

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: August 5, 2013
Presenter: Manager Bill Rich
Attachment: Yes

ITEM TITLE: **RULES OF PROCEDURE FOR THE HYDE COUNTY BOARD OF COMMISSIONERS**

SUMMARY: At its regularly scheduled meeting on March 4, 2013 it was noted that Rule No. 7 of the "Rules of Procedure For The Hyde County Board of Commissioners" was deleted by approval of amended "Rules of Procedure for Meetings Utilizing Simultaneous Communication" on December 6, 2010.

Attorney Fred Holscher and Clerk to the Board Lois Stotesberry communicated their concern that Rule No. 7 should be re-instated to Professor Flemming Bell, Professor of Public Law and Government, UNC-School of Government.

Professor Bell agrees that language found in Rule No. 7 is legally necessary in order for the Hyde County Board of Commissioners to comply with the statutory requirements of NCGS 143-318.13(a)(5) and (a1)(3) and (a1)(4) as found in Session Law 2008-111 (S1631).

RECOMMEND: Re-instate Rule No. 7 of the "Rules Of Procedure For The Hyde County Board of Commissioners".

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: Bell, II, A. Fleming <bell@sog.unc.edu>
Sent: Tuesday, July 02, 2013 1:16 PM
To: Lois Stotesberry
Cc: Bell, II, A. Fleming; Houston, Norma Reid
Subject: RE: Your opinion
Attachments: FW: Your opinion (22.9 KB)

Importance: High

Hi, Lois,

In looking over my e-mail correspondence with you, it also appears to me that I did not reply to your last April inquiry. Please accept my sincere apology, and please pass it along to Fred.

Rule 7 of the Rules of Procedure for the Hyde County Board of Commissioners provides as follows.

Rule No. 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.

I think that language such as that in Rule No. 7 is an important safeguard for implementing properly the statutory requirement found in G.S. 143-318.13(a)(5), and for complying with G.S. 143-318.13(a1)(4) and 143-318.13(a1)(5). These statutes are all found in Session Law 2008-111 (S 1631), which is applicable to Hyde County.

G.S. 143-318.13(a)(5) states that the public body's rules of procedure must address the following.

(5) 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. [Note: This requirement does not apply to emergency meetings.]

If "clear simultaneous communication" (to use Rule 7's language) is not possible, then the requirement of G.S. 143-318.13(a)(5) that the public at the remote location be provided with the same opportunity to listen or watch as the public at the main location cannot be met. This means in turn that the public body cannot comply with G.S. 143-318.13(a1)(4), which requires that "[t]he member or members of the public body participating from a remote location by simultaneous communication can hear what is said by the other members of the public body and by any individual addressing the public body," nor with G.S. 143-318.13(a1)(5), which requires that "[t]he member or members of the public body participating from a remote location by simultaneous communication can be heard by the other members of the public body and any other individuals in attendance at the official meeting."

In sum, I tend to agree with Fred Holscher, the Hyde County Attorney, that language such as that found in Rule 7 is legally necessary, in order for the Hyde County Board of County Commissioners to comply with the statutory requirements of G.S. 143-318.13(a)(5), (a1)(3), and (a1)(4), as found in Session Law 2008-111 (S 1631).

I hope that you find this information useful. Again, I'm sorry for the delay, and I hope that you'll let me know if you have any questions.

Best regards,

Fleming Bell

Professor of Public Law and Government
JNC School of Government

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.

8. 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 December 6, 2010 with deletion of Rule No. 7.

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

Approved as amended by the Hyde County Board of Commissioners on August 5, 2013 with Rule No. 7 reinstated.

Barry Swindell, Chairman
Hyde County Board of Commissioners

ATTEST:

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

County Public Safety Building Renovations" and to pay Lamm Engineering Associates, PLLC \$8,000.00 from Emergency Management funds. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Pre-Disaster Mitigation Contract Awards

Chris Hilbert, Project Manager, Holland Consulting Planners, Inc., reported that Hyde County has received a 2011 Pre-Disaster Mitigation Project award in the amount of \$548,377.00 from the NC Division of Emergency Management to elevate eight (8) owner-occupied homes located throughout the county. Two of the eight homes were addressed with CDBG funds, and two additional homes cannot be elevated due to poor structural condition. Mr. Hilbert reported that bids were accepted for the remaining four units on February 14, 2013. According to Mr. Hilbert (the county's PDM consultant, HCP, Inc.), the low bids are very reasonable and both low bidders are experienced, capable, and ready to proceed immediately following the required pre-construction conferences and the county's receipt of the required 25% owner contribution. Holland Consulting Planners, Inc. (HCP) recommended that the Mayo (\$57,220) and the Nixon (\$56,025) houses be awarded to Paul Woolard Construction of Bath, NC and that the Casper (\$68,500) and Hierholzer (\$82,500) houses be awarded to Bray's House Movers of Camden, NC.

Commissioner Fletcher moved to award the four (4) PDM elevation/retrofitting contracts to the low bidders of record. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

CDBG-NC Tomorrow Anti-Displacement and Relocation Assistance Plan

Averi Simmons, Planning Assistant, reported that the CDBG-NC Tomorrow grant was a planning grant in which funds were used to develop a Comprehensive Economic Development Strategy plan for the northeastern North Carolina region. A requirement Hyde County must fulfill prior to closing out the grant is adopting an Anti-Displacement and Relocation Plan. This plan is required for all CDBG projects, but it is grant-specific.

Commissioner Byrd moved to adopt Resolution for County of Hyde Anti-Displacement and Relocation Assistance Plan. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Clerk's Note: A copy of "Resolution for County of Hyde Anti-Displacement and Relocation Assistance Plan" is attached herewith as Exhibit E and incorporated herein by reference.

Amendment of Rules of Procedures for The Hyde County Board of Commissioners

Chairman Swindell reported that the Rules of Procedure for the Hyde County Board of County Commissioners, which were approved by the Hyde County Board of Commissioners on October 6, 2008, are based upon the 2002 edition of the UNC Institute of Government "Suggested Rules of Procedure for the Board of County Commissioners" and include the "Rules of Procedure for Meetings Utilizing Simultaneous Communication."

At its organizational meeting on December 3, 2012, the Hyde County Board of Commissioners moved to call for Regular Meetings on the first Monday of each month at 6:00p.m., or as otherwise provided.

At its regularly scheduled meeting on February 4, 2013, the Board moved to update the "Rules of Procedure" – Rule 6: Regular and Special Meetings (a) Regular Meetings to reflect changes made at the Organizational Meeting on December 3, 2012. At that time, Commissioner Fletcher also asked that each Board member review the Rules of Procedure and make recommendation for further revision if necessary at the March 4 Board meeting.

While researching meeting minutes from the December 6, 2010 Hyde County Board of Commissioners meeting, Clerk to the Board Lois Stotesberry discovered that the "Rules of Procedures for Meetings Utilizing Simultaneous Communication" were revised by deletion of Rule No. 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.~~

After discussion, it was decided that the final version of the amended "Rules of Procedures for the Hyde County Board of Commissioners" be presented for approval by the Board at its next regularly scheduled Board of Commissioners meeting on April 1, 2013.

Installation of Earthquake Monitoring System at Hyde County Airport

Jane Hodges, Airport Manager, reported that EarthScope is a National Science Foundation (NSF) project to investigate the structure of the North American continent and the physical processes controlling earthquakes and volcanic eruptions. Incorporated Research Institutions for Seismology (IRIS), a non-profit consortium of over 100 US universities, manages facilities for seismological research and is responsible for the installation, operation and removal of the earthquake monitoring equipment of EarthScope under a cooperative agreement with the National Science Foundation. NSF as a federal agency retains title to all equipment.

Approval of placement of this station grants permission to IRIS to install, operate, maintain and service a Seismic Recording System as part of the EarthScope project. This system will measure ground movements caused by earthquakes and other natural sources.

This permit is for 36 months from January 1, 2013, which may be terminated at any time with or without cause upon 30-Day Notice in writing to IRIS. The Hyde County Airport Advisory Committee and County Attorney Holscher have reviewed and approve this agreement.

Commissioner Fletcher moved to permit installation of EarthScope earthquake monitoring system at Hyde County Airport for a period of 36 months beginning January 1, 2013. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Endorsement of MOU Between NC State University and Mattamuskeet Association

Commissioner Byrd moved to endorse the Memorandum of Agreement (MOA) between North Carolina State University, on behalf of its NextGen Air Transportation (NGAT) Center in the Institute for Transportation Research and Education (ITRE) (NC State), and the Mattamuskeet Association which will allow access to easements that are part of the Association's property in order to conduct research, develop capabilities, and jointly support the growth of business related to fixed and rotary wind unmanned aircraft systems(UAS). Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

Budget Revisions

Chairman Swindell reported that in accordance with FY2011-2012 Budget Ordinance, Article XIX, Section 1, no transfers were approved administratively and nine transfers needed Board approval.

Board Approval Required		
Department/Program	Amount	Explanation
Senior Center		
Equipment	\$ 5,000.00	Funds received from BCBS Grant to purchase exercise equipment for the Senior Center. Does increase the budget.
Utilities		
Telephone Lines	\$ 9,000.00	Funds being transferred interdepartmentally to cover under-budgeted telephone line through the end of the budget year. Does not increase the budget.
Solid Waste	\$ 7,868.47	Funds being transferred interdepartmentally to cover costs of site improvements on Ocracoke and Mainland collection sites. Does not increase the budget.

COUNTY OF HYDE

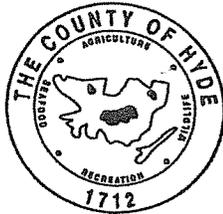
Board of Commissioners

Tom Davis, Chair
Sharon Spencer, Vice-chair
Anson Byrd
Ken Collier
Carlene Styron

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

David Smitheman
Interim County Manager

Sid Hassell
County Attorney



RULES OF PROCEDURE FOR MEETINGS UTILIZING SIMULTANEOUS COMMUNICATION

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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 observe 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. § 153A40 or, in the case of an emergency meeting, as defined by N.C.G.S. § 143 318.12(b)(3).
7. Except as set out above the Rules of Procedure adopted by the Hyde County Board of Commissioners on December 6, 2010 shall apply to official meetings conducted in whole, or in part, with simultaneous communication.
Adopted on December 6, 2010.

Sharon P. Spencer
CHAIRPERSON, HYDE COUNTY COMMISSIONERS

ATTEST:

[Signature]
CLERK

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

Meeting Date: August 5, 2013
Presenter: Commissioner Fletcher
Attachment: No

ITEM TITLE: FLOOD GATES FOR OCRACOKE CULVERTS

SUMMARY: Commissioner Fletcher will discuss the need for flood gates for Ocracoke culverts.

RECOMMEND: Discussion and approval.

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

Motion Secended 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: August 5, 2013
Presenter: Commissioner Fletcher
Attachment: Yes

ITEM TITLE: USE OF COUNTY OWNED VEHICLES

SUMMARY: Commissioner Fletcher will discuss use of County owned vehicles by County employees.

**Hyde County Personnel Policy – Article V. Conditions of
Employment, Section 8. Use of County Time, Equipment, Supplies
and Vehicles. (page 23 attached)**

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.

Chapter 153A-103 (1) of the North Carolina General Statutes.

Section 7. Harassment

Harassment on the basis of race, color, religion, gender, national origin, age or disability constitutes discrimination. The County opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of his or her relatives, friends, or associates.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the County Manager, Human Resources Officer, or any department head who will advise the Human Resources Officer of the complaint. The Human Resources Officer will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees witnessing harassment shall also report such conduct to an appropriate County official.

Section 8. Use of County Time, Equipment, Supplies, and Vehicles

County supplies and equipment are to be used exclusively for the County's business. During working hours, an employee shall only conduct County business. Use of County time, supplies, or equipment for personal or other purposes not related to the employee's County duties and responsibilities is prohibited and subjects the employee to disciplinary action, up to and including dismissal.

All employees, who use County vehicles, are required to follow applicable motor vehicle and safety requirements. Violation or misuse of County vehicles also subjects the employee to disciplinary action, up to and including dismissal. Reasonable incidental stops while in route on county business subject to department head approval is allowed based on job requirements and demands.

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

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

ITEM TITLE: NCDOT EASEMENT AGREEMENT

SUMMARY: NCDOT is requesting Board approval of an easement agreement in the Fairfield community.

As of the time this packet was completed related materials had not arrived at the Government Center. The Easement Agreement and any related materials will be handed out on Monday, August 5th.

RECOMMEND: Discussion and approval.

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

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

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

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

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

ITEM TITLE: BUDGET MATTERS

SUMMARY: Several FY2012-2013 Year End Budget Revisions have been approved by County Manager Rich and are attached for Board review.

One departmental budget revision requires Board approval.

RECOMMEND: Discuss 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.

HYDE COUNTY BOARD OF COMMISSIONERS
2012 2013 BUDGET REVISIONS

(FO USE)		MEETING DATE				
BR#	IDT#	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	DEBIT	CREDIT
			736802.0045	MISC SERVICES	\$ 4,500.00	
			733590.0000	FEES COLLECTED		\$ 4,500.00
					\$ 4,500.00	\$ 4,500.00
				INCREASED BUDGET DUE TO INCREASED COLLECTIONS		
				DOES INCREASE BUDGET		
						\$ -

87-2013

REQUESTED BY _____ DATE ____/____/____

APPROVED BY [Signature] _____
(SIGNATURE)
(CO MGR) (BD CHAIR) (CLERK)

APPROVAL DATE 10/28/13

ENTERED IN SYSTEM _____ DATE ____/____/____
(FINANCE OFFICER)

HYDE COUNTY BOARD OF COMMISSIONERS
2012 2013 BUDGET REVISIONS

(FO USE)		MEETING DATE				
BR#	IDT#	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	DEBIT	CREDIT
			106810.0975	ART 42 SALES TAX	\$ 5,000.00	
			103490.0003	ART 42 SALES TAX		\$ 5,000.00
					\$ 5,000.00	\$ 5,000.00
				INCREASED BUDGET DUE TO INCREASED COLLECTIONS		
				DOES INCREASE BUDGET		
						\$ -

89-2013

REQUESTED BY _____ DATE ____/____/____

APPROVED BY [Signature] _____
(CO MGR) (BD CHAIR) (CLERK)

APPROVAL DATE 6/28/13

ENTERED IN SYSTEM _____ DATE ____/____/____
(FINANCE OFFICER)

HYDE COUNTY BOARD OF COMMISSIONERS
2012 2013 BUDGET REVISIONS

(FO USE)		MEETING DATE				
BR#	IDT#	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	DEBIT	CREDIT
			105200.4701	INMATE SAFEKEEING	\$ 2,000.00	
			106040.4500	OTHER SERVICES	\$ 1,000.00	
			104700.4500	LEGAL FEES		\$ 3,000.00
					\$ 3,000.00	\$ 3,000.00
				MONIES TRANSFERRED TO FISCAL YEAR END		
				DOES NOT INCREASE BUDGET		
						\$ -
REQUESTED BY _____				DATE	___/___/___	
APPROVED BY <u>[Signature]</u>				(CO MGR)	(BD CHAIR)	(CLERK)
APPROVAL DATE				<u>6/28/13</u>		
ENTERED IN SYSTEM _____				DATE	___/___/___	
(FINANCE OFFICER)						

HYDE COUNTY BOARD OF COMMISSIONERS
2013/2014 BUDGET REVISIONS

MEETING DATE 8/5/2013					
(FO USE) BR # OR IDT#	DEPARTMENT	ACCOUNT #	LINE ITEM ACCOUNT NAME / EXPLANATION	"+" EXP BUDGET "- REV BUDGET	"+" EXP BUDGET "- REV BUDGET
				DEBIT	CREDIT
01-14	Community Transformation Grant Project (CTG/P) - General	10-5770.0200	Salaries	\$ 3,172.00	
	"	10-5770.0500	FICA	\$ 243.00	
	"	10-5770.0600	Group Insurance	\$ 224.00	
	"	10-5770.0700	Retirement	\$ 361.00	
	Revenue	10-3480.0051	Region 9 CTG LHD Grant		\$ 4,000.00
				\$ 4,000.00	\$ 4,000.00
			As a member of Region 9, Hyde County Health Department is receiving \$4,000 in additional funding for the period June 1, 2013 through September 29, 2013 to assist with salary and fringe for the Health Director and Health Educator for their involvement in the CTG/P funded projects in Hyde County, as well as involvement in the various action teams. This revision DOES increase the budget for the CTG/P General account.		

REQUESTED _____ DATE _____

APPROVED... CO MANAGER CO COMMISSIONER-CHAIR CLERK TO THE BOARD

ENTERED LEDGER/DATE _____

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: August 5, 2013
Presenter: Chairman, Vice-Chair, Commissioners and Manager
Attachment: Yes

ITEM TITLE: MANAGEMENT REPORTS

SUMMARY: This is a time for each Commissioner to give reports on their work representing the County.

Additionally, Commissioners may wish to bring up issues they wish to have followed up by the Board or by the County Manager.

The County Manager will give an oral update on various projects and other administrative matters.

PROJECTS

- FEMA Update
- Pilot Program
- Medicaid Payment
- Continuing Education for County Manager
- Monthly Report of Fire Inspections
- ECB Update

RECOMMEND: Receive reports. Discussion and possible action as necessary.

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.

Corrine Gibbs

From: SOG Listmgr <listmgr@sog.unc.edu>
Sent: Thursday, July 18, 2013 9:06 AM
To: The ncfinance mailing list
Subject: [ncfinance] Register by July 26 for Municipal & County Administration

Follow Up Flag: Follow up
Flag Status: Flagged

Municipal and County Administration

September 2013 - April 2014

School of Government, UNC-Chapel Hill

This comprehensive course is designed for city and county officials whose responsibilities require an understanding of local government functions beyond individual areas of specialization.

Major subject areas: Taught by more than 50 School of Government faculty members and guest instructors, the course covers local government law, organization and management, finance and budgeting, public employment law, planning and regulation of development, and municipal and county services.

Participants will gain an appreciation for the following:

- Legal framework and administrative requirements of North Carolina city and county government
- How city and county services are organized and provided
- Interrelation among different activities and/or departments
- Building a broader network of local government peers

Dates: The course is offered in seven sessions of four days each. Each session begins mid-day Tuesday and ends Friday afternoon, as follows:

- September 10-13, 2013
- October 15-18, 2013
- December 3-6, 2013
- January 14-17, 2014
- February 18-21, 2014
- March 18-21, 2014
- April 8-11, 2014

Who should attend: City and county managers, department heads, and other city and county officials whose responsibilities require an understanding of functions beyond individual areas of specialization

Course Fee: \$2,600 per person

The course fee covers instructional materials, class events, refreshment breaks, and lunches for all sessions. *Please do not send payment until notified of acceptance.*

Scholarships: Scholarships are available for this course. Visit the course web page for more information:

<http://www.sog.unc.edu/node/1570>

Application Deadline: July 26, 2012

To submit an application or for information about continuing education credits or course credit from UNC, visit

www.sog.unc.edu/node/1570

For more information: Contact Alycia Inserra, program manager, at 919.843.6518 or aginserra@sog.unc.edu

Manager's Report of Fire Inspections

For the period of July 16 – 25, 2013, Mr. Burbage has performed 31 fire inspections on Ocracoke Island. These inspections have been at a net cost to the county of \$51 each (after reimbursement from each business). This cost per inspection should decline over time due to less complexity of future inspections.

MONTHLY REPORT OF FIRE INSPECTIONS

For the Period of July 16 thru July 25, 2013

NUMBER OF INSPECTIONS PERFORMED31

AVERAGE TIME SPENT ON EACH INSPECTION.....1.61 HOURS

PROBLEMS/ ISSUES:

I have been told by numerous proprietors that this was the first fire inspection that they had had since either Tony Spencer or myself had been to their place of business several years ago. Initially, I had told Mr. Rich that I thought I might be able to perform as many as 8 inspections per day. So far that has been a difficult goal to achieve given the amount of time since many of the businesses on the island have been inspected and the number of violations that I am finding as a result of this time between inspections. I have made every effort to begin with what I would consider to be the most time-consuming inspections such as the places of lodging and some of the restaurants. Several of these have been very challenging and have resulted in many violations being discovered. I would stress that most everyone has been very cooperative and eager to know what violations they must correct. **Please keep in mind that more often than not, this is only lip service as they are banking on the County not following up with re-inspections. I suggest that the County be diligent in all efforts to schedule follow-up inspections and to assess ALL associated re-inspection fees and fines/penalties in the event that the violations cited on the initial inspections are not abated within the specified time allotted on the inspection form signed by the business owner or agent.** As indicated on most all of the inspection reports that were given to the establishments being inspected, I allotted 45 days. In hindsight, I probably should have granted no more than 30, but I felt that the probability of cooperation would be higher with a longer time allowed to correct less serious violations.

After sorting through the Ocracoke Fire Inspection 2010 binder that was given to me by Mr. Rich, I offer the following information:

- a) *There are several businesses, such as home-based businesses and bed and breakfast establishments with less than 5 rooms for rent, that are not required by the State to be subject to mandatory fire inspections. Some of my recent employers such as the City of Washington and City of Greenville would perform courtesy inspections at the request of such establishments at no charge. Given my arrangement with the County, I have NOT been scheduling inspections at such places in the interest cost savings.*
- b) ***I have been asked by several of those which I was inspecting whether or not I would be inspecting the concession trailers that are operating on the island. THE FIRE***

INSPECTOR DOES NOT HAVE JURISDICTION ON THESE TYPES OF BUSINESSES DUE TO THE FACT THAT THEY ARE MOBILE AND LICENSED BY THE DEPARTMENT OF TRANSPORTATION. WHEN I WAS INITIALLY ASKED THIS QUESTION, I WAS REASONABLY CERTAIN I DID NOT HAVE JURISDICTION, BUT I DID PLACE A CALL TO STATE FIRE MARSHAL RICHARD STRICKLAND JUST TO MAKE CERTAIN THAT MY ASSERTION WAS CORRECT.

FEES

I made every effort to inform those being inspected that there is a \$35 charge for each fire inspection. In most cases, I have written the amount due on the fire inspection form that I have had a responsible individual sign. I have only performed one(1) inspection that I did not charge for (Ocracoke Preservation Society Museum) because it was noted as a "no charge" inspection in the binder I was given. As stated above, I have performed 31 inspection with only the one at no charge. This results in fees to be billed by the County in the amount of\$1,050.00.

Manager's Calendar (July 2013)

July		
M	1	1:00 p.m. - Clayton Bauman, WITN-7 Interview (citizens request for animal shelter)
		Board of Commissioners Meeting
T	2	9:00 a.m. - Staff Meeting
		10:00 a.m. - Met with Kris Noble & Rivers Assoc.
		2:30 p.m. - Met with NCACC - Neil Emory, Outreach Associate
		Conference Call with John Dalton - Re: Waterway Landing
W	3	10:00 a.m. - Ferry to Ocracoke
		Ocracoke Office
TH	4	Independence Day
F	5	Ocracoke Office
S	6	
S	7	
M	8	9:30 a.m. - Met with Robert Griffin, Architect, Dean Burbage, Kevin - R.E.I.
		3:30 p.m. - Met with Commissioner Pugh
		4:00 p.m. - Met with Engelhard Sanitary Dist. Bd., Earl Pugh, Rivers Assoc.
		5:00 p.m. - met with Commissioner Byrd
T	9	12 Noon - Met with Ken Windley and Bobby Alton - Joint County Projects
W	10	10:00 a.m. - Senior Center Open House
		1:00 p.m. - Met with Justin Gibbs
		1:30 p.m. - New Phone System Training
TH	11	10:00 a.m. - Ferry to Ocracoke
		1:30 p.m. - Silver Lake Mooring Committee Meeting
		5:30 p.m. - Ocracoke Planning Board Meeting
F	12	Ocracoke Office
S	13	
S	14	
M	15	3:00 p.m. - FEMA Mtg. with Justin Gibbs, Corrinne Gibbs and Clint Berry
T	16	10:00 a.m. - Northeast North Carolina Monthly Conference Call
		2:00 p.m. - Met with Robert Griffin, Architect at ECB Bldg., GC & PSC
		3:30 p.m. - Met with Gloria Spencer, DSS Director
W	17	6:30 p.m. - Dinner with Robert Griffin and Jim Nance - Economic Development Mtg.
		1:00 p.m. - Met with Jedd Dixon, NC Ferries, Clint Berry, Darren of David's Trash
		Re: Ocracoke Trash Service
TH	18	6:30 p.m. - Attended ABC Board Meeting at Swan Quarter Store
F	19	Ocracoke Office
S	20	
S	21	
M	22	11:00 a.m. - Met with Neredith Nicholson - Re: ABC Board
		2:00 p.m. - Rose Acre Meeting with Kris Noble
		2:30 p.m. - Met with Robert Griffin, Architect, Gloria Spencer and Suzanne Johnson Re: ECB Building
T	23	8:30 a.m. - Public Works Emergency Management Mtg. with Justin Gibbs, Clint Berry, Wes Smith, Hugh Watson and Sheriff Mason
		10:00 a.m. - Met with Rebecca Liverman, Interim Ag. Ext. Agent
		2:30 p.m. - Met with Dr. Cindy Beyerlein and Timothy Cathey - Economic Development

W	24	Economic Development with Dr. Cindy Beyerlein and Timothy Cathey (all day)
		Noon - Hotline CCR/SART Team Luncheon/Meeting at SQVFD
TH	25	3:00 p.m. - Met with Anthony Roper - Re: Newlands Road, Fairfield - Speed Limit
		4:30 p.m. - Ocracoke Ferry
		7:30 p.m. - Met with Earl O'Neal and Commissioner Pugh - Ocracoke Issues
F	26	Ocracoke Office Met with Commissioners Swindell and Pugh and Several Ocracoke Residents
S	27	
S	28	2:00 p.m. - Met with Katherine Parker-Lowe - Re: ABC Board and Ocracoke Matters
M	29	10:00 a.m. - Met with A.E.S. and Clint Berry at PSC for Environmental Testing 4:00 p.m. - Met with Anthony Roper and Christian Gibbs at Newlands Road, Fairfield
T	30	NC DMF Meeting in New Bern - Re: Trawling in Inland Coastal Waters Mtg.
W	31	11:00 a.m. - Met with Kris Noble and Joey VanDyke - Re: Economic Development
	August	
		Met with Robert Griffin, Architect to Review ECB Bldg, GC and PSC Projects
TH	1	11:00 a.m. - Justin Gibbs - Re: Century Installation at ECB Building 12:00 noon - Met with Gloria Spencer at DSS Office - Re: ECB Building 1:00 p.m. Ferry to Ocracoke Ocracoke Office
F	2	Ocracoke Office
S	3	
S	4	
M	5	9:00 a.m. - Met with Justin Gibbs, Clint Berry, Sheriff Mason, Wes Smith and Hugh Watson - PSC Roof Repair Meeting 2:30 a.m. - Met with Art and Alice Keeney and Mike Adams - CDC Issues PSC Roof Repair Update Mtg. with R.E.I. and Robert Griffin, Architect

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

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

ITEM TITLE: PUBLIC COMMENTS

SUMMARY: 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.

RECOMMEND: Receive comments.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: August 5, 2013
Presenter: Board of Commissioners

ITEM TITLE: CLOSED SESSION

SUMMARY: The County Manager may request entering Closed Session in accordance with **NCGS143A-318.11 (a)**

- 1) To prevent the disclosure of information that is privileged or confidential pursuant to the law.
- 2) To prevent the premature disclosure of an honorary award.
- 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege.
- 4) To discuss matters relating to the location or expansion of industries or other businesses.
- 5) To establish or instruct the public body's staff or agent in negotiating the price or terms of a contract for the acquisition of real property by purchase; or compensation and terms of an employment contract.
- 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.
- 7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- 8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- 9) To discuss and take action regarding plans to protect public safety.

RECOMMEND: Enter into Closed Session if required.

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

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

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

Motion Made By: ___ Barry Swindell
(Exit) ___ 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.