Meeting Minutes

Board of County Commissioners
Hyde County

Tuesday, September 3, 2013

Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners to order on Tuesday, September 3, 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, Earl Pugh, Jr., Dick Tunnell and Barry Swindell; Attorney Fred Holscher; County Manager Bill Rich; Deputy Clerk to the Board Averi Simmons; and, members of the public.

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

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

Agenda:

Chairman Swindell asked for any changes to the September 3, 2013 meeting agenda. Commissioner Pugh moved to approve the agenda as presented by the Deputy 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.

Consideration of Minutes:

Commissioner Byrd moved to approve the August 5, 2013 Regular Meeting Minutes of the Hyde County Board of Commissioners as presented by the Deputy Clerk, with a change to page five, line 3 to say that Commissioner Tunnell moved to appoint Seldon Taylor to serve on the Swan Quarter Sanitary District Board. 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.

Public Hearing:

Hyde County Transit – FY 14 NC-DOT Rural Operating Assistance Program (ROAP)

(This public hearing was delayed due to the late arrival of the presenter. The public hearing was held after the West Quarter and Swan Quarter Watershed Assessment presentation.)

Commissioner Pugh made a motion to open the public hearing. 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.

Beverly Paul, Director of Hyde County Transit, gave an overview of the FY 14 ROAP grant funding application.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the public transportation of elderly and disabled citizens.

2. Employment Transportation Assistance Program provides operating assistance for the public transportation of persons with employment related transportation needs.

3. Rural General Public (RGP) Program provides operating assistance for the public transportation of persons living in non-urban areas of the county.

The period of performance for the Rural Operating Assistance Program funds is July 1, 2013 through

June 30, 2014. The FY2014 individual program totals are:

PROGRAM	TOTAL
EDTAP	$46,067
EMPL	$4,394
RGP	$50,654
TOTAL	**$101,115**

Ms. Paul stated that $22,000.00 of the funds allocated for the Employment Transportation Assistance and Rural General Public programs will be used as matching funds to obtain additional funds for the Employment Transportation Assistance program to offer seasonal operation of the transit system for weekend transportation of Hyde County residents who work weekends on the Outer Banks.

Ms. Paul then asked for approval of the program application from the Board. Commissioner Fletcher made a motion to approve the program. 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.

With no comments from the public, Commissioner Tunnell made a motion to close the public hearing. 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 Comments:

Chairman Swindell called for comments from the public.

Thomas Stores, Ocracoke – Asked for a re-appraisal of the parcel surrounding the Island Inn Villas. Stated that the land currently is valued very high, but is used mostly for parking spaces.

Items of Consideration:

Resolutions:

Resolution Supporting FWS Plan to Address Lake Mattamuskeet Water Issues

At the August 5, 2013 Regular meeting of the Board of Commissioners, discussion and adoption of a resolution opposing the manipulation of Lake Mattamuskeet's water level was tabled in order to allow time for a meeting between Manager Rich and Pete Campbell, Mattamuskeet National Wildlife Refuge Manager to discuss the current conditions of the Lake. On August 13, 2013, Manager Rich met with Mr. Campbell, Commissioner's Pugh and Byrd, and Daniel Brinn of Hyde County's Soil and Water Conservation District to discuss how to approach these issues. The result of this meeting was a revised resolution showing Hyde County's support of and cooperation with the U.S. Fish and Wildlife Service in their efforts to develop and implement a Comprehensive Water Management Plan designed to restore the health and integrity of Lake Mattamuskeet over time. Commissioner Fletcher moved to adopt the Resolution Expressing Support for the U.S. Fish and Wildlife Service's Proposed Plan to Cooperatively Address Lake Mattamuskeet Water Issues. 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.

Clerk's Note: A copy of "Resolution in Support for the U.S. Fish and Wildlife Service's (FWS) Proposed Plan to Cooperatively Address Lake Mattamuskeet Water Issues" is attached herewith as Exhibit A and incorporated herein by reference.

Appointment – Southern Albemarle Association Delegates

Manager Rich presented the Board with a list of delegates for the Southern Albemarle Association's Annual Meeting to be held October 17, 2013 in Roper, NC. The Southern Albemarle Association is a uniqu organization that remains a strong advocate for transportation improvements in Beaufort, Dare, Hyde, Martin, Tyrrell, and Washington Counties. Commissioner Fletcher moved to approve the delegates appointed. 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 – Mainland Occupancy Tax Board

At its regularly scheduled meeting on July 1, 2013 the Board of Commissioners received notification of Mr. Bill Lawrence's resignation from the Hyde County Mainland Occupancy Tax Board. Mainland Occupancy Tax Board Chair Donna Spencer was made aware of the resignation, and as of the August 5, 2013 regular meeting of the Board of Commissioners, a nominee had yet to be named.

Commissioner Swindell moved to appoint Melissa Joyner to fill the vacant seat on the Mainland Occupancy Tax Board. 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.

West Quarter and Swan Quarter Watershed Assessment

The Assessment for the West Quarter Special Service District is based on proximity to the dike and is $1.00, $0.66, and $0.33 per acre, respectively. This assessment amount has remained unchanged since its adoption in August 1987. (Minute Docket Book 16, page 268) The income from this assessment for 2012 was $3907.31. The assessment for 2013 was $3,950.56. Of the $3,950.56 collected for West Quarter in 2013, $4,010.25 was spent on general maintenance, leaving (-$59.69) to be pulled from West Quarter reserves.

The Assessment for Swan Quarter Special Service District is $0.06 per $100 property value as adopted in June, 2010. The income for this assessment for 2012 was $16,066.66. The income for this assessment for 2013 was $15,640.50. . Of the $16,066.66 collected for Swan Quarter in 2012, $4,950.26 was spent on general maintenance, leaving $11,116.40 to be rolled forward into reserves. Of the $15,640.50 collected for Swan Quarter in 2013, $9,522.50 was spent on general maintenance and CAMA & NRCS required treatment of the Coastal Mitigation Site, leaving $6,118.00 to be rolled forward into reserves.

A portion of the money collected goes towards annual general maintenance, while the remaining funds are put in a fund for larger expenses and repairs.

The Swan Quarter Watershed Steering Committee met on Tuesday, June 4, 2013, for the purpose of discussing Swan Quarter and West Quarter Dike. The committee reviewed yearly budget, operation and maintenance issues on tide gates and current assessment rates. The Steering Committee's recommendation to the Board of Commissioners was to change the West Quarter assessment to a per $100 tax value basis with the rate being set at $0.35 per $100 value, and to raise the Swan Quarter assessment from $0.06 per $100 to $0.10 per $100 tax value.

J.W. Spencer, Chairman of the Board of Supervisors of the Hyde Soil & Water Conservation District, stated that original intent of the dike was to prevent saltwater intrusion and protect farmland from storm surge. During Hurricane Floyd in 1999 and Hurricane Isabel in 2003, the dike also served to protect homes from storm surge. He stressed the importance of the rate increase, and how those funds are needed to maintain and purchase the pumps and tide gates that help to keep out those storm surges.

Attorney Holscher suggested that holding a public hearing would be appropriate prior to any rate increase. The Board decided to table the discussion until the September 2013 regular meeting, when a public hearing could be held to receive public comments. No action was taken.

Propoasal for American Tower, LLC Collocation of Existing Wireless Telecommunications Tower for AT&T Mobility

Doug Ruwe of American Tower, LLC presented a proposal for the collocation of an existing telecommunications tower located on Sadie Weston Road in Swan Quarter. This tower will be upgraded to provide AT&T Mobility service. The upgrade will include the installation of nine (9) new antennas and a new radio-based equipment shelter at the base of the tower. Commissioner Fletcher made a motion to approve the collocation. 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.

Proposal from American Tower, LLC for Construction of Four (4) New Wireless Telecommunications Towers for AT&T Mobility Service

AT&T Mobility intends to extend its mobile coverage to Hyde County. American Tower, LLC has submitted a proposal for the construction of four (4) 300' self-support wireless telecommunications towers in Hyde County for AT&T. The location of these proposed towers are:

1) Just east of 20965 Hwy 264, Swan Quarter, NC on the property of Alla Sadler.

2) Just west of 540 Bishop Road, Scranton, NC on the property of Elton Winslow.

3) Just adjacent (north) of 685 Great Ditch Road, Engelhard, NC on the property of Walter Gray Credle.

4) 800 feet south of 1008 Swamp Road, Engelhard, NC on the property of Benjamin Ray Bonney, Jr.

Mr. Johnson provided a project overview. He stated that the four new sites would work together with the existing tower being upgraded in Swan Quarter, the existing AT&T tower on Ocracoke Island, as well as other existing and proposed new towers in surrounding counties to provide AT&T Mobility wireless service in Hyde County and Eastern North Carolina.

The first three (3) tower/site proposals meet the requirements of Section III of Hyde County's Wireless Telecommunications Ordinance. The fourth parcel, however, is small and cannot accommodate the required setback. American Tower, LLC asked for a variance allowing the setback to cross the existing property line, as Mr. Bonney owns the surrounding parcels as well. A letter dated July 18, 2013 from Tom Johnson of Nexsen-Pruet, the law firm handling the proposals, included a request for this variance. Section 40-231 outlines the procedure for a variance.

County Planner, Kris Noble, suggested that there should be a recombination of parcels or an easement allowing the setbacks to cross the property line. Mr. Johnson stated that his intentions were to obatin an easement.

Commissioner Fletcher movced to approve the three sites and proposals that are in accordance with the Hyde County Telecommuniations Ordinance, and to wait on approval of the fourth site until the October 7, 2013 meeting in order for County Attorney Holscher to review the easement and give his approval. 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.

Silver Lake Mooring Field Update

Manager Rich, and Jane Hodges, along with members of the Silver Lake Mooring Committee Tony McGowan, Jack Whitehead, and Captain Rob Temple are working with the Army Corp of Engineers (Corp) to develop a mooring field for Ocracoke's Silver Lake. An application was

submitted to the Corp for the moorning field, but was denied due to a lack of information. Justin Gibbs, GIS Specialist is in the process of creating map that will show the individual areas for each potential boat mooring. After completion of the map, a meeting will be set with the Corp to discuss the project. Hyde County intends to pursue grant funding through the North Carolina Department of Environment and Natural Resources - Division of Marine Fisheries' Boating Infrastructure Grant Program to cover the costs of the proposed mooring field.

Commissioner Fletcher suggested that a public hearing be held on the project, so that Ocracoke residents will have a chance to be informed of the project and submit comments. The Board agreed that a public hearing should be in order after meeting with the Corp. No action was taken.

CDBG – Contingency/Infrastructure – Engelhard Sewer Force Main Extension Construction Contract Award

The original project was to consist of supplying and installing a STEP sewer collection system comprised of approximately 6829 feet of 6" DR 21 Sewer Force Main buried in ROW along US 264 to serve and supply 44 new STEP Septic Tanks with pumps, controls, and all appurtenances including electrical connections and upgrades, piping, valves, saddles, attachment to existing home sewer and gray water where separate, and destruction and filling of existing septic tanks. Areas of ductile iron FM pipe may be required depending on local conditions.

Kris Noble, Planning & Economic Development Director, held a bid opening at the Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, NC at 2:00 pm, Friday, August 23, 2013, and then at said office publicly opened and read aloud. The apparent low bidder was ELJ, Inc. of Jacksonville, NC. Ms. Noble presented the board with a certified bid tabulation and award recommendation from the Project Engineer.

The original bid amount exceeded the amount of funding allocated and the engineer has worked with the apparent low bidder to negotiate the scope of work to a level that can be completed using the $450,000 in CDBG funds currently available.

Commissioner Tunnell made a motion to accept the bid from ELJ, Inc. and enter into a contract with ELJ, Inc. for the above described services at a value not to exceed available grant funds, pending County Attorney approval of said contract, and to Authorize County staff and Project Engineer to hold a preconstruction conference and issue a Notice to Proceed following contract execution. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Tunnell and Swindell; Nays – Fletcher; Absent or not voting – None.

185 Landing Road Redevelopment Project – Recommendation for Planning & Design Services Contract

This project is being funded by the State of North Carolina's Waterfront Access Marine Industry (WAMI) funds. The proposed project includes master planning for the redevelopment of a multi-purpose / multi-use facility including deep water dockage access, ancillary structures and associated site improvements for use by the commercial fishing industry as well as potential use for marine research, educational interpretation and heritage ecotourism. The facility is to be located adjacent to Swan Quarter Canal Basin, a deep water basin, on an approximate 0.52-acre tract leased from the State of North Carolina located at 185 Landing Road, Swan Quarter, NC. This site was traditionally utilized by local watermen for commercial fishing industry activities, but all prior structures have been previously demolished.

Scope of services to be provided by the selected firm/individual include at a minimum: (a) confirmation of boundary survey, easements/encroachments and conduct topographic survey including adjacent deep water basin to extent necessary; (b) facilitate meeting of stakeholders identified by the County during land planning process; (c) develop optional land planning concepts, review with County staff and refine into a final conceptual site master development plan; (d) facilitate environmental scoping reconnaissance meeting with applicable jurisdictional agencies; (e) facilitate meeting of stakeholders identified by the County to identify appropriate operational

management strategy including management practices; (f) prepare preliminary opinion of probable cost based on final conceptual site master development plan; (g) assist County in applying for and acquiring CAMA and COE jurisdictional permits for proposed redevelopment activities, and; (h) prepare a written report summarizing the redevelopment master plan including assessment of site, description of proposed individual facilities/amenities, precedent images, environmental permitting requirements, constraints and mitigation measures, cost opinion, and potential funding opportunities.

After ranking four (4) submitted Statements of Qualifications, individual ranking sheets were compiled, and the firm selected by the team was Land Design, Inc. Ms. Noble presented the Board with copies of the qualifying proposal for review.

Mr. Fletcher made a motion to authorize County staff to execute a contract with LandDesign, Inc. for the described services at a value not to exceed available grant funds, pending County Attorney approval of the contract, and to proceed with the project immediately thereafter. 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.

Lakeview Road Request For Paving

Residents of the Lakeview community have requested assistance from the Hyde County Board of Commissioners to have Lakeview Road paved. Clint Berry, Utilities Director, reported to the Board that the cost of paving the road with two (2) inches of asphalt would be approximately $155,000.00. He stated that he thinks there would be no need for the relocation of utilities if the road was paved, therefore not adding any additional costs. Until ALL property owners are in favor and are willing to pay dues to support paving, there is nothing the county can do at this time.

Outstanding Checks Update

Corrinne Gibbs, Finance Officer, gave an update on the current list of outstanding checks on the books that have not been cashed by the payee. She stated that any outstanding check over $50.00 can be sent to the NC State Department of the Treasury for them to handle. The Finance Office has sent letters to the individuals and business encouraging them to request another copy of the check and to cash them.

Request to Waive Building Permit Fees for Ocracoke Community Park

Manager Rich reported that the committee in charge of building the Ocracoke Community Park and Ball Field has requested a waiver of building permit fees as this is a non-profit construction project. Commissioner Byrd made a motion approve the waiver of building permit fees. Mr. Tunnel 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 Matters

Manager Rich approved administrative budget revision No. 02-14 in the amount of $725.00 for Home Health. He asked for Board approval on a second administrative budget revision for Solid Waste in the amount of $200.00, as it was to cover unexpected overtime costs. Commissioner Pugh made a motion to approve the Solid Waste budget revision in the amount of $200.00. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Tunnell and Swindell; Nays – Fletcher; Absent or not voting – None.

One departmental budget revision required Board approval:

Commissioner Fletcher moved to approve a budget revision for the Administrative Department in the amount of $48,000.00 for additional funding to the Hyde County Board of Education for Low Wealth/Pre-k programs. 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.

Management Reports

Before beginning the Management Reports, Chairman Swindell asked Manager Rich to explain the issue of raises that were given to the Social Services Department's employees without the konwledge of the Board. Manager Rich explained that the FY13-14 Social Services budget included a 2.5% raise for all employees in that department. He stated that the money was found within the Social Services Department's own budget and the total cost of the raises was less than the previous fiscal year. Commissioner Byrd added that he had met with Gloria Spencer, Social Services Director, and she explained that the additional funds were from the State and would be no cost to the County. She also explained that her reasoning behind giving the raises were due to the reclassification of all her employees by the State. This reclassification caused all employees to need additional training and required them to take on additional duties.

Manager Rich stated that he had sent a memo to all Department Heads explaining the raises. He also included in his memo that a cost of living raise hadn't been given to County employees in many years, and that he wants to give raises across the board next fiscal year.

Chairman Swindell and Commissioner Byrd inquired as to how the raises would not cost the County in future fiscal years. Ms. Spencer explained that the salary line will stay the same in the coming years as it is this fiscal year.

Manager Rich then presented an update on various projects on-going in Hyde County and his monthly meeting calendar.

- ECB Building – The original survey didn't include the site on which the generator was located. The survey was re-done to include both lots, and both will be deeded to Hyde County. The furniture has been removed, even though Manager Rich was told it would be staying. Tom Davis will be handling the closing.
- FEMA Reimbursement – Spoke with Congressman Jones' staff about helping Hyde County with our FEMA reimbursement from Hurricane Irene.
- ABC Board Member Terms – Meredith Nicholson – 3 years, Jim Piland – 2 years, Glenda Williams – 1 year. After each member's first term, the terms will be a staggered 3 years. Sales are up and financial reports are at the auditor's office.
- Public Safety & Government Center Repairs – On September 3, 2013, received a report from PW Roofing and price for repairs is less than original estimate. Will be combining cost of repairs with ECB financing and a possible computer system upgrade.
- Scenic Byway Grant Request – In 2011, the Scenic Byway Committee asked the Board for matching grant funds. In 2012, the Committee came to the Board again asking for grant matching funds in the amount onf $12,000.00, in which the Board approved. No mention of where those funds would come from, and Scenic Byway Committee is asking for the funds now.
- Albemarle RPO/Ferry Tolls – The State has passed down to local transportation boards the responsiblility of determining if the ferry tolls will be changed. The Albemarle RPO now will determine tolls. The State has combined all transportation funds from ferries and roads.

Commissioner Reports:

Commissioner Byrd – Met with the Big Game Committee in August; Wildlife Resources Commission having a public hearing regarding changes to bear hunting regulations. Met with Manager Rich and Steve Lambert from Albemarle RPO.

Commissioner Tunnell – Attended Chamber Issues Luncheon in August. Complimented Hyde County Soil & Water for their hard work with limited funds and appreciates all their research.

Commissioner Fletcher – Looking into money making projects.

Commissioner Pugh – Attended the Chamber Issues Luncheon in August. Attended the Senior Center Open House in July.

Chairman Swindell – Had a conference call with Beverly Paul regarding the Rural Operating Assistance Grant Program. Received a call from Belhaven Mayor, Adam O'Neal, asking a representative from Hyde County to attend meetings regarding the potential closing of Pungo Vidant Hospital.

Public Comments:

Chairman Swindell called for comments from the public.

Sherriff David Mason – Stated that this fiscal year was the second year he hadn't given his employees raises, even with money left in his budget.

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

Closed Session (none)

Adjourn

With no further business, Commissioner Byrd made a motion to adjourn the meeting. Mr. Fletcher 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 7:50 p.m.

Respectfully submitted:

Minutes approved on the 7th day of October, 2013.

Averi Simmons, Deputy Clerk
Hyde County Board of Commissioners

Barry Swindell, Chair
Hyde County Board of Commissioners

Attachments:

Exhibit A: "*Resolution in Support for the U.S. Fish and Wildlife Service's (FWS) Proposed Plan to Cooperatively Address Lake Mattamuskeet Water Issues*"