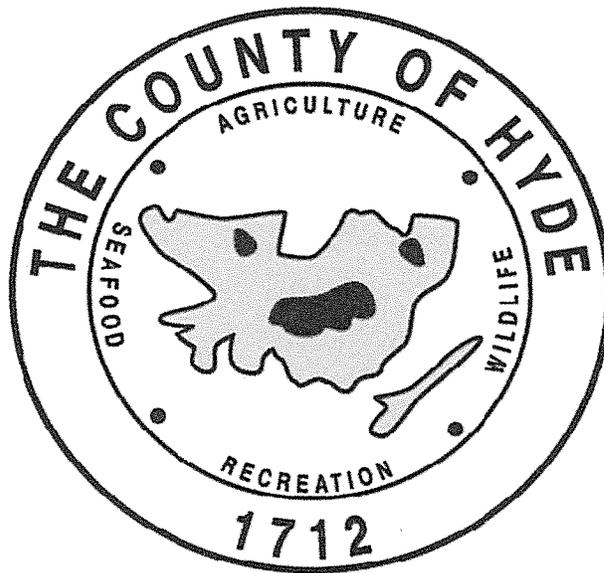


# HYDE COUNTY BOARD OF COMMISSIONERS



**Hyde County Courthouse Multi-purpose Room**

**30 Oyster Creek Road, Swan Quarter, NC**

**and**

**Ocracoke School Commons Area**

**120 School House Road, Ocracoke, NC**

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

**Meeting Date:** August 5, 2013  
**Presenter:** Chairman Barry Swindell  
**Attachment:** No

**ITEM TITLE:** OPENING

**SUMMARY:** Call to Order  
Opening Prayer  
Pledge of Allegiance

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

**Meeting Date:** August 5, 2013  
**Presenter:** Chairman Barry Swindell  
**Attachment:** Yes

**ITEM TITLE:** CONSIDERATION OF AGENDA

**SUMMARY:** Attached is the proposed Agenda for the August 5, 2013, Regular Meeting of the Hyde County Board of Commissioners.

**RECOMMEND:** Review, Amend and Approve.

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

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

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

# AGENDA

## HYDE COUNTY BOARD OF COMMISSIONERS' MEETING

MONDAY, AUGUST 5, 2013 - 6 PM

### CALL TO ORDER OPENING

### CONSIDERATION OF AGENDA

### CONSIDERATION OF MINUTES

- 1) July 1, 2013 – Regular Meeting Minutes

### PUBLIC HEARINGS

- 1) CDBG-SS Closeout ..... Chris Hilbert

### PUBLIC COMMENTS

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

### EMPLOYEE RECOGNITION

- 1) Justin Gibbs – UNC Graduation ..... Mgr. Rich

### ITEMS OF CONSIDERATION

#### 1) Resolutions

- a) Opposition to Reclassifying NC Coastal Waters ..... Mgr. Rich
- b) Concerning Mattamuskeet Lake ..... Mgr. Rich

#### 2) Appointment

- a) Mainland Occupancy Tax Board .....Mgr. Rich
- b) Hyde County ABC Board ..... Mgr. Rich

- 3) Hyde County ABC Board Report ..... Meredith Nicholson

- 4) Lakeview Road – Request for Paving ..... Commissioner Pugh

- 5) Speed Limit Reduction on Newlands Road ..... Mgr. Rich

- 6) Update on Public Safety Center ..... Mgr. Rich
- 7) Architects Report on East Carolina Bank Building, ..... Robert Griffin  
Government Center and Public Safety Center
- 8) HMGP Agreement – Hurricane Irene ..... Chris Hilbert/Kris Noble
- 9) 2012 County Tax Settlement and 2012 DMV Tax Settlement ..... Linda Basnight
- 10) Official Depository – VantageSouth Bank ..... Mgr. Rich
- 11) FY2011-2012 Hyde County Audit Response ..... Mgr. Rich
- 12) FY2012-2013 Hyde County Audit Contract Award ..... Mgr. Rich
- 13) NCDOT Utility Relocation Agreement ..... Clint Berry
- 14) Rules of Procedure for the Hyde County Board of Commissioners ..... Mgr. Rich
- 15) Flood Gates for Ocracoke Culverts ..... Commissioner Fletcher
- 16) Use of County Owned Vehicles by Employees ..... Commissioner Fletcher
- 17) NCDOT Easement Agreement ..... Mgr. Rich

**BUDGET MATTERS**

- 1) **Board Approval Required**
  - a) Health
- 2) **Administrative Transfer** (FY2012-2013 Year End Budget Revisions No. 86-2013 – 90-2013)

**CLOSED SESSION** (in accordance with NCGS 143A-318.11 (a) (1-9) if required)

**MANAGEMENT REPORTS**

The County Manager will give update on various projects on-going in Hyde County and present his monthly meeting calendar.

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

## **MANAGER'S UPDATE**

- 1) FEMA Update
- 2) Pilot Program
- 3) Medicaid Payment
- 4) Continuing Education for County Manager
- 5) Monthly Report of Fire Inspections
- 6) ECB Building Update

## **PUBLIC COMMENTS**

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

## **ADJOURN**

## **SUPPLEMENTAL INFORMATION**

### **Department Reports**

- 1) Tax Department (signature required)
- 2) Code Enforcement/Inspections
- 3) Senior Center
- 4) Health Department/Animal Control
- 5) Planning and Economic Development

### **Informational Items**

- 1) Albemarle Commission Board Meeting Minutes and Agenda
- 2) Carteret County – Supporting Retaining Session Law 2007-550
- 3) Senate Bill 402 – Ferry Tolling
- 4) Thank You Letter to NCDOT – Ocracoke Road Signs
- 5) Thank You Letter to Gordon Myers, Deputy Director, NCWR, Senators Brown and Newton – Black Bear Management
- 6) NCDMF Letter – Opposition to Designation of NC Inland Coastal Waters
- 7) NCDENR Letter – Opposition to Proposed Acquisition of Land
- 8) Thank You Letter to NCDOT – Transportation Concerns for Hyde County
- 9) NCDOC – CA Letter – 2012 Audit Review CDBG No. 09-C-2067/10-C-2182 w/ Response
- 10) NCDOC – CA Letter – 2012 Audit Review CDBG No. 05-D-2194

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

**Meeting Date:** August 5, 2013  
**Presenter:** Lois Stotesberry, Clerk  
**Attachment:** Yes

**ITEM TITLE:** CONSIDERATION OF MINUTES

**SUMMARY:** Attached are the July 1, 2013 Regular Meeting Minutes of the Hyde County Board of Commissioners.

**RECOMMEND:** Review, Amend and Approve.

---

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

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

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

1 Meeting Minutes

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

4  
5 **Monday, July 1, 2013**  
6

7 Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners  
8 to order on Monday, July 1, 2013, in the Hyde County Government Center, Multi-Use Room, and  
9 the Ocracoke School Commons Room using electronic conferencing equipment. Technical  
10 difficulties were corrected by Justin Gibbs and Clint Berry. The meeting began at 6:20 p.m. with  
11 voice recognition at both locations but with no visual capabilities on the Mainland.

12 The following members were present on the mainland: Commissioners Anson Byrd, Dick Tunnell  
13 and Barry Swindell; Attorney Fred Holscher; County Manager Bill Rich; Clerk to the Board Lois  
14 Stotesberry; and, members of the public. Commissioner Earl Pugh, Jr. was absent and  
15 Commissioner John Fletcher arrived at 6:45 p.m. The following members were present on  
16 Ocracoke: Public Information Officer Sarah Johnson and members of the public.

17 Following opening prayer by Commissioner Byrd and pledge of allegiance, the meeting was called  
18 to order.

19 Agenda:

20 Chairman Swindell asked for any changes to the July 1, 2013 meeting Agenda as presented by the  
21 Clerk. Commissioner Tunnell moved to approve the agenda as presented by the Clerk with addition  
22 of Consideration of Minutes – Item 2 – June 24, 2013 Special Commissioners and ABC Board  
23 Meeting Minutes; Item 1 (c) – Reappoint Jury Commission Member Doris Weston; and Item 8 (a)  
24 NC Lottery Funds – Ocracoke Gymnasium Expansion and (d) – NC Lottery Funds – QZAB Bond  
25 Payment. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd,  
26 Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Pugh.

27 Consideration of Minutes:

28 Commissioner Tunnell moved to approve the June 3, 2013 Regular Meeting Minutes of the Hyde  
29 County Board of Commissioners as presented by the Clerk. Mr. Byrd seconded the motion. The  
30 motion passed on the following vote: Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or  
31 not voting – Fletcher and Pugh.

32 Commissioner Byrd moved to approve the June 24, 2013 Special Meeting Minutes of the Hyde  
33 County Board of Commissioners and Hyde County ABC Board as presented by the Clerk. Mr.

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

3 **Public Comments:**

4 Chairman Swindell called for comments from the public.

5 Fred Westervelt, Ocracoke – noted concern over the National Park Service’s (NPS) new proposal to  
6 facilitate public beach access. Public Hearing is scheduled for August and he requested the NPS  
7 hold one public hearing at a site convenient for Ocracoke and Mainland Hyde County citizens.

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

9 **Items of Consideration:**

10 **Appointment – Tax Assessor**

11 Commissioner Byrd moved to re-appoint Linda Basnight to serve another 4-year term as Hyde  
12 County Tax Assessor. Mr. Tunnell seconded the motion. The motion passed on the following vote:  
13 Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or not voting – Fletcher and Pugh.

14 **Designation of Voting Delegate To NCACC Annual Conference**

15 Manager Rich reported the 106<sup>th</sup> NCACC Annual Conference will be held in August in Guilford  
16 County. Hyde County has been asked to elect a Designated Voting Delegate to represent the  
17 County at this conference. No action taken.

18 **Appointment – Jury Commission**

19 Manager Rich received request from Clerk of Court Sharon Sadler for re-appointment of Doris  
20 Weston to serve another two year term on the Jury Commission.

21 Commissioner Byrd moved to re-appoint Doris Weston to serve another 2-year term on the Jury  
22 Commission commencing on July 1, 2013. Mr. Tunnell seconded the motion. The motion passed  
23 on the following vote: Ayes – Byrd, Tunnell and Swindell; Nays – None; Absent or not voting –  
24 Fletcher and Pugh.

25 **Appointment – ABC Board Members**

26 Chairman Swindell called for nominees for appointment to the ABC Board.

27 Commissioner Byrd suggested each commissioner appoint an ABC Board member from his district  
28 with staggering two and three year terms.

29 County Attorney Fred Holscher advised the Board to appoint nominees Glenda Williams and  
30 Meredith Nicholson now and fill remaining vacancies at the next Commissioners meeting.

31 Commissioner Fletcher arrived at 6:45 p.m.

1 ABC Board Chairman Keith Parker-Lowe reported that Vicki Gibbs, General Manager and Board  
2 Member Glenda Williams continue to sign checks for the ABC Board.

3 Commissioner Fletcher moved to appoint Glenda Williams and Meredith Nicholson to serve on the  
4 Hyde County ABC Board. Mr. Byrd seconded the motion. The motion passed on the following  
5 vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

6 **ABC Board Audit Update**

7 During the previous Board meeting on June 3, Manager Rich reported the FY2012-2013 ABC  
8 Board Audit was incomplete because retirement payment for full-time employees had not been  
9 made.

10 Manager Rich and Commissioner Byrd attended the ABC Board’s Budget/Audit presentation on  
11 June 24. Manager Rich attended on June 28. Jeff Best, CPA, Pittard Perry & Crone, Inc. presented  
12 the FY2012-2013 Hyde County ABC Board Audit and ABC Board Chairman Keith Parker-Lowe  
13 presented the FY2013-2014 proposed ABC Board budget.

14 Commissioner Byrd questioned administration costs coming from the Swan Quarter ABC Store.

15 Keith Parker-Lowe reported the ABC Board will prorate salaries for both stores based on expenses  
16 and sales. He reported proposed changes are being made to resolve audit findings and other issues.

17 Chairman Swindell would like to see the State ABC Board satisfied with Hyde County ABC Board  
18 financial management and reporting and possible monies owed Hyde County for travel  
19 reimbursements and other charges.

20 **BHM Regional Library Agreement**

21 Commissioner Tunnell moved to approve the BHM Regional Library Agreement effective July 1,  
22 2013. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd,  
23 Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

24 **Amendment to Hyde County Recreation Committee Bylaws**

25 Kris Noble, Planning Director, presented the following proposed changes to the Recreation  
26 Committee Bylaws:

- 27 • *Article 1.a. – Meetings will be held at the Hyde Government Center and the Ocracoke School Commons via*  
28 *teleconferencing equipment on a quarterly basis unless determined otherwise by the Committee.*
- 29
- 30 • *Article 2.a. - Allow a County staff liaison to be designated as Secretary in a non-voting position, change election*  
31 *of officers to the last meeting of each calendar year.*
- 32
- 33 • *Article 2.b. – Officers to take office at the first meeting of each calendar year.*
- 34
- 35 • *Article 6.b.3. – Omit mention of Dare County Parks & Recreation.*
- 36

1 • *Article 6.b.4. - A nominating committee is to be appointed at least 30 days prior to the last meeting of each*  
2 *calendar year.*

3  
4 • *Article 7 – Change due date of annual reports to the first and second meeting of each calendar year.*  
5

6 Commissioner Tunnell moved to adopt the Hyde County Recreation Committee Bylaws as  
7 amended. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –  
8 Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

9 **Amendment of The Hyde County Recreation Committee Ordinance**

10 Kris Noble, Planning Director, reported the Hyde County Recreation Committee has worked over  
11 the last several months to analyze and revise the “Ordinance Creating a Recreation Advisory  
12 Committee”. Changes include allowing a County staff liaison to be designated as Secretary in a  
13 non-voting position; election of officers at the last meeting of each calendar year with officers  
14 taking office at the first meeting of each calendar year; and, a nominating committee appointed at  
15 least 30 days prior to the last meeting of each calendar year.

16 Commissioner Tunnell moved to approve “Amendment of The Hyde County Recreation Committee  
17 Ordinance”. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –  
18 Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

19 *Clerk’s Note: A copy of “Amendment of The Hyde County Recreation Committee Ordinance” is attached*  
20 *herewith as Exhibit A and incorporated herein by reference.*

21 **Creekside Drive Waterline Relocation Project Ordinance**

22 Kris Noble, Planning Director, reported Secondary Road Improvement funding to grade, drain, base  
23 and pave Creekside Drive (SR1135) has been approved by NCDOT. In order to move forward with  
24 this paving project utilities located along the project area must be relocated. Hyde County is  
25 responsible for the design, engineering, permitting and construction of the waterline relocation  
26 using funding provided by NCDOT. Ms. Noble reported that Swan Quarter Sanitary District will  
27 also re-locate its lines on Creekside Drive.

28 Commissioner Byrd moved to approve Amendment “Creekside Drive Waterline Relocation Project  
29 – Project Ordinance 2013-07-01”. Mr. Fletcher seconded the motion. The motion passed on the  
30 following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –  
31 Pugh.

32 *Clerk’s Note: A copy of “Creekside Drive Waterline Relocation Project – Project Ordinance 2013-07-01” is*  
33 *attached herewith as Exhibit B and incorporated herein by reference.*

34 **Construction Bid Tab and Contract Approval for Creekside Drive Waterline Relocation**

1 Clint Berry, Utilities Director, reported advertisement for bids for furnishing labor, material,  
2 equipment and entering into the construction of existing waterlines in accordance with a NCDOT  
3 driven water line relocation project along Creekside Drive, Swan Quarter, NC (SR1135) was issued  
4 on May 31, 2013 with sealed bids due on June 17, 2013. Three bids were received: TALCO -  
5 \$98,125.00, Herring Rivenbark - \$73,130.00, and Carolina Marine Structures - \$74,360.00. Mr.  
6 Berry and Kris Noble evaluated and ranked the bids. Mr. Berry recommended the construction  
7 contract be awarded to Herring Rivenbark, the low bidder.

8 Commissioner Byrd moved to approve award of the water line relocation project contract to Herring  
9 Rivenbark, Inc., pending NCDOT approval and county attorney approval. Mr. Fletcher seconded  
10 the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and  
11 Swindell; Nays – None; Absent or not voting –Pugh.

### 12 **Engineering Services for Creekside Drive Waterline Relocation**

13 Clint Berry, Utilities Director, reported a Request for Proposals (RFP) for Engineering Services to  
14 assist in utility locating and surveying, engineering design, jurisdictional permitting, and  
15 construction administration and inspection for an NCDOT driven waterline relocation project along  
16 Creekside Drive (SR1135) in Swan Quarter, NC, was issued on May 31, 2013 with RFP's due on  
17 June 21, 2013. Three Proposals were received: Rivers & Associates, Quibble and Lamm  
18 Engineering & Associates. RFP's were evaluated and ranked by Clint Berry and Kris Noble. Mr.  
19 Berry recommended award of the engineering contract to Lamm Engineering Associates, PLLC.

20 Commissioner Fletcher moved to authorize the County Manager to execute Contract to Provide  
21 Services for Engineering Design and Construction Administration for the Creekside Drive  
22 Waterline Relocation Project between the County of Hyde and Lamm Engineering Associates,  
23 PLLC pending NCDOT approval and approval of the contract documents by the County Attorney.  
24 Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd,  
25 Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

### 26 **Ocracoke Sanitation Meeting – Public Water**

27 Kris Noble, Planning Director, reported that she and Manager Rich were able to meet with members  
28 of the Ocracoke Sanitary Board to discuss water system improvement needs on the Island. They  
29 will be working with the Sanitary Board as they move forward with reaching their goals and  
30 objectives towards water system improvements. Ms. Noble will research grant funding to assist  
31 with the project.

### 32 **Community Transformation Grant Region 9 Application for Update to Hyde County Parks 33 and Recreation Master Plan**

34 Kris Noble, Planning Director, reported that the goal of the Region 9 Community Transformation  
35 Grant (CTG) Project is to support public health efforts in local communities to reduce chronic  
6 diseases, promote healthier lifestyles, reduce health disparities and control healthcare spending.

1 The intent of the Region 9 CTG Project funding proposal is to provide start-up funds for projects  
2 that will attain self-sufficiency in no more than one year and to provide funds to enhance existing  
3 projects that relate to CTG Project Strategic Directions.

4 The Hyde County Office of Economic Development and Planning requested \$12,000.00 in grant  
5 funds which will be matched with \$10,000.00 from in-kind services from staff (office hours for Kris  
6 Noble and Averi Simmons). The funding will be used to complete an asset inventory with needs  
7 analysis that will be compiled in order to update the Hyde County Parks and Recreation Master Plan  
8 last completed in 2002.

9 Commissioner Fletcher moved to authorize submittal of application, acceptance of grant funds and  
10 authorization for staff to complete in-kind services. Mr. Byrd seconded the motion. The motion  
11 passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent  
12 or not voting –Pugh.

### 13 **Board of Education Funding Request**

14 Dr. Randolph Latimore presented Hyde County Board of Education (Mainland and Ocracoke)  
15 funding issues. He requested additional funding for the state’s Low Wealth Funding and NC Pre-K  
16 programs.

17 Commissioner Fletcher moved to increase funds to the Hyde County School Board in the amount of  
18 \$48,000.00 from the General Fund. Mr. Tunnell seconded the motion. The motion passed on the  
19 following vote: Ayes – Byrd, Fletcher and Tunnell; Nays – Swindell; Absent or not voting –Pugh.

### 20 **North Carolina Education Lottery Funds**

21 Corrinne Gibbs, Finance Officer, presented requests for release of NC Education Lottery Funds  
22 from the Public School Building Capital Fund (Lottery Distribution) for QZAB Bond Payment -  
23 \$55,965.00 and Ocracoke Gymnasium Expansion - \$63,538.51.

24 In accordance with NC General Statutes, Chapter 18C, G.S. 115C-546.2, a portion of the North Carolina State  
25 Lottery Fund shall be transferred to the Public School Building Capital Fund. Further, G.S. 115C-546.2 (d) has  
been amended to include the following:

26 (3) No county shall have to provide matching funds ...

27 (4) A county may use monies in this Fund to pay for school construction  
28 projects in local school administrative units and top retire indebtedness incurred for school  
construction projects.

29 (5) A county may not use monies in this Fund to pay for school technology needs.

30 As used in this section, “Public School Buildings” shall include only facilities for individual schools that are used  
for instructional and related purposes, and does not include central administration, maintenance, or other facilities.  
31 Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.

1 Commissioner Fletcher moved to approve release of \$55,965.00 from the Public School Building  
2 Capital Fund (Lottery Distribution) for the QZAB Bond Payment. Mr. Tunnell seconded the  
3 motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell;  
4 Nays – None; Absent or not voting –Pugh.

5 Commissioner Fletcher moved to approve release of \$63,538.51 from the Public School Building  
6 Capital Fund (Lottery Distribution) for the Ocracoke Gymnasium Expansion Payment. Mr.  
7 Swindell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher,  
8 Tunnell and Swindell; Nays – None; Absent or not voting –Pugh.

### 9 **2013 Solid Waste Grant**

10 Clint Berry, Utilities Director, reported that the Solid Waste Department has been awarded a 2013  
11 Community Waste Reduction and Recycling Grant. The Division of Environmental Assistance and  
12 Outreach (NCDENR) and Hyde County grant agreement for a total of \$18,550.00 in state funding  
13 will begin on July 1, 2013 with an end-date of June 30, 2014. Mr. Berry reported the funds will be  
14 used to purchase three (3) additional galvanized trailers to use for electronics collection; a 20' x  
15 140' car top to store the trailers under; and, a concrete pad to park the trailers on.

16 Commissioner Fletcher moved to accept the 2013 Community Waste Reduction and Recycling  
17 Outreach Grant funds in the amount of \$18,550.00. Mr. Swindell seconded the motion. The motion  
18 passed on the following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent  
19 or not voting – Pugh.

### 20 **Agreement for Hyde County Medical Director**

21 Justin Gibbs, Emergency Services Director, reported that at its December 3, 2012 Commissioners  
22 meeting the Board agreed to compensate Dr. Charles O. Boyette for Medical Director Services  
23 provided from January 1, 2013 to June 30, 2013. This agreement was awarded on a temporary basis  
24 and at a reduced rate due to the request for compensation being filed after the fiscal year had begun.

25 Mr. Gibbs presented an updated long-term agreement between the County and Dr. Boyette for  
26 Medical Director Services with all expenses associated with the terms of this agreement budgeted  
27 for in FY2013-2014. The initial term of the Agreement shall be July 1, 2013 through June 30,  
28 2014. However, it shall extend automatically and renew annually for up to four (4) additional one  
29 (1) year periods. The total duration of this agreement shall not exceed five years.

30 Commissioner Tunnell moved to accept the Agreement for Hyde County Medical Director with Dr.  
31 Charles O. Boyette. Mr. Byrd seconded the motion. The motion passed on the following vote:  
32 Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting – Pugh.

### 33 **FY2012-2013 Hyde County Audit Update**

34 County Manager Rich reported that although not mandatory per Board motion on June 3, 2013, he  
35 authorized a Request for Proposal (RFP) sent out for the FY2012-2013 Hyde County Audit. Four

1 responses were sent out for the RFP and two submittals received. Manager Rich recommended  
2 award of the Audit Contract to Andrew Harris, CPA.

3 Commissioner Byrd moved to award the FY12-13 Hyde County Audit Contract to Thompson,  
4 Price, Scott, Adams & Co., PA. The motion died for lack of a second.

5 Commissioner Byrd moved to re-open bidding for the FY12-13 Hyde County Audit Contract and to  
6 re-send the RFP. Mr. Fletcher seconded the motion. The motion passed on the following vote:  
7 Ayes – Byrd, Fletcher and Swindell; Nays – Tunnell; Absent or not voting – Pugh.

8 Commissioner Fletcher moved to award the FY12-13 Hyde County Audit Contract to Andrew  
9 Harris, CPA. The motion died for lack of a second.

10 Chairman Swindell requested a list of contracts and agreements needing renewal. The Board will  
11 award the FY2012-2013 Hyde County Audit Contract at the next regularly scheduled Board of  
12 Commissioners meeting on August 5, 2013.

13 **Fire Inspections – Level I, II, III**

14 County Manager Rich recommended the Board hire Dean Burbage, Certified Building Inspector, on  
15 a part-time basis solely for the purpose of conducting fire inspections.

16 Commissioner Byrd moved to hire Dean Burbage to perform fire inspections beginning on  
17 Ocracoke at a rate of \$37.00/hour. Mr. Tunnell seconded the motion. The motion passed on the  
18 following vote: Ayes – Byrd, Fletcher, Swindell and Tunnell; Nays – None; Absent or not voting –  
19 Pugh.

20 **Amendment to Chapter 32, Section 54(d) – Solid Waste Ordinance**

21 Wesley Smith, Health Director, reported that Section 54(d) of Chapter 32 – Solid Waste Ordinance  
22 – lists the county health director, sanitarian and county manager as primary enforcement officers.  
23 This ordinance was adopted by the Board of Commissioners at the time the county did not have a  
24 solid waste division and relied upon the local health department to assist in abatement of solid waste  
25 issues. Now that the county has a solid waste division, under the Public Utilities Department, the  
26 local health department no longer needs to serve as primary enforcement officers for solid waste  
27 issues, unless the situation rises to the level for the local Health Director to abate public health  
28 nuisances and/or imminent hazards pursuant to G.S. 130A-19 and G.S. 130A-20. At their Board of  
29 Health meeting on June 18, 2013, the board approved a motion for the Health Director to  
30 communicate with the County Manager about amending Chapter 32, Section 54(d) to remove both  
31 the county health director and sanitarian as primary enforcement officers of the ordinance, and  
32 replace them with the Public Utilities Director and/or Solid Waste Supervisor.

33 Commissioner Byrd moved to approve amendment of Chapter 32, Section 54(d) of the Hyde  
34 County Solid Waste Ordinance to remove both the county health director and sanitarian as primary  
35 enforcement officers of the ordinance, and replace them with the Public Utilities Director and/or

1 Solid Waste Supervisor. Mr. Fletcher seconded the motion. The motion passed on the following  
2 vote: Ayes – Byrd, Fletcher, Swindell and Tunnell; Nays – None; Absent or not voting – Pugh.

3 *Clerk's Note: A copy of "An Ordinance To Amend Chapter 32, Solid Waste – Article III. Management and*  
4 *Regulations, Section 32-54. Enforcement" is attached herewith as Exhibit C and incorporated herein by*  
*reference.*

### 5 **Projects Update**

6 Manager Rich presented update on various projects on-going in Hyde County.

- 7 • Ocracoke Chipper – the new chipper program starts on July 10, 2013.
- 8 • Ocracoke Community Square Revitalization Project (CSRP) – Ocracoke Foundation, Inc.  
9 (OFI) requests County participation in applying for Small Business Entrepreneurial Assistance  
10 (SBEA) grant funds up to \$250,000.00 and Parks and Recreation Trust Fund (PARTF) grant  
11 funds up to \$500,000.00. The goal of the project is to protect the hub of commerce and  
12 social activity along the Ocracoke waterfront. No Board action is required at this time.
- 13 • Roof Repairs – Robert Griffin, Dean Burbage and Clint Berry met on Monday, June 10<sup>th</sup> to  
14 discuss Government Center roof repairs. Robert Griffin, Dean Burbage and Kevin (a roofer  
15 from REI) will meet on July 8, 2013. Commissioner Byrd asked to attend this meeting.
- 16 • ECB Building Update – Press Release and Renovations - VantageSouth Bank (formerly  
17 ECB) employees will vacate the building by the end of August. A press release to promote  
18 good will for transition of the ECB building to the County will be sent.
- 19 • Animal Control Issues – Manager Rich, Health Director Smith and Kelly Pellegrino of Hyde  
20 County NC Animal Friends were interviewed by WITN-7 News regarding funding for  
21 animal control issues in Hyde County and will air on Monday, July 8<sup>th</sup> at 6:00 p.m.
- 22 • Top Gear TV Show – is hoping to send a vehicle into Pamlico Sound on July 17-18 to travel  
23 to Ocracoke Lighthouse.
- 24 • Possible Tax Increase Request – West Quarter/Double and Bay Rates – capital  
25 improvements are needed and a tax assessment may be requested.
- 26 • Healthcare Issues – if a part-time employee works up to 30 hours he/she would be eligible  
27 for healthcare benefits under Obama Care.

### 28 **Budget Revisions**

29 Manager Rich approved revisions based on Manager's authority given on June 3, 2013. The Hyde  
30 County Board of Commissioners adopted "Resolution Authorizing the County Manager to  
31 Reconcile Departmental Budgets" for year-end closeout under the following conditions:

- 1 • Transfer amounts between objects of expenditure within a department except salary amounts  
2 without limitations
- 3 • Transfer amounts up to \$10,000 between departments of the same fund with an official  
4 report of such transfers to be made available for approval at the next meeting of the Board of  
5 Commissioners
- 6 • Not transfer any amounts between funds nor from contingency within any fund
- 7 • Assign legal costs to departments based upon the legal issue involved

8 No transfers needed Board approval but all were presented.

9  
10 **Closed Session**

11 Commissioner Byrd moved to enter into closed session at 8:11 p.m. in accordance with §143-  
12 318.11 (a) (6) – personnel matters. Mr. Fletcher seconded the motion. The motion passed on the  
13 following vote: Ayes – Byrd, Fletcher, Tunnell and Swindell; Nays – None; Absent or not voting –  
14 Pugh.

15 Commissioner Byrd moved to come out of closed session at 8:33 p.m. Mr. Fletcher seconded the  
16 motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Swindell and Tunnell;  
17 Nays – None; Absent or not voting – Pugh.

18 **Management Reports:**

19 **Commissioner Byrd** – reported that he attended the ECBH meeting where the number of people  
20 serving on the ECBH Commission has been reduced from 21 to 9 members. Hyde County will not  
21 be on this board until 2016. Mr. Byrd also reported the Black Bear Management Bill made it  
22 through the House of Representatives.

23 Commissioner Byrd emphasized the need for accuracy when presenting information to the Board  
24 for approval. He referenced citizen concerns about the Waterway Landing/Pocossin Farms  
25 Resolution recently approved by the Board; and, recent report on EMS call statistics.

26 Manager Rich reported he had verified the Waterway Landing/Pocossin Farms information by  
27 talking to Attorney Hood Ellis, Ken Collier and Kevin Armstrong on behalf of Waterway Landing  
28 Homeowners Association.

29 **Commissioner Tunnell** – reported that he attended the Recreation Committee meeting and that he  
30 is concerned about the proposed anti-shrimping bill that will prohibit all trawling in Pamlico Sound.

31 Manager Rich will research the bill and present a resolution at the next regularly scheduled Board  
32 meeting on Monday, August 5, 2013.

1 **Commissioner Fletcher** – reported that he attended the OCBA and Planning Board meetings and  
2 suggested there be one advertising unit on Ocracoke. He also reported on conversations for  
3 additional occupancy tax on Ocracoke.

4 **Chairman Swindell** – reported that Bill Lawrence has resigned from his position on the Mainland  
5 Occupancy Tax Board and the Hyde Transit Board.

6 **County Manager Rich** – presented his June 3<sup>rd</sup> – 30<sup>th</sup> meetings calendar.

7 **Public Comments:**

8 Chairman Swindell called for comments from the public.

9 Kelly Pellegrino, Hyde County NC Animal Friends, asked Board members to reconsider the need  
10 for re-establishing full animal control in Hyde County.

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

12 **Adjourn**

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

16 The meeting adjourned at 8:50 p.m.

17

18 Respectfully submitted:

19

20 Minutes approved on the 5<sup>th</sup> day of August, 2013.

21

22

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

\_\_\_\_\_

Barry Swindell  
Chair, Hyde County Board of Commissioners

25 Attachments:

26 Exhibit A: *“Amendment of The Hyde County Recreation Committee Ordinance”*

27 Exhibit B: *“Creekside Drive Waterline Relocation Project – Project Ordinance 2013-07-01”*

28 Exhibit C: *“An Ordinance To Amend Chapter 32, Solid Waste – Article III. Management and*  
29 *Regulations, Section 32-54. Enforcement”*

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

**Meeting Date:** August 5, 2013  
**Presenter:** Chris Hilbert, Program Administrator, Holland Consulting Planners  
**Attachment:** Yes. Notice of Public Hearing attached.

**ITEM TITLE:** PUBLIC HEARING - NOTICE OF CLOSE-OUT - FISCAL YEAR  
2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
PROGRAM (SCATTERED SITE)

**SUMMARY:**

The purpose of this hearing is to review the budget and activities that have been accomplished through the county's FY10 CDBG-SS grant. The program activities are complete, and the county is in the process of closing out the program.

**RECOMMEND:** Conduct Public Hearing

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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.

## NOTICE OF CLOSE-OUT PUBLIC HEARING

### HYDE COUNTY, NORTH CAROLINA FISCAL YEAR 2010 COMMUNITY DEVELOPMENT SMALL CITIES BLOCK GRANT PROGRAM (SCATTERED SITE)

Notice is hereby given that the Hyde County Board of Commissioners will hold a public hearing on Monday, August 5, 2013, at 6:00 pm, or as soon thereafter as the agenda will allow, in the Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, NC. The purpose of this hearing is to review the budget and activities that have been accomplished through the county's FY10 CDBG-SS grant. The program activities are complete, and the county is in the process of closing out the program.

All interested citizens are encouraged to attend this public hearing, and all comments are welcome. Anyone wishing to submit written comments should do so by submitting them directly or by mail to Ms. Kris Noble, Hyde County Planner and Economic Developer, 30 Oyster Creek Road, PO Box 188, Swan Quarter, NC 27885, no later than 5:00 pm on August 2, 2013.

Persons with disabilities or who otherwise need assistance should contact Kris Noble at 252/926-4180 or [knoble@hydecountync.gov](mailto:knoble@hydecountync.gov) (TDD # 919/807-4420 or Relay North Carolina TTY# 1-800-735-2962) by Friday, August 2, 2013. Accommodations will be made for all who request assistance with participating in the public hearing.

This information is available in Spanish or any other language upon request. Please contact Kris Noble, County Planner, at 252/926-4180, or at the Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, NC, for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Kris Noble, County Planner, al 252/926-4180 o en Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, NC, de alojamiento para esta solicitud.

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

**Meeting Date:** August 5, 2013  
**Presenter:** Citizens  
**Attachment:** No

**ITEM TITLE:** PUBLIC COMMENTS

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

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

Time for one person cannot be used by another person.

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

**RECOMMEND:** Receive comments.

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

**Meeting Date:** August 5, 2013  
**Presenter:** Manager Bill Rich  
**Attachment:** No

**ITEM TITLE:** EMPLOYEE RECOGNITION – JUSTIN GIBBS

**SUMMARY:** Justin Gibbs, Hyde County Emergency Services Director, graduated from the Community Preparedness and Disaster Management Certificate Program offered by the University of North Carolina at Chapel Hill – Gillings School of Global Public Health. Developed 10 years ago by one of the top departments of Health Policy and Management in the country, the CPDM certificate program has admitted over 300 students and has received high praise from professionals in the field.

The Community Preparedness and Disaster Management Certificate within the Department of Health Policy and Management in the Gillings School of Global Public Health at UNC-Chapel Hill is a professional certificate program to provide leaders in the public and private sector who deal with emergency management and disaster preparedness, response, recovery or mitigation. This program enhances the knowledge of professionals who must prepare and oversee systems used to keep America safe. The program's all-hazards approach includes natural and technological hazards; and terrorism.

The curriculum for the Community Preparedness and Disaster Management Certificate Program consisted of four courses, each taking 12 weeks to complete and comprising a total of 9 credit hours. The four academic courses cover a multitude of topics dealing with local, state and federal activities in planning for and analyzing disasters. The courses examine both the strengths and weaknesses of systems and engage students' creative processes to facilitate the development and/or refinement of systems that will work in the community. The program also strives to create a common conceptual understanding of the issues facing disaster management in order to produce a more coordinated and synergistic regional response to events.

**RECOMMEND:** Congratulations.

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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.