

HYDE COUNTY BOARD OF COMMISSIONERS



Since 1712

Hyde County Courthouse Multi-purpose Room

30 Oyster Creek Road, Swan Quarter, NC

and

Ocracoke School Commons Area

120 School House Road, Ocracoke, NC

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: June 3, 2013
Presenter: Chairman Barry Swindell
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: June 3, 2013
Presenter: Chairman Barry Swindell
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the June 3, 2013, Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' MEETING

MONDAY, JUNE 3, 2013 - 6 PM

CALL TO ORDER OPENING

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

- 1) May 6, 2013 – Regular Meeting Minutes
- 2) May 13, 2013 – Special Meeting Minutes

PUBLIC HEARINGS

- 1) Hyde County FY2013-2014 Budget
- 2) Amendment to the Ocracoke Development Ordinance Regarding Outdoor Sales Policy

PUBLIC COMMENTS

Public Comments are a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes or less and comments should be directed to the entire Board and not to individual members, the staff or to other members of the public. Comments requesting assistance will typically be referred to the County Manager for follow-up or for Board action at a future meeting.

EMPLOYEE RECOGNITION

- 1) Wesley Smith, Health Director – Accreditation Mgr. Rich
- 2) Acknowledgement – Inspections Department Moved to Administration Mgr. Rich
- 3) James Blount – Repair of Essential Equipment Over Memorial Day Holiday Mgr. Rich

ITEMS OF CONSIDERATION

1) Resolutions

- a) New Lands Community – Speed Limit Commissioner Byrd
- b) Support of Waterway Landing Mgr. Rich
- c) Authority to Balance the Budget Corrinne Gibbs
- d) Map Review Officers Mgr. Rich
- e) Relating to The Budget for Fiscal Year 2013-2014 Mgr. Rich

- 2) **Ordinances**
 - a) FY2013-2014 Budget Mgr. Rich
 - b) Amendment to the Ocracoke Development Ordinance Mgr. Rich
 - c) Amendment to Project Ordinance Engelhard Marine Industrial Park Kris Noble
- 3) US Cellular Tower Agreement Joel Worley
- 4) NCDOT Secondary Road Agreement – SR1135 Clint Berry
- 5) ROAP Funds – Transfer Corrinne Gibbs
- 6) Request for Tax Refund
 - Update on Delinquent Tax Collections Linda Basnight
- 7) ABC Board Audit
 - Hyde County Audit Update
 - Award Audit Contract Mgr. Rich
- 8) HB321 Solid Waste Letter Clint Berry
- 9) Mike Johnson Appointment to the NCWRC Letter of Support Mgr. Rich
- 10) MATTIE/Historic Courthouse Sign Mgr. Rich
- 11) Equipment at Ocracoke Convenience Site Commissioner Fletcher
(chipper and other items/issues)
- 12) Various Projects Update Mgr. Rich
 - a) Silver Lake Mooring Field
 - b) Roof Repairs – Government Center and Public Safety Center
 - c) Hurricane Irene FEMA Update – 2nd Appeal Letter
 - d) Request for Public Water on Several Lots on Ocracoke
 - e) ECB Building Update
 - f) Community Center Repair/ Ocracoke Occupancy Tax
 - g) NC20 Update
 - h) Airport Farm Lease Agreement Renewal

BUDGET MATTERS

- 1) **Board Approval Required**
 - a) Health Wesley Smith
 - b) Education Corrinne Gibbs
 - c) Airport Corrinne Gibbs
 - d) Utilities Clint Berry

2) Administrative Transfer

- a) Health Wesley Smith
- b) Co-Operative Extension Mac Gibbs
- c) Soil & Water Debbie Cahoon
- d) Social Services Gloria Spencer
- e) Emergency Medical Services (EMS) (EM) (E-9-1-1) Justin Gibbs

CLOSED SESSION – In accordance with NCGS 143A-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege.

MANAGEMENT REPORTS

The Commissioners and County Manager will share with the public their various activities and ideas for continuous improvement of government services to the citizens.

PUBLIC COMMENTS

The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department (signature required)
- 2) Health Department/Animal Control
- 3) Code Enforcement/Inspections
- 4) Mattamuskeet Senior Center

Informational Items

- 1) ECBH – Resolution Urging Members Of The North Carolina General Assembly And Governor McCrory To Enact House Bill 638 Increasing The Number Of Board Members On The LME Board
- 2) Perquimans County – Resolution To Support The 2013-2015 Funding For Clean Water Management Trust Fund
- 3) Perquimans County – Resolution To Maintain And Support The Current Integrity And Funding For The Parks And Recreation Trust Fund (PARTF)
- 4) Perquimans County – Resolution Opposing The Closing And Consolidating Of NC Highway Patrol Communications Center
- 5) Carteret County – Resolution Opposing The United States Fish & Wildlife Service’s Proposed Designation Of Critical Habitat For The Northwest Atlantic Ocean Distinct Population Segment Of The Loggerhead Sea Turtle
- 6) Carteret County – Resolution Opposing House Bill 983 – “Fisheries Economic Development Act”

- 7) Martin County – Resolution Supporting Senate Bill 164 – An Act To Increase North Carolina Medical Examiner Autopsy Fees And Opposing Proposed Move Of Autopsy Services From Greenville To Raleigh
- 8) Martin County – Resolution Supporting Senate Bill 321 – Contain Counties’ Inmate Medical Costs
- 9) Yancey County – Resolution In Support Of Maintaining Appropriations To The North Carolina Rural Center
- 10) Draft Albemarle Regional Bicycle Plan – Executive Summary
- 11) News Release NC Cooperative Extension – Green Hill Road Community Garden
- 12) Carteret County – Resolution Expressing Opposition To House Bill 870 “An Act To Require All Public Bodies To Record Meetings Held In Closed Session”
- 13) Columbus County – Resolution To Support The 2013-2015 Funding For Clean Water Management Trust Fund
- 14) Burke County – Resolution in Opposition To House Bill 870 – An Act To Require All Public Bodies To Record Meetings Held In Closed Session

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: June 3, 2013
Presenter: Lois Stotesberry, Clerk
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the May 6, 2013 Regular Meeting Minutes and the May 13, 2013 Special Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

Motion Made By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

1 Meeting Minutes

2 **Board of County Commissioners**
3 **Hyde County**

4
5 **Monday, May 6, 2013**
6

7 Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners
8 to order at 6:04 p.m. on Monday, May 6, 2013 in the Hyde County Government Center, Multi-Use
9 Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

10 The following members were present on the mainland: Commissioners Anson Byrd, Earl Pugh, Jr.,
11 Dick Tunnell and Barry Swindell; Attorney Fred Holscher; Clerk to the Board Lois Stotesberry;
12 and, members of the public. The following members were present on Ocracoke: Public Information
13 Officer Sarah Johnson and members of the public.

14
15 Following opening prayer by Commissioner Tunnell and pledge of allegiance, the meeting was
16 called to order.

17
18 **Agenda:**

19 Chairman Swindell asked for any changes to the May 6, 2013 meeting Agenda as presented by the
20 Clerk. Commissioner Byrd moved to approve the agenda as presented by the Clerk with correction
21 on page 2) – a. Resolution in Opposition to HB353 HB983; and, 2) – c. Resolution ~~Opposition to~~ in
22 Support of Senate Bill 352; and, addition of Planning Department Budget Revision. Mr. Tunnell
23 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Pugh, Tunnell and
24 Swindell; Nays – None; Absent or not voting – Fletcher.

25 **Consideration of Minutes:**

26 Commissioner Pugh moved to approve the April 1, 2013 Regular Meeting Minutes as presented by
27 the Clerk with revisions on page 12 – line 19 – *Manager Rich was instructed to draft resolutions*
28 *opposing supporting NCWR control of permit baiting and but opposing Sunday hunting in Hyde*
29 *County*. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd,
30 Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher.

31 Commissioner Tunnell moved to approve the April 22, 2013 Joint Meeting of the Hyde County
32 Board of Commissioners and Hyde County Board of Education Special Meeting Minutes as
33 presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote:
34 Ayes – Byrd, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher.

1 **Public Comments:**

2 Chairman Swindell called for comments from the public.

3 Franklin Swindell, Engelhard – expressed dissatisfaction with the sliding scale fees policy used by
4 Hyde County Health Department. Mr. Swindell asked the Board to investigate parking in front of
5 Jessie’s Store in Engelhard and Net-10 phone service sold at Dollar General Store in Engelhard.

6 Amy Johnson, Ocracoke – requested research and assistance to supply public water to Pirate’s
7 Chest subdivision on Ocracoke Island.

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

9 Commissioner Fletcher arrived at 6:17 p.m.

10 **Items of Consideration:**

11 **Smoke Free Hyde – TRU Students, Mattamuskeet Early College High School (MECHS)**

12 MECHS TRU (Tobacco.Reality.Unfiltered) Club students Caressa Bryant, Tyshona Barber,
13 Reginald “Reggie” Midgette and Micah McCullor; and, Lisa Phillips, Health Education Specialist,
14 presented a video they created that promotes the health benefits of a smoke-free Hyde County.
15 Youth from Ocracoke School talked about their participation in “I SPEAK/TRU”, the 100%
16 Tobacco Free Schools Policy, and the health effects of smoking from a firsthand perspective. Dr.
17 Erin Baker from Ocracoke Health Center presented the dangers of tobacco use and second-hand
18 smoke.

19 Mattamuskeet High School students wrapped up the presentation by presenting a “We Support a
20 Smoke-Free Hyde County” banner that was signed by community members and asked the Board of
21 Commissioners to consider adopting a local smoke-free ordinance for all grounds owned, leased or
22 occupied by the County of Hyde.

23 **Resolution In Opposition to HB983 – An Act to Designate Red Drum, Spotted Sea Trout and**
24 **Striped Bass As Coastal Game Fish**

25 Commissioner Fletcher moved to adopt “Resolution Opposing A Bill To Be Entitled An Act To
26 Designate Red Drum, Spotted Sea Trout And Striped Bass As Coastal Game Fish; To Prohibit The
27 Taking Of Coastal Game Fish Other Than By Hook-And-Line; To Prohibit The Sale Of Coastal
28 Game Fish; And To Compensate Commercial Fishermen For Certain Losses Due To The
29 Designation And Prohibition” and to forward copies of this resolution to the Honorable Pat
30 McCrory, NC Governor, and the Hyde County Legislative Delegation to the North Carolina General
31 Assembly. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes –
32 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

33

1 *Clerk's Note: A copy of "Resolution Opposing A Bill To Be Entitled An Act To Designate Red Drum, Spotted Sea*
2 *Trout and Striped Bass As Coastal Game Fish; To Prohibit The Taking of Coastal Game Fish Other Than By*
3 *Hook-And-Line; To Prohibit The Sale of Coastal Game Fish; And To Compensate Commercial Fishermen For*
Certain Losses Due To The Designation And Prohibition" is attached herewith as Exhibit A and incorporated
herein by reference.

4 **Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting**

5 Commissioner Byrd moved to adopt "Resolution Opposing North Carolina Senate Bill 224 That
6 Would Permit Sunday Hunting." Mr. Fletcher seconded the motion. The motion passed on the
7 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
8 voting – None.

9 *Clerk's Note: A copy of "Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday*
10 *Hunting" is attached herewith as Exhibit B and incorporated herein by reference.*

11 **Resolution In Support of Senate Bill 352 – Black Bear Management**

12 Commissioner Byrd moved to adopt "Resolution In Support of Senate Bill 352 – Black Bear
13 Management" and to forward copies of this resolution to Senator Harry Brown, Senator E. S.
14 (Buck) Newton and NC WRC Executive Director Gordon Myers. Mr. Fletcher seconded the
15 motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and
16 Swindell; Nays – None; Absent or not voting – None.

17 *Clerk's Note: A copy of "Resolution In Support of Senate Bill 352 – A Bill To Be Entitled "An Act To Establish A*
18 *Black Bear Management Stamp That Must Be Procured Before Taking Bear Within The State And To Amend*
19 *The Law Restricting The Taking Of Black Bear With Bait" is attached herewith as Exhibit C and incorporated*
herein by reference.

20 **Resolution Expressing Concern for the Governor's 2013-14 Budget Proposal in Regard to**
21 **Funding for Clean Water Management Trust Fund**

22 Commissioner Fletcher moved to adopt "Resolution Expressing Concern For The Governor's 2013-
23 14 Budget Proposal In Regard To Funding For Clean Water Mangement Trust Fund." Mr. Pugh
24 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
25 Tunnell and Swindell; Nays – None; Absent or not voting – None.

26 *Clerk's Note: A copy of "Resolution Expressing Concern For The Governor's 2013-14 Budget Proposal In*
27 *Regard To Funding For Clean Water Management Trust Fund" is attached herewith as Exhibit D and*
incorporated herein by reference.

28 **Resolution Supporting NC Parks And Recreation Trust Fund (PARTF)**

29 Commissioner Byrd moved to adopt "Resolution Supporting NC Parks And Recreation Trust Fund
30 (PARTF)." Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –
31 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

1 *Clerk's Note: A copy of "Resolution Supporting NC Parks And Recreation Trust Fund (PARTF)" is attached*
2 *herewith as Exhibit E and incorporated herein by reference.*

3 **Appointment – Swan Quarter Sanitary District Board**

4 Chairman Swindell moved to amend the Agenda to remove appointment to the Swan Quarter
5 Sanitary District Board until appointment can be made. Mr. Tunnell seconded the motion. The
6 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
7 None; Absent or not voting – None

8 **Local Funding for DJJDP Programs for FY2013-14**

9 Nancy Hodges, NC DJJDP Area Consultant, and Wesley Smith, Health Director and Chair of Hyde
10 County JCPC, presented DJJDP County Funding Plan for Hyde County for Fiscal Year 2013-2014.
11 DJJDP is funding \$49,898.00 to support two programs in FY2013-14 (Hyde County Schools –
12 Hyde Counseling Prevention and Intervention and Hyde County Cooperative Extension – Hyde
13 Youth Services Interpersonal Skills and Restitution), which requires a local cash match in the
14 amount of \$4,990.00 for a total of \$54,888.00. This is the same amount of local funding approved
15 by Hyde County Board of Commissioners for FY2012-13.

16 Ms. Hodges confirmed that Mr. Alton Blount, Juvenile Justice and Delinquency Prevention, works
17 with Sandy Berry, Counselor, to provide services to delinquent youth, at-risk youth and their
18 families in Mainland Hyde County and on Ocracoke Island.

19 Chairman Swindell reported this funding is budgeted.

20 Commissioner Tunnell moved to approve the local cash match of \$4,990.00 for DJJDP Programs
21 for FY2013-14. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes –
22 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

23 **Request for Property Tax Refund**

24 Linda Basnight, Tax Administrator, reported that request for refund of overpayment of taxes to Mrs.
25 Florence W. Abele for a house that burned in February of 2010 has been made by Attorney Thomas
26 Davis. General Statute requires Board approval.

27 Commissioner Byrd moved to approve refund of taxes paid on Account #202586 in the amount of
28 \$242.70. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –
29 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

30 **Airport Block Grant Agreement**

31 Corey knight of Talbert & Bright reported to the Airport Advisory Board at its regular March
32 meeting that the remaining DOT funding not used during the apron and taxiway rehabilitation and
33 fuel system installation projects could be used for a PAPI (visual aid equipment) Rehabilitation.
34 First Flight General Aviation Services submitted the lowest quote for the Rehabilitation at

1 \$7,400.00. The contractor reported after inspection that he felt it had been a lightning strike that
2 damaged the PAPI system and not necessarily corrosion. The total project cost will be \$9,551.00.
3 Remaining Grant funds total \$8,596.00, which is 90% of the total project cost. Hyde County will be
4 responsible for the remaining 10% or \$859.60. The Airport Board voted unanimously to move
5 forward with the acceptance of grant funds and the PAPI rehabilitation under a service agreement
6 with First Flight General Aviation Services. Phil Lanier with NC DOT Aviation will prepare a
7 maintenance schedule for the Airport Manager to follow.

8 Commissioner Fletcher moved to authorize the Board Chairman to execute the Block Grant
9 Agreement for Non-Primary Entitlement Funding between the County and NC DOT for PAPI
10 Rehabilitation and corresponding resolution. Mr. Byrd seconded the motion. The motion passed on
11 the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or
12 not voting – None.

13 **CDBG-SS (Scattered Sites) Contract Award**

14 Chris Hilbert, Project Manager, Holland Consulting Planners, Inc. reported that the unit located at
15 39220 US Hwy 264 East, Belhaven (Ponzer) was approved on April 3, 2013 to receive assistance
16 and bid out on April 19, 2013. Mr. Hilbert reported that Unique Homes was the low bidder at
17 \$46,415.00.

18 Commissioner Pugh moved to approve contract award to Unique Homes in the amount of
19 \$46,415.00 to complete the reconstruction activities on this home. Mr. Byrd seconded the motion.
20 The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell;
21 Nays – None; Absent or not voting – None.

22 **PDM (Pre-Disaster Mitigation) Contract Award**

23 Chris Hilbert, Project Manager, Holland Consulting Planners, Inc. reported that the unit located at
24 232 NC Hwy 45, Swan Quarter was re-bid due to significant changes in the scope of work to reduce
25 the contract amount. The home owner is responsible for 25% of the project cost. A bid opening
26 was held on April 24, 2013 and Carolina Lead Abatement (formerly William Earp Construction)
27 was the low bidder at \$66,900.00.

28 Commissioner Byrd moved to approve contract award to Carolina Lead Abatement in the amount of
29 \$66,900.00 to complete the reconstruction activities on this home. Mr. Pugh seconded the motion.
30 The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell;
31 Nays – None; Absent or not voting – None.

32 **Signatory Authorization**

33 Corrinne Gibbs, Finance Officer, recommended signatory authorization for County Manager, Bill
34 Rich.

1 Commissioner Fletcher moved to approve signatory authorization for County Manager Bill Rich.
 2 Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher,
 3 Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

4 **Ocracoke Occupancy Tax Requests**

5 Ocracoke Occupancy Tax Board met on April 10, 2013, to consider funding requests. In addition to
 6 the Occupancy Tax Board and their funding requestors also present were Commissioner Fletcher,
 7 Corrinne Gibbs, Finance Officer, Sarah Johnson, PIO and Bill Rich, County Manager. There were
 8 fourteen requests for a total of \$451,500.00. The Board met again on April 24, 2013 and approved
 9 request for Commissioner’s approval of funding in the amount of \$354,445.00.

10 In accordance with Session Law 1991, Chapter 230, House Bill 784 – Section 1. (e) Use of Tax
 11 Revenue. Hyde County may use the proceeds of the occupancy tax for any public purpose.

Ocracoke Occupancy Tax Board Recommended Appropriations for FY2013-2014	
Funding Requestors	Approved
Ocracoke Health Clinic	\$ 140,000.00
Ocracoke Civic and Business Association - (\$8,000 for the 4th of July event, \$11,000 for Tourism and \$10,000 for a part-time Travel & Tourism Director)	\$ 29,000.00
Ocracoke Volunteer Fire Department	\$ 80,000.00
Ocracoke Youth Center	\$ 54,000.00
Ocracoke Community Center	\$ 17,250.00
Ocracoke Child Care	\$ 3,250.00
Ocracoke Seafood/Ocracoke Working Watermen's Association (OWWA)	\$ 10,000.00
Hyde County Chamber of Commerce	\$ 2,500.00
The Outer Banks Scenic Byway Committee	\$ 6,625.00
Ocracoke Alive	\$ 4,500.00
Blackbeard Pirate Jamboree	\$ 2,520.00
British Cemetery Committee	\$ 2,100.00
Ocracoke Preservation Society	\$ 1,500.00
Ocracoke Friends of the Library	\$ 1,200.00
TOTAL	\$ 354,445.00

12
 13 Commissioner Fletcher moved to approve Ocracoke Occupancy Tax Board Funding
 14 Recommendations in the amount of \$354,445.00. Mr. Pugh seconded the motion. The motion
 15 passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None;
 16 Absent or not voting – None.

17 **Historic Courthouse Lease**

1 Manager Rich reported that our existing lease with Friends of the Historic Courthouse on October 1,
2 2012 signed a one-year lease. Tenant does any and all interior and exterior repairs and maintenance
3 and makes available public bathrooms. Tenant also maintains all landscaping and mows their grass.
4 They pay all utility costs as it relates to water, electricity and sewer.

5 The Friends of the Historic Courthouse have the opportunity to sublet a portion of their space to
6 Partnership for Sounds (PFS). This would also include an area for the Partnership to display and sell
7 artwork and other gift items which currently are housed at the Refuge. For the Partnership to take
8 on this opportunity and challenge they will require that the Friends of the Historic Courthouse have
9 a five (5) year lease with the County of Hyde.

10 Commissioner Fletcher moved to renew the Historic Courthouse Lease between Hyde County and
11 Friends of the Historic Courthouse under the same terms and conditions currently written, but for a
12 term of five (5) years. Mr. Tunnell seconded the motion. The motion passed on the following vote:
13 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

14 **ABC Board Audit**

15 Manager Rich reported that he has had conversations with the NC Treasurer’s Office regarding the
16 Hyde County Audit and the fact that our hands have been tied by the Hyde County ABC Audit not
17 being done. Mr. Rich has had two meetings with Keith Parker-Lowe, Chairman, Hyde County
18 ABC Board, and conversations with Laurie Lee, NC ABC Board Auditor and Director of Pricing,
19 and all parties are aware that Hyde County is totally at the mercy of this ABC Audit being done and
20 that the County has been guaranteed that it will be done by the 15th of May. He reported that grant
21 funds had been frozen because the Hyde County Audit was not complete. After funders were
22 notified of the issue and the guaranteed May 15th completion of the ABC Board Audit all funding
23 has been unfrozen. No action required.

24 **Manager’s Objectives – Budget for Hyde County FY2013-2014**

- 25 • Remaining timeline for the budget process. A Special Meeting for the purpose of budget
26 discussion is scheduled at 6:00 p.m. on Monday, May 13, 2013 in the Hyde County
27 Government Center, Multi-Use Room, and the Ocracoke School Commons Room using
28 electronic conferencing equipment. The Hyde County FY2013-2014 Budget will be
29 presented to the Board for approval on June 3, 2013.
- 30 • Proposed balanced budget with fund balance transfer. No tax increase expected.
- 31 • Fund Balance 07-01-2013 is \$3.5 million, which is approximately 30%. The Local
32 Government Commission (LGC) requires 8%. Mr. Rich anticipates the Fund Balance will
33 grow to \$4 million by 07-01-2014.
- 34 • Health and Workers Compensation minimum rate increase of .5% in health insurance.

- 1 • FEMA Funds (Hyde County is owed one million dollars). This has not been calculated in
2 the proposed FY2013-2014 Budget.
- 3 • Real estate sales and leases along with surplus and FEMA leases are projected at \$60,000.
- 4 • Although not reflected in the proposed budget Mr. Rich feels increased sales tax and
5 increased alcohol tax, vehicle tax collection rates, stable real estate tax collection and
6 aggressive past due collections will be noted. The State will be collecting vehicle taxes at
7 the current collection rate of 81% will increase.
- 8 • Stable roofs and no leaks or mold in the Government Center and the Public Safety Center
9 projects will be contracted.
- 10 • Receive ownership of East Carolina Bank building and move the entire Department of
11 Social Services (DSS) there as well as a Sheriff's satellite office.
- 12 • Economic Development opportunities in Aero Space mix aviation engineering and
13 technology.
- 14 • Tourism.

15 **BB&T New Financing (LGC)**

16 Manager Rich reported that due to recent changes in the Local Government Commission (LGC)
17 guidelines, re-financing of the Government Center became economically unfeasible to refinance
18 with BB&T. Therefore, current USDA loans will be kept.

19 **Hurricane Irene – FEMA Update**

20 Manager Rich reported that over the last several weeks he has been meeting with Clint Berry,
21 Utilities Director, Justin Gibbs, EM Director and Corrinne Gibbs, Finance Officer, regarding the
22 current financial position regarding FEMA and Hurricane Irene. With the assistance of Willo
23 Kelly, Consultant, second appeal has been submitted to DHS FEMA for reconsideration of rejected
24 projects totaling \$1,021,228.88. Anticipated receipt of pending projects closeout monies totaling
25 \$67,248.11 will not be reflected in the FY2013-2014 Budget.

26 **Ocracoke Chipper Update**

27 Manager Rich reported that he and Utilities Director Clint Berry have been diligently examining all
28 possible solutions to the Ocracoke chipper problem. They met with Ray Williams, Senior
29 Environmental Specialist with DENRNC. He notified Hyde County that it is in violation at the
30 Ocracoke site, that the County is not grandfathered and that the County had thirty (30) days to
31 remove the chipper. Any site capable of allowing an on-site chipping facility on the Island would
32 not be affordable.

33 Mr. Rich presented 3 possible solutions:

- 1 1. Haul all vegetative debris off the Island and bring mulch from the mainland back to the
2 Island for use by Ocracoke residents. This is doable but very expensive.
3
- 4 2. Give the existing chipper to a private contractor and have mobile site-to-site chipping
5 provided free of charge by the contractor. In return the contractor would sell the mulch at
6 somewhat below market value. This is messy but possible.
7
- 8 3. Hyde County to purchase a used chipper (ours is not worth keeping) and a truck to blow
9 mulch in. The County would then go site-to-site as a courtesy to Island residents and find a
10 suitable site to store the mulch for free use by citizens on Ocracoke.
11

12 Currently Manager Rich and Mr. Berry are pricing used equipment and will report back with update
13 at the June 3rd meeting. Mr. Rich also reported that DENR will allow Hyde County to continue its
14 chipping site through June.

15 **Ocracoke Outdoor Sales Policy**

16 Manager Rich reported the Ocracoke Advisory Planning Board (which he was Chairman of through
17 February) has been working on a “Proposed Amendment to the Ocracoke Development Ordinance”
18 regarding outdoor sales. The intent and purpose of this amendment is to establish minimal
19 regulations and restrictions intended to ensure that outdoor sales; do not interfere with the orderly
20 and safe movement of pedestrian and vehicular traffic; do not interfere with the proper maintenance
21 of parking and yard areas; do not cause congestion in the streets or public right-of-way; are
22 conducted within structures safe for public occupancy when structures are used; and, do not
23 unreasonably diminish adjacent property and business values.

24 Mr. Tom Pahl, Chairman of the Ocracoke Advisory Planning Board (OCBA) reported that citizen’s
25 concerns have been incorporated into the draft Amendment.

26 Fred Holscher, County Attorney, has reviewed and approves the “Proposed Amendment to the
27 Ocracoke Development Ordinance Regarding Outdoor Sales”.

28 Commissioner Byrd moved to table Ocracoke Outdoor Sales Policy discussion and to schedule
29 Public Hearing to receive questions and/or concerns on the “Proposed Amendment to the Ocracoke
30 Development Ordinance Regarding Outdoor Sales” on Monday, June 3, 2013 at its next regularly
31 scheduled Board of Commissioners meeting. Mr. Pugh seconded the motion. The motion passed
32 on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or
33 not voting – None.

34 **2013 County Management Records Retention & Disposition Schedule**

35 Manager Rich reported the State Archivist and the Secretary of the Department of Cultural
36 Resources has completed and officially approved the 2013 County Management Records Retention
37 & Disposition Schedule. Adoption of this schedule will supersede the 2009 version.

1 Commissioner Byrd moved to adopt the 2013 County Management Records Retention &
2 Disposition Schedule. Mr. Tunnell seconded the motion. The motion passed on the following vote:
3 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

4 **ECB Building Update**

5 Manager Rich reported that he and staff members have inspected the East Carolina Bank (ECB)
6 building. Mr. Rich has met with DSS Director Gloria Spencer and NC DSS Controller's Office,
7 Local Business Liaison, Phil Lassiter; and, has done preliminary layout and costs estimates for
8 moving all of DSS into the ECB building. Mr. Rich reported ownership of this building would be at
9 no additional expense to the County other than loss of revenue to Hyde County Tax Department
10 totalling \$4,607.95/year. Ms. Spencer is working with NC DSS to provide architect services for the
11 renovation; and, Mr. Rich is in discussion with Christopher Williams, Owner, Engelhard Red &
12 White, about additional 10 parking spaces for DSS. Surplus furniture left in the building will be
13 used or sold on GovDeals.

14 Commissioner Pugh moved to approve the gift of the ECB building from Vantage South Bank. Mr.
15 Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
16 Tunnell and Swindell; Nays – None; Absent or not voting – None.

17 **Damaged Water Meters**

18 Manager Rich reported that at the request of the Commissioners during its April 1st meeting, he
19 wrote a letter to Tideland EMC requesting reimbursement for the water bills of Mr. Allen Ballance
20 and Mr. Carlos Bull due to assumed negligence on behalf of one of Tideland's sub-contractors
21 (Mastec). Tideland was in agreement with Mr. Rich's letter and paid Hyde County \$759.78 for
22 total outstanding for Mr. Allen Ballance.

23 Tideland EMC had in fact already investigated Mr. Bull's water line damage in January 2012 and
24 concluded that they were not responsible for the damage. Tideland submitted this claim to their
25 insurance carrier (Federated Rural Insurance) and the claim denied as there was no evidence of
26 negligence.

27 Manager Rich reported that Hyde County thus has written Mr. Bull's claim down to its minimum
28 and in fact Mr. Bull now has a credit with the County.

29 **Government Center Roof Repairs**

30 Manager Rich reported that during the April 1st Commissioners meeting Lamm Engineering &
31 Associates presented three possible scenarios to repair the Government Center roof. Mr. Rich held
32 a meeting on April 23rd with A. R. Chesson, Lamm Engineering & Associates, Clint Berry and
33 Commissioner Byrd. The purpose of this meeting was to examine the damage to the roof, explore
34 the history of who might be responsible and possible cheaper yet efficient ways of dealing with the
35 problem. At this time Mr. Rich is still investigating the situation and will make contact with our
36 County Attorney at the time, Sid Hassell; our County Manager at the time, Carl Classen; and, the

1 Engineer and Architect. He reported that this will not keep the County from fixing the problem;
 2 however, he hopes to offset some of the costs. He plans on doing the same process with regards to
 3 the Public Safety Center. Update will be presented at the June 3rd Board meeting.

4 **Budget Revisions**

5 Manager Rich reported that in accordance with FY2011-2012 Budget Ordinance, Article XIX,
 6 Section 1, transfer of \$5,000.00 from Utilities – Capital Improvements Line to Maintenance and
 7 Repairs Line was approved administratively; and 12 transfers needed Board approval.

Board Approval Required		
Department/Program	Amount	Explanation
Finance		Transfer of funds available due to vacancies in the Forestry Fire Program to the Administration, Maintenance and Solid Waste Departments to cover expenses through the end of the fiscal year.
Administration	\$28,375.00	
Elections	\$ 650.00	Transfer of funds to cover recent travel expenses and anticipated travel expenses for the rest of the fiscal year.
Cooperative Extension	\$ 500.00	Transfer of funds to cover travel to Ocracoke for various programs offered by staff.
Health		Funds transferred from Child Health Medicaid Escrow Account to cover the Health Department's liability for dental services provided by Dare County Department of Health Miles of Smiles Dental program to students at Mattamuskeet Elementary School for FY2012-2013, per an agreement between the two agencies. While this revision does increase the budget for Child Health, the funds are being pulled from Child Health Medicaid Escrow; it does not require any County appropriation from Fund 10.
Child Health	\$ 2004.00	
KBR Community Change	\$87,107.00	On December 28, 2010 the Kate B. Reynolds Charitable Trust approved a \$330,675 grant to support community-wide active and healthy living programs targeting low-income individuals in Hyde County as described in the Community Change Model grant application submitted by the Hyde County Health Department on September 15, 2010. This budget revision reflects activity for year three (3) of the grant, from January 1, 2013 to December 31, 2013. Although this revision increases the overall budget for the KBR Community Change Program, it does not require any County of Hyde appropriations from Fund 10.
Communicable Diseases Adult Health	\$ 365.00	Transferring funds from Contract Lab Testing line in Adult Health into Travel line in Communicable Diseases to ensure sufficient funds to cover travel for our CD Nurse to attend the required annual Communicable Disease Conference. While this revision does increase the budget for Communicable Diseases, it does not increase the budget for Fund 10.
WIC Program	\$ 183.22	Transferring funds from Advertising and Department Supplies lines into Travel line in WIC Program to ensure funds are available for our WIC Coordinator to attend a mandatory meeting in May, as well as a quarterly trip to Ocracoke in June to hold WIC clinic. This transfer does not increase the budget for the WIC Program.
Maternal Health	\$ 7,449.00	Using funds from Maternal Health Medicaid Escrow Account to clear out negative/low balances in Salaries/Fringe lines, and to provide sufficient funds for Maternal Health Nurse to attend required training in May. While this revision does increase the budget for Maternal Health, the increase is being pulled from Maternal Health Medicaid Escrow and does not require any County of Hyde appropriations.
Family Planning	\$ 200.00	Transferring funds from Contract Interpreter line into Contract Pharmacy line to ensure sufficient funds through the end of the fiscal year. This transfer does not increase the budget for the Family Planning Program.

Child Health	\$ 1,980.00	Hyde County Health Department was recently awarded funds through Child Health for adolescent reproductive health services. These funds are to be used to purchase Depo Provera and Nexplanon, two highly popular and successful birth control methods. This revision transfers funds from various lines in Child Health that will not be used, into Department Supplies line to purchase the contraceptives, and <i>does not</i> increase the budget for Child Health.
Home Health	\$ 2,150.00	Transfer of funds from Salaries Part-Time line in Home Health into Equipment line to purchase a laptop and MS Office license for agency's Home Health Nursing Supervisor to use in the office. The need for a new laptop was identified during preparations for Accreditation, to prevent exchange of information in violation of HIPPA (Health Information Privacy Protection Act) regulations. The Supervisor's old "notebook" (as well as another notebook assigned to a Home Health nurse) will be dedicated for use in the field, as they are configured to prevent exchange of sensitive information. This revision <i>does not</i> increase the budget for Home Health.
Planning	\$ 4,068.00	Monies transferred to cover departmental expenses.

1
2 Commissioner Fletcher moved to approve all of the listed budget transfers as presented. Mr. Pugh
3 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
4 Swindell, Tunnell; Nays – None; Absent or not voting – None.

5 **Closed Session**

6 Commissioner Fletcher moved to enter into closed session at 7:40 p.m. in accordance with
7 § 143-318.11 (a)(6) – personnel matters. Mr. Byrd seconded the motion. The motion passed on the
8 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
9 voting – None.

10 Commissioner Pugh moved to come out of closed session at 7:55 p.m. Mr. Byrd seconded the
11 motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and
12 Tunnell; Nays – None; Absent or not voting – None.

13 No action taken.

14 **Reports:**

15 **Commissioner Tunnell** – reported that he attended the Ocracoke ferry tour with Legislators; Mid-
16 East Housing meeting; and, reported the Recreation Committee is functioning well.

17 **Commissioner Byrd** – reported that he attended an ECBH meeting in Williamston where it was
18 announced the ECBH Fund Balance is \$30 million; DSS meeting where purchase of two new vans
19 was discussed; and, the Government Center roof repair meeting.

20 **Commissioner Fletcher** – reported that he met with Mr. Austin on ferry issues; and, reported
21 citizen's concerns about a recent Ocracoke traffic stop.

1 **Commissioner Pugh** – reported that he attended an Albemarle Commission meeting in Hertford,
2 Senior Volunteer event, ferry toll meeting and Eastern 4-H fundraiser. Mr. Pugh will investigate
3 the Net-10 phone service at Engelhard Dollar General.

4 **Chairman Swindell** – reported that he attended the LGC conference call and agrees with Manager
5 Rich that Hyde County not pursue BB&T loan; and, attended the 4-H Livestock Show in Ponzer.

6 Clint Berry, Utilities Director and Linda Basnight discussed credit card capabilities in their
7 departments. The Utilities Department accepted credit card payments for a short time but
8 discontinued the service due to a 7% surcharge on collections. Ms. Basnight and Manager Rich will
9 research vendors who will transfer credit card fees to the customer.

10 **County Manager Rich** – presented his April 1st – May 6th meetings calendar. Manager Rich
11 complimented Department Heads Clint Berry, Sheriff Mason, Justin Gibbs, Corrinne Gibbs, Kris
12 Noble, Linda Basnight, Merita Spencer, Wesley Smith, Jerry Hardison, Tammy Blake and Gloria
13 Spencer; Lois Stotesberry (his assistant); Jane Hodges, Airport Director; Sarah Johnson, PIO; and,
14 Cooperative Extension and Soil and Water staff members for a job well done.

15 Manager Rich presented update on:

- 16 • Waterway Landing – the Corp of Engineers is considering an alternative plan for disposal of
17 material dredged from the Intercoastal Waterway which will protect homeowner’s property.
- 18 • Ocracoke Ball Field – all permits obtained. Donation of \$250,000.00 over the next eight (8)
19 years pledged by Phillip Harvey. Budget to date is \$2.2 million and pledges \$600,000.00.
- 20 • History Channel “Top Gear” – proposed project to drive a vehicle in Pamlico Sound from
21 Swan Quarter to Ocracoke Island Lighthouse.
- 22 • Ocracoke Community – Mr. Rich spoke with NC Highway Patrol representative about the
23 recent vandalism of patrol cars on Ocracoke and has been guaranteed there will be no
24 retribution to the County for the damages.

25 Chairman Swindell and the commissioners complimented Manager Rich on a job well done.

26 **Public Comments:**

27 Chairman Swindell called for comments from the public.

28 Franklin Swindell, Engelhard – expressed concern over the ABC Audit issue and signatory approval
29 for Manager Rich. He advised the Board to contact “Manpower Function Team” to determine if the
30 County has too many employees.

31 Amy Johnson, Ocracoke – reported the chipper is the only thing that has really cleaned up Ocracoke
32 Island. She suggested the County trade its surplus property for property surrounding the
33 convenience site to make room for a chipper. Manager Rich will investigate.

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

2 **Adjourn**

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

6 The meeting adjourned at 8:20 p.m.

7

8 Respectfully submitted:

9

10 Minutes approved on the 3rd day of June, 2013.

11

12

13

14 _____
15 Lois Stotesberry, CMC, NCCCC
16 Clerk, Hyde County Board of Commissioners

17 _____
18 Barry Swindell
19 Chair, Hyde County Board of Commissioners

16 Attachments:

17 Exhibit A: *“Resolution Opposing A Bill To Be Entitled An Act To Designate Red Drum, Spotted Sea Trout
18 and Striped Bass As Coastal Game Fish; To Prohibit The Taking of Coastal Game Fish Other
19 Than By Hook-And-Line; To Prohibit The Sale of Coastal Game Fish; And To Compensate
20 Commercial Fishermen For Certain Losses Due To The Designation Annd Prohibition”*

21 Exhibit B: *“Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting”*

22 Exhibit C: *“Resolution In Support of Senate Bill 352 – A Bill To Be Entitled “An Act To Establish A Black
23 Bear Management Stamp That Must Be Procured Before Taking Bear Within The State And To
24 Amend The Law Restricting The Taking Of Black Bear With Bait”*

25 Exhibit D: *“Resolution Expressing Concern For The Governor’s 2013-14 Budget Proposal In Regard To
26 Funding For Clean Water Management Trust Fund”*

27 Exhibit E: *“Resolution Supporting NC Parks And Recreation Trust Fund (PARTF)”*

1 Special Meeting Minutes

2 Board of County Commissioners
3 Hyde County
4

5 Monday, May 13, 2013

6 Chairman Barry Swindell called the Special Meeting of the Hyde County Board of Commissioners
7 to order at 6:00 p.m. on Monday, May 13, 2013 in the Hyde County Government Center, Multi-Use
8 Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

9 The following members were present on the mainland: Commissioners Anson Byrd, John Fletcher,
10 Earl Pugh, Jr., Barry Swindell and Dick Tunnell; County Attorney Fred Holscher; Clerk to the
11 Board Lois Stotesberry; and, members of the public. Public Information Officer (PIO) Sarah
12 Johnson assisted the Board of Commissioners by providing Ocracoke citizens public access to the
13 meeting.
14

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

17 **Agenda:**

18 Chairman Swindell asked for any changes to the May 13, 2013 Special Meeting Agenda as
19 presented by the Clerk. Commissioner Fletcher moved to approve the agenda as presented by the
20 Clerk with addition of – 5) Flex Scheduling.

21 Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher,
22 Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.
23

24 **Public Comments:**

25 Chairman Swindell called for comments from the public.

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

27 **Items of Consideration:**

28 **Map Recording Procedure:**

29
30 Commissioner Fletcher expressed concern over the length of time needed to record maps in Hyde
31 County.

32 Manger Rich will investigate options and report his findings on June 3rd.

1 **Request – Gift County Car to Board of Education:**

2 Commissioner Fletcher moved to approve gift of a 2001 Ford Crown Victoria automobile from the
3 Administration Department to the Hyde County Board of Education. Mr. Pugh seconded the
4 motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and
5 Tunnell; Nays – None; Absent or not voting – None.

6 **Request – Use of Government Center Parking Garage for Arts & Craft Show:**

7 Commissioner Fletcher moved to allow Beaufort County Arts Council and MATTIE (Mattamuskeet
8 Artisans Teaching, Training, Instructing and Educating Arts Center) to use the Government Center
9 Parking Garage for its annual Arts & Craft Show on Saturday, October 26, 2013. Mr. Tunnell
10 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
11 Swindell and Tunnell; Nays – None; Absent or not voting – None.

12 **Resolution Opposing The USF&WS's Proposed Designation Of Critical Habitat For The**
13 **Northwest Atlantic Ocean Distinct Population Of The Loggerhead Sea Turtle:**

14 Commissioner Byrd moved to adopt “Resolution Opposing The USF&WS’s Proposed Designation
15 of Critical Habitat For The Northwest Atlantic Ocean District Population Of The Loggerhead Sea
16 Turtle”. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –
17 Byrd, Fletcher, Pugh, Swindell and Tunnell; Nays – None; Absent or not voting – None.

18 *Clerk's Note: A copy of “Resolution Opposing The USF&WS's Proposed Designation of Critical Habitat For*
19 *The Northwest Atlantic Ocean District Population Of The Loggerhead Sea Turtle” is attached herewith as Exhibit*
A and incorporated herein by reference.

20 **Flex Scheduling:**

21 Manager Rich reported he received request for approval of “Flex Scheduling”. This alternative
22 work arrangement allows employees to work a non-traditional schedule for a period of time
23 beginning on June 3rd and ending on August 30th. Employees may elect to work either 4 ten hour
24 days or 4 nine hour days and 1 four hour day. Department Heads will approve staffing schedules.

25 Commissioner Swindell moved to approve “Flex Scheduling”. Mr. Fletcher seconded the motion.
26 The motion passed on the following vote: Ayes – Fletcher, Pugh, Swindell and Tunnell; Nays –
27 Byrd; Absent or not voting – None.

28 **Proposed FY2013-2014 Hyde County Budget:**

29 Manager Rich presented the remaining timeline for the budget process. Since the May 6th regular
30 Board meeting he has met with department heads to further discuss their proposed departmental
31 budgets. During this past week Commissioners have reviewed the proposed FY2013-2014 Hyde
32 County Budget.

1 Manager Rich reported that he now has the final Board of Education figures and distributed
2 replacement pages. Total 2013-2014 Department Requested is \$12,482,820.40.

3 Mr. Rich asked the Board to consider sticking with the Hyde County FY2013-2014 Budget as
4 proposed. Budget revisions will be made throughout the year as needed.

5 **Discussion:**

6 **Commissioner Fletcher** asked the Board to consider no over-time in any department. He
7 suggested the County Manager oversee all over-time and if necessary Department Heads will apply
8 to the County for any additional funding requests for over-time. Mr. Fletcher asked that requests
9 for fund balance monies be reduced to what was used in the FY2012-2013 budget.

10 **Commissioner Byrd** asked why General Maintenance, Radios, Telephones & Pagers and
11 Equipment lines are managed by the Emergency Management Department; questioned hours of
12 operation for the Emergency Medical Service (EMS); and, questioned the amount requested for
13 Airport travel.

14 **Emergency Services:**

15 **Acct. #105920.0220 – Hyde County EMS – Salaries, .0220 – Overtime and .0230 On-Call Pay**

16 **Justin Gibbs, Emergency Services (ES) Director**, reported that Hyde County employs 8 full-time
17 EMT's on Ocracoke and 12 full-time EMT's on the mainland. He presented comparison of Hyde,
18 Dare and Pasquotank counties EMS department budgets. Mr. Gibbs reported that with the current
19 20 full-time employees, over-time equals 9.8% of the Hyde County EM operating budget; 21% in
20 Dare County; and, 3.9% in Pasquotank County. He noted that Pasquotank has three times the
21 number of full-time employees as Hyde County, reducing their need for over-time.

22 **Commissioner Byrd** proposed changes in EMS hours of operation. He recommended that EMS
23 operate from 7:00a.m. – 11:00p.m. with staff on call from 11:00p.m. – 7:00a.m.

24 **ES Director Justin Gibbs** reported that making such a change in EMS operations would reduce
25 salaries, insurance and benefits which would generate a savings of \$275,000.00. However, staffing
26 based on the proposed hours of operation would double over-time and triple on-call pay in the EMS
27 Department; increase response time; end quick response services during the proposed on-call hours;
28 possibly decrease patient survival rates; and, lower employee morale and retention. Based on
29 research of rescue calls answered from May 2012 to May 2013 Hyde County responded to 763 calls
30 at night (595 – Mainland and 168 – Ocracoke), therefore it would not benefit the County to change
31 hours of operation in an effort to lower the EMS budget. He reported that the County is required by
32 the State to have two EMS staff members on the ambulance before transport to the hospital can
33 begin.

34

1 **Acct. #105920 – Hyde County EM – .1100 –Telephone – Pager**

2 **Mr. Gibbs** oversees all telephone, cell phone and radio service through the Emergency
3 Management department's budget. Efforts to reduce telephone expenses are ongoing.

4 **Acct.#105920 – Hyde County EM – .1600 – Radio System Maintenance**

5 **Mr. Gibbs** reported that North Carolina is in the process of upgrading the 800 VIPER radio system.
6 Although there are other radio systems that may be cheaper, the VIPER system is the best way to
7 ensure communication with all agencies involved in the event of another natural disaster.

8 **Acct.#105920 – Hyde County EM – .7400 – Equipment**

9 **Mr. Gibbs** reported that equipment purchases will include a Smart Board for the Emergency
10 Operations Center (EOC) at a cost of \$5,000.00. Grant funds will be used to pay for this purchase.

11 **Acct. #105920.7500 – Hyde County EM – Generator Maintenance**

12 **Mr. Gibbs** reported that the EM Department oversees generators in the Government Center, Health
13 Department, EMS Station, Ocracoke Sheriff's Office and Ocracoke Community Center. Hyde
14 County no longer pays for generator maintenance for the volunteer fire departments.

15 **Acct. #105920.0200 – Hyde County EM – Salary**

16 **Mr. Gibbs** reported that his entire salary is paid from the EM budget with 40% being reimbursed
17 from Acct. #747200 – E-9-1-1 funds.

18 **Airport:**

19 **Commissioner Byrd** asked why Ms. Hodges needed \$7,000.00 for Airport travel and \$8,800.00 for
20 phones. Mr. Byrd also asked for clarification of the equipment and maintenance lines.

21 **Acct.#106400.1400 – Airport – Travel**

22 **Jane Hodges**, Airport Manager, reported she could reduce airport travel requested to \$1,500.00.

23 **Acct.#106400.1100 – Airport – Phone**

24 **Ms. Hodges** reported that the State requires a telephone be available by the fuel tank. A phone/fax
25 machine is also on site for credit card purchases.

26 **Acct.#106400.7400 – Airport – Equipment**

27 **Ms. Hodges** reported these funds are used to purchase items such as replacement light bulbs for the
28 runway.

1 **Acct.#106400.1500 – Airport – Maintenance**

2 **Ms. Hodges** reported these funds are used to purchase items such as sensors for airport beacons,
3 fuel system filters and building repairs.

4 **FY2012-2013 Budget:**

5 **Commissioner Pugh** asked if funds would be left from this year's budget and if the County goes
6 over or under budget in an average year.

7 **Corrinne Gibbs, Finance Officer**, reported that the County is under budget this year. The
8 FY2012-2013 budgeted revenue was \$12,100,000.00 with only \$9.5 million spent. To date
9 approximately \$11 million has been collected. Collection of \$1 million is anticipated from tax
10 collections posted earlier in the week. She explained LGC guidelines state that departmental
11 budgets cannot go over.

12 **Commissioner Fletcher** requested explanation of the Sheriff's Department budget requests for
13 miscellaneous equipment, miscellaneous equipment outlay, special services, K-9, and over-time line
14 items.

15 **Sheriff's Department:**

16 **Acct#105100.7400 – Sheriff – Equipment - Misc.**

17 **Sheriff Mason** reported these funds are used to purchase miscellaneous equipment that costs less
18 than \$5,000.00.

19 **Acct#105100.7425 – Sheriff – Misc. Equipment/Capital Outlay**

20 **Sheriff Mason** reported these funds are used to purchase miscellaneous equipment that costs more
21 than \$5,000.00.

22 **Acct#105100.0045 – Sheriff – Special Services**

23 **Sheriff Mason** reported these funds are used to purchase supplies necessary for investigations.

24 **Acct#105100.1500 – Sheriff – K-9 Maintenance**

25 **Sheriff Mason** reported these funds are used to pay veterinarian bills for the Sheriff's Department's
26 two K-9 dogs.

27 **Acct#105100.0220 – Sheriff – Overtime Law Officers**

28 **Sheriff Mason** reported these funds are used to cover over-time hours worked by deputies who
29 transport prisoners to holding facilities and hospitals. Officers are required to remain with the
30 prisoner at the hospital until released.

1 **Sheriff Mason** reported the difference in last year's budget and this year's is two cars. Sheriff
2 Mason reported his department has been under budget every year that he was Sheriff.

3 **In Conclusion:**

4 **Commissioner Byrd** asked that EM expenses be accurately reflected to indicate which department
5 the expense should be charged.

6 **Manager Rich** will address this request.

7 **Commissioner Byrd** questioned why the County supplies Forestry and NPS with radios and is the
8 upgrade to the VIPER radio system required.

9 **Justin Gibbs, ES Director**, reported that upgrade to the radio system is not an option. North
10 Carolina's upgrade of its VIPER radio system will double the State's ID capacity to about 150,000
11 for responders. Mr. Gibbs reported the flash upgrade quote can be reduced if he performs the labor.
12 He is pursuing grant options to cover the cost of the upgrade.

13 **Commissioner Fletcher** moved to delete all over-time pay; to create an extended fund for over-
14 time to be administered by the County Manager; and, to pay out any over-time after the department
15 has exhausted any discretionary funds in its budget". The motion died for lack of a second.

16 **Commissioner Byrd** asked that Manager Rich aggressively pursue the over-time issue.

17 **Manager Rich** will monitor over-time closely to ensure these funds are not abused.

18 **Commissioner Tunnell** asked whether or not the \$1.66 million owed to Hyde County was included
19 in the revenue line.

20 **Manager Rich** explained that money owed to the County is not included in the revenue line. He
21 confirmed that the County has been promised the \$660,000 and that he will continue pursuing the
22 \$1 million owed to Hyde County. Mr. Rich reported the General Fund is at 3.5 million and will
23 continue to grow every year. His request for \$464,000 is to be used to balance the budget, not to
24 supplement the general fund.

25 **Chairman Swindell** asked the Board to trust Manager Rich and allow him time to pull the budget
26 together as proposed.

27 **Commissioner Pugh** agreed with Chairman Swindell.

28 **Commissioner Tunnell** questioned control of the debris removal contract.

29 **Justin Gibbs, ES Director**, reported that the County can stop removing debris at its discretion.
30 The County has signed agreement with NCDOT for clean-up of primary roads after a disaster. Mr.
31 Gibbs reported the County was losing \$50-\$70,000 per month when the Prison spray field was not

1 operational. It was cheaper for the County to quickly repair the system than to wait for FEMA
2 monies to make repairs.

3 **FY2013-2014 Budget Ordinance:**

4 Public Hearing will be conducted and the Hyde County FY2013-2014 Budget Ordinance will be
5 presented to the Board of Commissioners for approval at its next regularly scheduled meeting on
6 June 3, 2013.

7 **Public Comments:**

8 Chairman Swindell called for comments from the public.

9 Sharon Spencer, Engelhard – stated sometimes taxes have to be raised and taxpayers should be
10 willing to pay for services; FEMA monies are not guaranteed; and that revenue increased this year
11 determines what can be spent next year.

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

13 **Closed Session:** (none)

14 **Adjourn:**

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

18 The meeting adjourned at 7:35 p.m.

19

20 Respectfully submitted:

21

22 Minutes approved on the 3rd day of June, 2013.

23

24

25

26

27

28 _____
29 Lois Stotesberry, CMC, NCCCC
30 Clerk, Hyde County Board of Commissioners

Barry Swindell
Chair, Hyde County Board of Commissioners

31

31 Attachments:

32 Exhibit A: *“Resolution Opposing The USF&WS’s Proposed Designation of Critical Habitat For The Northwest*
33 *Atlantic Ocean District Population Of The Loggerhead Sea Turtle”*

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: June 3, 2013
Presenter: Bill Rich, County Manager
Attachment: Yes

ITEM TITLE: PUBLIC HEARING

SUMMARY: Attached please find a copy of the notice to conduct Public Hearing to receive comments with regards to the Hyde County FY2013-2014 Budget.

RECOMMEND: Conduct Public Hearing.

Motion Made By: Barry Swindell
(Open) Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Made By: Barry Swindell
(Close) Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

COUNTY OF HYDE

Board of Commissioners

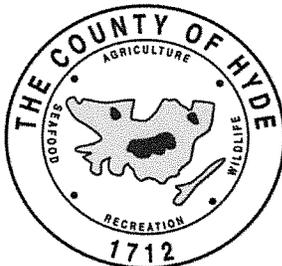
Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board of Commissioners



May 1, 2013

PUBLIC HEARING

Hyde County FY2013-2014 Budget

The Hyde County Board of Commissioners will conduct public hearing on the Fiscal Year 2013-2014 Hyde County Budget on Monday, June 3, 2012, beginning at 6:00 p.m., in the Hyde County Government Center, Multi-Use Room, Swan Quarter and Ocracoke School Commons Area utilizing electronic conferencing equipment.

The purpose of this Public Hearing is to receive citizen questions and/or comments on the proposed Hyde County FY2013-2014 Budget.

Lois Stotesberry, CMC, NCCCC

Clerk to the Board

###

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: June 3, 2013
Presenter: Bill Rich, County Manager
Attachment: Yes

ITEM TITLE: PUBLIC HEARING

SUMMARY: Attached please find a copy of the notice to conduct Public Hearing to receive comments with regards to Amendment to the Ocracoke Development Ordinance Regarding Outdoor Sales Policy.

Mr. Tom Pahl, Ocracoke Development Ordinance Planning Advisory Board, will present the Ocracoke Outdoor Sales Ordinance.

RECOMMEND: Conduct Public Hearing.

Motion Made By: Barry Swindell
(Open) Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Made By: Barry Swindell
(Close) Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

COUNTY OF HYDE

Board of Commissioners

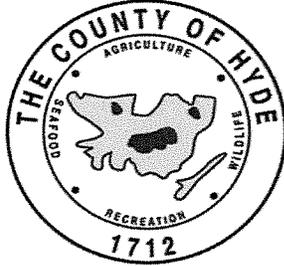
Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board of Commissioners



May 13, 2013

PUBLIC HEARING

Hyde County

Proposed Amendment to the Ocracoke Development Ordinance Regarding Outdoor Sales Policy

The Hyde County Board of Commissioners will conduct public hearing on Monday, June 3, 2012, beginning at 6:00 p.m. or as soon thereafter as possible in the Hyde County Government Center, Multi-Use Room, Swan Quarter and Ocracoke School Commons Area utilizing electronic conferencing equipment.

The purpose of this Public Hearing is to receive citizen questions and/or comments on proposed amendment to the Ocracoke Development Ordinance regarding outdoor sales.

Lois Stotesberry, CMC, NCCCC
Clerk to the Board

###

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

THIS IS A DRAFT DOCUMENT FOR DISCUSSION PURPOSES ONLY. NO PART OF THIS DRAFT DOCUMENT IS LEGAL OR ENFORCABLE, NOR IS IT MEANT TO BE UNTIL IT HAS BEEN REVIEWED AND DISCUSSED AND REVISED BY THE BOARD, THE COUNTY ATTORNEY, THE COUNTY COMMISSIONERS AND MOST IMPORTANTLY BY THE RESIDENTS AND TAXPAYERS OF OCRACOKE ISLAND. PLEASE DO NOT COPY OR DISSEMINATE ANY PART OF THIS DOCUMENT WITHOUT INCLUDING THIS DISCLAIMER. [February 13, 2013]

Proposed Amendment to the Ocracoke Development Ordinance

Sec 36-185 Regulation of Outdoor Sales

(a) **The intent and purpose** of this section is to establish minimal regulations and restrictions intended to ensure that outdoor sales; do not interfere with the orderly and safe movement of pedestrian and vehicular traffic; do not interfere with the proper maintenance of parking and yard areas; do not cause congestion in the streets or public rights-of-way; are conducted within structures safe for public occupancy when structures are used; and do not unreasonably diminish adjacent property and business values.

At the same time, these regulations intend to recognize the tradition of outdoor sales as a part of Ocracoke's economy and also recognize and encourage the responsible development of outdoor sales establishments as an entrepreneurial incubator.

(b) **Definitions:** For the purpose of this section the following definitions shall apply:

(1) **Outdoor Sales:** The display and/or sale of any merchandise, commodities or product where primary transactions are conducted a) in the open air; b) within a temporary structure or; c) within a kiosk or similar structure.

(2) **Temporary Structure:** an enclosure or covering which is readily dismantled or readily moved, including, but not limited to tents, canopies, tarps, trailers, food trucks, lean-tos, pre-fabricated sheds, sheds and similar structures. This definition shall apply to any of these and similar structures even if, at a later date, the structure is modified, strengthened or made more permanent.

(3) **Permanent Installation:** a structure attached to the ground by in-ground piers, pilings or posts, at least 3 1/2" in cross section, and set such that that they are not removable without the use of digging tools or equipment.

(4) **Kiosk:** a small, free-standing non-residential structure which is primarily intended as a place for the conduct of sales, rentals, information exchange, self service, etc. Also referred to as a booth, portico, pavilion, vending station, etc.

(c) Grandfathered Uses: Outdoor sales establishments in existence on the approval date of this amendment shall be exempt from sections of this amendment as follows:

- (1) Permanent installations in existence on the approval date of this amendment including certain signs, displays, kiosks, booths etc may remain in their existing locations without regard to the setback requirements in this amendment.
- (2) Outdoor sales establishments in existence on the approval date of this amendment shall not be subject to the section of this regulation titled "(i) Parking".
- (3) Except as (1) and (2) above, existing outdoor sales establishments shall be subject to the provisions of this amendment.

(d) Exceptions: The following categories of outdoor sales are not subject to the regulations in this section of the ODO: temporary yard and rummage sales and the like; the outdoor seating portion of a restaurant which is otherwise not an outdoor sales establishment; sales organized and operated by anyone under the age of 16; vending machines and self-service sales taking no more than nine square feet; sales as a part of a short-term festival, parade, non-profit fundraising event and the like.

All other outdoor sales shall be considered regulated outdoor sales establishments. The following regulations shall apply to regulated outdoor sales and shall be enforceable by the ODO Enforcement Officer:

(e) Permit Required: All regulated outdoor sales establishments shall be required to apply for an ODO permit by the regular ODO permit application. Approval of that application shall constitute approval to conduct an outdoor sales establishment under these regulations. Where a single owner operates more than one outdoor sales establishment, a separate permit must be acquired for each location. Where more than one point of sale may exist on a single lot, each establishment must acquire its own permit.

(f) Location: Regulated outdoor sales may take place anywhere within the Village of Ocracoke as long as the owner of the outdoor sales establishment is either the owner of the land it sits on, or has the expressed written permission of the owner of the land it sits on. At the order of ODO Enforcement Officer the owner of the outdoor sales establishment shall provide any documentation necessary to establish compliance with these regulations.

(g) Setbacks: All structures, signage, displays etc associated with outdoor sales shall be subject to the following minimum setback requirements: From any paved public street - ten feet from the edge of the asphalt pavement; from any unpaved public street - four feet from the road edge; from side and rear property lines - eight feet. From any structures, signage, displays etc associated with another outdoor sales establishment - eight feet.

(h) Safe Passage: In addition to the minimum setback requirements above, all structures, displays, merchandise, products, signage, flags, banners, etc shall be arranged such that no portion shall block or

hinder established public pedestrian and bicycle passageways or obstruct reasonable sight-lines required for safe vehicle passage at driveways and intersections. The application of this paragraph to a particular site shall be at the order of the ODO Enforcement Officer. On request of the affected business owner, the order of the ODO Enforcement Officer may be subject to additional review, in consultation with the ODO Enforcement Officer, the Hyde County Sherriff's Office and the business owner. Final determination shall be by the ODO Enforcement Officer. All rights and processes for appeal, as outlined in the ODO shall remain in effect.

(i) Parking: All regulated outdoor sales establishments shall designate at least two readily accessible parking places. Both designated parking places shall be kept available for customer parking during hours of operation. Such designated parking places shall not reduce the available parking of another business or residence such that it may fall below its parking requirements as set out in the ODO. If the designated parking spaces are on land which does not belong to the owner of the outdoor sales establishment, a letter of agreement from the land owner shall verify the designation.

(j) Off-site impacts: regulated outdoor sales establishments shall minimize off-site impacts. No lighting shall shine directly onto an adjacent residence. Trash and garbage, associated with the business, which is not contained, whether on-site or off, shall be the responsibility of the business to clean up daily. Aggressive hawking, noise, music, signage, flags, etc shall not create a nuisance, nor significantly detract from adjacent business or residential environments.

(k) Related Sections of the ODO: Outdoor sales regulated under this section shall not be subject to the provisions of Section 36-182 nor Section 36-177 of the ODO.

(l) Other Codes: The ODO Enforcement Officer shall call for the enforcement of all existing building, electrical, fire, health department codes and the codes and regulations of other jurisdictions as may apply to any portion of a regulated outdoor sales establishment.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: June 3, 2013
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

SUMMARY: Citizens are afforded an opportunity at this time to comment on issues they feel may be of importance to the Commissioners and to their fellow citizens.

Comments should be kept to (3) minutes and directed to the entire Board, not just one individual Commissioner, staff member or to a member of the audience.

Time for one person cannot be used by another person.

Comments that reflect the need for additional assistance will be directed to the County Manager or referred to a future meeting agenda.

RECOMMEND: Receive comments.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: May 6, 2013
Presenter: Bill Rich, County Manager
Attachment: Yes

ITEM TITLE: EMPLOYEE RECOGNITION

SUMMARY: The following employees/departments will be recognized for recent accomplishments.

- Health Department – Wesley Smith, Director, for receiving full North Carolina Local Health Department Accreditation Status. Hyde County Health Department performed an agency assessment which included 41 benchmarks and 138 activities.
- Inspections Department – Jerry Hardison, Building Inspector and Jane Hodges, Permits Technician/Airport Manager, recently relocated in the Administration Department at the Government Center
- Solid Waste Department – James Blount, Supervisor, for his service to Ocracoke on Thursday and Friday when he pulled the front end from the Ocracoke machine, took it to the mainland, fixed it and returned before daybreak the next morning to install it and have it running for Memorial Day weekend.

RECOMMEND: Discussion and approval.

Motion Made By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 Earl Pugh, Jr.

**Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET**

Meeting Date: May 6, 2013
Presenter: Bill Rich, County Manager
Attachment: Yes

ITEM TITLE: RESOLUTIONS

SUMMARY: Attached are resolutions presented for Board of Commissioners approval:

- Resolution Requesting Speed Limit – New Lands Community
- Resolution In Support Of Waterway Landing/Pocosin Farms Property Owners And Their Negotiation With The US Army Corp of Engineers
- Resolution Authorizing County Manager To Reconcile Department Budgets
- Resolutions To Appoint Review Officer – Kris Noble and Averil Simmons
- Resolution Relating To The Budget For Fiscal Year 2013-2014

RECOMMEND: Discussion and approval.

Motion Made By: ___ Barry Swindell
___ Dick Tunnell
___ Anson Byrd
___ John Fletcher
___ Earl Pugh, Jr.

Motion Seconded By: ___ Barry Swindell
___ Dick Tunnell
___ Anson Byrd
___ John Fletcher
___ Earl Pugh, Jr.

Vote: ___ Barry Swindell
___ Dick Tunnell
___ Anson Byrd
___ John Fletcher
___ Earl Pugh, Jr.

COUNTY OF HYDE

Board of Commissioners

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

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

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



RESOLUTION REQUESTING SPEED LIMIT

WHEREAS, the Hyde County Board of Commissioners are aware of citizen requests to have the speed limit set on New Lands Road in Fairfield in Hyde County; and

WHEREAS, the County Commissioners adopt this resolution of support and recommend that the North Carolina Department of Transportation set speed limits on New Lands Road and post children playing signs; and

NOW THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners approve requesting NCDOT set speed limit on New Lands Road in Fairfield in Hyde County, North Carolina and post necessary signage.

Adopted this the 3rd day of June, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman

COUNTY OF HYDE

Board of Commissioners

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

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252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



Resolution In Support Of Waterway Landing/Pocosin Farms Property Owners And Their Negotiation With The US Army Corp of Engineers

WHEREAS, Governors for the Waterway Landing/Pocosin Farms Property Owner's Association, located on the Alligator Canal, Intercoastal Waterway approximately 4.5 miles east of Walter B. Jones Bridge on US Hwy 264 in Hyde County, represents 49 lot owners on the waterfront and 39 lot owners on the rural side of Waterway Drive in the Subdivision; and,

WHEREAS, in 1957 the US Army Corp of Engineers obtained easement which encompasses the entire waterfront of Waterway Landing Subdivision which remained uninhabited until 1997 when the property was subdivided into five (5) acre lots and sold; and,

WHEREAS, fifteen (15) homes have been built in the subdivision, nine (9) full-time residents and six (6) retirees, along with several lots used for campsites; and,

WHEREAS, the US Army Corp of Engineers recently notified property owners that it intends to put a containment area along the one (1) mile long West Waterway Drive with walls twenty (20) feet high to contain dredge material and water; and,

WHEREAS, property owners affected by the containment area believe the twenty (20) foot tall containment area will cause mosquito infestation and possibly cause structural damage to their homes foundation and create risk of septic system failure thus preventing owners from using their land; and,

WHEREAS, the affected property owners have offered another parcel of land to the US Army Corp of Engineers to be utilized for containment of the dredged material and water.

NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners supports Waterway Landing/Pocosin Farms Property Owners Association's offer of substitute land for containment of dredged spoils to the US Army Corp of Engineers.

Adopted this the 3rd day of June, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman

Hyde County Chamber of Commerce

Kenneth E. Collier, Sr
425 W. Waterway Drive
Belhaven, NC 27810

Re: US Army Corp Easement

To Whom it May Concern,

I am a member of the Board of Governors for the Waterway Landing/Pocosin Farms, Property Owners Association. We are located on the Alligator Canal, ICW, approximately 4 ½ miles east of the Walter B. Jones bridge on US 264. I represent 49 lot owners on the Waterfront and 39 lot owners on the rural side of Waterway Drive in the subdivision.

My concerns are about the Easement that the US Army Corp of Engineers obtained in 1957 which encompasses the entire waterfront of our subdivision. Until 1997 this property remained virgin land. At that time this area was subdivided into five (5) acre lots and sold. Many property owners have built homes (9) which have full time residents. Several owners, @ 6 have built homes and are planning to make Hyde County their residence when they Retire. Several owners bring campers to their lots for "a get away" or a long weekend.

The Corp of Engineers has notified us that they intend to put a containment area along The entire length of West Waterway Drive which is @ 1 mile. This containment area will Have walls at least 20 feet in height. Basically , a large bath tub to contain new dredge Material and water. I feel this will cause a mosquito infestation that could put us at Risk for all kinds of diseases.

This 20 ft. wall of sand will prevent the property owners from using land we own. The Effected property owners have offered another parcel of land that they could dump The dredge material. This in turn would be a win, win situation for all affected.

Ken Collier

PH 943 3469



The Greater Hyde County Chamber of Commerce

20791 U.S. Hwy 264

Swan Quarter, NC 27885

Telephone: 252-926-9171 Fax: 252-926-9041

hydecocc@embarqmail.com

U.S. Army Corp of Engineers
Attn: John Manning
P.O. Box 1890
Wilmington, NC 28402-1890

Tuesday, May 21, 2013

Dear Mr. Manning,

The Hyde County Chamber of Commerce recently received a copy of the enclosed letter from Ken Collier. We appreciate the relationship that Hyde County and The U.S. Army Corp of Engineers has always had in the past and still currently have. I personally know a lot of the employees from the corp. and have worked with them on many projects with great outcomes. We at the Chamber understand this situation and ask the Corp to work as they always have and try with this community to reach an acceptable alternative such as mentioned in the letter of an alternate site for this project to be built.

Building a project of this magnitude will be hard on this community when its right in front of their property and such things as noise from heavy equipment, increased traffic, continuing noise from pumping, fuel being transported, backup beepers on trucks, not to mention stagnant water breeding mosquito's, or the possibilities of a rupture or breach of a dike holding water that could render septic systems to fail. We appreciate all your efforts and thank you in advance for your continued help. When Government and The Private Sector work together there's always a good outcome !

Sincerely,

Randy Hignite, President
Hyde County Chamber of Commerce

Directors: President Randy Hignite, Vice President Sherrie Carawan, Treasurer Julia Cahoon, Melissa Joyner, Executive Director Eddie Boyd, Donnie Blount, Lora Byrd, Annette Gibbs, Elizabeth Gurganus, Meredith Nicholson, Dawson Pugh, Elaine Swindell, John Mullen, Glenda Williams

COUNTY OF HYDE

Board of Commissioners

Barry Swindell, Chair
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Anson Byrd
John Fletcher
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30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



Resolution Authorizing County Manager to Reconcile Department Budgets

WHEREAS, in accordance with the FY2012-2013 Budget Ordinance the County Manager, with Board of Commissioners authority, will reconcile departmental accounts prior to year end closeout.

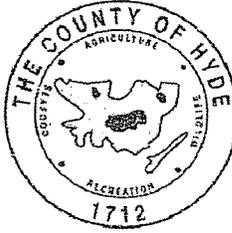
NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners authorizes the County Manager to reconcile departmental budgets for year-end closeout under the following conditions:

- transfer amounts between objects of expenditure within a department except salary amounts without limitations
- transfer amounts up to \$10,000 between departments of the same fund with an official report of such transfers to be made available for approval at the next meeting of the Board of Commissioners
- not transfer any amounts between funds nor from contingency within any fund
- assign legal costs to departments based on the legal issue based upon the legal issue involved

Adopted this the 3rd day of June, 2013, in Hyde County, North Carolina.

ATTEST: _____
Lois Stotesberry, Clerk to the Board

Barry Swindell, Chairman



E. Merita Lewis-Spencer

Hyde County Register of Deeds

Post Office Box 294, Swan Quarter, NC 27885

Email: m Spencer@hydecountync.gov

Fax: 252-926-3710

Phone: 252-926-4182

Pamela H. Sawyer, Assistant

Phone: 252-926-4183

Email: psawyer@hydecountync.gov

May 24, 2013

Hyde County Board of Commissioners: Chairman: Barry Swindell, Dick Tunnell,
Anson Byrd, John Fletcher, Earl Pugh, Jr.

Hyde County Manager: Mr. Bill Rich

Hyde County Economic Planner/Developer: Ms. Kris Noble

Re: Maps/Review Officers

To: The above named individuals:

Due to their having been some concern expressed as to having a map review officer in the Register of Deeds Office. In 1997 this was removed by statute out of our offices across the state. See NCGS 47-30.2.

After polling our district, what registers that responded, their e mails are attached. Those counties review officers are located in other departments. See e mail from Law Professor Chuck Szypszak of UNC, Chapel Hill who writes our guide books and conducts our seminars.

I've attached two resolutions to appoint Kris Noble who is our current active review officer and Averil Simmons as our second. Most of our counties in our district have two for availability purposes. After being completed these must be recorded in our office.

Respectfully,

E. Merita Lewis-Spencer

E. Merita Lewis-Spencer

Hyde County Register of Deeds



Phone: 252-926-4182

E. Merita Lewis-Spencer

Hyde County Register of Deeds
Post Office Box 294, Swan Quarter, NC 27885

Email: [mspencer@hydecountync.gov](mailto:m Spencer@hydecountync.gov)



Fax: 252-926-3710

Pamela H. Sawyer, Assistant

Phone: 252-926-4183

Email: psawyer@hydecountync.gov

May 24, 2013

RESOLUTION

WHEREAS, the new G.S. 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Hyde County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

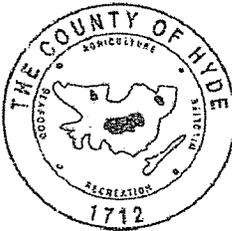
NOW THEREFORE BE IT RESOLVED that Kris Noble is hereby appointed to perform all responsibilities as required for Review Officer.

BE IT FURTHER RESOLVED that a copy of the resolution designating the Review Officer be recorded in the Hyde County Register of Deeds Office and indexed in the name of the Review Officer pursuant to new G.S. 47-30.2 and that this Resolution shall become effective immediately.

ADOPTED this the _____ day of May, 2013.

Clerk to the Board

Chairman, Hyde County Board of Commissioners
Barry Swindell



Phone: 252-926-4182

E. Merita Lewis-Spencer

Hyde County Register of Deeds
Post Office Box 294, Swan Quarter, NC 27885

Email: mspencer@hydecountync.gov



Fax: 252-926-3710

Pamela H. Sawyer, Assistant

Phone: 252-926-4183

Email: psawyer@hydecountync.gov

May 24, 2013

RESOLUTION

WHEREAS, the new G.S. 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Hyde County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

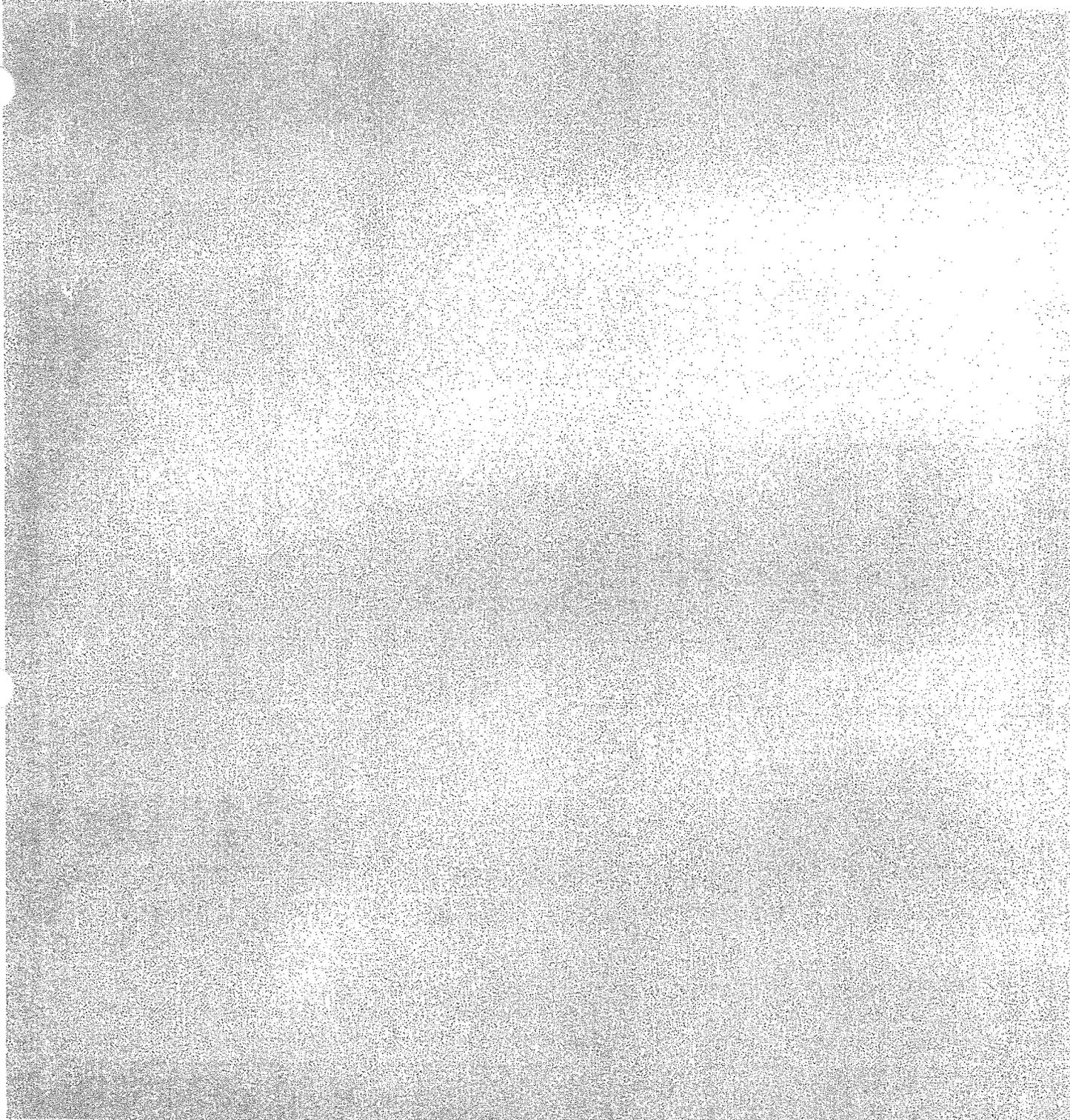
NOW THEREFORE BE IT RESOLVED that Averil Simmons is hereby appointed to perform all responsibilities as required for Review Officer.

BE IT FURTHER RESOLVED that a copy of the resolution designating the Review Officer be recorded in the Hyde County Register of Deeds Office and indexed in the name of the Review Officer pursuant to new G.S. 47-30.2 and that this Resolution shall become effective immediately.

ADOPTED this the _____ day of May, 2013.

Clerk to the Board

Chairman, Hyde County Board of Commissioners
Barry Swindell



Hi Chuck. I've been doing some research in the general statutes concerning review officers. I have a question though. Is there a GS that "prohibits" an assistant or a deputy register from also being the review officer? I know and understand why it was taken out of our offices but we've had a bit of an issue with people traveling long distances to record a plat and neither one of our review officers would be available. My assistant has offered to become one. We are here to serve the public. So, what do you say? This has been brought to our managers attention by one of our BOC members and I need some more info before I report to the manager precisely what and if. Thanks! Have a good evening!

E. Merita Lewis-Spencer (Merita)
Hyde County Register of Deeds

Merita Spencer

From: Szypszak, Charles A [Szypszak@sog.unc.edu]
Sent: Wednesday, May 15, 2013 8:53 AM
To: Merita Spencer
Subject: RE: ??????????

Merita,

There is no statute that strictly prohibits it. If the assistant is a notary public (not a notary by virtue of your register of deeds office) she would not be able to have another appointive office. However, even though not strictly prohibited I do not think it is a good idea. It sets you up for potential conflicting loyalties, and the whole point of creating the review officer position was to get the register out of the business of reviewing the plans.

Chuck

From: Merita Spencer [mspencer@hydecourtnc.gov]
Sent: Tuesday, May 14, 2013 3:23 PM
To: Szypszak, Charles A
Subject: ??????????

Merita Spencer

From: Elaine Vann [evann@washconc.org]
Sent: Tuesday, May 21, 2013 2:03 PM
To: 'Merita Spencer'
Subject: RE: Wondering

This message has been scanned by the InterScan for CSC SSM and found to be free of known security risks.

Tim Esolen, our GIS supervisor (mapping) is our review officer and his office is located in the basement floor here in the courthouse. If he is not available then Ann Keyes can do it. She works at Planning and Inspections across the street from the courthouse.

Elaine

Elaine G. Vann
Register of Deeds
Washington County
P. O. Box 1007
Plymouth, NC 27962
252-793-2325
252-793-6982 (fax)

-----Original Message-----

From: Merita Spencer [mailto:m Spencer@hydecourtnc.gov]
Sent: Tuesday, May 21, 2013 1:20 PM
To: Elaine Vann
Subject: Wondering

Hi. Am polling a few of our registers on who and where is your review officer.

E. Merita Lewis-Spencer (Merita)
Hyde County Register of Deeds
ph: 252-926-4182 fax: 252-926-3710
<mailto:m Spencer@hydecourtnc.gov>

Merita Spencer

From: Melanie Storey [melanie.storey@hertfordcountync.gov]
Sent: Tuesday, May 21, 2013 1:25 PM
To: 'Merita Spencer'
Subject: RE: Wondering

Hey. Personnel in Land Records Dept., mainly Sara Turner, Dept. Head

From: Merita Spencer [mailto:m Spencer@hydecourtync.gov]
Sent: Tuesday, May 21, 2013 1:19 PM
To: 'Melanie Storey'
Subject: Wondering

Hi. Wondering who is your review officer and where are they? Am just taking a poll of a few of our registers in our district.

E. Merita Lewis-Spencer (Merita)
Hyde County Register of Deeds
ph: 252-926-4182 fax: 252-926-3710
<mailto:m Spencer@hydecourtync.gov>

Merita Spencer

From: Pritchard, Joy [PritchardJ@co.pasquotank.nc.us]
Sent: Tuesday, May 21, 2013 1:33 PM
To: Merita Spencer
Subject: RE: Wondering

We have several. The Tax Administrator and 2 girls in her office, the GIS lady and the County Planner and her Assistant.

From: Merita Spencer [mailto:m Spencer@hydecourtnc.gov]
Sent: Tuesday, May 21, 2013 1:22 PM
To: Pritchard, Joy
Subject: Wondering

Hi Joy. Am polling a few of our registers to see where and who their review officer is. I have a bit of an issue going on with a retired attorney who is now on the BOC.

E. Merita Lewis-Spencer (Merita)
Hyde County Register of Deeds
ph: 252-926-4182 fax: 252-926-3710
<mailto:m Spencer@hydecourtnc.gov>

LAND RECORDS

Number 32 October 2006

WHEN IS PLAT REVIEW OFFICER CERTIFICATION REQUIRED?

■ Charles Szypszak

Since 1997, North Carolina law has required that any plat to be presented to the register of deeds first be reviewed and certified by a county review officer, unless the plat is of a type that is the subject of a statutory exception from review. This Bulletin describes the requirements for review officer approval and addresses some common misconceptions.

Process Overview

The review officer requirements are to apply uniformly in all North Carolina counties. G.S. 47-30(k). Local governments are not empowered to create their own exceptions to the review officer requirements. Although local governments may define their own exceptions from local *subdivision review*, plats that are the subject of such local exceptions from land use board approval still must go to the review officer before they can be recorded with the register. The law specifically provides that if a local government creates an "exception to the definition of subdivision," meaning that the particular boundary change is not subject to local subdivision review, the applicability of this exception must be certified by the surveyor and this must be verified by the review officer's certification. G.S. 47-30(f)(11)(d).

The statute says that the review officer "shall review *expeditiously* each map or plat required to be submitted to the Officer before the map or plat is presented to the register of deeds for recording." G.S. 47-30.2(b). The "expeditiously" requirement does not set a certain time limit within which the review must be completed, but this requirement means that the county must follow a process that quickly and efficiently attends to requests for review by those seeking to register a plat. The process should take into consideration the time-sensitive nature of many real estate transactions involving recorded plats as well as the need to handle all submissions carefully and in proper order.

Review officers check plats for title block information, which includes the owner's name (which is important for indexing purposes), the property designation and the township, county, and state in which it is located, the date the survey was made, the scale or scale ratio, and the preparing surveyor's name and address. G.S. 47-30(c). Review officers also check for compliance with plat size and reproducibility requirements and for the surveyor's certificate and seal. G.S. 47-30(a), (b), (d). They

also confirm information on the plan about subdivision approval, G.S. 153A-332, G.S. 160A-373; any required surveyor certification about the subdivision ordinance if the plat is not excluded from the review officer requirement, G.S. 47-30(f)(11); the location of control corners, G.S. 39-32.3; and an indication of any new or changed streets, G.S. 136-102.6(d).

G.S. 47-30.2(b) provides that the review officer certifies plats to be presented *for recording*. A certification is an official act in connection with a plat that has been presented with the intent to record it with the register. There is no provision for affixing a certificate upon a copy of such a plat that someone is not then intending to present to the register of deeds.

The registration of noncompliant plats can cause serious title problems. Plats can be an important source of information about a grantor's intent. When property is subdivided or boundaries are adjusted, the plat depicts the new lines and reflects compliance with land use laws. The review officer process serves as an important safeguard to ensure that the requirements for subdivisions and for recording plats are followed. Serious problems can result when the review process is ignored or circumvented.

Review Officer Certification

Counties are required by G.S. 47-30.2(a) to designate one or more review officers to review plats for compliance with all statutory requirements *for recording*. The names of the appointed review officers must be recorded with the register of deeds. When a review officer has determined that a plat is compliant and may be recorded, he or she places a certificate on the plat in substantially the following form:

State of North Carolina
County of _____

I, _____, Review Officer of
_____ County, certify that the map or
plat to which this certification is affixed meets all
statutory requirements for recording.

Review Officer

Date

G.S. 47-30.2(b). The register of deeds is prohibited from recording a nonexempt plat unless it contains this review officer certification. A register is therefore not empowered to make the certification. The review officer must examine a plat subject to his or her review

for compliance with the statutory requirements, and a register may rely on the review officer's certification of compliance. If a register notices a problem with statutory compliance, the register may bring the problem to the review officer's attention, but the statute does not give the register any authority to overrule the review officer's determination.

Among the requirements that *the review officer* will examine is the requirement for a surveyor's certificate about the survey's preparation, which must be substantially in the following form:

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book ____, page ____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information bound in Book ____, page ____; that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this __ day of __, A.D., _____.

Seal or Stamp

Surveyor
Registration Number

G.S. 47-30(d). A plat need not comply with the *current surveyor certificate* requirement if when it was signed it complied with the surveyor certificate requirement then in effect. The presenter is responsible for proving that the plat was so prepared. G.S. 47-30(d).

The statutes also contain an exception from recording prerequisites for a plat prepared by a registered land surveyor but not registered before the surveyor's death. Such a survey may be filed "for preservation" provided that the review officer first certifies that the plat meets this exception. G.S. 47-30(h). Consequently, such a plat still must be reviewed by the review officer. The statute does not explain the significance of recording "for preservation," but a reasonable interpretation is that the plat should be filed by some method that indicates to those examining it that it was filed for this purpose and not simply registered in the ordinary course.

Exceptions

There are three categories of exceptions to the review officer requirement: special categories of plats governed by particular statutes; illustrative plats

containing required legends; and certain kinds of plats that need not comply with current requirements but that must be certified as such by a surveyor.

Plats Subject to Particular Statutes

These four categories of plats are not subject to G.S. 47-30 and instead have special requirements:

Highway right-of-way plans are governed by G.S. 136-19.4, which provides that the Department of Transportation shall certify a copy of the cover sheet, plan, and profile sheets of right-of-way plans to the register of deeds in the county where the road project is located. The certified copies are to be approximately 17 inches by 11 inches and are to be recorded in a special book for this purpose.

Transportation corridor official maps are governed by G.S. 136-44.50, which authorizes local, regional, and state authorities to adopt official maps that show roads and rail lines. A certified copy of the map must be filed with the register in a special file. The map must be 20 inches by 12 inches, including a border of no less than 1 ½ inches on the left side.

Annexation maps are governed by G.S. Chapter 160A, Article 4A, which requires a municipality extending its limits to record a map of the annexed area with the register of deeds. These maps do not have to meet any particular requirements. They do not have to be prepared by a registered land surveyor, and they do not have to meet any size requirement.

Condominium plans are governed by G.S. 47C-2-109 and have their own detailed requirements. Although condominium plans are not expressly exempted from review officer certification, they are part of a separate statutory scheme and appear not to be subject to the general plat recording rules.

Illustrative Plats

The review officer's certification is not required for plats or maps attached only for illustration purposes to deeds or other instruments that are no larger than 8 1/2 inches by 14 inches and contain the language required by G.S. 47-30(n), which is as follows:

THIS MAP IS NOT A CERTIFIED SURVEY
AND HAS NOT BEEN REVIEWED BY A
LOCAL GOVERNMENT AGENCY FOR
COMPLIANCE WITH ANY APPLICABLE
LAND DEVELOPMENT REGULATIONS.

An attached map that contains this statement is exempt from review officer certification. For a plat attached to an instrument to be registered without this legend, it

must have the original signature and seal of a registered land surveyor, or be a certified copy of a plat that bears such an original signature and seal, and it must be reviewed and certified by the review officer before it can be registered. G.S. 47-30(m).

A question sometimes arises about whether an attached plat may be recorded without review officer approval if it has the illustrative plat legend and also has an original surveyor's stamp and signature. A register may reasonably require review officer approval of such a plat. Subsection (n) begins with the following: "A map that does not meet the requirements of subsection (m) . . ." This indicates that when a plat does fit the description of (m) (it has an original surveyor's signature and stamp or is a copy of a recorded plat with them) it is subject to that rule, including the review officer approval requirement, even if it also otherwise could fit the description of an illustrative plat under (n).

Surveyor Certification

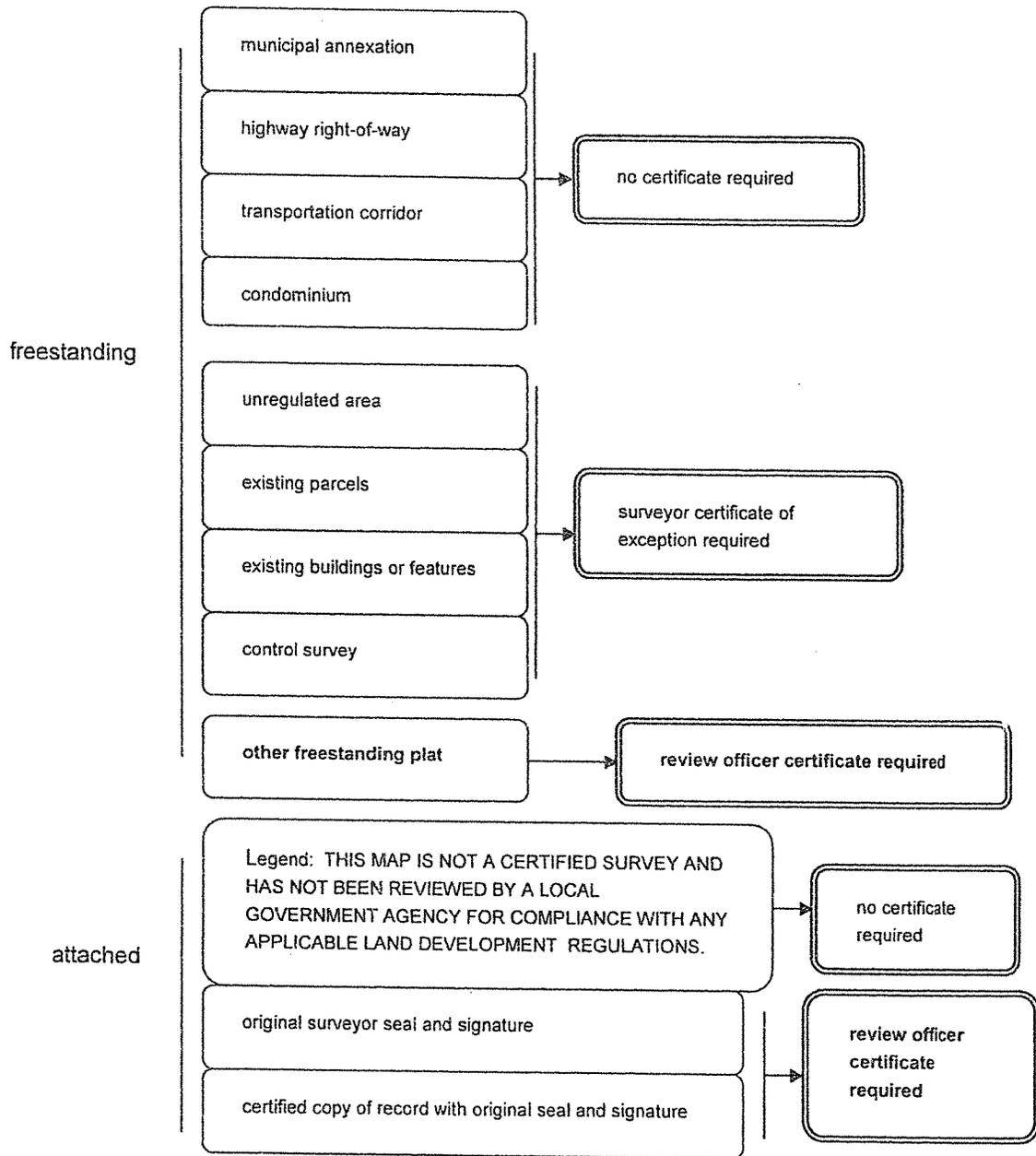
The following types of plats are exempt from review by a review officer and may therefore be recorded without a review officer's certification, but must have a certificate signed by a surveyor stating that the survey is of the nature exempted:

- A survey located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land. G.S. 47-30(f)(11)(b).
- A survey of an existing parcel or parcels of land that does not create a new street or change an existing street. G.S. 47-30(f)(11)(c)(1).
- A survey of an existing building or other structure, or natural feature, such as a watercourse. G.S. 47-30(f)(11)(c)(2).
- A control survey. G.S. 47-30(f)(11)(c)(3).

G.S. 47-30.2(c). In essence, these kinds of plats have been determined not to implicate the concerns being addressed by the review officer requirement. The register may rely on the surveyor's certification that the plat has these characteristics.

Register Review Diagram

The following diagram illustrates the review process and the exceptions:



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§ 47-30.2. Review Officer.

(a) The board of commissioners of each county shall, by resolution, designate by name one or more persons experienced in mapping or land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording. Each person designated a Review Officer shall, if reasonably feasible, be certified as a property mapper pursuant to G.S. 147-54.4. A resolution designating a Review Officer shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer.

(b) The Review Officer shall review expeditiously each map or plat required to be submitted to the Officer before the map or plat is presented to the register of deeds for recording. The Review Officer shall certify the map or plat if it complies with all statutory requirements for recording.

Except as provided in subsection (c) of this section, the register of deeds shall not accept for recording any map or plat required to be submitted to the Review Officer unless the map or plat has the certification of the Review Officer affixed to it. A certification shall be in substantially the following form:

State of North Carolina
County of

I, _____, Review Officer of _____ County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date _____

(c) A map or plat must be presented to the Review Officer unless one or more of the following conditions are applicable:

- (1) The certificate required by G.S. 47-30(f)(11) shows that the map or plat is a survey within the meaning of G.S. 47-30(f)(11)b. or c.
- (2) The map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30(j) or (l).
- (3) The map is an attachment that is being recorded pursuant to G.S. 47-30(n). (1997-309, s. 3; 1998-228, s. 13.)

Hyde County Plat Review
Hyde County Office of Economic Development & Planning

MEMORANDUM

TO: Bill Rich, Hyde County Manager
Hyde County Board of Commissioners

FROM: Kris Noble, Office of Economic Development & Planning 

DATE: May 28, 2013

SUBJECT: Hyde County Plat Review Officer Duties

Cc: Merita Lewis Spencer, Hyde Register of Deeds

Commissioner Fletcher has requested that staff work to achieve a faster and easier map review process. The current process is as follows:

Scenario 1 – A map or plat is submitted to any of the following Review Officers: Kris Noble (Planning), Jane Hodges (Inspections) or Justin Gibbs (EM, EMS, GIS). If the map does not represent a subdivision of land or is not located in Ocracoke Township the map can be reviewed immediately, approved and submitted to the Register of Deeds for recording. Approximately 90% of the maps being reviewed by the Planning Office fall in this category. The Planning Office maintains a Plat Review Log which documents the date plats are received and the date plats are processed. Most plats are reviewed and recorded the same day. The Planning Office strives to give exceptional customer service in the area of plat review. When traveling on out of town business, the Planner regularly checks her email and phone messages and makes all efforts to make recording plats as timely and hassle free as possible for the citizenry.

Scenario 2 – A map or plat of property located in Ocracoke Township must be reviewed and approved by the Ocracoke Development Officer, Jerry Hardison for compliance with the Ocracoke Development Ordinance and then reviewed by a Review Officer as named above before being recorded. The Review Officer portion is typically completed by the Planner and takes just several minutes to complete. The Planner then sends the plat to the Building Inspector for review. The Building Inspector typically reviews and approves an ODO map within 3 business days if the plat is compliant. If the plat is not compliant with ODO guidelines the Building Inspector works with the surveyor and/or property owner to make adjustments to the plat and then the plat is recorded.

Scenario 3 – If the map or plat does represent a subdivision of land on the mainland, the Planner then submits the map to all internal and external review agencies including Hyde County Public Utilities, Hyde County Health Department, NC DOT and CAMA for comments per the Hyde County Subdivision Ordinance. Pending no negative comments from those agencies, the plat goes before the BOC for approval. The map is then submitted to the Register of Deeds for recordation.

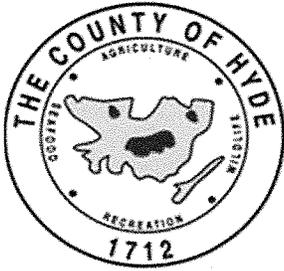
Proposed solutions to expediting the plat review process:

The Planner, County Manager and Register of Deeds have met to discuss possible solutions to expediting the plat review process.

It is recommended to make the process more streamlined that all Map Review Officers will be located in the Planner's Office which consists of the Planner and the Assistant to the Planner. The Planning Office strives to have at least one staff member in the office at all times making plat drop off easier for citizens, attorneys and surveyors. Kris Noble will be renamed a Map Review Officer and Averi Simmons will be named a Map Review Officer. Jane Hodges and Justin Gibbs will be relieved of their duties as Map Review Officers. This will make one department responsible for receiving and processing plats, alleviating confusion to the public.

It was decided after research by Hyde's Register of Deeds that it was not recommended to have the Map Review Officer within the Register's Office but in an outside department. The Planning Office will work closely with the Register's Office to ensure compliance and timely processing.

It is recommended that the Hyde County Building Inspector will remain the Ocracoke Development Ordinance Officer and will continue to approve ODO plats and enforce the ordinance during routine visits to Ocracoke for building inspections. The Planning Office will coordinate with the Building Inspector to have the plat reviewed for compliance with the Ocracoke Development Ordinance and will then coordinate with the Register of Deeds to have the plat recorded.



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

**RESOLUTION
RELATING TO THE BUDGET
FOR FISCAL YEAR 2013-2014**

WHEREAS, the Board of County Commissioners desires to establish a detailed fiscal year budget (July 1, 2013 through June 30, 2014) for the County of Hyde, North Carolina, and;

WHEREAS, the Board of Commissioners is adopting a Budget Ordinance for the July 1, 2013 – June 30, 2014 fiscal year and said Ordinance incorporates this Resolution into the Ordinance as the budget for Hyde County for this period;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Hyde County, North Carolina meeting this 3rd day of June, 2013, does hereby adopt the attached document entitled "FY2013-2014 Hyde County Budget" (that is evidenced by the County Manager's initials on the bottom of each page of the document) as the fiscal year budget for Hyde County for the period beginning July 1, 2013 and ending June 30, 2014 and;

BE IT FURTHER RESOLVED that the Board of Commissioners hereby adopts the following goals regarding items contained within the attached "FY2013-2014 Hyde County Budget:"

1. The County Commissioners shall continue to make economic development, community development and tourism that creates quality job opportunities and increases the tax base a very high priority.
2. The County Commissioners shall continue to support the expansion of infrastructure services to the citizens of the County.
3. The County Commissioners shall continue to expect a high level of customer service in all interactions with County government.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby adopts the following County Manager's objectives regarding items contained within "FY2013-2014 Hyde County Budget," and additional expectations and commitments as follows:

1. Raise Hyde County's General Fund Balance to a minimum of four million dollars (\$4,000,000.00) by June 30, 2014.

2. Operate within the adopted budget with an emphasis on cost savings and reduced expenses.
3. Recover most, if not ALL of FEMA funds due to Hyde County.
4. Sell and/or lease those surplus properties owned by Hyde County that are FEMA acquired or unused.
5. Stimulate the local economy in an effort to increase sales and alcohol tax.
6. Participate with the Hyde County Tax Department and our Legal Support to continue to aggressively collect delinquent taxes and monitor the new state mandated collections for the Department of Motor Vehicle Tax.
7. Stabilize the roofs of both the government and public safety center where we will be leak and mold free in the most cost effective manner to the County.
8. Receive ownership of the East Carolina Bank Processing Facility and have an orderly transition of the Department of Social Services and Satellite Sheriff's Office to the new facility.
9. Aggressively participate with Kris Noble and Jane Hodges in economic development stemming from the Hyde County Airport and its involvement with the UAV program and how that correlates with aerospace technology and engineering.
10. Related to airport development, establish remote campuses for regional outreach as it might relate to East Carolina University, Beaufort County Community College, Elizabeth City State University and College of the Albemarle.
11. Aggressively pursue with Kris Noble grants and programs to bring economic and environmental improvement to Hyde County.
12. Promote and stimulate the ecological and environmental beauty of Hyde County as a tourist attraction.
13. Draw a small percentage of tourism from Dare County and entice tourist to visit mainland Hyde County and Ocracoke for overnights, great meals and outdoor exploration.
14. Be involved in better understanding the operations of EMS, EM, E911 and the Sheriff's Department.
15. Participate in courses and training to be totally prepared as County Manager and ultimately Incident Commander for any type of disaster.

16. Assist with the Hyde County Tax, Water and Inspection Departments in implementing a system to accept all major debit/credit cards.
17. Work with North Carolina Department of Commerce in attracting new and conducive industry to Hyde County.
18. Improve storm water run-off on the streets of Ocracoke.
19. Establish a Mooring Field on Silver Lake with the help of Jane Hodges.
20. Maintain community chipping and mulch operations on Ocracoke.
21. See NO INCREASES in Hyde County ferry tolls.
22. Work closely with Hyde County Chamber of Commerce-Tourism, Tourism, Tourism.
23. Be present when they yell "Play Ball" at the Ocracoke Community Park.
24. Stay active in the community-Meals on Wheels, Senior Center, 4-H, etc.
25. Provide a condensed but precise monthly financial report for the Hyde County Board of Commissioners.

BE IT FURTHER RESOLVED that any narrative language contained in the attached budget document and this Resolution is subordinate to any language in conflict with the Budget Ordinance in which this Resolution is referenced but that any figures and narrative language contained in this Resolution or the attached budget document is otherwise binding; and,

BE IT FURTHER RESOLVED that a copy of this resolution, shall be recorded in the minutes of the Board of Commissioners but that the original version of the attached "FY2013-2014 Hyde County Budget" with the Budget Officer's initials on each page shall be kept on file in the office of the Clerk to the Board of County Commissioners.

Duly adopted the 3rd of June, 2013.

Attested by:

Barry Swindell, Chair
Hyde County Board of Commissioners

Lois Stotesberry, Clerk
Hyde County Board of Commissioners