt the NC20 Resolution and to join with our sister counties, cities and organizations in eastern North Carolina in protesting proposed increasing fees on those who utilize the ferry system in North Carolina.

I, Andrea Gregory, a Notary Public in and for the state and county aforesaid, certify that Lois Stotesberry personally appeared before me this day and voluntarily acknowledged that she is Deputy Clerk of the Hyde County Board of Commissioners. The undersigned Notary Public has personal knowledge of the identity of the principals or satisfactory evidence of the principals' identity.

Witness my hand and notarial seal this the 7 day of February, 2012.

Andrea Gregory
Notary Public

My commission expires: June 15, 2013