

**Regular Meeting Minutes**

**Board of County Commissioners  
Hyde County**

**Monday, November 5, 2018**

Following opening prayer by Commissioner Tunnell and Pledge of Allegiance, the Regular Meeting of the Hyde County Board of Commissioners was called to order at 6:07p.m., on Monday, November 5, 2018, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing equipment.

Justin Gibbs, ES Director reported equipment failure on the electronic conferencing equipment projector.

Chairman Pugh commended Commissioners Tunnell and Swindell for their service to Hyde County and thanked Attorney Fred Holscher for attending the meeting.

The following members were present on the mainland: Chairman Earl Pugh, Jr.; Vice-chairman Barry Swindell; Commissioners Dick Tunnell and Ben Simmons; County Manager Kris Cahoon Noble; Special Projects Coordinator Bill Rich; Attorney Fred Holscher; Clerk to the Board Lois Stotesberry; and, members of the public.

Justin Gibbs, ES Director ran the electronic conferencing equipment on the Mainland and IT Director Donnie Shumate ran the equipment on Ocracoke.

Members of the public were present on Ocracoke.

Commissioner Tom Pahl was absent.

**Consideration of Agenda:**

Commissioner Swindell moved to approve the Monday, November 5, 2018 Board of Commissioners Regular Meeting Agenda as presented by the Clerk. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Consideration of Minutes:**

**October 1, 2018 – Regular Meeting**

Commissioner Tunnell moved to approve the October 1, 2018 Hyde County Board of Commissioners Regular Meeting Minutes as presented by the Clerk with correction on page 5 – line 7 – Building Inspector Joey Spencer (~~Ocracoke~~) (Mainland) and John Contestable (~~Mainland~~) (Ocracoke). Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Presentations:**

**Report of Tax Collections Month Ending September 30, 2018**

**Linda Basnight, Tax Administrator**, presented the October 2018 tax collections reports.

Commissioner Simmons moved to accept the October 31, 2018 Hyde County Tax Collections Report as presented. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Airport Consultant Contract Award**

**Jane Hodges, Airport Manager**, reported every five years the Department of Aviation requires all airports put out a bid for consulting services. Ms. Hodges reported only one bid was made and a second bid advertisement is not required. The only applicant was Talbert & Bright, Inc. They have been the consultant for Hyde County Airport since the earliest days of operation and state funded grants.

Commissioner Swindell moved to award Master Contract for Engineering and Related Work At The Hyde County Airport for Hyde County, NC to Talbert & Bright, Inc. for aviation planning services. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Requests For Citizen Input To Update Parks And Recreation Master Plan**

Natalie Wayne, Cooperative Extension Director, reported in 2014 Hyde County Office of Planning and Economic Development completed the Hyde County Parks and Recreation Plan. Meetings and public workshops were held, research compiled and community surveys were conducted to gather input from the community. The Plan was officially adopted by the Hyde County Board of Commissioners on Monday, July 7, 2014.

The updated plan is complete with an existing asset summary, state recreation guidelines, community identified needs and potential grant funding sources. Data for Ocracoke and the Mainland are clearly separated and countywide trends are also identified.

To help meet the current needs of the community, the county once again asked for citizen input for possible updates or amendments to the Hyde County Parks and Recreation Master Plan. Residents were encouraged to visit the Parks and Rec page at <http://www.hydecourtnc.gov/departments/docs/FinalPRPlan72014.pdf> to view the 2014 Hyde County Parks and Recreation Master Plan and input ideas to be included in the plan and/or write comments.

Randy Etheridge, Brandon and Adrian Marshall, Edward Torres, and Page Smith commended Natalie Wayne and Lee Brimmage for their involvement in the Parks and Recreation Program; and, support application for grant funding to build a sports complex in Hyde County.

**Employee/ Volunteer/ Friend of Hyde County:**

County Manager Kris Cahoon Noble named The North Carolina House Transportation Committee the Hyde County Friend of the Month.

**Public Comments:**

**Peter Vankevich, Ocracoke Observer** – thanked Manager Kris Noble for a productive meeting about the convenience site on Ocracoke.

**Commissioner Ben Simmons** – offered to assist with putting the ballfield fence back up at Mattamuskeet Early College High School.

**County Manager Noble** – invited the Board of Education to a joint meeting in December.

Hearing no further comments from the public, Chairman Pugh continued the meeting.

**Items Of Consideration:**

**Proclamation Ending State of Emergency**

Justin Gibbs, Emergency Services Director, reported a state of emergency no longer exists for Ocracoke and Mainland Hyde County.

Commissioner Tunnell moved to adopt “Resolution To Ratify Board Action Related To Hurricane Florence”.

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

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

**Resolution In Support of JCPC Allocation Expansion**

**Kris Cahoon Noble, County Manager**, reported Nancy Hodges, Area Consultant, JCPC, requests Juvenile Crime Prevention Council (JCPC) allocation expansion be tabled until the next regularly scheduled Hyde County Board of Commissioners meeting on December 3, 2018.

**Appointment of Hyde County Commissioner Representative To The School Justice Partnership Under JCPC**

**Kris Cahoon Noble, County Manager**, reported Nancy Hodges, Area Consultant, JCPC, requests appointment of a commissioner representative to serve on the School Justice Partnership under the JCPC Council be tabled until the next regularly scheduled Hyde County Board of Commissioners meeting on December 3, 2018.

Commissioner Swindell moved to table requests for Juvenile Crime Prevention Council (JCPC) allocation expansion and for appointment of a commissioner representative to serve on the School Justice Partnership under the JCPC Council until the next regularly scheduled Hyde County Board of Commissioners meeting on December 3, 2018. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Appointment – Board of Health**

**Luana Gibbs, Health Director**, at its October 9, 2018 meeting the Hyde County Board of Health approved the recommendation for appointment of Mike Caton to serve a three year term on the Health Board. Mr. Caton lives in the Ponzer/Grassy Ridge area and serves as the preacher for the Mt. Olive Church of Christ.

Commissioner Swindell moved to appoint Mike Caton to serve a three-year term on the Hyde County Health Department. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Approval of Revised Agreement With Ferry View Partners**

**Bill Rich, Special Projects Coordinator**, presented the revised Ferry View Partners, LLC / Hyde County Agreement recommended by the County Attorney. The agreement effective October 1, 2018 is revised to allow the tenant to immediately own the building.

Commissioner Tunnell moved to approve the revised agreement between Ferry View Partners, LLC and Hyde County as presented. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Thank You Letter To House Transportation Committee**

**Kris Cahoon Noble, County Manager**, reported on August 27, 2018 the House Transportation Committee visited Ocracoke Island where presentation was made by the Ocracoke Island Waterways Committee.

Commissioner Swindell moved to authorize the County Manager to work with the Ocracoke Island Waterways Committee to send a thank you letter to the House Transportation Committee highlighting the August presentation and asking for a follow-up meeting to discuss funding for dredging projects. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – Pahl.

**Fairfield Drainage District – Tideland EMC Infrastructure Loan**

**Daniel Brinn, Water and Flood Control Coordinator**, reported the Fairfield Drainage Commissioners met on Monday October 29, 2018 to discuss needed work to repair damage to the district's levee system resulting from Hurricane Matthew. The district has a project worksheet approved by FEMA that will reimburse the cost of the repairs once completed. The District is requesting help securing the funds in order to complete the work required. Fairfield Drainage District wishes to secure a loan at 0% interest for 10 years in the amount of \$375,000.00 for Hyde County Drainage District No. 7 (Fairfield Drainage District) through a loan program offered by Tideland EMC with Hyde County as the principal borrower. Upon completion of the project and reimbursement by FEMA, the District will repay the loan.

Commissioner Swindell moved to recuse Commissioner Simmons from voting citing conflict of interest. Commissioner Simmons is a Fairfield Drainage District Commission. Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – Pahl and Simmons.

Commissioner Swindell moved to authorize the County Manager to work with the County Attorney to create a contractual relationship between the County and the Fairfield Drainage District (No. 7) in which the District is obligated to repay Hyde County any funds with which the County assists the District; and, to authorize the County Manager to enter into the financing alternative, close the loan, receive the funds, make payment to the Fairfield Drainage District and begin receiving loan payments in January 2019. Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – Pahl and Simmons.

**Change In Salary Grade for Building Inspections Position**

**Kris Cahoon Noble, County Manager**, reported Hyde County is currently advertising the open Building Inspector position and requests a salary grade increase be considered to make the compensation more commensurate with the duties and advanced knowledge and skills required to fulfill the position.

Commissioner Simmons moved to authorize the County Manager to change and advertise the Building Inspector position Grade 67 to a Grade 72. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – Pahl.

**Colocation of Telecommunications Equipment On Existing Towers**

**Donnie Shumate, Information Technology Director**, presented three requests for approval to collocate telecommunications equipment per Hyde County Ordinance Sec. 40-225. These facilities should be considered as (a) (2) antenna located on existing WTS facilities. A higher order WTS preference was not chosen because the existing towers are not stealth structures. All parties involved have submitted the necessary paperwork and the applications meet the requirements of the Hyde County Wireless Telecommunications Facility Ordinance.

- 1) Hightower Communications will install a US Cellular two (2) foot microwave dish on an existing tower located on the Ocracoke Water Tower. The Ocracoke Sanitary District, which operates the tower, approved this addition at their October meeting.
- 2) New Horizon Towers will install a new US Cellular Wireless Telecommunications Facility collocated on the existing Bishop Road Tower in Scranton, NC. US Cellular currently does not have adequate coverage in this area.
- 3) Hightower Communications will install a US Cellular two (2) foot microwave dish on an existing tower located on Cedar Road, Ocracoke, NC.

Commissioner Swindell moved to approve US Cellular's three (3) requests for telecommunications equipment collocation as presented by IT Director Donnie Shumate. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Simmons, Swindell and Tunnell; Nays – None; Absent or not voting – Pahl.

**Budget Transfers:**

**Cooperative Extension Service**

Services Rendered ..... \$7,000.00  
Equipment ..... \$7,000.00

**Department of Social Services**

Crisis Intervention Payment ..... \$6,138.00

**Public Management Entity**

Pump Maintenance & Repairs ..... \$5,000.00

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

**Management Reports:**

**Commissioner Tom Pahl** – absent.

**Commissioner Ben Simmons** – reported the West Quarter pumping station started up last week. He discussed the need for the recreation project. He thanked Commissioners Swindell and Tunnell for their service to Hyde County.

**Vice-chair Barry Swindell** – discussed the need for a recreation project.

**Commissioner Dick Tunnell** – attended the meeting with Governor Cooper after Hurricane Florence. He serves as Chairman of the Mid-East Housing Authority and would like to continue serving when his term on the Hyde County Board of Commissioners ends in December.

**Chairman Earl Pugh, Jr.** – attended the meeting with Governor Cooper after Hurricane Florence, Ocracoke Control Group meeting and the Southern Albemarle Association dinner hosted by Hyde County. He reported Kathy Davison, Executive Director, Albemarle Commission, resigned effective October 31.

**County Manager Kris Cahoon Noble** – reported activities of the manager’s office:

- Chamber of Commerce Veterans Dinner on November 9<sup>th</sup> at 6:00p.m. at MECHS invitation
- Legislative Goals Conference on January 10-11, 2019 in Raleigh
- Successful completion of the Building Reuse project
- Conflict of Interest Statement (commissioners signatures needed) to complete the Ocracoke Tram project
- Solid Waste meeting on Ocracoke with James Blount
- EMS project update on bid process
- Waterways Committee, NPS and NC DOT meeting scheduled
- Golden LEAF grants submitted
- CDBG-NR grant submitted
- CDBG Infrastructure (sewer) grant submitted
- Davis School roof project update
- Six houses being elevated

**Public Comments:**

**Connie Leinbach, Ocracoke** – requested update on the new Ocracoke EMS Building project.

**Kris Noble, County Manager** – reported EMS will move within the next two weeks with a six month turn-around time on the new Ocracoke EMS Building project.

**Seldon Taylor, Swan Quarter** – reported he has been a Hyde County resident for ten years and is a serving member on the Swan Quarter Sanitary District Board. Mr. Taylor informed the Board that he submitted an application for the Building Inspector position. He has 40-years work experience throughout North Carolina, Virginia and Maryland.

Mr. Taylor also requested County Animal Control assistance with several dangerous neighborhood dogs.

**Guire Cahoon, Sheriff** – reported Tyrrell County is contracted to assist Hyde County with vicious and/or potentially dangerous dogs or reported dog bite cases.

**Kris Noble, County Manager** – reported the county is not in a position to enforce the ordinance at this time. She and County Attorney Holscher are reviewing the County Animal Control Ordinance.

Hearing no further comments from the public, Chairman Pugh continued the meeting.

**Closed Session** (none)

**Adjourn**

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

The meeting adjourned at 7:40p.m.

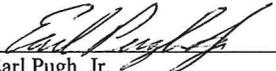
Respectfully submitted:

Minutes approved on the 3<sup>rd</sup> day of December, 2018.

Attest:



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

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

**Attachments:**

**Exhibit A: "Proclamation – Termination of State of Emergency for Hyde County – Hurricane Florence"**



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

**PROCLAMATION  
TERMINATION OF THE  
STATE OF EMERGENCY FOR HYDE COUNTY**

**HURRICANE FLORENCE**

**November 5, 2018**

**WHEREAS**, on September 10, 2018 at 12:00 PM (noon) I proclaimed the existence of a State of Emergency, effective immediately, for Hyde County with mandatory evacuation of individuals visiting Ocracoke Island, effective as of 12:00 PM (noon) on Monday, September 10, 2018; and,

**WHEREAS**, on September 10, 2018 at 2:00 PM I ordered mandatory evacuation of residents, non-resident property owners and continued mandatory evacuation of individuals visiting Ocracoke Island, effective as of 5:00 AM on Tuesday, September 11, 2018; and, I suspended all alcohol sales on Ocracoke Island effective as of 5:00 PM on Tuesday, September 11, 2018; and,

**WHEREAS**, on September 11, 2018 at 12:00 PM (noon) I ordered mandatory evacuation of Mainland Hyde County with no travel restrictions at this time, effective as of 12:00 PM (noon) on Tuesday, September 11, 2018; and, I suspended all alcohol sales on Mainland Hyde effective as of 5:00 PM on Wednesday, September 12, 2018; and,

**WHEREAS**, on September 12, 2018, at 8:00 PM, I issued curfew beginning at 9:00 PM until 5:00 AM, effective beginning on Thursday, September 13, 2018 until further notice; and,

**WHEREAS**, on September 16, 2018, at 9:30 AM, I issued termination of the mandatory evacuation orders issued for Mainland Hyde County and Ocracoke Island residents; and I issued termination of the mandatory evacuation orders for Mainland Hyde County and Ocracoke Island residents; and I issued reinstatement of the sale of alcohol in Hyde County, which includes Mainland Hyde and Ocracoke Island, at 12:00 PM (noon) on Sunday, September 16, 2018; and I lifted the curfews issued for Mainland Hyde County and Ocracoke Island; and I determined that a State of Emergency still exists; and,

**WHEREAS**, on September 17, 2018 at 6:00 PM I issued termination of the non-resident property owners evacuation for Ocracoke Island effective at 5:00 AM on Tuesday, September 18, 2008; and I issued termination of the mandatory visitor evacuation for Ocracoke Island, effective at 5:00 AM on Friday, September 21, 2018; and,

**WHEREAS**, effective as of 6:15 PM, on October 1, 2018 the actions taken by Chairman Earl Pugh, Jr. during Hurricane Florence on September 10 – 17, 2018 were ratified into the Hyde County Board of Commissioners Meeting Minutes; and,

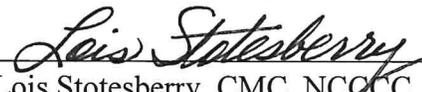
**WHEREAS**, I have determined that a State of Emergency no longer exists and hereby issue termination of the proclaimed State of Emergency for Mainland and Ocracoke Island, Hyde County, North Carolina, effective as of 6:15 PM, on November 5, 2018; and,

**NOW THEREFORE**, This proclamation is signed on this date, November 5, 2018 at 6:15PM, and becomes effective immediately.

**ATTEST:**

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



  
\_\_\_\_\_  
Lois Stotesberry, CMC, NCOCC  
Clerk, Hyde County Board of Commissioners