

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

Meeting Date: April 1, 2013
Presenter: Clint Berry
Attachment: Yes

ITEM TITLE: NCDOT Utility Relocation Agreement

SUMMARY: NCDOT Bridge replacement on SR 1305 (Piney Woods Rd)

RECOMMEND: Approval of agreement.

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.

UTILITY RELOCATION AGREEMENT

NORTH CAROLINA STATE HIGHWAY PROJECT NO. 17BP.1.R.50

WBS ELEMENT: 470025

TRANSPORTATION IMPROVEMENT PROGRAM NO. _____

COUNTY Hyde

This agreement made this 1st day of April 2013, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT, and Hyde County. hereinafter referred to as the COMPANY:

WITNESSETH:

THAT WHEREAS, the DEPARTMENT will submit a project for construction as follows:

316 LF of directionally drilled 8”HDPE water line to avoid bridge replacement and relocation of two services and reconnection of one service along Piney Woods Road

known as route SR 1305 in Hyde County, North Carolina to be designated as N.C. State Highway Project and/or WBS Element 470025 and, WHEREAS, the construction of said project will require certain adjustments to be made to the existing facilities of the COMPANY;

NOW, THEREFORE, in order to facilitate the orderly and expeditious relocation of the said facilities of COMPANY, the DEPARTMENT and the COMPANY have agreed as follows:

1. That the scope, description, and location of work to be undertaken by the COMPANY are as follows: **Relocation of existing waterline around Bridge and reconnection and relocation of services**

2. That any work performed under this agreement shall comply with DEPARTMENT's "POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS OF WAY" dated January 1, 1975, and such amendments thereto as may be in effect at the date of this agreement. The work to be performed by the COMPANY shall conform with Federal Highway Administration's Federal-Aid Policy Guide, Subchapter G, Part 645, Subpart A hereinafter referred to as FAPG dated December 9, 1991, and such amendments thereto as may be in effect at the date of this agreement. The provisions of said FAPG and amendments thereto are incorporated in this agreement by reference as fully as if herein set out. Any work performed under this agreement not in compliance with FAPG shall constitute unauthorized work and the DEPARTMENT shall be relieved of participating in the costs of such unauthorized work unless such work is done pursuant to a supplemental agreement attached to and made a part hereof.

3. That the COMPANY will prepare an estimate, broken down as to estimated cost of labor, construction overhead, materials and supplies, handling charges, transportation and equipment, rights of way, preliminary engineering and construction engineering, including an itemization of appropriate credits for salvage, betterments and accrued depreciation, all in sufficient detail to provide the DEPARTMENT a reasonable basis for analysis. Unit costs, such as broad gauge units of property, may be used for estimating purposes where the COMPANY uses such units in its own operations. The COMPANY will also prepare plans, sketches or drawings showing their existing facilities, temporary and permanent changes to be made with reference to the DEPARTMENT's new right of way using appropriate nomenclature, symbols, legend, notes, color coding or the like. The before mentioned estimate and plans are attached hereto and made a part hereof. The DEPARTMENT will not reimburse the COMPANY for any utility relocations or changes not necessitated by the construction of the highway project, nor for changes made solely for the benefit or convenience of the COMPANY, its contractor, or a highway contractor.

4. That the DEPARTMENT's authority, obligation, or liability to pay for relocations as set forth in this agreement is based on the COMPANY having a right of occupancy in its existing location by reason of holding the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain.

5. That payment for all work done hereunder shall be made in accordance with the requirements of FAPG unless payment is being made pursuant to a supplemental agreement attached to and made a part of this agreement.

6. That the construction work provided for in this agreement will be performed by the method or methods as specified below:

 BY COMPANY'S REGULAR FORCE: The COMPANY proposes to use its regular construction or maintenance crews and personnel at its standard schedule of wages and working hours in accordance with the terms of its agreement with such employees.

 X BY EXISTING WRITTEN CONTINUING CONTRACT: The COMPANY proposes to use an existing written continuing contract under which certain work as shown by the COMPANY's estimate is regularly performed for the COMPANY and under which the lowest available costs are developed.

 BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. The COMPANY proposes to award a contract to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed as set forth in an appropriate solicitation for bids.

7. a. It is contemplated by the parties hereto that the construction of this State Highway Project will begin on or about the 15 day of August, 2013.

b. Based on the best information available at the present time to the COMPANY, indicate applicable paragraph below:

 X Materials are available and it is expected that work will be complete prior to highway construction.

 All work will take place during highway construction and arrangements for said work will be coordinated with highway construction operations at preconstruction conference.

 Work will begin promptly upon notification by DEPARTMENT; however, it is not expected to be complete prior to highway construction. Any remaining work will be coordinated with highway construction operations at preconstruction conference.

 Other (Specify) _____

8. That the method used by the COMPANY in developing the relocation costs shall be as indicated by Paragraph (a), (b), or (c) as follows:

- a. Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.
- b. Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by the DEPARTMENT.
- c. On a lump-sum basis where the estimated cost to the DEPARTMENT does not exceed \$100,000.00. Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size, and rate; materials and supplies by items and price; and payroll additives and other overhead factors.

9. Indicate if (a), (b), or (c) is applicable:

- a. That the replacement facility is not of greater functional capacity or capability than the one it replaces, and includes no COMPANY betterments.
- b. That the replacement facility involves COMPANY betterments, or is of greater functional capacity or capability than the one it replaces.
- c. That the replacement facility is other than a segment of the COMPANY's service, distribution, or transmission lines, such as a building, pumping station, filtration plant, power plant or substation, production or transfer of storage facilities and other similar operating units of the COMPANY's physical plant or operating facilities.

If (c) is applicable, set forth credit to the project for the accrued depreciation of the facility being replaced.

10. That the total estimated cost of the work proposed herein, including all cost to the DEPARTMENT and COMPANY less any credit and COMPANY less any credit for salvage, is estimated to be ----- \$ _____

The estimated non-betterment cost to the DEPARTMENT, including all cost less any credits for salvage, betterments, accrued depreciation and additional work done by the COMPANY will be ----- \$ 29,500

The estimated cost to the COMPANY including betterments, accrued depreciation and any additional work done by the COMPANY will be ----- \$ _____

(The above costs shall be supported by attached estimate and plans)

11. That in the event it is determined there are changes in the scope of work, extra work, or major changes from the statement of work covered by this agreement, reimbursement shall be limited to costs covered by a modification of this agreement or a written change or extra work order approved by the DEPARTMENT.

12. Periodic progress billings of incurred costs may be made by COMPANY to the DEPARTMENT not to exceed monthly intervals; however, total progress billing payments shall not exceed 95% of the approved non-betterment estimate. Progress billing forms may be obtained from the State Utility Agent. One final and detailed complete billing of all costs shall be made by COMPANY to the DEPARTMENT at the earliest practicable date after completion of work and in any event within 6 months after completion of work. The statement of final billing shall follow as closely as possible the order of the items in the estimate portion of this agreement.

13. That the DEPARTMENT shall have the right to inspect non-reusable materials of the COMPANY recovered on this project prior to disposal by sale or scrap.

14. That the DEPARTMENT shall have the right to inspect all books, records, accounts and other documents of the COMPANY pertaining to the work performed by it under this agreement at any time after work begins and for a period of 3 years from the date final payment has been received by the COMPANY.

15. That the COMPANY obligates itself to erect, service and maintain the facilities to be retained and installed over and along the highway within the DEPARTMENT right of way limits in accordance with the mandate of the Statute and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

16. That if, in the future, it becomes necessary due to highway construction or improvement to adjust or relocate utilities covered in this agreement being relocated at DEPARTMENT expense that are crossing or otherwise occupying highway right of way, the non-betterment cost of same will be that of the DEPARTMENT.

17. That if, at any time, the DEPARTMENT shall require the relocation of or changes in the location of the encroaching facilities covered in this agreement being relocated at COMPANY expense, the COMPANY binds itself, its successors and assigns, to promptly relocate or alter the facilities, in order to conform to the said requirements, without any cost to the DEPARTMENT.

18. That the COMPANY agrees to relinquish their rights in that portion of right of way vacated by their existing facilities now absorbed within DEPARTMENT right of way.

IN WITNESS WHEREOF, the parties hereby have affixed their names by their duly authorized officers the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
ASST. STATE UTILITY AGENT

ATTEST OR WITNESS

(TITLE)

Hyde County

(NAME OF COMPANY)

BY: _____

TITLE: _____

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

Meeting Date: April 1, 2013
Presenter: Clint Berry
Attachment: Yes

ITEM TITLE: Ocracoke Convenience Site Update (Chipping Vegetative Debris)

SUMMARY: Discontinuing the use of the chipper on Ocracoke

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.

Lois Stotesberry

From: James Blount <jblount@hydecourtync.gov>
Sent: Monday, March 18, 2013 11:51 AM
To: Clint Berry
Cc: jblount@hydecourtync.gov
Subject: FW: Tree Grinding at Ocracoke Site

From: Williams, Ray [<mailto:ray.williams@ncdenr.gov>]
Sent: Monday, March 18, 2013 7:16 AM
To: jblount@hydecourtync.gov
Subject: FW: Tree Grinding at Ocracoke Site

Ray Williams; Environmental Senior Specialist
NCDENR Division of Waste Management
Solid Waste Section
Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
252.948.3955
252.975.3716 (fax)
<http://portal.ncdenr.org/web/wm/sw>

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From: Williams, Ray
Sent: Friday, March 15, 2013 4:08 PM
To: jblount@hydecourtync.gov
Subject: Tree Grinding at Ocracoke Site

Mr Blount,

As we discussed, by grinding vegetative waste at the Hyde County Convenience site you would be required to apply for a permit to operate a Treatment & Processing Facility. **15A NCAC 13B .0201 (a)** states: "No person shall treat, process...solid waste except at a solid waste management facility permitted by the Division for such activity..."

Providing a roll off container at the site for the collection and transfer of vegetative waste at the convenience site would not require a permit, however, when you collect *and* grind the material on-site, you have, by definition, established a Treatment & Processing Facility at the site without a permit. Also, the site in question would not meet the buffer requirements for operating a T&P, so another site would need to be found that met the buffer requirements if you wish to continue operating the grinder. As we discussed, operating a solid waste management facility without a permit is subject to a fine of up to \$15,000.00 per day/per violation.

If you have any further questions, please feel free to contact me. Have a great weekend.

Yours sincerely,

Ray Williams

Ray Williams; Environmental Senior Specialist
NCDENR Division of Waste Management
Solid Waste Section
Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
252.948.3955
252.975.3716 (fax)
<http://portal.ncdenr.org/web/wm/sw>

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Lois Stotesberry

From: James Blount <jblount@hydecourtync.gov>
Sent: Monday, March 25, 2013 4:04 PM
To: Clint Berry
Cc: jblount@hydecourtync.gov
Subject: FW: Ocracoke Site

From: Williams, Ray [<mailto:ray.williams@ncdenr.gov>]
Sent: Monday, March 25, 2013 3:47 PM
To: jblount@hydecourtync.gov
Subject: Ocracoke Site

Mr Blount,

In reference to our earlier conversation, pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Statute or Regulations. For any violation(s), the property owner or site operator may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service, and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

A violator has 30 days to take measures to correct the violation(s) found on/at the solid waste management site. Please let me know if you need any further information. Have a great afternoon.

Yours sincerely,
Ray Williams

Ray Williams; Environmental Senior Specialist
NCDENR Division of Waste Management
Solid Waste Section
Washington Regional Office
943 Washington Square Mall
Washington, NC 27889
252.948.3955
252.975.3716 (fax)
<http://portal.ncdenr.org/web/wm/sw>

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Hyde County Health Department

P.O. Box 100
1151 Main Street
Swan Quarter, N.C. 27885

Phone: (252) 926-4200
Fax: (252) 926-3702



*From the Lodge to the Lighthouse
We're striving for a healthier Hyde*

*Wesley P. Smith
Health Director*

HYDE COUNTY TELEMEDICINE PRIMARY CARE FACILITY FEE SCHEDULE EFFECTIVE FEBRUARY 26, 2013

STANDARD FACILITY FEE **\$50.00**

**INTRODUCTORY OFFER FOR FACILITY FEE
(THROUGH AUGUST 2013)** **\$10.00**

Hyde County Health Department is a participating provider with Medicaid and Blue Cross Blue Shield of North Carolina. We are in the process of becoming credentialed to participate in Medicare and Medcost. To assist you, we will file with your insurance carrier. If your insurance carrier does not reimburse Hyde County Health Department because we are non-participating, your fee will be based on a Sliding Fee Scale, with the minimum fee being \$10.00.

It is possible you could receive a bill from CCNC Jacksonville, NC for the physician's fee, as well as a separate fee for any lab work that is done as part of your visit.

This Fee Schedule, effective February 26, 2013, was reviewed and approved by the Hyde County Board of Health on March 19, 2013:

Chair, Hyde County Board of Health

Date

Chair, Hyde County Board of Commissioners

Date

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

Meeting Date: April 1, 2013
Presenter: Bill Rich, County Manager
Attachment: Yes

ITEM TITLE: OCRACOKE OCCUPANCY TAX

SUMMARY: During their February 27, 2013 Board meeting the Ocracoke Occupancy Tax Board voted to allocate \$30,000 for advertising in April and May. Copy of their minutes and a breakdown of the \$30,000 are included with this request.

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.

Occupancy Minutes

The following is an account of the minutes taken at the Ocracoke Occupancy Board meeting held on 2/27/ 2013 at 7:30 pm at the Community Center. The following members of the Occupancy Board were present. Chairperson Wayne Clark, members Frank Brown, Clayton Gaskill, Martha Garrish and Trudy Austin.

The meeting was called to order. First, Chairman Wayne Clark discussed how the Request Procedures would be sent out. It was decided that a letter would be sent out and Martha would send e-mails as well. It was discussed that information in the Request letters state that we can only commit to one year at a time. The letter would go out no later then March 15, 2013. The meeting was scheduled for April 9, 2013 at 7:00 pm at the Community Center. Information of request would be sent to board members no later then April 2, 2013. We also requested that the County Manager or Finance Officer be present. Frank Brown made a motion, Martha Garrish second, all members were in favor. Chairman Wayne Clark stated that the board should nominate a Vice-Chairperson. Martha Garrish made a motion, Frank Brown second that and all members were in favor. Also the board requested that someone should take mimutes for every meeting. Frank Brown made a motion, Trudy Austin second that and all members were in favor. It was unanimously decided that the Occupancy Board keep at least \$450,000 in the Contingency Fund. It was then discussed that Chairman Wayne Clark would contact the Lewis Advertising Firm about advertising for April and May 2013. The board agreeded to spend up to \$30,000 for this. Frank Brown made a motion, Martha Garrish second that and all members were in favor. Next the board requested to put the money set aside for the Trolley Project be put back in the Contingency Fund. The board also decided to wait at a later date to decide on any Occupancy Board Project. The meeting was then adjourned.

Trudy Austin

Ocracoke Media Budget ~ Spring 2013

<u>Media</u>	<u>Monthly Cost</u>
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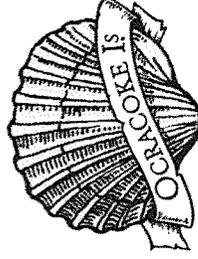
- WRAL.com - Raleigh/Durham \$ 8,000.00
- Hampton Roads \$ 3,725.00
- WAVY.com - Norfolk \$ 2,675.00

Monthly Budget \$14,400.00
2-month Campaign / April & May x 2-mos

\$28,800.00

Miscellaneous Production \$ 1,200.00

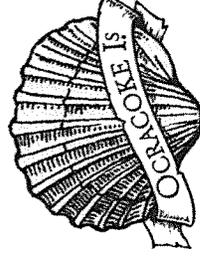
TOTAL BUDGET: \$30,000.00



WAVY.com Proposal ~ Spring 2013

- **WAVY.com (Channel 10 / NBC / Norfolk DMA)**
 - ROS Top leaderboard (728x90), half-page (300x600), :15 pre-roll video and Mobile banner
 - Total 95,000 impressions per month

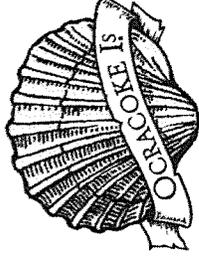
TOTAL Cost: \$2,675 per month



Hampton Roads Proposal ~ Spring 2013

- **Hamptonroads.com & Pilotonline.com**
 - ENTERTAINMENT Sponsor – Top leaderboard (728x90), Skyscraper (160x600 – down right rail), and Rectangle (300x250 – left side, above fold) @100,000 impressions per month
 - LEISURE TRAVEL – Target leisure travel demographics with ROS leaderboard display (728x90) @100,000 impressions per month
- **Weekend Scoop**
 - eNewsletter Sponsorship
 - Delivered on Thursdays each week to estimated 70,000 opt-in subscribers
 - 4x per month – as available

TOTAL Cost: \$3,725 per month

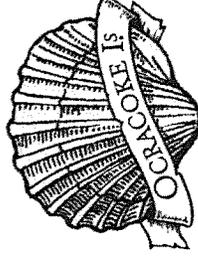


Raleigh/Durham Proposal ~ Spring 2013

- **WRAL-TV**
 - (150) 15-sec TV commercials to run in local news programming: Mon-Sun, 5a-9a News, 5p-7p News, 7p-8p Prime Access, 11p-1a Late News/Late Fringe. Commercials to air as stand alone spots or bookends.

- **WRAL.com**
 - TRAVEL sponsor – Travel main page wrap and all subsection pages in Travel for designated weeks in flight. This is a permanent fixed position for 24-hrs a day filtering through all main & sub travel pages
 - TRAVEL main page - half page display (300x600) @150,000 impressions per month as fixed travel sponsor
 - HOME page - half page display (300x600) on Thursdays or Fridays (as available) @150,000 impressions per week for 8-wk campaign
 - HOME PAGE, NEWS, SPORTS, TRAFFIC, BUSINESS, ENTERTAINMENT sections - :15 pre-roll video with adjacent display (300x250) @40,000 impressions per month
 - NEWS / WEATHER / ENTERTAINMENT sections – BONUS display (300x250) to rotate @100,000 impressions per month

TOTAL Cost: \$8,000 per month



CLERK'S NOTE: A copy of "PROCLAMATION First Amendment to The Proclamation of The State of Emergency for Hyde County Hurricane Irene Promulgated on August 25, 2011" is attached herewith as Exhibit E and incorporated herein by reference.

CLERK'S NOTE: A copy of "PROCLAMATION Second Amendment to The Proclamation of The State of Emergency for Hyde County Hurricane Irene Promulgated on August 28, 2011" is attached herewith as Exhibit F and incorporated herein by reference.

CLERK'S NOTE: A copy of "PROCLAMATION Third Amendment to The Proclamation of The State of Emergency for Hyde County Hurricane Irene Promulgated on August 30, 2011" is attached herewith as Exhibit G and incorporated herein by reference.

Commissioner Byrd moved to adopt PROCLAMATION Fourth Amendment to The Proclamation of The State of Emergency for Hyde County Hurricane Irene Promulgated on September 6, 2011 terminating the State of Emergency and all of the restrictions and orders therein, effective at 5:00 p.m. on Wednesday, September 7, 2011. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

CLERK'S NOTE: A copy of "PROCLAMATION Fourth Amendment to The Proclamation of The State of Emergency for Hyde County Hurricane Irene Promulgated on September 6, 2011" is attached herewith as Exhibit H and incorporated herein by reference.

OTHER MATTERS

Regional Child Support Services Enforcement Overview

Lynn R. Swett, Supervisor, Washington County Regional Child Support Services presented an overview of services and collections provided to Hyde County for FY 2010-2011. Ms. Swett reported that during FY 2010-2011 \$160,222 was collected on past due support. During 2010-2011 Washington County Child Support has been available to the public in the Hyde DSS 32 days, and has serviced 123 participants while in that office. Nine court sessions have been completed and \$15,696 collected in payments through those court actions.

No action required.

Ocracoke Occupancy Tax Board Emergency Advertising Program

Daphne Bennick reported that members of the Ocracoke Civic and Business organization would like to utilize funds in the amount of \$25,000 from Occupancy Tax collections to produce an advertising campaign drawing tourist to the Island after Hurricane Irene. The advertising promotion would begin in the Triad area utilizing WRAL and Time Warner Cable and would air from September 12 to October 9, 2011.

Commissioner Styron moved to approve Ocracoke Civic and Business Association to use \$25,000 for the emergency advertising program. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Spencer, Styron, Swindell and Tunnell

Nays – None

Status of Construction of Mainland Convenience Sites

Convenience sites on the Hyde County mainland were expected to be completed by October 1, 2011. Efforts spent to respond to and recover from Hurricane Irene have impeded progress on this construction. Mr. Berry reported that Mr. Rob Cuthrell of David's Trash Service has agreed

Commissioner Swindell moved to authorize the Board Chair to execute the lease agreement between Hyde County and the State of North Carolina; and, authorize County staff to send the agreement to the State Property Office. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

NC-DOT Division of Aviation Request for Public Hearing

Kris Noble, Grants Administrator, reported that the North Carolina Department of Transportation, Division of Aviation, has requested a public hearing to be held for informational purposes on Monday, April 16 during the next regularly scheduled meeting of the Commissioners.

Commissioner Swindell moved to conduct public hearing on the NC-DOT, Division of Aviation project proposal on Monday, April 16, 2012. Mr. Byrd seconded the motion. The motion passed on the following vote:

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

Approval of Grant Agreement and Funding Approval for NC Tomorrow

Kris Noble, Grants Administrator, reported that on January 3, 2012, the Hyde County Board of Commissioners approved that Bert Banks, Executive Director of the Albemarle Commission, be allowed to submit a CDBG-NC Tomorrow Application via Hyde County for a grant that would allow the North Carolina Association of Regional Councils, the North Carolina Department of Commerce's Community Development Division, the US Department of Housing & Economic Development and the SAS Institute of Cary to create a Uniform NC Comprehensive Economic Development Strategy across North Carolina. In exchange for allowing the application to be processed through Hyde County, the County will receive a portion of the grant fee for administering the eighteen (18) month-long grant for a ten (10) county region which includes Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington.

Commissioner Tunnell moved to authorize the Chair to sign the Community Investment & Assistance Community Development Block Grant Program Grant Agreement and Funding Approval contingent upon the County Commissioners being satisfied with the proposed administration fee and the County Attorney's approval of the Grant Agreement and Funding Approval for NC Tomorrow. Ms. Spencer seconded the motion. The motion passed on the following vote:

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

Use of Ocracoke Occupancy Tax Funds for Advertising

Darlene Styron, Commissioner, reported that at the request of area businesses on Ocracoke, the Ocracoke Occupancy Tax Board voted to approve a special April/May 2012 advertising plan for the Raleigh/Durham and Hampton Roads regions. The budget for the campaign is \$21,000.

Commissioner Styron moved to approve the Ocracoke Occupancy Tax Board \$21,000 advertising plan. Mr. Tunnell seconded the motion. The motion passed on the following vote:

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

Resolution in Opposition to Rules for H2-B Workers

Commissioner Byrd moved to approve "Resolution on Opposition to Rules by The U.S. Department of Labor Relating To Temporary Non-Agricultural Employment of H2-B Workers In The Unites States" to send to the Congressional and State delegation and to post on the Hyde County website. Ms. Styron seconded the motion. The motion passed on the following vote:

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

Creation of Personnel Grievance Board

County Attorney Fred Holscher presented information requested by the Board on the creation of a grievance board for County personnel.

After discussion, the Board agreed to follow current personnel policy guidelines for grievances and to not create a Personnel Grievance Board.

No further action required.

Update on Ferry Tolls Opposition

Megan Shaw, Public Information Officer (PIO), presented an update to the Board on the efforts being made to oppose ferry tolls. Concerned citizens will travel to Raleigh on May 15, 2012 to thank the Joint Committee and Representative Tim Spears for their efforts to hold over ferry tolls for one year.

Hatteras Inlet Dredging

Commissioner Styron reported that Hatteras Inlet has been partially dredged to remove sand that has blocked the channel causing damage to boats and injury to people. Ms. Styron encouraged citizens to attend the May 8, 2012 at 10:00 a.m. meeting at the Hatteras Ferry Terminal Office with Jedd Dixon, Deputy Director, NC Ferry Division; the Army Corp. of Engineers; the Coast Guard and local fishermen to discuss completion of the dredging project.

Ocracoke Occupancy Tax Board Recommendations for Distribution of Occupancy Tax

County Attorney Fred Holscher reported that the recommendations of the Ocracoke Occupancy Tax Board for the distribution of occupancy tax funds collected on Ocracoke Island are authorized by law and appropriate so long as 1) the funds are derived from, and are 90% of, the Hyde County Occupancy Tax levied by the Hyde County Board of Commissioners pursuant to 1991 Session Law, Chapter 230, House Bill 784; and 2) none of said funds are derived from the Ocracoke Township Taxing District Occupancy Tax levied by the Hyde County Board of Commissioners pursuant to 2006 Session Law, Chapter 128, House Bill 882.

Declaration of Surplus Equipment

Corrinne Gibbs, Finance Officer, requested that several items of property be declared as surplus so that they can be sold on GovDeals. These items include a 2006 Dodge Charger, a Dodge Durango, a scanner and (2) printers.

Commissioner Styron moved to declare the listed equipment as surplus. Mr. Swindell seconded the motion. The motion passed on the following vote:

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

Hurricane Irene Project Budget Ordinance 2012-05-05

Corrinne Gibbs, Finance Officer, reported that a Project Budget Ordinance is required to account for the expended funds associated with Hurricane Irene recovery.

Commissioner Swindell moved to adopt “Hyde County Hurricane Irene Recovery Project Budget Ordinance 2012-05-05”. Ms. Spencer seconded the motion. The motion passed on the following vote:

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

Clerk's Note: A copy of "Hyde County Hurricane Irene Recovery Project Budget Ordinance 2012-05-05" is attached herewith as Exhibit F and incorporated herein by reference.

Bill Rich

From: Bill Rich <billrich3@mindspring.com>
Sent: Tuesday, March 26, 2013 9:26 PM
To: Brich
Subject: FW:

From: Wayne Clark [<mailto:hubertwayneclark@gmail.com>]
Sent: Tuesday, March 26, 2013 7:14 AM
To: tootoo4u@embarqmail.com
Cc: 'Bill Rich'; 'Clayton Gaskill'; Martha Garrish; NATURAL SELECTIONS
Subject:

3/26/13

Trudy

What follows are the Minutes with the suggested additions/corrections. Please prepare the final minutes for approval ASAP. I need to get them to Bill Rich so they can be part of the Commissioners Packets for the Monday Night, April 1 Commissioners Meeting.

Thanks so much for this extra effort!

Wayne

3/23/13

In reviewing the Agenda for our Meeting I note discussion was had relative to the following:

1. Administrative Duties "to be requested" of Hyde County (Finance Office/County Manager):
 - a. Administrative Clerk/Secretary to attend all Meeting (anticipated no more than 4 per year)
 - b. Documentation of all of Minutes to include the maintenance of a "Permanent Minute Book"
 - c. Monthly Mailing of Financial Reports to Chairman with Quarterly Reports to all Board Members
 - d. Review of all Appropriation Requests as to making sure the Amount is available as per the "current year's budget".
 - e. Annual Presentation to the Board of prior Years Financials to include the current financial situation.

The Chairman will work with the County Manager to accomplish these goals of administration.

2. Discussion as to "decision by the County Commissioners" to pay the Ferry Toll Lobbyists out of Ocracoke Occupancy Tax Funds (\$7,300).
3. Review of Current Financials of the Occupancy Tax Fund

H. Wayne Clark

From: NATURAL SELECTIONS [<mailto:frankandjude@embarqmail.com>]
Sent: March 21, 2013 2:58 PM
To: Wayne Clark
Subject: Re: Ocracoke Occupancy Tax Board Minutes Meeting of 2/27/13

Fifth line from bottom - agreed

Third line from bottom - delete 'to put'

Second to last sentence, suggest rewrite - The board agreed to postpone any further discussion on an Occupancy Board Project.

Otherwise approved

Frank Brown

3/21/13

Time is of essence in getting your input as to corrections/approval of the attached minutes. Please respond by 3/26/13. I need to give the approved minutes to Bill Rich, Hyde County Manager to have him present them to the County Commissioners at the 4/1/13 Meeting. This is needed to obtain approval for payment of the Advertising Expense for April/May. Lewis Advertising is waiting on "approval" to submit the advertising.

H. Wayne Clark

For the Ocracoke Occupancy Tax Board

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: April 1, 2013
Presenter: Kris Noble
Attachment: Yes

ITEM TITLE: Request for Approval of \$84,000 Five Year Term Loan to Precision Pallet, LLC from Hyde County Revolving Loan Fund

SUMMARY: Leland B. Hershey and Everett D. Hershey are 100% owners of Precision Pallet, LLC, which is a pallet company that they purchased from relatives on July 1, 2005. Before their purchase of the company, it was known as M & H Pallet and Crate Company. The company is located at 405 Main Stem Road, Pantego, NC 27860. Precision Pallet is requesting a loan from the Hyde County Revolving Loan Fund in the amount of \$84,000.00 to purchase equipment to service an existing contract.

When the company was purchased in 2005, the owners had to work very hard to reestablish their market. When they purchased the company, annual revenue was \$1.3 million, which was down from previous historical records of over \$2 million dollars. Precision Pallet realized annual revenue over \$3 million in 2011 and 2012. The company makes pallets for pharmaceutical companies, food distributors, automotive distributors, turf farms, packing, chemical companies, bulb and seed companies, home improvement companies and others in need of shipping pallets. Many pallets are sold in bulk for overseas exporting. Precision Pallet, LLC is a year round company and demand is not seasonal.

A driving force in the pallet industry at this time is the presence of mold on shipping pallets. Companies involved in shipping food, pharmaceuticals and seed are choosing pallet companies that can ensure the pallets are mold free. Precision Pallet intends to stay ahead of the needs of the industry by drying the pallets thoroughly in a kiln. This will be a special niche offering because very few small pallet companies are doing this. Precision Pallet currently has one propane kiln which is limited in capacity and expensive to operate. In order to meet the needs of a current customer that currently represents approximately 46% of Precision Pallet's sales, the company intends to purchase, install and operate a biomass kiln. The biomass kiln will be more efficient to operate and produce the amount of pallets required to meet current and future contractual needs. The biomass kiln will be fueled by biomass waste that the company produces on site.

RECOMMEND: The RLF Committee has met and made a recommendation for the BOC to approve the \$84,000 loan as presented over a 5 year term at 5% interest.

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 Pre-application for Economic Development Revolving Loan Fund (RLF) Assistance

Leland B. Hershey and Everett D. Hershey are 100% owners of Precision Pallet, LLC, which is a pallet company that they purchased from relatives on July 1, 2005. Before their purchase of the company, it was known as M & H Pallet and Crate Company. The company is located at 405 Main Stem Road, Pantego, NC 27860.

When the company was purchased in 2005, the owners had to work very hard to reestablish their market. When they purchased the company, annual revenue was \$1.3 million, which was down from previous historical records of over \$2 million dollars. Precision Pallet realized annual revenue over \$3 million in 2011 and 2012.

The company makes pallets for pharmaceutical companies, food distributors, automotive distributors, turf farms, packing, chemical companies, bulb and seed companies, home improvement companies and others in need of shipping pallets. Many pallets are sold in bulk for overseas exporting. Precision Pallet, LLC is a year round company and demand is not seasonal.

Precision Pallet, LLC currently has a Hyde County Revolving Loan. The loan has a term of 5 years at 5% interest. The original loan amount was \$52,270.00. The loan balance is currently slightly less than \$29,122.74 with \$23,147.26 of the original principal being paid. The loan has been paid according to terms.

The loan is personally guaranteed by the Hershey's and is secured by the following collateral:

- Morgan Block Cutter with a value of \$8,500.00 at time of loan settlement
- Pallet Chief Stringer Nailer with a value of \$25,000.00 at time of loan settlement
- Wood Chipper with a value of \$25,000.00 at time of loan settlement
- 1995 379 Peterbuilt Truck with value of \$15000.00 at time of loan settlement
- 1995 W900 Kenworth Truck with a value equal to or greater to the 1993 377 Peterbuilt Truck at the time of collateral swap.*

*In December 2012, Precision Pallet, LLC requested and was granted a collateral swap replacing the 1993 377 Peterbuilt Truck with a 1995 W900 Kenworth Truck as collateral for the loan.

A driving force in the pallet industry at this time is the presence of mold on shipping pallets. Companies involved in shipping food, pharmaceuticals and seed are choosing pallet companies that can ensure the pallets are mold free. Precision Pallet intends to stay ahead of the needs of the industry by drying the pallets thoroughly in a kiln. This will be a special niche offering because very few small pallet companies are doing this.

Precision Pallet currently has one propane kiln which is limited in capacity and expensive to operate. In order to meet the needs of a current customer that currently represents approximately 46% of Precision Pallet's sales, the company intends to purchase, install and operate a biomass kiln. The biomass kiln will be more efficient to operate and

produce the amount of pallets required to meet current and future contractual needs. The biomass kiln will be fueled by biomass waste that the company produces on site.

In order to fulfill the needs of the new contract for the current customer, the company will incur the following cost:

Biomass Kiln	\$	73,000
Concrete & Installation	\$	6,000
Fan	\$	<u>5,000</u>
Total	\$	84,0000

Precision Pallet is requesting a loan from the Hyde County Revolving Loan Fund in the amount of \$84,000.00 to purchase the equipment necessary to service the contract.

Precision Pallet, LLC will offer the RLF collateral via a UCC filing on the new equipment purchased as well as a UCC filing on:

1993 377 Peterbuilt Truck with a value of \$12,000.00

1995 W900 Kenworth Truck with a value of \$12,000.00

Morgan Block Cutter with a value of \$4,800

Pallet Chief Stringer Nailer with a value of \$10,962

Wood Grinder with a value of \$14,700

(Truck values are blue book. Equipment values assigned through straight line depreciation)

This will bring the total collateral value of property securing the loan to \$135,462 to cover the original loan amount of \$29,122.74 in addition to the new loan amount of \$84,000 which equals a total loan amount of \$113,122.70.

Precision Pallet, LLC will retain 6 current employees to service the new contract. The company currently employs nineteen (19) persons. These new employees make between \$9.00 to \$12.00 per hour.

Precision Pallet, LLC's geographical market area is Southern Virginia and all of Eastern NC. Their major competitors are Parson's Woodworking in Rocky Mount, NC and Pallet One (a national company) and Edwards Force Products (SC). Precision Pallets biggest advantages over the competition are service, quality and having the saw mill (Martin Lumber Company) next door.

It is important to note that the new contract will more than cover the cost of debt service for the new equipment. In addition, Precision Pallet expects existing monthly expenditures to be reduced in September with the expiration of a current lease and in December with the payoff of an existing bank note. Precision Pallet, LLC is requesting a \$84,000 five year loan with monthly principal and interest payments.

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

Meeting Date: April 1, 2013
Presenter: Kris Cahoon Noble
Attachment: Yes

ITEM TITLE: GRTS TEAMING AGREEMENT – AIRPORT PROJECT

SUMMARY:

North Carolina State University (NCSU) on attached Teaming Agreement on behalf of the NextGen Air Transportation Center (NGAT), is requesting Hyde County to enter into the Teaming Agreement in order to move forward with the Unmanned Aerial Project. It defines a team arrangement between respective organizations to approach the “Gull Rock Test Site” Project.

RECOMMEND: Discussion and approval pending approval of County Attorney.

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: April 1, 2013
Presenter: Bill Rich, County Manager
Attachment:

ITEM TITLE: CENTURYLINK – TELEPHONE SYSTEM

SUMMARY: County Manager Rich entered into Voice and Data Upgrade Agreement with CenturyLink. Details will be presented.

RECOMMEND: Discussion. No action required.

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.

TEAMING AGREEMENT

THIS TEAMING AGREEMENT, made and entered into on the date last signed as noted below, by and between North Carolina State University (NCSU) on behalf of the NextGen Air Transportation Center (NGAT), with offices located in Raleigh, NC and Hyde County Government with offices located in Swan Quarter.

WITNESSETH

WHEREAS, the above identified parties, because of their diverse capabilities, have determined that they would benefit from a team arrangement between their respective organizations, in order to develop the best management and technical approach to the proposed project entitled, {"Launching the Gull Rock Test Site "}, to be designated by the United States Government (Government) Federal Aviation Administration (FAA) by the award of a contract in response to the Unmanned Aircraft Systems Test Site Selection Screening Information Request (SIR) DTFAC-13-R-00002, dated February 14, 2013 {} announcement and Submitted by the team parties; and in the event of a contract award arising out of these premises, the parties agree that NCSU shall be the Contractor, hereinafter referred to as "the Prime", and Hyde County Government shall be the Subcontractor, herein referred to as "the Sub", for the particular phases of such program as identified herein; and

WHEREAS, the Prime and the Sub have agreed in principle as set forth in the attached Exhibit A (Scope of Work) hereof to the responsibilities of work to be performed by the Sub on the program; and

WHEREAS, this Agreement is entered into to enable each party to enjoy the benefits of the other party's capabilities in areas of work which are not independently available within the respective organizations;

NOW, THEREFORE, the parties hereto agree as follows:

1. If, during the period of the Agreement, a Prime contract is awarded as a result of the proposal, the Prime will, to the extent permitted by Government rules, regulations, and applicable law, enter into good faith negotiations with the Sub for a Subcontract. The Prime will make every reasonable effort to subcontract to the Sub that portion of work set forth in the attached Exhibit A of this Agreement, said work to be performed by the Sub in accordance with the schedule and technical specifications, if any, and at a price to be mutually agreed upon between the parties and subject to the stipulation that such an agreement be reached within a reasonable period of time.
2. This Agreement shall remain in effect until the first of the following occur;
 - a. An official Government announcement that a program has been canceled.

- b. Upon award of a Prime contract for the subject SIR to a contractor other than the Prime.
- c. Award of a Prime contract to the Prime and a subcontract to the Sub.
- d. The Prime is unable to obtain Government approval of the Sub as a subcontractor to the Prime.
- e. Inability of the Prime and the Sub, after negotiating in good faith for a reasonable period of time, to reach agreement on the terms of a subcontract offered by the Prime. If agreement has not been reached within sixty (60) days from the initiation of negotiation it will be deemed that the parties were unable to reach agreement.

3. Background Intellectual Property.

- a. "Background Intellectual Property" means property and the legal right therein of either or both parties developed before or independent of this Agreement including inventions, patent applications, patents, copyrights, trademarks, mask works, trade secrets and any information embodying proprietary data such as technical data and computer software.
- b. This Agreement shall not be construed as implying that either party hereto shall have the right to use Background Intellectual Property of the other in connection with this project except as otherwise provided by mutual agreement.

4. Confidentiality.

Now, therefore, the parties agree as follows:

- (a) In the performance of the Research, it may be necessary for one party to disclose information that is proprietary and confidential to the disclosing party. All such information must be disclosed by the disclosing party in writing and designated as confidential or, if disclosed orally, must be identified as confidential at the time of disclosure and confirmed in writing and designated as confidential within thirty (30) days of such disclosure. Except as otherwise provided herein, for a period of three (3) years following the date of such disclosure, the receiving party agrees to use the confidential information only for purposes of this Agreement and further agrees that it will not disclose or publish such information except that the restrictions of this §5(a) do not apply to:
 - (i) information which is or becomes publicly known through no fault of the receiving party;
 - (ii) information learned from a third party entitled to disclose it;

Exhibit A: Statement of Work

In support of the project entitled “Launching the Gull Rock Test Site,” the GRTS Team has united to provide a balanced, comprehensive structure and skillset to meet the FAA’s objectives. Each Sub is agreeing to the following tasks as part of this Teaming Agreement:

Task 1: Support the GRTS Proposal Development Effort. This support may be provided in the form of Subject Matter Expertise, proposal writing, proposal reviews, recruitment of partners/letters of intent, or strategic planning.

Task 2: Upon designation of the GRTS location as an FAA National Test Site, the Sub will negotiate a contractual agreement with the Prime to provide test site related services as described in the GRTS Team proposal. These services may include, but are not limited to, range management, ground support, engineering, flight operations, or safety management.

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

Meeting Date: April 1, 2013
Presenter: Bill Rich, County Manager
Attachment: Yes

ITEM TITLE: CENTURLINK – TELEPHONE SYSTEM

SUMMARY: County Manager Rich entered into Voice and Data Upgrade Agreement with CenturyLink. Details will be presented.

RECOMMEND: Discussion. No action required.

Motion Made By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher
 East Duke

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher

Vote: Barry Swindell
 Dick Tunnell
 Anson Byrd
 John Fletcher

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

Meeting Date: April 1, 2013
Presenter: Bill Rich, County Manager
Attachment: Yes

ITEM TITLE: APPROVAL OF AMENDED “RULES OF PROCEDURES FOR THE HYDE COUNTY BOARD OF COMMISSIONERS”

SUMMARY: On March 4, 2013, at its regularly scheduled meeting, Commissioner Fletcher noted changes required to the “Rules of Procedures for the Hyde County Board of Commissioners.” Board members have been asked to review and recommend further changes.

Final amended version of the Rules of Procedures now requires Board approval.

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.

Rules of Procedure for the Hyde County Board of County Commissioners

These Rules of Procedure are based upon the 2002 edition of the UNC Institute of Government "*Suggested Rules of Procedure for the Board of County Commissioners*" edited by faculty member Joseph Farrell.

Approved by the Hyde County Board of Commissioners on October 6, 2008.

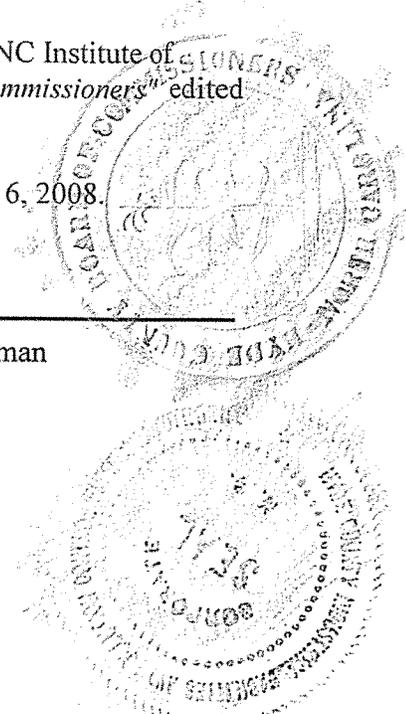


Charles Ray Spencer, Chairman

ATTEST:


Lois Stotesberry, Clerk to the Board

SEAL



Includes a copy of "*Rules of Procedure for Meetings Utilizing Simultaneous Communication*" approved October 6, 2008 by the Hyde County Board of Commissioners

Amended by Resolution of Rules of Procedure for Meetings Utilizing Simultaneous Communication approved December 6, 2010

Amended by Resolution Establishing Regular Meeting Dates approved December 3, 2012

Approved as amended by the Hyde County Board of Commissioners on April 1, 2013.

Barry Swindell, Chairman
Hyde County Board of Commissioners

ATTEST:

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

Introduction from Joseph S. Ferrell's "Suggested Rules of Procedure for the Board of County Commissioners, 3d ed., 2002" published by the University of North Carolina's Institute of Government.

THESE RULES OF PROCEDURE were designed for use by a North Carolina board of county commissioners. Essentially, the rules are a modified version of Robert's Rules of Order, Revised. Robert's Rules is intended to guide the deliberations of a large legislative body; consequently, it is not always appropriate for a small governing board, which can afford to proceed with much less formality. Another valuable resource consulted for this revision of the rules was Mason's Manual of Legislative Procedure. Mason's Manual is intended primarily for state legislatures, but its extensive discussion of the basic principles of parliamentary law and procedure is valuable for local governing boards as well.

The North Carolina law (G.S. 153A-4I) permits a board of county commissioners to adopt its own rules of procedure if these conform to "generally accepted principles of parliamentary procedure" and do not conflict with applicable law. Mason's Manual suggests that parliamentary law affecting the work of a board of county commissioners can be summarized in ten basic principles:

- 1. The board can take only those actions that it has authority or jurisdiction to take. A corollary of this principle is that the board's action, to be valid, must not violate any applicable law or constitutional provision. This is simply another manifestation of the familiar legal doctrine that a unit of local government has only those powers conferred on it by law or necessarily implied from some specific grant of power.*
- 2. The board must meet in order to act. Under North Carolina law, the powers conferred on the county governing board are exercised by the county board of commissioners as a group, not by its individual members. Therefore, the group must meet in order to act.*
- 3. All board members must receive proper notice of meetings. Since all members are equally entitled to participate in board meetings, each member must be properly notified of the place, time, and purpose of meetings.*
- 4. The board may act only with a quorum.*
- 5. There must be a question before the board on which it can decide. Except when electing their own officers or balloting for appointments, legislative bodies proceed by voting yes or no on specific proposals put forward by one or more members. Each member has the right to know at all times what question is before the board and what effect a yes or no vote would have on that question.*
- 6. There must be opportunity for debate. The very nature of a deliberative body requires that members share information and opinion about matters before the board.*
- 7. Questions must be decided by vote. Legislative bodies do not decide matters by discussing them until a consensus emerges.*
- 8. Votes are decided by majority. Usually only a simple majority of votes cast suffices, but the board's rules or an applicable law may sometimes require an extraordinary majority.*
- 9. There must be no fraud, trickery, or deception in the board's proceedings.*
- 10. The board's rules of procedure must be applied consistently.*

I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Board of Commissioners of Hyde County at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. Meetings to Be Open

- (a) It is the public policy of North Carolina and of Hyde County that the hearings, deliberations, and actions of this board and its committees be conducted openly.
- (b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Hyde County Board of Commissioners shall be open to the public and any person is entitled to attend such a meeting.
- (c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Rule 3. Closed Sessions

- (a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public under the following circumstances and as allowed by law no others.
1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or is not considered a public record within the meaning of Chapter 132 of the General Statutes. [G.S. 143-318.11(a)(1)]
 2. To consult with the county attorney or another attorney employed or retained by the county in order to preserve the attorney-client privilege. [G.S. 143-318.11(a)(3)]
 3. To discuss matters relating to the location or expansion of industries or other businesses in the county. [G.S. 143-318.11(a)(4)]
 4. To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property. [G.S. 143-318.11(a)(5)(i)]

5. To consider and take action with respect to the position to be taken by the county in negotiating the amount of compensation or other material terms of an employment contract. [G.S. 143-318.11(a)(5)(ii)]
6. To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the board of county commissioners or any other public body, and to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the board of commissioners or of some other public body. [G.S. 143-318.11(a)(6)]
7. To hear or investigate a charge or complaint by or against an individual public officer or employee. [G.S. 143-318.11(a)(6)]
8. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct. [G.S. 143-318.11(a)(7)]
9. To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity. [G.S. 143-318.11(a)(9)]

C (b) The board may go into closed session only upon motion made and adopted at an open meeting. A motion to go into closed session must cite one or more of the permissible purposes listed in subsection (a) of this rule. In addition, a motion to go into closed session pursuant to Rule 3(a)(1) must state the name or citation of the law that renders the information to be discussed privileged or confidential, and a motion to go into closed session pursuant to Rule 3(a)(2) must identify the parties in each existing lawsuit, if any, concerning which the board expects to receive advice during the closed session.

(c) Unless the motion to go into closed session provides otherwise, the county manager, county attorney, and clerk to the board may attend the closed session. No other person may attend the closed session unless specifically invited by majority vote of the board.

III. Organization of the Board

Rule 4. Organizational Meeting

(a) Even-numbered Years. The board shall hold an organizational meeting at its regular meeting place at ~~7:00 PM~~ 6:00 PM on the first Monday in December of each even-numbered year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the board of county commissioners and other elected county officials and organization of the board for the ensuing year. The organizational meeting shall be convened and concluded before the regular December meeting is convened. The clerk to the board of commissioners shall call the meeting to order and shall preside until a chair is elected. If they

have not already been sworn and inducted into office, the newly elected members of the board shall take and subscribe the oath of office as the first order of business. As the second order, the board shall elect a chair and vice-chair from among its members. As the third order, the board shall approve the bonds of the sheriff, [the coroner], and the register of deeds and induct them and any other newly elected county officials into office. As the fourth and fifth orders of business, the board may appoint a clerk and an attorney.

Amended by the Hyde County Board of Commissioners on December 3, 2012.

(b) Odd-numbered Years. At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The second order of business shall be election of the chair and vice-chair for the ensuing year. The third and fourth orders of business may be appointment of the clerk and county attorney.

Rule 5. Election of the Chair

The chair of the board shall be elected annually for a term of one year and shall not be removed from the office of chair unless he or she becomes disqualified to serve as a member of the board.

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings

(a) Regular Meetings.

The board shall hold a regular meeting on the first ~~and third~~ Monday of each month, ~~except August and December when the meeting on the third Monday is omitted.~~ If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Except as provided in subsection (f), regular meetings shall be held at the Government Center in Swan Quarter or at the ~~Community Center School~~ on Ocracoke Island and shall begin at ~~7:00 PM~~ **6:00 PM**, as provided by action of the board and posted. The board may change the place or time of a particular regular meeting or all regular meetings within a specified time period by resolution adopted, posted, and noticed no less than seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board.

Amended by the Hyde County Board of Commissioners December 3, 2012 and April 1, 2013.

(b) Special Meetings.

The chair or a majority of the members of the board may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be posted on

the principal bulletin board of the county and delivered to the chair, clerk, county manager and all other board members or left at the usual dwelling place of each member at least 48 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news media organizations who have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) Emergency Meetings.

If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations who have requested notice of special meetings as provided in subsection (d), below, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(d) Sunshine List.

Any individual person and any newspaper, wire service, radio station, and television station may file with the clerk to the board of commissioners a written request for electronic notice of all special meetings of the board. Requests by individuals must be renewed on or before December 15. Requests made by news media organizations must be renewed annually on or before December 5 and are not subject to any fee. Requests by individuals and non-news media organizations for written notification of all special meetings must be renewed on or before December 15 and are subject to a ~~\$10.00~~ \$20.00 nonrefundable annual fee per calendar year.

Amended by the Hyde County Board of Commissioners April 1, 2013.

(e) Work Sessions and Committee Meetings.

The board may schedule work sessions, committee meetings, or other informal meetings of the board or a majority of the members of the board at such times and with respect to such subject matter as may be established by resolution or order of the board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special board meetings.

(f) Participation in Electronic Meetings.

(1) In accordance with 2008 Session Law 2008-111 Hyde County may conduct meetings via simultaneous communications of the Board of Commissioners with members fully participating, including voting on all matters, as if all the members were in the same room. The Session Law also required the Board of Commissioners to develop supplementary rules of procedure that address at least the following:

- C
- (a) The verification of the identity of the member or members of the public body who are participating by simultaneous communication.
 - (b) The process of orderly deliberation by the public body.
 - (c) The process of voting by the public body.
 - (d) The procedure for recording any votes taken in the minutes of the public body.
 - (e) The means by which members of the public can listen or watch the official meeting and the means by which the public is offered the opportunity to participate from the remote location to the same extent as the public at the main location. This requirement shall not apply in emergency meetings.

(2) A Commissioner or Commissioners participating from a remote location by simultaneous communication shall be counted as present for quorum purposes, and all votes of members of the Board of Commissioners made during an official meeting with simultaneous communication shall be counted as if the Commissioner were physically present in the place of the official meeting provided all of the following apply to the official meeting:

- (a) The official meeting was properly noticed under G.S. 143-318.12 and under any other requirement for notice applicable to the Board of Commissioners.
- (b) The Commissioner or Commissioners participating from a remote location by simultaneous communication are not physically located outside the jurisdiction of the public body. This subdivision shall not apply if the official meeting is an emergency meeting as defined in G.S. 143-318.12(b)(3).
- (c) The Commissioner or Commissioners participating from a remote location by simultaneous communication can hear what is said by the other Commissioners and by any individual addressing the public body.
- (d) The Commissioner or Commissioners participating from a remote location by simultaneous communication can be heard by the Commissioners and any other individuals in attendance at the official meeting.
- (e) The vote of the Commissioner or Commissioners participating from a remote location by simultaneous communication is not by electronic mail.
- (f) If the chairman or presiding officer is participating from a remote location by simultaneous communication, the vice chair ~~or mayor pro tempore~~ or some other member of the public body who is physically present shall preside at the official meeting. The chair or presiding officer of the public body participating from a remote location by simultaneous communication shall retain the same voting rights he or she has when presiding.

Amended by the Hyde County Board of Commissioners April 1, 2013.

- (g) The official meeting, or part of an official meeting with Commissioner or Commissioners participating from a remote location by simultaneous communication is not any of the following:
 1. A closed session, unless the closed session is held during an emergency meeting.
 2. A quasi-judicial proceeding.

- (h) No written ballots may be taken at the official meeting with a Commissioner or Commissioners participating from a remote location by simultaneous communication.
- (i) If the official meeting involves a Commissioner participating from a remote location by simultaneous communication by which the Commissioner cannot be physically seen by the other Commissioners, that Commissioner must comply with all of the following:
 - 1. The Commissioner identifies himself or herself when the roll is taken or the meeting is commenced.
 - 2. The Commissioner identifies himself or herself prior to participating in the deliberations during the official meeting.
 - 3. The Commissioner identifies himself or herself prior to voting.
- (j) The Commissioner or Commissioners participating from a remote location by simultaneous communication shall have been provided with any documents to be considered during the official meeting.

(3) The supplementary rules of procedure adopted in accordance with Session Law 2008-111 shall be included herein by reference and shall be made part of these rules.

Rule 7. All Meetings within the County

All meetings shall be held within the boundaries of Hyde County except as otherwise provided herein.

- 1. A joint meeting with the governing board of any other political subdivision of this state or any other state may be held within the boundaries of either subdivision as may be stated in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.
- 2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting officials and representatives of the legislative, judicial or executive branches of the State or federal government to support or oppose any bill, rule, litigation or other matter pending or proposed may be held in Raleigh, Washington, DC or such other place as may be stated in the call of the meeting.

Rule 8. Broadcasting and Recording Meetings

(a) Except as provided in this rule, any radio or television station is entitled to broadcast all or any part of an official meeting of the board that is required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) Any radio or television station wishing to broadcast any portion of an official meeting of the board shall so notify the county manager no later than twenty-four hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the Government Center or ~~Community Center~~ **Ocracoke School** is available, the county manager may require the news media either to pool equipment and

personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the board and the media representatives.

Amended by the Hyde County Board of Commissioners April 1, 2013.

V. Agenda

Rule 9. Agenda

(a) The county manager, assisted by the clerk to the board, shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least five working days before the meeting. Any board member may, by a timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each member of the board at least twenty-four hours before the meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling.

(c) The board may, by majority vote, add an item that is not on the agenda or delete an item that is on the agenda.

Rule 10. Informal Public Comments

The clerk to the board shall include on the agenda of each regular meeting a period for comments or questions from members of the public in attendance. The chair will first recognize individuals or groups who have made a prior appointment to be heard, and then may recognize others, subject to available time. The chair may specify the time allotted to each speaker. After the time set aside for informal public comments has expired, the chair will recognize further speakers only upon motion duly made and adopted.

Rule 11. Order of Business

At regular meetings, the board shall proceed to business in the following order:

1. Approval of the minutes of the previous meeting.
2. Approval of the agenda.
3. Scheduled Public hearings.
4. Public comments.
5. Introduction or Consideration of ordinances, resolutions, and orders.
6. Other business.
7. Committee and Commissioner Reports.
8. Administrative Reports.

9. Other Matters and Closed Session, as applicable.
10. Public comments.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

VI. Conduct of Debate

Rule 12. Powers of the Chair

The chair shall preside at all meetings of the board. A member must be recognized by the chair in order to address the board. The chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

If the chair wishes to become actively engaged in debate on a particular proposal, he or she shall designate another board member or county manager to preside. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 14. Rule 13. Action by the Board

The board shall proceed by motion. Any member, including the chair, may make a motion.

Amended by the Hyde County Board of Commissioners April 1, 2013.

Rule 14. Second Not Required

A motion shall require a second.

Rule 15. One Motion at a Time

A member may make only one motion at a time.

Rule 16. Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

Rule 17. Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by these rules or the laws of North

Carolina.

Rule 18. Debate

The chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Rule 19. Procedural Motions

(a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. *To Adjourn.* The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. *To Take a Recess.*
3. *To Call to Follow the Agenda.* The motion must be made at the first reasonable opportunity or it is waived.
4. *To Suspend the Rules.* The motion requires a vote equal to a quorum.
5. *To Divide a Complex Motion and Consider It by Paragraph.*
6. *To Defer Consideration.* A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
7. *To Call the Previous Question.* The motion is not in order until every member has had one opportunity to speak.
8. *To Postpone to a Certain Time or Day.*
9. *To Refer to Committee.* Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.

10. *To Amend.* An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
11. *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration of it. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
12. *To Reconsider.* The motion must be made at the same meeting at which the original vote was taken, and by a member who voted with the prevailing side. The motion cannot interrupt deliberation on a pending matter but is in order at any time before adjournment.
13. *To Prevent Reconsideration for Six Months.* The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 20. Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 22. Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative [negative].

Rule 23. Prohibition of Secret Voting

No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Rule 24. Action by Reference

The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda

or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 25. Introduction of Ordinances, Resolutions, and Orders

A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

Rule 26. Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority of those voting but not by all the members of the board, or if the measure is not voted on at the meeting where introduced, it shall be considered at the next regular meeting of the board. If the proposal receives a majority of the votes cast at the next meeting or within one hundred days of being introduced, it is adopted.

Rule 27. Quorum

A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

Rule 28. Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time (which may be approximated by placement on the agenda) of the hearing. The board may adopt reasonable rules governing the conduct of public hearings, including but not limited to rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same position, (iii) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing.

The board may continue a public hearing without further advertisement. If a public hearing is set for a given date and a quorum of the board is not then present, the board shall continue the hearing without further advertisement until its next regular meeting.

At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

Rule 29. Quorum at Public Hearings

A quorum of the board shall be required at all public hearings required by law.

Rule 30. Minutes

Minutes shall be kept of all board meetings.

Rule 31. Appointments

The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment.

The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. When debate ends, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted.

Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot.

Rule 32. Reference to *Robert's Rules of Order*

To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer to *Robert's Rules of Order* to resolve procedural questions.

--End---

RULES OF PROCEDURE FOR MEETINGS
UTILIZING SIMULTANEOUS COMMUNICATION

WHEREAS, Hyde County is authorized to conduct official meetings, in whole, or in part, with simultaneous communication in accordance with N.C.G.S. § 143-318.13; and

WHEREAS, Hyde County desires to adopt Rules of Procedure which govern official meetings of the Hyde County Board of Commissioners which are conducted in whole or in part with simultaneous communication.

IT IS RESOLVED that during official meetings of the Hyde County Board of Commissioners which are conducted in whole or in part with simultaneous communication the following Rules of Procedure shall apply:

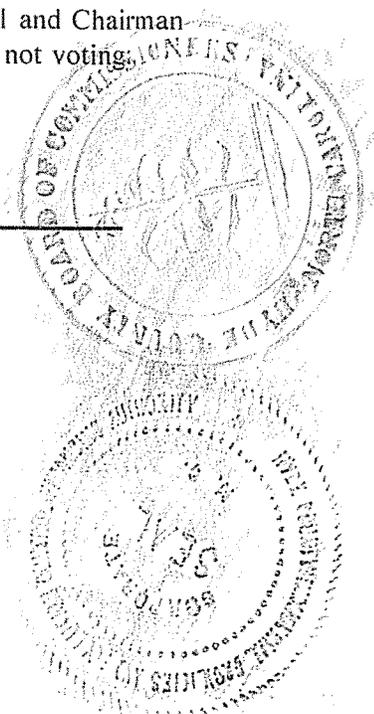
1. Verification of the identity of the member or members of the Board of Commissioners who are participating by simultaneous communication shall be made by an assistant Clerk to the Board who shall be present at the remote location.
2. In order to allow orderly deliberation of business before the Board the Chairperson of the Board shall specifically recognize each member of the Board participating by simultaneous communication for comments or questions from that member on each matter coming before the Board at that meeting as that matter is considered.
3. Members shall cast their votes verbally and the votes of those members participating by simultaneous communication shall be verified to the Clerk to the Board by the assistant Clerk to the Board present at the remote location. The official record of votes cast shall be that record maintained by the Clerk to the Board at the official meeting location.
4. All meetings which are conducted in whole or in part with simultaneous communication shall be open to the public at the remote location to the same extent as at the official meeting location. Individuals may address the Board from the remote location to the same extent as if they were present at the official location.
5. Notice of meetings which will be conducted in whole or in part with simultaneous communication shall include a statement that members of the public may listen and participate in the meeting from the remote location. These requirements shall not apply in emergency meetings.
6. Nothing contained herein shall be construed to authorize any official meeting to be held outside of Hyde County except as may be permitted by N.C.G.S. § 153A-40 or, in the case of an emergency meeting, as defined by N.C.G.S. § 143-318.12(b)(3).
- ~~7. If at any time during the meeting, because of equipment failure or any other cause, clear simultaneous communication is not possible so that each commissioner can clearly hear and effectively participate in the Board discussion of the matters on the agenda, and so that members of the public attending the meeting at either the official location or the remote location can listen to the meeting, then it shall be the duty of the Chairperson of the Board to recess the meeting until such time as clear simultaneous communication is again possible.~~

7. &. Except as set out above the Rules of Procedure adopted by the Hyde County Board of Commissioners on October 6, 2008 shall apply to official meetings conducted in whole, or in part, with simultaneous communication.

Adopted on October 6, 2008 on motion of Commissioner Davis, seconded by Commissioner Ballance with members Armstrong, Balance, Davis, Swindell and Chairman Spencer voting aye and No members voting nay and No members absent or not voting.



Charles Ray Spencer
CHAIRPERSON, HYDE COUNTY
COMMISSIONERS



ATTEST:



Lois Stotesberry, Clerk to the Board

SEAL

Approved as amended by the Hyde County Board of Commissioners on April 1, 2013.

Barry Swindell, Chairman
Hyde County Board of Commissioners

ATTEST:

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

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

Meeting Date: April 1, 2013
Presenter: Justin Gibbs, Emergency Services Director
Attachment: Yes

**ITEM TITLE: RENEWAL OF COMPENSATION AGREEMENTS FOR
EMERGENCY USE OF NON-COUNTY OWNED FACILITIES**

SUMMARY: Hyde County Emergency Services is requesting renewal of the compensation agreements for the emergency use of the following non-county owned facilities:

- Mattamuskeet Fresh Produce, Inc.
- Ocracoke School Complex
- Ocracoke Variety Store

“Emergency Use” is defined as the use of the facility during a locally declared state of emergency as an Emergency Operations Center, Community Disaster Facility, Disaster Supply Staging Area, Base Camp or other usage approved jointly by the facility manager and the Hyde County Emergency Operations Center. Under this agreement the County of Hyde will have first priority for emergency use of the facility, the facility managers will have second priority, and third parties will have tertiary priority as allowed by the emergency operations being conducted by the County at these facilities.

RECOMMEND: Discussion and approval. Authorization for the County Manager to execute each of the compensation agreements.

Motion Made By: Barry Swind
 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 Emergency Operations Plan

Compensation Agreement for Emergency Use of a Non-County Owned Facility

Date of Agreement: _____

The County of Hyde agrees to compensate **Mattamuskeet Fresh Produce, Inc.** for the emergency use of their facility located at **2055 Piney Woods Rd; Fairfield, NC 27826**. "Emergency Use" will be defined as the use of the facility during a locally declared state of emergency as an Emergency Operations Center, Community Disaster Facility, Disaster Supply Staging Area, Base Camp or other usage approved jointly by Mattamuskeet Fresh Produce, Inc. and the Hyde County Emergency Operations Center. Under this agreement the County of Hyde will have first priority for emergency use of the facility, Mattamuskeet Fresh Produce, Inc. will have second priority, and third parties will have tertiary priority as allowed by the emergency operations being conducted by the County at this facility.

The County of Hyde will pay the owner of the facility a rental or usage fee of \$200 per day in order to cover utilities, supplies, and incidental costs associated with the usage. This usage fee will only apply to the dates authorized by the Hyde County Emergency Operations Center. Any extensive phone usage or heavy equipment usage will be invoiced separately to the County of Hyde at rates approved by the Federal Emergency Management Agency.

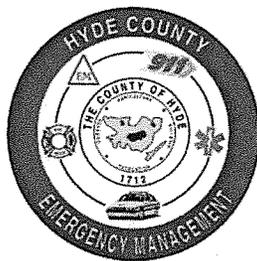
This agreement has been authorized by the Board of Commissioners of Hyde County and the Hyde County Manager is authorized to enter this agreement on behalf of the County. This agreement should be renewed every two years.

Hyde County Manager

Date

Facility Manager

Date



Hyde County Emergency Operations Plan

Compensation Agreement for Emergency Use of a Non-County Owned Facility

Date of Agreement: _____

The County of Hyde agrees to compensate the **Hyde County Board of Education** for the emergency use of their facility located at **120 School Rd; Ocracoke, NC 27960**. "Emergency Use" will be defined as the use of the facility during a locally declared state of emergency as an Emergency Operations Center, Community Disaster Facility, Disaster Supply Staging Area, Base Camp or other usage approved jointly by the Hyde County Board of Education and the Hyde County Emergency Operations Center. Under this agreement the County of Hyde will have first priority for emergency use of the facility, the Hyde County Board of Education will have second priority, and third parties will have tertiary priority as allowed by the emergency operations being conducted by the County at this facility.

The County of Hyde will pay the owner of the facility a rental or usage fee of \$200 per day in order to cover utilities, supplies, and incidental costs associated with the usage. This usage fee will only apply to the dates authorized by the Hyde County Emergency Operations Center. Any extensive phone usage or heavy equipment usage will be invoiced separately to the County of Hyde at rates approved by the Federal Emergency Management Agency.

This agreement has been authorized by the Board of Commissioners of Hyde County and the Hyde County Manager is authorized to enter this agreement on behalf of the County. This agreement should be renewed every two years.

Hyde County Manager

Date

Facility Manager

Date



Hyde County Emergency Operations Plan

Compensation Agreement for Emergency Use of a Non-County Owned Facility

Date of Agreement: _____

The County of Hyde agrees to compensate the **Ocracoke Variety Store** for the emergency use of their facility located at **950 Irvin Garrish Hwy; Ocracoke, NC 27960**. "Emergency Use" will be defined as the use of the facility during a locally declared state of emergency as an Emergency Operations Center, Community Disaster Facility, Disaster Supply Staging Area, Base Camp or other usage approved jointly by the Ocracoke Variety Store and the Hyde County Emergency Operations Center. Under this agreement the County of Hyde will have first priority for emergency use of the facility, the Ocracoke Variety Store will have second priority, and third parties will have tertiary priority as allowed by the emergency operations being conducted by the County at this facility.

The County of Hyde will pay the owner of the facility a rental or usage fee of \$200 per day in order to cover utilities, supplies, and incidental costs associated with the usage. This usage fee will only apply to the dates authorized by the Hyde County Emergency Operations Center. Any extensive phone usage or heavy equipment usage will be invoiced separately to the County of Hyde at rates approved by the Federal Emergency Management Agency.

This agreement has been authorized by the Board of Commissioners of Hyde County and the Hyde County Manager is authorized to enter this agreement on behalf of the County. This agreement should be renewed every two years.

Hyde County Manager

Date

Facility Manager

Date