

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

Meeting Date: February 2, 2015
Presenter: Dr. Randolph Latimore, Superintendent
Attachment: Yes

ITEM TITLE: BOARD OF EDUCATION – REQUEST RAISE

SUMMARY: At the previous regularly scheduled Board of Commissioners meeting, on January 5, 2015, Dr. Randolph Latimore, Superintendent and Kenneth Chilcoat, Finance Officer, Hyde County Board of Education, presented request for increase in fee paid to school board members. Currently, compensation for Board of Education members is \$42.00 and the Chair \$50.00 per meeting. Dr. Latimore requested an increase in compensation to a monthly rate of \$353.00 per Member and \$475.00 for the Chair. The total annual compensation per Board Member would then be \$4,236.00 and \$5,640.00 for the Chair. Compensation for the remaining six months in the current fiscal year totals \$11,472.00. Annual compensation for the entire Board would be \$22,944.00 in FY2015-16.

Commissioners Pugh and Tunnell (former Board of Education members) reported the fee to Board of Education members had not increased in 24 years.

Commissioner Fletcher reported 75% of small county School Boards are not paid. Mr. Fletcher suggested use of electronic meeting equipment to conduct meetings as a way to decrease travel expenses. Attached is: **1)** NSBA discussion asking do school board members receive pay; **2)** Session Law 2008-111/Senate Bill 1631 – An Act To Clarify How Public Bodies In Hyde County May Conduct Business During Meetings Involving Simultaneous Communication; and **3)** NCGS 143-318.9 through 18 – Article 33C – Meetings of Public Bodies.

Chairman Swindell asked if the funds are budgeted now and will this be included in the School Boards FY2015-16 budget request.

After further discussion, it was decided to table this vote until the next regularly scheduled meeting on Monday, February 2, 2015.

RECOMMEND: Discussion.

Motion Made By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Motion Seconded By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Vote: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

75 percent of board members have a bachelor's degree or higher

describe their political views as ideologically moderate

only 17.6 percent have ever been affiliated with a teachers union

Two-thirds see an urgent need to improve student achievement

90 percent are concerned about an overly narrow focus on achievement

Do school board members receive pay?

School board members tend to be dedicated volunteers:

75 percent of small-district school board members receive no salary

<40 percent of large-district school board members work >40 hours per month on board-related duties in return for a modest salary.

What are school board members' goals for students?

School board members and superintendents have similar goals for preparing their students for college, the workplace, and, above all, "a satisfying and productive life." [Learn more](#)

Read [School Boards Circa 2010: Governance in the Accountability Era](#) and find out:

who serves on school boards

what board members think about a number of school reform initiatives

how they do their work

how school board elections are carried out

how school boards and superintendents work together

Do effective school boards improve

chronicles change, interprets issues, and offers readers—some 50,000 school board members and school administrators—practical advice on a broad range of topics. [Read more](#)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

SESSION LAW 2008-111
SENATE BILL 1631

AN ACT TO CLARIFY HOW PUBLIC BODIES IN HYDE COUNTY MAY
CONDUCT BUSINESS DURING MEETINGS INVOLVING SIMULTANEOUS
COMMUNICATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-318.13 reads as rewritten:

"§ 143-318.13. **Electronic meetings; written ballots; acting by reference.**

(a) Electronic Meetings. – A public body may conduct official meetings, in whole or in part, with simultaneous communication. Prior to conducting an official meeting with simultaneous communication, the public body shall adopt rules of procedure governing the conduct of such meetings that address at least all of the following:

- (1) The verification of the identity of the member or members of the public body who are participating by simultaneous communication.
- (2) The process of orderly deliberation by the public body.
- (3) The process of voting by the public body.
- (4) The procedure for recording any votes taken in the minutes of the public body.
- (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. This requirement shall not apply in emergency meetings.

(a1) Quorum and Voting by Members of the Public Body During Electronic Meetings. – A member or members of the public body participating from a remote location by simultaneous communication shall be counted as present for quorum purposes, and all votes of members of a public body made during an official meeting with simultaneous communication shall be counted as if the member were physically present in the place of the official meeting provided all of the following apply to the official meeting:

- (1) The official meeting was properly noticed under G.S. 143-318.12 and under any other requirement for notice applicable to the public body.
- (2) The member or members of the public body 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).
- (3) The 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.
- (4) The 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.

- (5) The vote of the member or members of the public body participating from a remote location by simultaneous communication is not by electronic mail.
- (6) If the chair or presiding officer of the public body 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.
- (7) The official meeting, or part of an official meeting with a member or members of the public body participating from a remote location by simultaneous communication is not any of the following:
 - a. A closed session, unless the closed session is held during an emergency meeting.
 - b. A quasi-judicial proceeding.
- (8) No written ballots may be taken at the official meeting with a member or members of the public body participating from a remote location by simultaneous communication.
- (9) If the official meeting involves a member of the public body participating from a remote location by simultaneous communication by which the member cannot be physically seen by the public body, that member must comply with all of the following:
 - a. The member identifies himself or herself when the roll is taken or the meeting is commenced.
 - b. The member identifies himself or herself prior to participating in the deliberations during the official meeting.
 - c. The member identifies himself or herself prior to voting.
- (10) The member or members participating from a remote location by simultaneous communication shall have been provided with any documents to be considered during the official meeting.

(a2) Participation of Public During Electronic Meetings. – If a public body holds an official meeting by use of ~~conference telephone or other electronic means, simultaneous communication,~~ it shall provide a location and means whereby members of the public may listen to the official meeting and the notice of the official meeting required by this Article shall specify that location. ~~A fee of up to twenty five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.~~

(b) Written Ballots. – Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that official meeting are approved, at which time the ballots may be destroyed.

(c) Acting by Reference. – The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a an official meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the official meeting."

SECTION 2. G.S. 143-318.10(d) reads as rewritten:

"(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication ~~by conference telephone or other electronic means~~ of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article."

SECTION 3. G.S. 143-318.10 is amended by adding a new subsection to read:

"(d1) "Simultaneous communication" means any communication by conference telephone or other electronic means."

SECTION 3.1. This act applies only to Hyde County.

SECTION 3.2. Nothing in this act shall be construed to affect the validity of actions related to electronic meetings of any other public body.

SECTION 4. This act is effective October 1, 2008, and any vote taken by a public body that included a member voting by simultaneous communication by conference telephone or other electronic means before that date is ratified.

In the General Assembly read three times and ratified this the 17th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

Article 33C.

Meetings of Public Bodies.

§ 143-318.9. Public policy.

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

§ 143-318.10. All official meetings of public bodies open to the public.

(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. 1, 2; 1993 (Reg. Sess., 1994), c. 570, s. 1; 1995, c. 509, s. 135.2(p); 1997-290, s. 1; 1997-456, s. 27; 2011-326, s. 8.)

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only

when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (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 not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (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 or to formulate and adopt the school safety components

of school improvement plans by a local board of education or a school improvement team.

- (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.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b).)

§ 143-318.12. Public notice of official meetings.

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

- (1) For public bodies that are part of State government, with the Secretary of State;
- (2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;
- (3) For the governing board and each other public body that is part of a city government, with the city clerk;
- (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

- (1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.
- (2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and television station that has filed a written request for notice with the clerk or secretary of the public body or with some

other person designated by the public body. The public body shall also cause notice to be mailed, e-mailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, e-mailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, of ten dollars (\$10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by e-mail.

(3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.

(c) Repealed by Session Laws 1991, c. 694, s. 6.

(d) If a public body has a Web site and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the Web site.

(e) If a public body has a Web site that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of that meeting.

(f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1.)

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

(a) **Electronic Meetings.** - If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) **Written Ballots.** - Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots

may be destroyed.

(c) **Acting by Reference.** - The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting. (1979, c. 655, s. 1.)

§ 143-318.14. Broadcasting or recording meetings.

(a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. 1.)

§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

- (1) The Legislative Research Commission;
- (2) The Legislative Services Commission;
- (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.
- (4) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (5) The Joint Legislative Commission on Governmental Operations;
- (6) The Joint Legislative Commission [Committee] on Local Government;
- (7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
- (8) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (9) The Environmental Review Commission;
- (10) The Joint Legislative Transportation Oversight Committee;
- (11) The Joint Legislative Education Oversight Committee;

- (12) Repealed by Session Laws 2011-266, s. 1.28(b), effective July 1, 2011 and Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (13) The Commission on Children with Special Needs;
- (14) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (15) The Agriculture and Forestry Awareness Study Commission; and
- (16) Repealed by Session Laws 2011-291, s. 2.50, effective June 24, 2011;
- (17) The standing Committees on Pensions and Retirement.

(b) Reasonable public notice of all meetings of commissions, committees, and standing subcommittees of the General Assembly shall be given. For purposes of this subsection, "reasonable public notice" includes, but is not limited to:

- (1) Notice given openly at a session of the Senate or of the House; or
- (2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly web site.

G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing subcommittees of the General Assembly.

(c) A commission, committee, or standing subcommittee of the General Assembly may take final action only in an open meeting.

(d) A violation of this section by members of the General Assembly shall be punishable as prescribed by the rules of the House or the Senate.

(e) The following sections shall apply to meetings of commissions, committees, and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-318.17. (1991, c. 694, s. 7; 1991 (Reg. Sess., 1992), c. 785, s. 4; c. 1030, s. 42; 1993, c. 321, s. 169.2(f); 1997-443, s. 12.30; 2003-374, s. 1; 2006-203, s. 93; 2011-266, s. 1.28(b); 2011-291, s. 2.50.)

§ 143-318.15: Repealed by Session Laws 2006-203, s. 94, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.

§ 143-318.16. Injunctive relief against violations of Article.

(a) The General Court of Justice has jurisdiction to enter mandatory or prohibitory injunctions to enjoin (i) threatened violations of this Article, (ii) the recurrence of past violations of this Article, or (iii) continuing violations of this Article. Any person may bring an action in the appropriate division of the General Court of Justice seeking such an injunction; and the plaintiff need not allege or prove special damage different from that suffered by the public at large. It is not a defense to such an action that there is an adequate remedy at law.

(b) Any injunction entered pursuant to this section shall describe the acts enjoined with reference to the violations of this Article that have been proved in the action.

(c) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 932, s. 3, effective October 1, 1986. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 3.)

§ 143-318.16A. Additional remedies for violations of Article.

(a) Any person may institute a suit in the superior court requesting the entry of a judgment declaring that any action of a public body was taken, considered, discussed, or deliberated in violation of this Article. Upon such a finding, the court may declare any such action null and void. Any person may seek such a declaratory judgment, and the plaintiff need not allege or prove special damage different

from that suffered by the public at large. The public body whose action the suit seeks to set aside shall be made a party. The court may order other persons be made parties if they have or claim any right, title, or interest that would be directly affected by a declaratory judgment voiding the action that the suit seeks to set aside.

(b) A suit seeking declaratory relief under this section must be commenced within 45 days following the initial disclosure of the action that the suit seeks to have declared null and void; provided, however, that any suit for declaratory judgment brought pursuant to this section that seeks to set aside a bond order or bond referendum shall be commenced within the limitation periods prescribed by G.S. 159-59 and G.S. 159-62. If the challenged action is recorded in the minutes of the public body, its initial disclosure shall be deemed to have occurred on the date the minutes are first available for public inspection. If the challenged action is not recorded in the minutes of the public body, the date of its initial disclosure shall be determined by the court based on a finding as to when the plaintiff knew or should have known that the challenged action had been taken.

(c) In making the determination whether to declare the challenged action null and void, the court shall consider the following and any other relevant factors:

- (1) The extent to which the violation affected the substance of the challenged action;
- (2) The extent to which the violation thwarted or impaired access to meetings or proceedings that the public had a right to attend;
- (3) The extent to which the violation prevented or impaired public knowledge or understanding of the people's business;
- (4) Whether the violation was an isolated occurrence, or was a part of a continuing pattern of violations of this Article by the public body;
- (5) The extent to which persons relied upon the validity of the challenged action, and the effect on such persons of declaring the challenged action void;
- (6) Whether the violation was committed in bad faith for the purpose of evading or subverting the public policy embodied in this Article.

(d) A declaratory judgment pursuant to this section may be entered as an alternative to, or in combination with, an injunction entered pursuant to G.S. 143-318.16.

(e) The validity of any enacted law or joint resolution or passed simple resolution of either house of the General Assembly is not affected by this Article. (1985 (Reg. Sess., 1986), c. 932, s. 1; 1991, c. 694, s. 8.)

§ 143-318.16B. Assessments and awards of attorneys' fees.

When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court may make written findings specifying the prevailing party or parties, and may award the prevailing party or parties a reasonable attorney's fee, to be taxed against the losing party or parties as part of the costs. The court may order that all or any portion of any fee as assessed be paid personally by any individual member or members of the public body found by the court to have knowingly or intentionally committed the violation; provided, that no order against any individual member shall issue in any case where the public body or that individual member seeks the advice of an attorney, and such advice is followed. (1985 (Reg. Sess., 1986), c. 932, s. 2; 1993 (Reg. Sess., 1994), c. 570, s. 3.)

§ 143-318.16C. Accelerated hearing; priority.

Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts. (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.16D. Local acts.

Any reference in any city charter or local act to an "executive session" is amended to read "closed session". (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.17. Disruptions of official meetings.

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor. (1979, c. 655, s. 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 143-318.18. Exceptions.

This Article does not apply to:

- (1) Grand and petit juries.
- (2) Any public body that is specifically authorized or directed by law to meet in executive or confidential session, to the extent of the authorization or direction.
- (3) The Judicial Standards Commission.
- (3a) The North Carolina Innocence Inquiry Commission.
- (4) Repealed by Session Laws 1991, c. 694, s. 9.
- (4a) The Legislative Ethics Committee.
- (4b) A conference committee of the General Assembly.
- (4c) A caucus by members of the General Assembly; however, no member of the General Assembly shall participate in a caucus which is called for the purpose of evading or subverting this Article.
- (5) Law enforcement agencies.
- (6) A public body authorized to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding such licenses or certificates, (i) while preparing, approving, administering, or grading examinations or (ii) while meeting with respect to an individual applicant for or holder of such a license or certificate. This exception does not amend, repeal, or supersede any other statute that requires a public hearing or other practice and procedure in a proceeding before such a public body.
- (7) Any public body subject to the State Budget Act, Chapter 143C of the General Statutes and exercising quasi-judicial functions, during a meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding.
- (8) The boards of trustees of endowment funds authorized by G.S. 116-36 or G.S. 116-238.
- (9) Repealed by Session Laws 1991, c. 694, s. 9.
- (10) Repealed by Session Laws 2013-234, s. 10, effective July 3, 2013.
- (11) The General Court of Justice. (1979, c. 655, s. 1; 1985, c. 757, s. 206(e); 1991, c. 694, s. 9; 2006-184, s. 6; 2006-203, s. 95; 2010-171, s. 5; 2013-234, s. 10.)

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

Meeting Date: February 2, 2015
Presenter: Cheryl Ballance
Attachment: Yes

ITEM TITLE: **OCRACOKE HEALTH CENTER
TERMINATION OF OCRACOKE EMS LEASE**

SUMMARY: Cheryl Ballance, CEO of Ocracoke Health Center and Engelhard Medical Center notified Commissioners of the Center's Board of Directors intent to terminate the lease for the EMS building at 309 Back Rd., Ocracoke, NC as of December 31, 2015.

The current Lease Agreement entered into on January 1, 2008 for the building and 2 parking spaces continues from month to month until the lease is terminated by either the lessor or the lessee by giving to the other, 7 days "Notice of Termination" or non-payment of rent (\$1,000/month) by the lessee during any month of the lease.

Ms. Ballance has offered to assist in locating an alternate site for Hyde Emergency Medical Services.

RECOMMEND: Discussion

Motion Made By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Motion Seconded By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Vote: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Bill Rich

From: Cheryl Ballance <clbohc@yahoo.com>
Sent: Monday, January 26, 2015 8:53 AM
To: Bill Rich
Cc: Barry Swindell; Earl Pugh Jr.; Dick Tunnell; John Fletcher; Benjamin Simmons III
Subject: Termination of EMS lease
Attachments: Letter to County Commissioners 1.2015.pdf; Lease agreement OHC. Hyde Co..pdf

Good morning Bill,

I have attached a letter addressed to the County Commissioners notifying the County of our desire to terminate the lease for the EMS building at 309 Back Rd. as of December 31, 2015. I have outlined in the letter our reasons and also our offer to be of any assistance in finding a new location. I will also call Lois Stotesberry and request that we be added to the February Commissioner meeting agenda to present this notice in person and be available to them for questions or comments. Thank you for your attention to this matter and we look forward to a continued professional relationship with Hyde County and Emergency Medical Services. I can most easily be reached by my cell phone at 252-921-0135 if you have any questions. Thank you again,
Cheryl

Cheryl L. Ballance
CEO
Ocracoke Health Center
P.O. Box 543
305 Back Rd.
Ocracoke, NC 27960-0543

Engelhard Medical Center
P. O. Box 277
33270 US HWY 264
Engelhard, NC 27824-0277

(252) 928-1511 Office
(252) 928-7391 Fax
(252) 921-0135 Cell
Email: clbohc@yahoo.com

(252) 925-7000 Office
(252) 925-7700 Fax

Ocracoke Health Center / Engelhard Medical Center
P.O. Box 543
Ocracoke, NC 27960
Phone: 252-928-1511
Fax: 252-928-7391

January 23, 2015

County Commissioner Chairman Barry Swindell
County of Hyde
30 Oyster Creek Rd.
P.O. Box 188
Swan Quarter, NC 27885

Dear Mr. Swindell,

The Ocracoke Health Center / Engelhard Medical Center Board of Directors and I are writing today to give Hyde County sufficient notice of our desire to terminate the lease of the Emergency Medical Services Building located at 309 Back Road, Ocracoke.

The Ocracoke Health Center and Engelhard Medical Center have undergone tremendous transformations over the past year. We were awarded Federally Qualified Health Center (FQHC) status in November of 2013, which has enabled us to continue our process of establishing our clinics as medical homes for our communities. We are offering discounted health and dental services to uninsured and underinsured patients earning less than 200% poverty level. We are expanding our immunization programs, increasing our case management capacity, and are planning to establish a pharmacy at the Engelhard site.

Our FQHC funding has enabled our clinics to serve a combined number of 2,179 individuals, for a total of 8,490 visits in 2014. Of those 8,490 visits, 785 of those were made by uninsured individuals, for a total of \$80,830 of discounted medical services. We also donated over \$7,500 in medical fees performing sport physicals to Hyde County schools.

We have increased staffing across the board by 35%, creating positions that enable us to provide optimum services and promoting economic growth and decreasing unemployment in Hyde County. The Ocracoke clinic is outgrowing the original physical layout of the site and find we are in need of the second building that is presently leased to the county. Moving into the second building will enable us to increase our capacity to expand behavioral health and substance abuse services, allow us to provide an environment for telemedicine services for specialty care and support administrative services.

In terminating the lease as of December 31, 2015, we are confident the county will be able to find an alternate site for housing Emergency Medical Services. Our patients and community have benefited over the years with Emergency Medical Services in our back yard, but the time has come that we no longer have enough space to serve our community. We hope to continue our relationship with Emergency Medical Services in both of our service missions. We would be happy to be of assistance in locating an alternate site. Thank you for your support and understanding.

Sincerely,



Cheryl L. Ballance, CEO
Ocracoke Health Center
Engelhard Medical Center

cc: County Commissioner Earl Pugh Jr., Vice Chairman
County Commissioner Dick Tunnell
County Commissioner John Fletcher
County Commissioner Benjamin Simmons III
County Manager Bill Rich

LEASE AGREEMENT

THIS LEASE, entered into this 1st day of January, 2008, by and between OCRACOKE HEALTH CENTER, hereinafter referred to as LESSOR, and HYDE COUNTY, hereinafter referred to as LESSEE;

Subject to the conditions in this lease, LESSOR leases to LESSEE and LESSEE leases from LESSOR, the following described premises:

The building and 2 parking spaces located at 309 Back Road, Ocracoke, North Carolina 27960.

The terms of this lease agreement are as follows:

TERM: the term of this lease is one (1) month, to begin on January 1, 2008, and the lease shall continue from month to month until the lease is terminated by either the LESSOR or the LESSEE as set forth in the terms as set forth below.

RENT: The rent for the building shall be the sum of \$1000.00 per month payable on or before the 5th day of the month.

REPAIRS AND UPKEEP: LESSOR will keep the roof and the exterior walls of, and the building and the plumbing, heating, air conditioning systems in the building in proper repair and shall further be solely responsible for any maintenance and repair of the septic tank serving the premises. Lessee shall be responsible for ordinary repairs to the interior of the building. At the termination of the lease Lessee will surrender the building in as good a condition as when received, ordinary wear and tear and damage by fire or other casualty excepted.

UTILITIES: LESSEE shall be responsible for providing and paying for all utilities during the term of the lease.

INSURANCE: LESSOR shall insure, at its sole expense, the building on the property against the risk of fire or other casualty. Lessor shall also maintain public liability insurance coverage with a \$203,981 limit for property coverage, and death and personal injury coverage with a \$1,000,000 occurrence / \$3,000,000 aggregate, \$5,000 medical expense limit and naming Lessee as an additional insured. Lessee shall maintain any insurance it deems necessary to protect its personal property located on the premises.

TERMINATION: This lease may be terminated by either the LESSOR or the LESSEE by the giving to the other, 7 days Notice of Termination. The non-payment of rent by the LESSEE during any month of the lease shall also terminate the lease and the

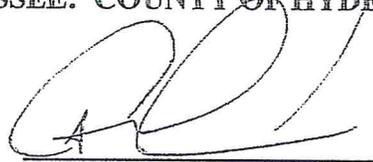
LESSOR shall be entitled to re-enter the premises and take possession of the premises without any further Notice to the LESSEE or without any further court action by the LESSOR. Any such re-entry upon the premises by the LESSOR is a remedy in addition to any other remedies the LESSOR may have in law or equity for the failure of the LESSEE to pay the monthly rent as set forth above.

IN WITNESS WHEREOF, the parties have set their hands and seals on the day and year first above written.

LESSOR: OCRACOKE HEALTH CENTER

BY  (SEAL)

LESSEE: COUNTY OF HYDE

BY  (SEAL)

NORTH CAROLINA

COUNTY OF Hyde

I, Judith G. GARRISH, a Notary Public for said County and State do hereby certify that Marshall Burgess, Jr. personally appeared before me this day and acknowledged the due execution of the foregoing LEASE AGREEMENT on behalf of OCRACOCKE HEALTH CENTER.

Witness my hand and official seal, this 15 day of October, 2008.

Judith G. Garrish
Notary Public
My commission expires: June 20 2013
SEAL

"THIS DISBURSEMENT HAS BEEN APPROVED AS
REQUIRED BY THE LOCAL GOVERNMENT BUDGET
AND FISCAL CONTROL ACT"
HYDE COUNTY FINANCE OFFICER
DATE 11/10/08 SIGNATURE Jessica A. Miller

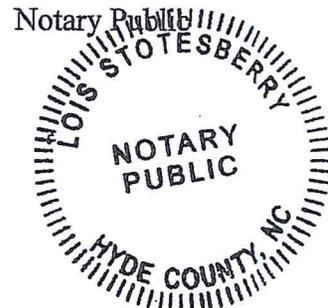
NORTH CAROLINA

Hyde COUNTY

I, Lois Stotesberry, a Notary Public in and for the state and county aforesaid, certify that Charles Ray Spencer personally appeared before me this day and voluntarily acknowledge that he is Chairman of the Board of Commissioners of Hyde County and that by authority duly given and as the act of the county the foregoing instrument was signed in its name by him and sealed with its corporate seal. The undersigned Notary Public has personal knowledge of the identity of the principal or satisfactory evidence of the principal's identity.

Witness my hand and notarial seal this the 10th day of November, 2008.

Lois Stotesberry
My commission expires: 12-30-2012



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

Meeting Date: February 2, 2015
Presenter: Kris Cahoon Noble
Attachment: No

ITEM TITLE: 1718 Ocracoke Brewing Company Revolving Loan Application

SUMMARY:

1718 Ocracoke Brewing Company is a new proposed subsidiary business operating under Ocracoke Brewing Company, a North Carolina S-Corporation formed in 1998. Principal owners of Ocracoke Brewing, Inc. are Jacquelyn Kalna, President and Garick Kalna, Vice President. Garick Kalna will act as President of 1718 Ocracoke Brewing Company. Both the Kalnas will oversee the day-to-day operations of the business. The Kalnas are submitting this application for the Hyde County Revolving Loan Fund in the amount of \$215,000.00 to purchase brewing equipment for the new business.

The business will be located at 1129 Irvin Garrish Hwy, Ocracoke, NC. This property is known as the "Cafe Atlantic" property. The Kalnas have entered into a commercial lease and option to purchase agreement with the current owners of the property.

The principal product is hand crafted beer. The craft brewery will produce a wide range of unique beer recipes featuring local ingredients. The hand crafted beer will be distributed to restaurants and pubs on the island and along the Outer Banks. The company will also operate a tasting/tap room where patrons can sample brews on tap, socialize, and purchase cans and growlers to go. The tasting room's kitchen will be leased.

The Kalnas are experienced entrepreneurs. Mr. Kalna has served as President of Kalna Group, Inc., a custom-home design/build firm since 1997. Mr. and Mrs. Kalna also owned and successfully operated Ocracoke Coffee Company from 1995 to 2012. Mr. Kalna has done considerable research and has determined that hand crafted beer is gaining in popularity and would be an attractive draw for tourists and locals alike.

Mr. Kalna is estimating that he will be hiring 11 employees by the end of two years and add 2 additional positions by the end of year 3. All employees hired will be Hyde County residents.

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

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

Vote: ___ Barry Swindell
___ Dick Tunnell
___ Ben Simmons
___ John Fletcher
___ Earl Pugh, Jr.

The Kalnas also plan to pursue grant funding from the N.C. Department of Commerce Rural Economic Development Building Reuse program.

The Revolving Loan Committee met on January 26 to review and discuss this loan request. The RLF Committee recommends the approval of the request contingent upon the receipt and satisfactory review of additional information requested from the Kalnas.

**RECOMMEND: APPROVE THE REVOLVING LOAN REQUEST FOR OCRACOKE
 BREWING COMPANY IN THE AMOUNT OF \$215,000.00 FOR 10
 YEARS AT A 3% RATE.**

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 2, 2015
Presenter: Kris Cahoon Noble
Attachment: No

ITEM TITLE: Sean & Laura Death/Death Fish, Inc. - Revolving Loan Application

SUMMARY: Sean Death and Laura Death are requesting assistance from the Hyde County RLF to purchase equipment and make improvements to a new proposed subsidiary business, Ocracoke Bar & Grille, located at 621 Irvin Garrish Highway, Ocracoke, NC. They are requesting funding in the amount of \$40,700.00 to outfit the restaurant and make improvements. In addition, the Deaths are injecting personal capital in the project.

The Ocracoke Bar & Grille will offer dine-in and take out, and some retail business. The Deaths plan to hire two managers, one kitchen manager/cook and one bartender by the end of the 8th quarter of operation, all Hyde county residents.

The Deaths have successfully operated the Ocracoke Station/Beachcomber Campground since 2012. The Ocracoke Station and Beachcomber Campground is a full-service gas/convenience store & RV park located at 990 Irvin Garrish Highway, Ocracoke, NC. The Ocracoke Station is the only full-service gas station located on Ocracoke and the campground is one of two campgrounds located on Ocracoke. Financials for the Ocracoke Station for the past two years have been submitted along with projections for The Ocracoke Bar & Grille.

The Deaths have executed a one-year lease agreement and option to purchase with the current owner of the property.

The Revolving Loan Committee met on January 26 to review and discuss this loan request. The RLF Committee recommends the approval of the request contingent upon the receipt and satisfactory review of additional information requested from the Deaths', which includes the securing of a long-term septic field lease on the property, along with other financial documents.

RECOMMEND: **APPROVE THE RECOMMENDATION OF THE REVOLVING LOAN COMMITTEE TO FUND THE RLF REQUEST FOR OCRACOKE BAR & GRILLE IN THE AMOUNT OF \$40,700.00.**

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

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

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: REQUEST FOR MAINLAND OCCUPANCY TAX FUNDS

SUMMARY: Beaufort County Arts Council has sponsored "Music Across the Sounds" for the past 10 years in Hyde County. Due to budget cuts for the Arts Council they will no longer be able to do this.

Hyde County Chamber of Commerce has agreed to take over the responsibility for sponsoring "Music Across the Sounds" and needs to raise \$4,000.00. The Chamber has asked the Mainland Occupancy Tax Board to assist with funding this event.

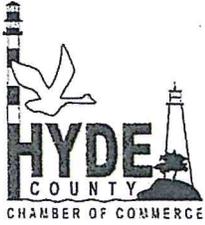
At its January 27th Mainland Occupancy Tax Board meeting Karen Meekins made a motion to release \$2,000.00 for "Music Across the Sounds" and \$200.00 for advertising the event. Melissa Joyner seconded the motion and Elizabeth Gurganus concurred.

RECOMMEND: Approve release of \$2,200.00 from the Mainland Occupancy Tax Board.

Motion Made By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Motion Seconded By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Vote: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher



20791 US Highway 264
Swan Quarter, NC 27885
Phone: 252-926- 9171
hydecocc@embarqmail.com

January 14, 2015

To Whom It May Concern:

The Beaufort County Arts Council has sponsored an event in Hyde County for the past 10 years called Music Across the Sounds (MATS). The funds were drastically cut for the Arts Council so therefore in March of 2014 the Arts Council announced with the budget cuts they would no longer be able to sponsor the MATS. Several people have asked if this event could continue since there are very few musical events in the area. The Hyde County Chamber Board has agreed to take over this responsibility. However funds are needed to continue this event. This event started after a hurricane devastated the county. Gary Mitchell and his group Molasses Creek from Ocracoke came over to the mainland and put on a musical show to help lift the spirits of the mainland people. The event has been a favorite to people from Hyde County as well as Beaufort and beyond. It attracts 125 people or more each year. Without the help of sponsors we will not be able to continue this event. Please join us as sponsors to raise \$4000 that is needed. Any amount that you can donate would be greatly appreciated. Please earmark for the Music Across the Sounds.(MATS)

President,

Sharon Carawan

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

Meeting Date: February 2, 2015
Presenter: Corrinne Gibbs
Attachment: Yes

ITEM TITLE: FY2014-2015 BUDGET CALENDAR

SUMMARY: Every year a Budget Calendar has to be set for preparation of the budget. Department budgets will be reviewed with the finance officer and county manager.

Attached is the FY2014-2015 Hyde County Budget Calendar.

RECOMMEND: Approve.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

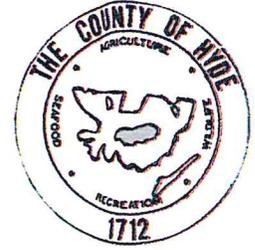
Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Office, County Finance
 Corrinne Gibbs
 Finance Officer
 Mimi Van Nortwick
 Assistant Finance Officer

COUNTY OF HYDE

SWAN QUARTER, NORTH CAROLINA 27885



FY 2014-15 **Budget Calendar**

Date	Activity	Participants
February 2, 2015	Calendar adopted	Board of Commissioners
February 23, 2015	Preliminary Department Assessment <ul style="list-style-type: none"> • Contracts • Equipment purchases/leases • Needs Assessments • Continuing Obligations • Optional Services/Programs 	Department Heads
March 2, 2015	Dept. Assessment Due	Department Heads
March 9, 2015	Budget Worksheets Distributed	Finance Officer
March 23, 2015	Completed worksheets returned Preliminary revenue estimates presented to Budget Officer	Department Heads Finance Officer
March 30-April 2, 2015	Budget Officer meets with each D.H. to review requested budget	Budget Officer Department Heads
April 6, 2015	Joint meeting to review Board of Education priorities	Board of Commissioners Board of Education
April 20, 2015	External agency budget requests due	Finance Officer
April 27, 2015	Board of Education submits budget request	Board of Education
May 4, 2015	Proposed budget distributed to BOC	Budget Officer
May 4, 2015	Proposed Budget presented to the Board of Commissioners (Budget Message) Public Hearing date set	Budget Officer Board of Commissioners
May 11-15, 2015	Budget work sessions as needed	Board of Commissioners
June 1, 2015	Public Hearing	Board of Commissioners
June 1, 2015	Board of Commissioners adopts FY 2015-16 budget and sets tax rate	Board of Commissioners

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

Meeting Date: February 2, 2015
Presenter: Corrinne Gibbs, Finance Officer
Attachment: No

ITEM TITLE: GovDeals Surplus

SUMMARY: The following items are no longer being used and need to be put on GovDeals for auction:

MAKE	MODEL	COLOR	VIN	STARTING BID
2003	Dodge Durango	Grey	ID4HR48N33F572877	\$2,500
2008	Dodge Durango	Blue/Grey	ID8HD48N68F147996	\$5,500
2006	Ford Crown Victoria	Gold	2FAFP71W46X108610	\$3,000
2005	Ford Explorer	White	IFMZU72K35UA69778	\$1,000
2008	Dodge Charger	White	2B3KA43GX8H232149	\$4,000

RECOMMEND: Authorize staff to place these items for sale on GovDeals.

Motion Made By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Motion Seconded By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Vote: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: February 2, 2015
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: PASSENGER FERRY

SUMMARY: At its regularly scheduled meeting on January 5, 2015 the Hyde County Board of Commissioners adopted "Resolution In Support Of Passenger Ferries Coming To Ocracoke".

On January 20th the Dare County Board of Commissioners joined the Hyde County Board of Commissioners in supporting, in concept, passenger ferries going to Ocracoke, North Carolina provided that this passenger ferry service be in addition to the vehicular ferry service that is now provided by the Ferry Division of the North Carolina Department of Transportation.

On January 25, 2015 the Albemarle Rural Planning Organization (RPO) Transportation Advisory Committee (TAC) adopted "A Resolution Supporting The Dare and Hyde County Resolutions In Support of Passenger Ferries, In General, Coming To Ocracoke".

NCDOT Ferry Division has contracted with "Volkert" and its sub consultants Atkins and ITRE to lead the development of a study to determine the feasibility of providing pedestrian ferry service between Hatteras and Ocracoke. The Ferry Division has assembled a Steering Committee comprised of representatives from NCDOT and other local or regional governments and planning agencies to analyze the feasibility study and give feedback.

Through a series of meetings Volkert will examine the economic profile of the region across multiple business sectors; establish through a GIS analysis and existing database search the environmental constraints to operation of a pedestrian and vehicular ferry system; develop and implement an on-board survey in the summer of 2015 to determine the willingness to pay for pedestrian ferry service; assemble, analyze and summarize documents to identify potential conflicts; and, develop base mapping for future alternatives.

RECOMMEND: Discussion.

Motion Made By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Motion Seconded By: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

Vote: Barry Swindell
 Earl Pugh, Jr.
 Dick Tunnell
 Ben Simmons
 John Fletcher

COUNTY OF HYDE

Board of Commissioners

Barry Swindell, Chair
Earl Pugh, Jr., Vice-chair
Dick Tunnell,
Ben Simmons, III
John Fletcher

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

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



Resolution In Support Of Passenger Ferries Coming To Ocracoke

WHEREAS, the Hyde County Board of Commissioners supports, in general, passenger ferries coming to Ocracoke and realizes fees will have to be tolled,

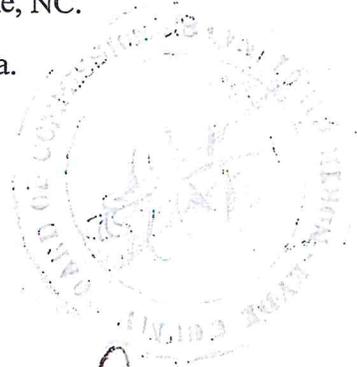
THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners understand that we will need State and local support for this project; and,

THEREFORE, BE IT FURTHER RESOLVED The Hyde County Board of Commissioners supports, in concept, passenger ferries coming to Ocracoke, NC.

Adopted this the 5th day of January, 2015, in Hyde County, North Carolina.

ATTEST: Lois Stotesberry
Lois Stotesberry, Clerk to the Board

Barry Swindell
Barry Swindell, Chairman





#15-01-04

**A RESOLUTION
IN SUPPORT OF PASSENGER FERRIES GOING TO OCRACOKE**

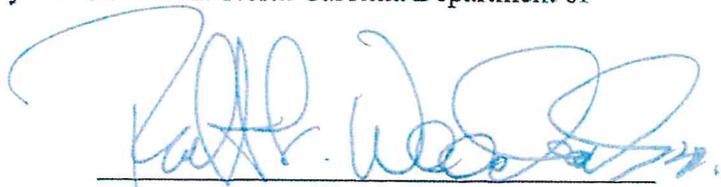
WHEREAS, the Hyde County Board of Commissioners has expressed their support, in general, for passenger ferries going to Ocracoke and Hyde's Commissioners realize that fees will have to be tolled.

NOW, THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners understands that State and local support will be needed for this project; and

THEREFORE, BE IT FURTHER RESOLVED, that the Dare County Board of Commissioners joins the Hyde County Board of Commissioners in supporting, in concept, passenger ferries going to Ocracoke, North Carolina provided that this passenger ferry service be in addition to the vehicular ferry service that is now provided by the Ferry Division of the North Carolina Department of Transportation.

This the 20th day of January, 2015





Robert Woodard, Chairman

Attest:



Gary Gross, Clerk to the Board

**A RESOLUTION SUPPORTING THE DARE AND HYDE COUNTY
RESOLUTIONS IN SUPPORT OF PASSENGER FERRIES, IN GEN-
ERAL, COMING TO OCRACOCKE**



Albemarle Rural Planning
Organization

PO Box 646
Hertford, NC 27944

(252) 426-5775
FAX (252) 426-8482

www.albemarlecommission.org

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Officers

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Proudly serving Camden,
Chowan, Currituck, Dare, Gates,
Hyde, Pasquotank, Perquimans,
Tyrrell, and Washington
Counties

WHEREAS, the Transportation Advisory Committee (TAC) is the duly recognized transportation planning policy board for the Albemarle Rural Planning Organization (RPO); and

WHEREAS, the Hyde County Board of Commissioners adopted a resolution supporting, in general, passenger ferries coming to Ocracoke and realizes fees will have to be tolled; and

WHEREAS, the Dare County Board of Commissioners joined the Hyde County Board of Commissioners in supporting, in concept, passenger ferries coming to Ocracoke provided that the passenger ferry service be in addition to the vehicular ferry service that is now provided by the Ferry Division of the North Carolina Department of Transportation; and

WHEREAS, the Hyde County Board of Commissioners are seeking State and local support for the project; and

NOW, THEREFORE BE IT RESOLVED that the Albemarle RPO TAC hereby supports both the Hyde and Dare County resolutions in support of passenger ferries coming to Ocracoke.

A motion was made by Ed Muzzulin and seconded by Jack Shea for the adoption of the resolution, and upon being put to a vote was duly adopted, on this, the 21st day of January, 2015


Lloyd E. Griffin, III Chairman
Albemarle RPO TAC


Angela M. Welsh, Secretary
Albemarle RPO Director

Bill Rich

From: Dixon, John E <jedixon@ncdot.gov>
Sent: Monday, January 26, 2015 8:23 AM
To: Baker, Sterling D; Leonard, Cheryl M; Blackburn, Lauren A; Bill Rich; Norman, Patrick A
Cc: Mann, Jeff; Goodwin, Ed; 'Will Letchworth'
Subject: Passenger Ferry Steering Committee
Attachments: Draft Scope 1.23.15.docx

Good Morning Everyone,

The steering committee for the passenger ferry study will consist of the following members:

Sterling Baker - Division 1
Cheryl Leonard - Public Transportation Branch
Lauren Blackburn - Bike and Ped
Bill Rich - Hyde County Manager
Patrick Norman - Transportation Planning Branch

I have attached a copy of the draft scope for the feasibility study. Please review and give me some feedback by close of business on Wednesday.

Regards

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Pedestrian Ferry Feasibility Study

Scope of Services

Volkert and its sub consultants Atkins and ITRE (herein referred to as "Volkert") will lead the development of a study to determine the feasibility of providing pedestrian ferry service between Hatteras and Ocracoke. This study will conform to the scope of service outlined below:

1. Public Engagement

- a. **Steering Committee** – The Ferry Division will assemble a Steering Committee comprised of representatives from NCDOT and other local or regional governments and planning agencies. Volkert will facilitate up to five (5) meetings of the Steering Committee in Raleigh at regular intervals throughout the project. The five meetings are currently planned as follows:
 - i. The initial Steering Committee meeting will focus on establishing the goals and objectives for the project and establishing lines of communication for the gathering of existing conditions data. This meeting will also begin the visioning process, which will establish the goal for the desired ferry user experience from NCDOT's standpoint and the expected performance measures for pedestrian ferry service, and the Steering Committee will be asked to review and provide comment on the business owners survey.
 - ii. The second meeting will provide an overview of the existing conditions analysis and the electronic business survey and Volkert will work with the Steering Committee to develop potential alternatives for pedestrian ferry service to be analyzed over the summer. The Steering Committee will also be asked to review and provide comment on the plan for the upcoming public meeting and on the text of the on-board survey.
 - iii. The third meeting will review the alternatives analysis and will gather the Steering Committee's thoughts on recommendations that should be brought forward and expanded from the alternatives identification. This meeting will also cover initial thoughts on phasing and prioritization of the recommendations and the expected revenues and costs for each alternative to help inform the discussion.
 - iv. The fourth meeting will focus on phasing and prioritizing the recommendations that will have been expanded on from the last Steering Committee meeting and clearly identifying which recommendations will be the responsibility of NCDOT and which recommendations will be the responsibility of other entities. This meeting will also include a discussion of funding and implementation strategies.
 - v. The fifth meeting will focus on receiving comments on the final report and will include a discussion of any necessary changes to the final document.
- b. **Stakeholder Committee** – The Ferry Division will assemble a Stakeholder Committee comprised of representatives from various regulatory agencies and community groups. Volkert will facilitate up to five (5) meetings of the Stakeholder Committee at a location in the Outer Banks, currently assumed to be in Ocracoke or Manns Harbour at regular intervals throughout the project. The five meetings are currently planned as follows :

- i. The initial stakeholder meeting will communicate the goals and objectives for the project as established by the Steering Committee and will make initial contacts for the gathering of existing conditions data. This meeting will also establish a vision for the desired ferry user experience and will establish performance measures from the community's standpoint. Stakeholder committee members will also be asked to promote the April public meeting and to promote the electronic business survey. The stakeholders will be asked to promote the electronic business survey and the upcoming on-board ridership survey.
 - ii. The second meeting will provide an overview of the existing conditions analysis and the team will work with the Stakeholder Committee to develop potential alternatives for pedestrian ferry service to be analyzed over the summer.
 - iii. The third meeting will review the alternatives analysis and will gather the stakeholders committee's thoughts on recommendations that should be brought forward and expanded from the alternatives identification.
 - iv. The fourth meeting will focus on phasing and prioritizing the recommendations that will have been expanded on from the last Stakeholder Committee meeting. This meeting will also include a discussion of funding and implementation strategies.
 - v. The fifth meeting will focus on presentation of the final recommendations, prioritization, and implementation strategies.
- c. **Public Meetings** – Volkert will facilitate two sets of public meetings with one meeting held in Ocracoke on one night and one meeting held in Hatteras on the following night. The two sets of meetings are currently planned as follows
 - i. The first set of public meetings will be a highly interactive meeting that will explain the goals and objectives of the project and the vision for the ferry user experience and will solicit feedback from the public on the potential options available for pedestrian ferry service. This meeting will also work with the community to develop ideas for the pedestrian, bicycle, and supportive transit service that will be needed to realize the established vision.
 - ii. The second set of public meetings will share the results of the alternatives analysis, business survey, and on-board survey, and to solicit feedback on the preferred series of alternatives to meet the goal, objectives, and vision for the user experience.
- d. **Online Media** – Volkert will develop and maintain a project blog to chronicle project progress and to provide updates to the public and announcements of upcoming public engagement activities. Information will also be provided to NCDOT for dissemination through the Ferry Division's social media feeds.

2. Existing Conditions

Volkert will develop a project workbook that establishes the context for the study and establishes the basis for which alternatives can be developed. This project workbook will be multi-faceted and will include:

- a. ***Economic Contribution of the Route to the Local Economy*** – Volkert will examine the economic profile of the region across multiple business sectors, with a focus on the impact of tourism and how the levels of service provided by the Ferry Division contribute to tourism expenditures.
 - i. Business Survey – Volkert will design and implement an online business survey to gather information on the perceived revenue losses due to decreased ferry level of service, ideas for future business opportunities related to pedestrian ferry service, and to gauge the potential for private entities to provide services that will be needed by pedestrians such as golf cart and bicycle rental
- b. ***Environmental Conditions / Issues in Ferry Operating Areas*** – Volkert will establish through a GIS analysis and existing database search the environmental constraints to operation of a pedestrian and vehicular ferry system and associated facilities in terms of the routes that can be used and the constraints on new facilities that may be needed such as terminals, parking, sidewalks, multi-use paths etc. Features to be assessed will include previously and existing defined channels, vessel traffic and hydrographic and bathymetric features of the prospective channels, bathymetry of marine basins at landing sites and the associated affected natural resources. Land use assessments (ownership, use, condition, availability for acquisition, reuse, accessibility to waterside channels and landside road systems, utilities and other supporting infrastructure) will be assembled. Volkert will also attend the trial vessel run on May 3/4 to observe the environmental conditions and vessel operation.
- c. ***User Profiles*** - Volkert will develop and implement an on-board survey in the summer of 2015 to determine the willingness to pay for pedestrian ferry service, trip purpose, locations visited, amount of money spent on Ocracoke, and other data necessary to develop traffic and revenue forecasts and to plan for the appropriate transit and other amenities on Ocracoke. Given the timeframe for survey implementation, initial projections will be developed using historical ridership and survey data provided by the Ferry Division.
- d. ***Plans, Policies, and Existing Performance Measures*** – Volkert will assemble, analyze, and summarize identifiable laws, plans, policies, and visioning documents at the Federal, State, and local level to establish the legal and planning framework with which a pedestrian ferry should integrate. These documents include those identified in the RFP as well as other documents identified by the Stakeholder Committee. The analysis will identify potential conflicts and gaps that will need to be addressed to ensure a successful pedestrian ferry system. Volkert will also develop mapping of key tourist destinations on Ocracoke to serve as base mapping for future alternatives.
- e. ***Capital Inventory and Operations*** – Volkert will catalogue the following information
 - i. Land Side – terminal configurations and amenities, utility services, roadway access, loading and unloading facilities and procedures, parking lot supply and demand, pedestrian and bicycle facilities, traffic flow and congestion, and ticketing procedures
 - ii. Water Side – routes, schedules, number and type of vessels, gangways, docks, ship to shore utilities, and shipyard capabilities
 - iii. Ridership – Historical vehicular and passenger ridership data
 - iv. O&M Costs – Historical operations and maintenance expenditures and revenue including employee salaries and benefits, depreciation and amortization, repairs and maintenance, insurance, professional services, fuel and general and

administrative, new starts (improvement, maintenance and replacement of boats, terminals and maintenance base) and operating revenue from passengers/cargo, equipment/property rentals and non-operating revenue from State, Federal and other grants

- v. Emergency Operations – information regarding emergency operations procedures and coordination with Dare and Hyde Counties emergency operations centers as well as number of temporary facilities and additional vessels and staff deployed during emergency events.
 - vi. Wait times – During the on-board survey implementation, Volkert will also record wait times for vehicles accessing both sides of the Hatteras-Ocracoke route and will develop an estimate of average wait times
- f. **Peer Operations** – Volkert will develop a peer analysis of up to three (3) peer systems to determine best practices related to vessel types, land and waterside facilities, loading and unloading operations, and ticketing. If desired, Volkert will also facilitate a peer exchange trip for up to two (2) Ferry Division staff to visit a peer system.

3. Alternatives Identification and Analysis

Volkert will analyze up to six (6) overall scenarios for increased ferry service between Hatteras and Ocracoke, currently envisioned to be:

- Pedestrian only ferry between Hatteras and Silver Lake
- Pedestrian only ferry between Hatteras and the South Dock
- Increased vehicular ferry service between Hatters and the South Dock
- Encouragement of additional walk-on traffic on current ferries
- Other alternative developed by public, Steering Committee, or stakeholders (1)
- Other alternative developed by public, Steering Committee, or stakeholders (2)

With collaborative input and guidance from the Ferry Division Volkert will analyze each option with respect to the following:

- a. **Ferry Routes** – Routes for each option will be evaluated in terms of environmental impacts, vessel traffic, transit time, channel depths and widths, and potential for channel shoaling and sedimentation.
- b. **Vessel Types** – Vessel types will be evaluated in terms of hull type, vessel dimensions, propulsion system, draft, speed, capacity, capital cost, fuel requirements, operational and maintenance costs, crew needs, overall level of service for passenger and cargo loading and availability (ownership, lease, build times, etc)
- c. **Waterside Facilities** – Waterside facilities will be analyzed in terms of the facilities needed to accommodate the planned vessel for each option. Docks will address multiple staging and loading configurations for various sized vessels and consider supporting passenger versus cargo needs. Shoreside facilities will be analyzed for maximizing loading/unloading capacities (e.g. larger capacity vessels would require fewer boats but more shoreside capacity). All structures will be assessed for their ability to survive major storm events and useable during typical daily wind and wave conditions.

- d. **Landside Facilities** – Volkert will determine terminal requirements, roadway access, parking needs, pedestrian and bicycle access and flow, and ticketing options for each scenario. Ferry terminal requirements include the terminal building and supporting outbuildings, passenger waiting areas, ticketing, restrooms, vending, security, administrative (staff) areas and equipment (electrical, mechanical, maintenance) rooms. Infrastructure in support of the terminal building includes stand-by power generators, electrical, sanitary sewer lift stations, stormwater management facilities, fire and potable water supply and solid waste handling equipment. Short and long term patron parking, employee parking, bike storage, intermodal drop-off (busses, trams, bikes, cars). Signage and way finding including entrance/exit, directional signs, variable message signs and other graphics. Pedestrian and vehicle crossings at adjoining streets and intersections will also be considered. Planning activities will consider integration into the architectural and natural context of the community through the use of proportion, materials, lighting and colors
- e. **Transit / local circulation needs and opportunities** – Volkert will evaluate the supportive transit and passenger circulation needs associated with each option based on input from the public on key destinations and activities within Ocracoke
- f. **Demand/Ridership** – Volkert will develop ridership estimates for each option based on input from the on-board surveys
- g. **Revenues** – Volkert will develop revenue estimates based on the ridership estimates and the willingness to pay information for each option. Additional revenues from on-board sales and advertising, as allowed by current law will also be considered
- h. **Contribution to emergency operations** – Each scenario will also be evaluated as to how it can contribute to emergency operations during natural disasters or other events that cause road closures
- i. **Maintenance considerations** – Volkert will evaluate the maintenance considerations and costs for each option as they relate to new assets or increased usage of existing assets
- j. **Economic benefits** – Based on the ridership estimates, existing economic contribution, profile of prospective and expected users, and schedules Volkert will develop estimates of the economic benefits through increased local and tourism expenditures of each option
- k. **Performance Criteria** – Volkert will evaluate each option relative to the existing performance criteria and those developed by the Steering Committee, stakeholders, and the public

4. Recommendations

Based on the alternatives analysis and feedback from the Steering Committee, stakeholders, and the public, Volkert will present a series of recommendations in the following categories, which will also include capital and O&M costs:

- a. **Routes** – Volkert will recommend an ultimate route (and any interim routes) based on environmental conditions, travel times, and maintenance considerations.
- b. **Vessel** – Volkert will recommend an ultimate vessel type and any interim vessels that can be used based on design and availability. Recommendations will also include whether vessels are leased or owned by NCDOT or whether service is contracted out. Specific amenities identified as important by potential passengers (such as bicycle racks) will also be recommended.

- c. ***Waterside Facilities*** – Volkert will recommend docks, gangways, and berths necessary to accommodate future vessels, and will develop conceptual designs of where such facilities will be located at each terminal.
- d. ***Landside Facilities*** – Volkert will determine terminal requirements, roadway access, parking needs, pedestrian and bicycle access and flow, and ticketing options for each scenario. Volkert will develop conceptual designs of landside facilities including renderings of interim and ultimate terminal designs
- e. ***Supporting Facilities*** – Volkert will recommend pedestrian and bicycle connectivity, off-site ticketing kiosks, and other supportive facilities necessary to achieve the Steering Committee’s vision of the full user experience. Volkert will also detail opportunities for the private sector to participate in new and expanded businesses to support visitor’s needs.
- f. ***Transit needs*** – Volkert will make recommendations for on-island transit service to serve pedestrians from the ferry terminal to key destinations on the island
- g. ***Promotion and Advertising*** – Volkert will develop recommendations for promotions and advertising to inform the public of the availability of the pedestrian facility. Advertising recommendations will also cover, on-board advertising to generate additional revenue for the Ferry Division.
- h. ***Emergency Operations*** – Volkert will develop recommendations for how a pedestrian ferry can integrate into existing emergency operations plans
- i. ***Maintenance schedule*** – Based on the recommended facilities, Volkert will recommend a maintenance schedule for vessels and facilities
- j. ***Performance Metrics and Targets*** – Volkert will recommend performance metrics and targets for the entire user experience based on input from the Steering Committee, Stakeholders, and the public.
- k. ***Legal or Regulatory Changes*** – Volkert will recommend legal and regulatory changes necessary to provide pedestrian ferry service in a manner desired by the Steering Committee, Stakeholder Committee, and the public

5. Prioritization and Implementation

The prioritization and implementation phase of the project is the roadmap for the development of the pedestrian ferry. This task is broken down into the following phases:

- a. ***Prioritization*** – Volkert will work with the Steering Committee and stakeholders and use information from the public to develop a comprehensive prioritized listing of elements that will build toward the ultimate vision for pedestrian ferry service. These elements will be across all responsible parties.
- b. ***Implementation Plan*** – Building on the prioritization, Volkert will develop an implementation plan for realization of the ultimate vision for passenger ferry service. This plan will clearly show the progression to the ultimate passenger ferry vision and will address infrastructure items, promotion and advertising, legal and regulatory changes, and any additional studies, reports, or environmental documents that will be needed. The implementation plan will include strategies for funding the various elements of the plan at the private, local, state, and federal level.

