

## Regular Meeting Minutes

### **Board of County Commissioners Hyde County**

**Monday, November 2, 2015**

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order at 6:00pm on Monday, November 2, 2015, in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

The following members were present on the mainland: Commissioners Dick Tunnell, Earl Pugh, Jr., Ben Simmons and Barry Swindell; County Manager Bill Rich; Special Assistant Hyde County Manager Will Doerfer; Attorney Fred Holscher; Clerk to the Board Lois Stotesberry; and, members of the public. Commissioner John Fletcher was absent.

The following members were present on Ocracoke: Public Information Officer Sarah Johnson and members of the public.

Following opening prayer by County Manager Bill Rich and pledge of allegiance the meeting was called to order.

#### **Agenda:**

Chairman Swindell asked for changes to the November 2, 2015 Meeting Agenda.

Commissioner Pugh moved to approve the November 2, 2015 Meeting Agenda as presented by the Clerk with addition of Item 3.a. Funding Request by Superintendent Dr. Randolph Latimore, Hyde County Schools; Item 9. O'Neal Property; and, NC Building Reuse Grant – Property Budget Ordinance. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Simmons, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher.

#### **Consideration of Minutes:**

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

#### **Introduction:**

County Manager Rich introduced Dare County Commissioner Warren Judge.

#### **Employee Recognition:**

County Manager Rich announced Sarah Johnson, PIO, has resigned her position and will be going back to college. Mr. Rich commended Ms. Johnson for a job well done. He asked Sarah to disregard the gift certificate she won in October and informed her that she will receive a \$50.00 gift certificate to “Jan-San Station” in Asheville, NC.

#### **Public Comment:**

Chairman Swindell called for comments from the public.

**Kristy Marslender** – Mattamuskeet Elementary School (MES) Kindergarten Teacher, stated she has 21 students in her classroom and an assistant is needed to provide more one-on-one instruction.

**Jean Credle** – MES Kindergarten Teacher, stated many of her students are not reading at grade level and with an assistant more one-on-one instruction would be provided. A good reading foundation will provide the students with skills necessary for future grades and beyond.

**Tyesha Murray** – parent and MES Substitute Teacher, reported she no longer substitutes because there are too many students for one teacher to see everything that happens. She also requested funding for teacher assistants in elementary grades.

**Darlene Craddock** – from Dare County, volunteers at MES two days a week and believes the students will benefit from teacher assistants in the Kindergarten classrooms.

**Peter Vankevich** – Ocracoke Observer, thanked commissioners for the new lost and found box and for any assistance they may have given the “Blackbeard Pirate Jamboree” on Ocracoke. Mr. Vankevich asked the commissioners to address the derelict boats on Ocracoke.

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

**Resolution – “Public Transportation 5310 Program”**

Beverly Paul, Transit Director and David Howard, Health Director reported they are re-applying for the 5310 Elderly Disabled Program Grant (\$40,000.00) for Fiscal Year 2016-2017. The 90-10 grant is administered through the Health Department with a local match of \$4,000.00 required.

Commissioner Simmons moved to adopt resolution of support for “Public Transportation 5310 Program Resolution”. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

*Clerk's Note: A copy of “Public Transportation 5310 Program Resolution” is attached herewith as Exhibit A and incorporated herein by reference.*

**Ocracoke Development Ordinance (ODO) Board of Adjustments**

Appointment to the Ocracoke ODO Board of Adjustments is tabled until the next regularly scheduled Board of Commissioners meeting on December 7, 2015.

**Hyde-Davis Leases**

Kris Cahoon-Noble, Planning and Development Director, presented recap of negotiation of two (2) lease agreements with prospective tenants for the Hyde-Davis Center in Engelhard. Approval to proceed with the negotiation and execution of the leases was tabled at the September Commissioner’s meeting. The leases have been reviewed by the County Attorney and revised accordingly. Ms. Noble continued discussion of the proposed leases.

**Tenant No. 1 – Beaufort County Community College:** BCCC wants to lease Suite 4 and Suite 6-7-8 at the Hyde-Davis Center. The College will use Suite 4 to provide access to online continuing education classes to Hyde County citizens. Suite 4A will be used for the computer lab; Suite 4B will be used for classroom space. Suite 6-7-8 will be used for Certified Nursing Assistant (CNA) classes and a laboratory. The leases will be rent-free and will renew in one year with an option to renew for an additional 5-year rent-free term.

**Tenant No. 2 – Beaufort-Hyde-Martin (BHM) Regional Library:** BHM wants to lease Suite 5 at the Hyde-Davis Center. BHM will use the suite to operate a full-service library. The lease will be rent-free and will renew in one year with an option to renew for an additional 5-year rent-free term.

The leases are subject to the review of BCCC and BHM Library. Any requests for modifications to the leases will be negotiated between the county and the individual parties.

Ms. Noble requested approval to proceed with negotiations and execution of the leases.

Commissioner Pugh moved to approve proceeding with the execution of the Beaufort County Community College Lease and to authorize Management to negotiate modifications to the leases if applicable. Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

Commissioner Pugh moved to approve proceeding with the execution of the Beaufort-Hyde-Martin Library Lease and to authorize Management to negotiate modifications to the leases if applicable. Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

**Request for Funding Three Teacher Assistant Positions:**

Superintendent Dr. Randolph Latimore presented Hyde County Schools Board of Education Update. Dr. Latimore announced the Department of Public Instruction (DPI) has reported Mattamuskeet Early College High School (MECHS) has the second highest graduation rate in North Carolina at 94.7%. He reported the Hyde County Board of Education has approved his request to request funding for three (3) teacher assistant positions of the Hyde County Commissioners. The positions will be designated one (1) for Ocracoke School and two (2) for Mattamuskeet Elementary School. The positions will be assigned to the early elementary grades. The additional revenue that is being requested is \$111,000.00 based on the average cost for a person in this position being \$37,000.00.

After additional clarification and discussion the Hyde County Board of Commissioners decided to table the discussion and bring it back at the next regularly scheduled Board meeting on December 7, 2015.

### **Surplus Property**

Corrinne Gibbs, Finance Officer, requested Board approval to designate a Health Department 2004 Ford Taurus as surplus property to be sold on GovDeals with no minimum bid.

Commissioner Tunnell moved to designate the 2004 Ford Taurus from the Health Department as surplus property and to sell it on GovDeals with no minimum bid. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

### **Water Line Installation Project**

Clint Berry, Utilities Director, has received authorization from Public Water Supply to proceed with installation of water lines on the four roads requested; 1) Seth Road, 2) Bridgeman Road, 3) Refuge Road and 4) Mapletown Lane. Mr. Berry reported there would be cost savings if the Water Department does the installation versus bidding it out to a contractor.

Commissioner Tunnell moved to authorize the Water Department to install water lines on Seth Road, Bridgeman Road, Refuge Road and Mapletown Lane. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

### **Request to Move NC Hwy 45 to US HWY 264**

Further discussion of the benefits to Hyde County from moving NC Highway 45 to US Highway 264 has been tabled to the next regularly scheduled Board meeting on December 7, 2015.

Assistant Manager Doerfer reported on discussion with NCDOT Division Engineer Jerry Jennings who will investigate additional signage at the intersection of Highway 45 and 264 By-Pass in Swan Quarter. Mr. Jennings indicated re-routing Highway 45 to run with the US 264 By-Pass is unlikely.

### **Monthly Activities and Accomplishments Report**

Will Doerfer, NCACC/ICMA Management Fellow, presented report of his monthly activity and accomplishments. Mr. Doerfer participated in a radio interview on WOVV with Peter Vankevich and an interview with Connie Leinbach regarding Noise Ordinance; researched total cost of county-wide fuel and maintenance; worked with Human Resources Director Tammy Blake to update the personnel policy; assisted County Planner Kris Noble with Visit NC TRAC; and, researched obtaining an IT contractor. Mr. Doerfer attended Partnership for Sounds in Washington and monthly ferry meetings and met with the Ferry Division senior staff and Transportation Board members. Mr. Doerfer reported on projects he continues working on, both on Ocracoke and the Mainland.

### **Hatteras-Ocracoke Vehicle Ferry Toll**

Bill Rich, County Manager, presented update on Hatteras-Ocracoke vehicle ferry tolling issues. Mr. Rich reported Currituck County Commissioners stood by Hyde County and voted no to ferry tolling at the RPO meeting in Dare County. Manager Rich recommends ferry tolling stay under advisement but totally on hold until the spring session is finalized.

Warren Judge, Dare County Commissioner, voted yes to ferry tolling but informed the Board that he should have voted no.

### **Ocracoke EMS Station Property**

Commissioner Pugh moved to approve the Option to Purchase, Contract for Sale and Lease Agreement between Ronnie Van O'Neal, Sr. and Christine O. O'Neal (seller) and the County of Hyde (buyer) for the O'Neal property at 270 Back Road, Ocracoke, NC; to pay the seller \$10,000.00 (non-refundable) to apply to the purchase price for the property; and, to refund the seller for a new installed heat unit. Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

### **NC Building Reuse Grant-Dare to Hyde Program Budget Ordinance**

Kris Cahoon-Noble, Planning and Development Director, requested approval of a project budget ordinance in connection with a grant award to Dare to Hyde, LLC from the North Carolina Department of Commerce/North Carolina Rural Economic Infrastructure Authority in the amount of \$60,000.00. The budget ordinance will authorize Hyde County to accept and administer grant funds to Dare to Hyde, LLC.

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

Commissioner Pugh moved to approve the NC Building Reuse Grant-Dare to Hyde Program Budget Ordinance and authorize Hyde County to accept and administer grant funds to Dare to Hyde, LLC. Commissioner Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

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

**Budget Revisions:**

Commissioner Simmons moved to approve Mainland Occupancy Tax budget revision for \$5,000.00 for Hyde County Chamber of Commerce to fund Swan Days. Commissioner Pugh seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

**Management Reports:**

**Commissioner Simmons** – attended ferry meetings and continues to spend time with football and farming.

**Commissioner Pugh** – attended the Ferry Division meeting on Ocracoke; the West Quarter Dike meeting with permitting agencies; and, the Golden LEAF meeting.

**Commissioner Tunnell** – assisted Commissioner Simmons in showing Steve Keen (permitting agency) areas in need of drainage in Hyde County.

**Chairman Swindell** – attended the Ferry Division meeting. Mr. Swindell announced Ms. Laurie Potter has been selected as the new DSS Director. He announced the 4-H Rabbit Show will be held next Saturday in the Government Center parking garage.

**Commissioner Fletcher** – absent.

**Manager Rich** – reported he will serve on the Red Wolfe Committee; he closed on the Devil Shore Oyster and Clam fund; and, met with Dave Hallac and Stan Austin National Park System (NPS). Mr. Rich also reported \$450,000.00 available in the Revolving Loan Fund to lend.

**Public Comments:**

Chairman Swindell called for comments from the public.

Connie Leinbach, Ocracoke – asked how the Ferry Division will make \$150,000.00 work.

Ward Garrish, Ocracoke – questioned whether or not it is legal for the Federal Government to fence a community in with ferry tolling.

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

**Closed Session:** (none)

**Adjourn:**

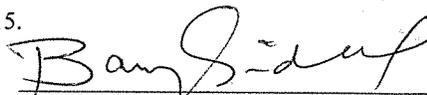
Commissioner Pugh moved to adjourn the November 2, 2015 Board of Commissioners Meeting. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes – Pugh, Tunnell, Simmons and Swindell; Nays – None; Absent or not voting – Fletcher.

The meeting adjourned at 8:00p.m.

Respectfully submitted:

Minutes approved on the 7<sup>th</sup> day of December, 2015.

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

  
Barry Swindell  
Chair, Hyde County Board of Commissioners

Attachment:

Exhibit A: "Public Transportation 5310 Program Resolution"

Exhibit B: "NC Building Reuse Grant-Dare to Hyde Program Budget Ordinance"

**PUBLIC TRANSPORTATION 5310 PROGRAM RESOLUTION**

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Status and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of the Section 5310 program is to enhance mobility for seniors and individuals with disabilities throughout the country, by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all area.

WHEREAS, NCDOT has been designated as the State agency with principle authority and responsibility for administering the Section 5310 Program for small urbanized and rural areas; and

WHEREAS, (Legal Name of Applicant)County of Hyde-Office of the Accountant (Hyde County Health Department) hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all small administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)\*Health Director of (Name of Applicant's Governing Body)County of Hyde-Office of the Accountant is hereby authorized to submit a grant for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide public transportation services.

I ( Certifying Official's Name)\*Barry Swindell, Chairman of the Hyde County Board of Commissioners, do hereby certify that the above is true and correct copy of an excerpt from the minutes of a meeting of the Hyde County Board of Commissioners duly held on the 2<sup>nd</sup> day of November, 2015.

Barry Swindell  
Signature of Certifying Official

November 2, 2015  
Date

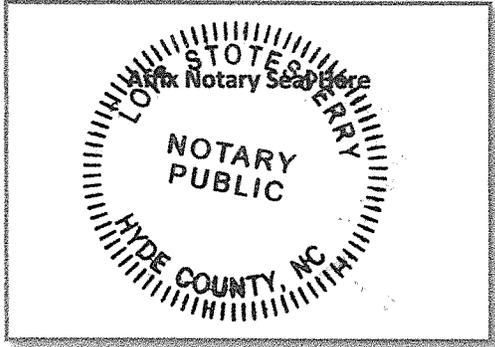
\*Note that the authorized official, certifying official, and notary should be three separate individuals.

Seal Subscribed and sworn to me (date) November 2, 2015

Notary Public Signature Lois Statesberry

Lois Statesberry, POB188, Swan Quarter, NC 27885  
Printed Name and Address

My commission expires (date) December 30, 2017



public

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

Be it ordained by the Hyde County Board of Commissioners, that pursuant to Section 143B-472.127 and .128 of the General Statutes of North Carolina, the following grant program ordinance is hereby adopted:

Section 1. The program authorized is the NC Building Reuse Grant for Dare to Hyde, LLC. described in the work statement contained in the supplemental Rural Economic Development Loan Agreement and Legally Binding Commitment between Hyde County and the Owner. This program is more familiarly known as the NC Building Reuse Grant – Dare to Hyde, LLC.

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

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

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

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

<u>NC BUILDING REUSE GRANT – DARE TO HYDE</u>	
Construction Budget	\$63,000.00
Total	\$63,000.00

Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Program Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Rural Infrastructure Authority and North Carolina Department of Commerce required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Commerce in an orderly and timely manner.

Section 7. Copies of this grant program ordinance shall be made available to the Grant Finance Officer for direction in carrying out this program.

Adopted this 2<sup>nd</sup> day of November, 2015.



Barry Swindell, Chairman  
Hyde County Board of Commissioners

ATTEST:



Lois Stotesberry, Clerk to the Board

