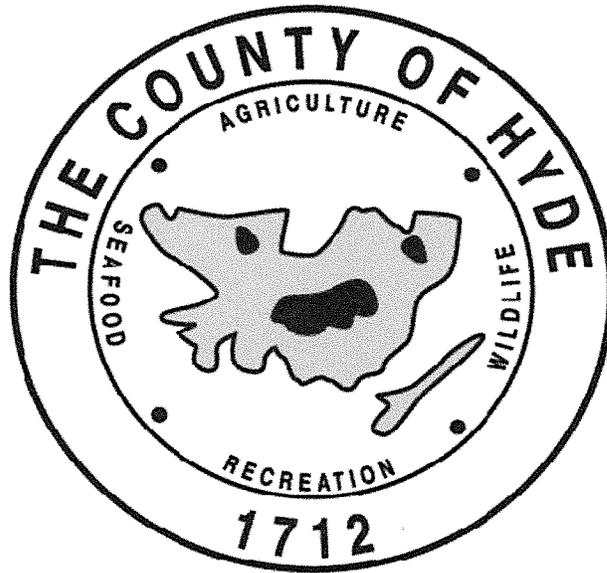


HYDE COUNTY BOARD OF COMMISSIONERS



Hyde County Courthouse Multi-purpose Room

30 Oyster Creek Road, Swan Quarter, NC

and

Ocracoke School Commons Area

120 School House Road, Ocracoke, NC

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

Meeting Date: July 1, 2013
Presenter: Chairman Barry Swindell
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

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

Meeting Date: July 1, 2013
Presenter: Chairman Barry Swindell
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the July 1, 2013, Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

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

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

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

AGENDA

HYDE COUNTY BOARD OF COMMISSIONERS' MEETING

MONDAY, JULY 1, 2013 - 6 PM

CALL TO ORDER

OPENING

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

- 1) June 3, 2013 – Regular Meeting Minutes

PUBLIC HEARINGS (none)

PUBLIC COMMENTS

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

ITEMS OF CONSIDERATION

- 1) **Appointment(s)**
 - a) Tax Assessor, Linda Basnight..... Mgr. Rich
 - b) Designation of Voting Delegate to NCACC 106th Annual Conference Mgr. Rich
 - c) ABC Board Members Mgr. Rich
- 2) ABC Board Audit Update Mgr. Rich
- 3) BHM Regional Library Agreement Mgr. Rich
- 4) Recreation CommitteeKris Noble
 - a) Bylaw Changes
 - b) Amendment to Recreation Committee Ordinance
- 5) Creekside Drive Road Project Kris Noble & Clint Berry
 - a) Creekside Drive Waterline Relocation Project Ordinance
 - b) Construction Bid Tab and Contract Approval for Creekside Drive Waterline Relocation
 - c) Engineering Services for Creekside Drive Waterline Relocation
- 6) Ocracoke Sanitation Meeting – Public Water Kris Noble

- 7) Community Transformation Grant Application Kris Noble
- 8) Board of Education Mgr. Rich
 - a) Low Wealth Supplemental Funding
 - b) Ocracoke Pre-K Challenges
- 9) Community Waste Reduction and Recycling Grant Clint Berry
- 10) Renewal of Medical Director Contract Justin Gibbs
- 11) Audit Contract Award Mgr. Rich
- 12) Dean Burbage – Fire Inspections, Level I – II – III Mgr. Rich
- 13) Amendment to Chapter 32 – Solid Waste Wes Smith
- 14) Various Projects UpdateMgr. Rich
 - a) Ocracoke Chipper
 - b) Ocracoke Community Center
 - 1. PARTF Grant
 - 2. SBEA Grant
 - c) Roof Repairs – Robert Griffin, Dean Burbage and Clint Berry
 - d) ECB Building Update – Press Release and Renovations
 - e) Animal Control Issues
 - f) Top Gear TV Show
 - g) Report on Possible Tax Increase Request – West Quarter/Double and Bay Rates
 - h) New Policies Concerning Part-Time Employment As It Relates to Health Insurance and Retirement Systems

BUDGET MATTERS: All revisions made based on Manager’s authority given on June 3, 2013. The Hyde County Board of Commissioners adopted “Resolution Authorizing the County Manager to Reconcile Departmental Budgets” for year-end closeout under the following conditions:

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

Note: No other transfers approved administratively.

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

MANAGEMENT REPORTS

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

PUBLIC COMMENTS

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

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) Tax Department (signature required)
- 2) Code Enforcement/Inspections
- 3) Mattamuskeet Senior Center
- 4) Hyde Soil & Water Conservation District Minutes and Business Plan
- 5) Health Department/Animal Control
- 6) Water Department – 2012 Consumer Confidence Report
- 7) DSS – NC FAST Update

Informational Items

- 1) Scotland County – Resolution in Support of Legislation for Drug Testing of Social Services Program Recipients
- 2) Chowan County – Letter of Support of Hyde County’s Resolution in Support of Senate Bill 352 – Black Bear Management
- 3) Martin County – Resolution in Support of Senate Bill 352 – Black Bear Management
- 4) Martin County – Resolution in Opposition to House Bill 870 – An Act to Require All Public Bodies to Record Meetings Held In Closed Session
- 5) Harnett County – Resolution Supporting Senate Bill 236 – Authorizing Counties to Assume The Responsibility For School Construction
- 6) Health Board Meeting Minutes

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

Meeting Date: July 1, 2013
Presenter: Lois Stotesberry, Clerk
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the June 3, 2013 Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

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

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

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

1 Meeting Minutes

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

4
5 **Monday, June 3, 2013**
6

7 Chairman Barry Swindell called the Regular Meeting of the Hyde County Board of Commissioners
8 to order at 6:18 p.m. on Monday, June 3, 2013, in the Hyde County Government Center, Multi-Use
9 Room, and the Ocracoke School Commons Room using electronic conferencing equipment.

10 The following members were present on the mainland: Commissioners Anson Byrd, John Fletcher,
11 Earl Pugh, Jr., Dick Tunnell and Barry Swindell; Attorney Fred Holscher; County Manager Bill
12 Rich; Clerk to the Board Lois Stotesberry; and, members of the public. The following members
13 were present on Ocracoke: Public Information Officer Sarah Johnson and members of the public.
14

15 Following opening prayer by Commissioner Pugh and pledge of allegiance, the meeting was called
16 to order.
17

18 **Agenda:**

19 Chairman Swindell asked for any changes to the June 3, 2013 meeting Agenda as presented by the
20 Clerk. Commissioner Pugh moved to approve the agenda as presented by the Clerk with addition of
21 Item 3 (a) – Ocracoke Planning Board Appointments. Mr. Byrd seconded the motion. The motion
22 passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None;
23 Absent or not voting – None.

24 **Consideration of Minutes:**

25 Commissioner Byrd moved to approve the May 6, 2013 Regular Meeting Minutes of the Hyde
26 County Board of Commissioners as presented by the Clerk with correction on page 8 – line 6 – *The*
27 *State will be collecting vehicle taxes at so*; and, on line 25 - ~~\$67,248.11~~ \$672,248.11 *will not be*
28 *reflected in the FY2013-2014 Budget*. Mr. Fletcher seconded the motion. The motion passed on the
29 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
30 voting – None.

31 Commissioner Fletcher moved to approve the May 13, 2013 Special Meeting Minutes of the Hyde
32 County Board of Commissioners as presented by the Clerk. Mr. Pugh seconded the motion. The
33 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
34 None; Absent or not voting – None.

35 **Public Hearing – FY2013-2014 Budget:**

1 Commissioner Byrd moved to open public hearing, at 6:23 p.m., to receive citizen questions and/or
2 comments on the proposed Hyde County FY2013-2014 Budget. Mr. Fletcher seconded the motion.
3 The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell;
4 Nays – None; Absent or not voting – None.

5 Ken Collier, Ponzer – commended County Manager Rich for presenting a balanced budget.

6 Connie Leinbach, Ocracoke – requested return of \$5,000.00 to the BHM Regional Library budget
7 (back to \$42,000.00).

8 Darlene Styron, Ocracoke – expressed concern about using general fund dollars to balance the
9 budget.

10 Commissioner Fletcher moved to close public hearing on the Hyde County FY2013-2014 Budget at
11 6:30 p.m. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Byrd,
12 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

13 **Public Hearing – Proposed Amendment to the Ocracoke Development Ordinance:**

14 Commissioner Fletcher moved to open public hearing, at 6:31 p.m., to receive citizen questions
15 and/or comments on the proposed Amendment to the Ocracoke Development Ordinance regarding
16 outdoor sales. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes –
17 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

18 County Manager Rich reported that he and Commissioner Fletcher met with the Ocracoke Planning
19 Board and recommended changes were not voted on by the Planning Board at that time.

20 Tom Pahl, Chairman – reported that the Planning Board supports changes to Section 36 – 185 (a) –
21 *and do not unreasonably diminish adjacent property and business values*; and (j) – *nor significantly*
22 *detract from adjacent business or residential environments*. Mr. Pahl stated that 90% of the work is
23 done by the Building Inspector and language changes were made to allow him room for negotiation.

24 Commissioner Fletcher reported the proposed changes would create a subjective evaluation of the
25 Amendment to the Ordinance.

26 Darlene Styron, Ocracoke – reported the amendment was written with a lot of thought and that
27 language referencing triangle shaped lots was included for safety reasons.

28 Commissioner Fletcher moved to close public hearing on the Proposed Amendment to the Ocracoke
29 Development Ordinance at 6:45 p.m. Mr. Byrd seconded the motion. The motion passed on the
30 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
31 voting – None.

32 **Public Comments:**

33 Chairman Swindell called for comments from the public.

1 Ken Collier, Ponzer – asked the Board to support Waterway Landing Subdivision Resolution.
2 Mr. Collier also expressed concern about relocation of DSS to the ECB building in Engelhard.

3 Christian Gibbs, Fairfield – presented statistics and requested Board support of Resolution
4 Requesting Speed Limit – New Lands Community.

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

6 **Employee Recognition:**

7 County Manager Bill Rich recognized the following employees for recent accomplishments:

- 8 • Health Department – Wesley Smith, Director, for receiving full North Carolina Local Health
9 Department Accreditation Status. Hyde County Health Department performed an agency
10 assessment which included 41 benchmarks and 138 activities. Mr. Rich commended Health
11 Director Smith for running a professional organization.
12
- 13 • Inspections Department – Jerry Hardison, Building Inspector, and Jane Hodges, Permits
14 Technician/Airport Manager, recently relocated in the Administration Department at the
15 Government Center.
16
- 17 • Solid Waste Department – James Blount, Supervisor, for his service to Ocracoke on
18 Thursday and Friday when he pulled the front end from the Ocracoke machine, took it to the
19 mainland, fixed it and returned before daybreak the next morning to install it and have it
20 running for Memorial Day weekend. Manager Rich commended Mr. Blount for going over
21 and above the call of duty.

22 **Items of Consideration:**

23 **Resolution Requesting Speed Limit – New Lands Community**

24 Commissioner Byrd moved to adopt “Resolution Requesting Speed Limit” in the New Lands
25 Community of Fairfield, NC. Mr. Fletcher seconded the motion. The motion passed on the
26 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
27 voting – None.

28 *Clerk's Note: A copy of “Resolution Requesting Speed Limit” is attached herewith as Exhibit A and incorporated
29 herein by reference.*

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

32 Commissioner Fletcher moved to adopt “Resolution In Support of Waterway Landing/Pocosin
33 Farms Property Owners And Their Negotiation With The US Army Corp of Engineers.” Mr.
34 Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher,
35 Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

1 *Clerk's Note: A copy of "Resolution In Support of Waterway Landing/Pocosin Farms Property Owners And*
2 *Their Negotiation With The US Army Corp of Engineers" is attached herewith as Exhibit B and incorporated*
3 *herein by reference.*

4 **Resolution Authorizing County Manager To Reconcile Department Budgets**

5 Commissioner Fletcher moved to adopt "Resolution Authorizing County Manager To Reconcile
6 Department Budgets." Mr. Pugh seconded the motion. The motion passed on the following vote:
7 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

8 *Clerk's Note: A copy of "Resolution Authorizing County Manager To Reconcile Department Budgets" is*
9 *attached herewith as Exhibit C and incorporated herein by reference.*

10 11 **Resolutions Appointing Kris Noble and Averi Simmons as Plat Review Officer**

12 County Manager Bill Rich reported that in response to commissioners concerns expressed regarding
13 map review officers in the Register of Deeds office, all map review officers will be located in the
14 Planner's office. This will make one department responsible for receiving and processing Plats thus
15 alleviating confusion to the public. Jane Hodges and Justin Gibbs will be relieved of their duties as
16 Map Review Officers. Kris Noble, Planning Director and Averi Simmons, Planning Assistant, have
17 agreed to serve as Plat Review Officers.

18 Merita Spencer, Register of Deeds reported the new NCGS 47-30.2 requires the Board of
19 Commissioners in each county, by resolution, to appoint one or more persons as Review Officer to
20 review each plat before it is recorded and certify that it meets the statutory requirements for
21 recording before they are presented to the Register of Deeds for recording.

22 Commissioner Fletcher moved to relieve Jane Hodges and Justin Gibbs of their duties as Map
23 Review Officers and to adopt "Resolution Appointing Kris Noble as Plat Review Officer" and
24 "Resolution Appointing Averi Simmons as Plat Review Officer." Mr. Pugh seconded the motion.
25 The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell;
26 Nays – None; Absent or not voting – None.

27 *Clerk's Note: A copy of "Resolution Appointing Kris Noble as Plat Review Officer" is attached herewith as*
28 *Exhibit D and incorporated herein by reference.*

29 *Clerk's Note: A copy of "Resolution Appointing Averi Simmons as Plat Review Officer" is attached herewith as*
30 *Exhibit E and incorporated herein by reference.*

31 **Resolution Relating To The Hyde County Budget For Fiscal Year 2013-2014**

32 County Manager Rich presented "Resolution Relating to The Hyde County Budget for FY2013-14.
33 Manager Rich reported that delinquent tax letters have been sent. He thanked Tax Administrator
34 Linda Basnigh and County Attorney Fred Holscher for collection of \$110,000.00 delinquent taxes.

1 Commissioner Byrd moved to adopt “Resolution Relating To The Hyde County Budget For Fiscal
2 Year 2013-2014.” Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes
3 – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

4 *Clerk’s Note: A copy of “Resolution Relating To The Hyde County Budget For Fiscal Year 2013-2014” is*
5 *attached herewith as Exhibit F and incorporated herein by reference.*

6
7 **FY2013-2014 Hyde County Budget Ordinance**

8 County Manager Bill Rich presented the FY2013-2014 Hyde County Budget Ordinance.

9 Commissioner Fletcher moved to adopt “FY2013-2014 Hyde County Budget Ordinance” as
10 amended to include \$5,000.00 increase in the Beaufort/Hyde/Martin Regional Library System
11 budget. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd,
12 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

13 *Clerk’s Note: A copy of “FY2013-2014 Hyde County Budget Ordinance” is attached herewith as Exhibit G and*
14 *incorporated herein by reference.*

15
16 **Amendment to Ocracoke Development Ordinance**

17 County Manager Rich presented Proposed Amendment to the Ocracoke Development Ordinance.
18 Possible changes to language in Sec. 36 – 185 (a) and (j) were discussed.

19 Commissioner Fletcher moved to adopt “Amendment to the Ocracoke Development Ordinance”
20 with deletion of language in Section 36 – 185 (a) – ~~and do not unreasonably diminish adjacent~~
21 ~~property and business values; and (j) – nor significantly detract from adjacent business or residential~~
22 ~~environments.~~ Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes –
23 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

24 *Clerk’s Note: A copy of “Amendment to Ocracoke Development Ordinance” is attached herewith as Exhibit H*
25 *and incorporated herein by reference.*

26 **Amendment to Engelhard Marine Industrial Park Ordinance**

27 Kris Noble, Planner, reported the original Project Ordinance 2011-10-01 Engelhard Marine
28 Industrial Park has been modified to accurately reflect revenues and expenditures. Some additional
29 funds were moved from the Contingency line to the Electrical line to adjust for the three phase
30 power installation required by the tenant. Overall actual project costs were \$128.66 less than
31 estimates and the Project Ordinance has been amended to reflect actual final project costs.

32 Commissioner Fletcher moved to adopt “Amendment to ~~Wanchese Seafood Industrial Park~~
33 Engelhard Marine Industrial Park Project Ordinance 2012-05-01” to accurately reflect funds spent
34 on this project. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes –
35 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

1 *Clerk's Note: A copy of "Amendment to Wanchese Seafood Industrial Park Engelhard Marine Industrial Park*
2 *Project Ordinance 2012-05-01" is attached herewith as Exhibit I and incorporated herein by reference.*

3 **US Cellular 4G Wireless Telecommunications Upgrade and Tower & Ground Space Lease**
4 **Agreement Addendum**

5 Justin Gibbs, Emergency Services Director, reported US Cellular has requested authorization to
6 upgrade the equipment and utilities, located at 1151 Main Street; Swan Quarter, NC, to provide 4G
7 wireless telecommunications. The County of Hyde currently leases tower and ground space to US
8 Cellular for the provision of wireless telecommunications. US Cellular has provided plans for the
9 proposed upgrade and has conducted structural analysis at the tower site, which have been reviewed
10 by Hyde County Emergency Services and the Hyde County Inspections Department. In order to
11 complete the upgrade, an addendum to the lease agreement is required. The addendum updates the
12 equipment affixed to the tower and changes no other provisions of the agreement. The County
13 Attorney has reviewed and approved the proposed addendum.

14 Commissioner Pugh moved to approve US Cellular proceeding with the 4G wireless telecom-
15 munications upgrade, contingent upon acquiring all applicable permits; and, authorize the Chairman
16 of the Board of Commissioners to execute the Tower and Ground Space Lease Agreement
17 Addendum. Mr. Fletcher seconded the motion. The motion passed on the following vote: Ayes –
18 Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

19 **NCDOT Secondary Road Agreement – SR1135**

20 Clint Berry, Utilities Director, presented NCDOT Reimbursement Agreement for relocating 4, 260
21 feet of 6" water main on Creekside Drive (SR1135) in Swan Quarter, NC.

22 Commissioner Tunnell moved to approve NCDOT Locally Administered Project – State
23 Reimbursement Agreement; and, authorize the Chairman of the Board of Commissioners to execute
24 the Project Reimbursement Agreement. Mr. Pugh seconded the motion. The motion passed on the
25 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
26 voting – None.

27 **Hyde Transit – ROAP Funds**

28 Corrinne Gibbs, Finance Officer, presented request from Beverly Paul, Director of Hyde Transit, for
29 transfer of Rural Operating Assistance Program (ROAP) funds. Funds in the amount of \$4,800.00
30 are transferred interdepartmentally to cover expenses through the end of this fiscal year.

31 Commissioner Fletcher moved to approve transfer of ROAP funds in the amount of \$4,800.00. Mr.
32 Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
33 Tunnell and Swindell; Nays – None; Absent or not voting – None.

34 **Ocracoke Development Ordinance (ODO) Planning Board Appointments**

1 Commissioner Fletcher reported Tom Pahl, Jennifer Escham and Keith Parker-Lowe's term on the
2 ODO Planning Board have expired.

3 Commissioner Fletcher moved to appoint Jerry Midgett, Thomas Payne and Leslie "Butch" Bryan
4 to the Ocracoke Development Ordinance Planning Board. Mr. Byrd seconded the motion. The
5 motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays –
6 None; Absent or not voting – None.

7 **Request for Refund – 2012 Vehicle Tax \$104.00**

8 Linda Basnight, Tax Administrator, requested approval to refund 2012 vehicle taxes paid in both
9 Iredell County and Hyde County. The vehicle actually belongs to Iredell County.

10 Commissioner Byrd moved to approve refund of vehicle taxes in the amount of \$104.00 to Iredell
11 County. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd,
12 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

13 **Delinquent Tax Collections**

14 Linda Basnight, Tax Administrator, presented report on delinquent tax collections. The Tax
15 Department will be sending another 60 letters requesting payment of delinquent taxes. Unpaid
16 accounts will be turned over to County Attorney Fred Holscher for collection.

17 **ABC Board Audit**

18 Manager Rich presented draft of the FY2011-2012 ABC Board Audit which included the proposed
19 FY2012-2013 ABC Budget. Mr. Rich reported the FY2011-2012 ABC Board Audit was
20 incomplete because retirement payment for full-time employees has not been made. He also
21 reported that Andrew Spencer, ABC Board Finance Officer, had resigned. CPA Gary Davis has
22 been appointed Finance Officer.

23 Mr. Rich reported that all Hyde County CDBG Grant funds and Administrative funds previously
24 frozen for late or non-submission of the 2012 ABC Board Audit have been released.

25 **FY2012-2013 Hyde County Audit Contract Award**

26 Mr. Rich requested permission to award the FY2012-2013 Hyde County Audit Contract. Andrew
27 Harris, CPA, is under contract with the County at this time. Mr. Harris' contract to Audit the
28 current fiscal year costs \$27,000.00.

29 Corrinne Gibbs, Finance Officer, reported the Audit Contract did not have to go out for Request for
30 Proposal (RFP) because Mr. Harris' fee is less than \$30,000.00.

31 Commissioner Byrd requested RFP for the Audit Contract in order to solicit competitive pricing.

32 Commissioner Fletcher moved to authorize County Manager Rich to award the FY2012-2013 Hyde
33 County Audit Contract to the auditor of his choice; and, to put RFP for the audit contract out for bid

1 in January, 2014. Mr. Tunnell seconded the motion. The motion passed on the following vote:
2 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

3 **House Bill 321**

4 Clint Berry, Utilities Director, asked the Commissioners to support House Bill 321 – “An Act to
5 Repeal the Requirement that Local Governments Develop and Maintain a Solid Waste Management
6 Plan.” Mr. Berry reported that HB321 will not require local governments to update their ten year
7 plan. Local governments already submit the required annual materials management data and
8 financial reports to the NC Division of Waste Management. Albemarle Regional Solid Waste
9 Management Authority (ARSWMA) and the NC Division of Waste Management supports HB321.

10 Commissioner Byrd moved to send a letter of support of HB321 to Senator Bill Cook, Vice-
11 chairman of the senate Agriculture/Environment/Natural Resources Committee. Mr. Fletcher
12 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
13 Tunnell and Swindell; Nays – None; Absent or not voting – None.

14 **Support of Mike Johnson Appointment**

15 County Manager Bill Rich reported the Hyde County Board of Commissioners have been asked to
16 join with Dare County in support of appointment of Mike Johnson to the NC Wildlife Resources
17 Commission (NCWRC).

18 Commissioner Byrd moved to send a letter supporting appointment of Mike Johnson to the
19 NCWRC to Governor Pat McCrory. Mr. Tunnell seconded the motion. The motion passed on the
20 following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not
21 voting – None.

22 **MATTIE/Historic Courthouse Sign**

23 County Manager Bill Rich received request from Judy McLawhorn for permission to affix a
24 “MATTIE” sign to the existing Hyde County Government Center sign on the corner of Main and
25 2nd streets. Mr. Rich reported that erection of signage is allowed in the County’s Lease Agreement
26 with Friends of The Historic Courthouse on page 2 – Terms and Conditions – Item 8.

27 No action required.

28 **Ocracoke Convenience Site Equipment**

29 Commissioner John Fletcher discussed items of concern at the Ocracoke Convenience Site and
30 citizens requests for a chipper on the Island.

31 County Manager Rich reported that RFP for chipping service by local residents was put out but no
32 one responded. Mr. Rich reported that a new chipper will cost \$23,000.00. He also reported that
33 the Utilities Department has given a used truck (\$4,000.00) to the Ocracoke Chipping project.

1 Commissioner Fletcher moved to authorize County Manager Rich to implement on-site chipping on
2 Ocracoke Island. Mr. Tunnell seconded the motion. The motion passed on the following vote:
3 Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

4 **Projects Update**

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

- 6 • Silver Lake Mooring Field – committee members Tony McGowan, Jack Whitehead and
7 Captain Rob Temple along with Manager Rich and Jane Hodges are working with the Army
8 Corp of Engineers to develop the mooring field. Ms. Hodges is seeking grant funding for
9 the project.
- 10 • Roof Repairs – Government Center and Public Safety Center – Al Chesson and Architect
11 Robert Griffin are assisting (free of charge) with development of a solution to the roof
12 problem.
- 13 • Hurricane Irene FEMA Update – 2nd Appeal Letter – waiting for response to second appeal.
- 14 • Request for Public Water on Several Lots on Ocracoke – located behind Howard’s Pub.
15 Kris Noble is seeking grant funds to extend public water to these lots.
- 16 • ECB Building Update – Dwight Utz of VantageSouth Bank (formerly ECB) wants to begin
17 a publicity campaign to promote good will for transition of the ECB building to the County.
- 18 • Community Center Repair/Ocracoke Occupancy Tax – the Community Center Board and
19 Wayne Clark, Chairman, Ocracoke Occupancy Tax Board recommend sending a request for
20 occupancy tax funds to pay for repairs to Community Center.
- 21 • NC20 Update – Manager Rich attended last week’s NC20 meeting and reported that speaker
22 Tony Almeda stated the Commerce Department promises cost savings by merging
23 departments. The Commerce Department will look into the ferry tax issue.
- 24 • Airport Farm Lease Agreement Renewal – Commissioner Pugh attended the Airport Board
25 meeting where the farm lease agreement was discussed. The Airport Board will draft the
26 renewal agreement. Commissioner Byrd recommends a longer renewal term.

27 **Budget Revisions**

28 Manager Rich reported that in accordance with FY2011-2012 Budget Ordinance, Article XIX,
29 Section 1, thirteen (13) budget transfers were approved administratively; one (1) transfer was
30 voided and four (4) transfers needed Board approval.

31
32 Commissioner Fletcher moved to approve all of the budget transfers as presented. Mr. Pugh
33 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
34 Swindell, Tunnell; Nays – None; Absent or not voting – None.

Board Approval Required		
Department/Program	Amount	Explanation
Health	VOID \$87,107.00	On May 6, 2013, BR#47-13 - KBR Community Change Funds transfer was approved. Because the revision had been approved in the original Ordinance this transfer was unnecessary.
KBR Community Change		
Finance	\$119,706.37	Transferring funds from Sales Tax lines to School Capital Outlay lines. Monies received in excess of appropriation. Does not increase the budget.
Education		
Airport	\$ 43,897.30	Transferring funds from Airport Grant line into Airport Improvements line. Monies received in excess of appropriation. Does not increase the budget.
Utilities	\$ 11,500.00	Transferring funds from various departmental lines to Maintenance & Repairs and Computer Support lines. Does not increase the budget.
Hyde Transit	\$ 4,800.00	Transferring funds interdepartmentally to cover year end expenses.
Approved Administratively		
Department/Program	Amount	Explanation
Health	\$ 1,400.00	Transferring funds from Travel line in Healthy Communities program into General Supplies line to purchase supplies for a community garden in the Ridge Community through collaboration with Pleasant Grove Missionary Baptist Church in Engelhard. These funds are part of the grant received from Region 9 Community Transformation Project, Change for Good, in Hyde County, which must be spent by May 31, 2013. This revision does not increase the budget for Healthy Communities.
Healthy Communities		
Family Planning	\$ 2,958.00	Transferring funds from Medical Supplies line in Adult Health into Medical Supplies line in Family Planning. This will allow the health department to order Long Acting Reversible Contraceptives (LARC) and use Division of Public Health (DPH) state funds to cover the cost of the supplies. The \$2,958 must be spent before May 31, 2013 or will be lost. While this transfer does increase the budget for Family Planning, it does not increase the overall budget for Fund 10.
Child Health	\$ 1,064.00	Using funds from Child Health Medicaid Escrow Account to reclassify a prior invoice (dated 07-25-2012) from Dare County Department of Health Miles of Smiles Dental Program that was charged to General health. While this revision does increase the budget for Child Health, the funds are being pulled from Child Health Medicaid Escrow and do not require any County of Hyde appropriations from Fund 10.
Home Health	\$ 1,250.00	Transferring funds from Salaries Part-Time line into Travel line in Home Health Program to ensure there are sufficient funds to cover staff travel through the end of the current fiscal year. There are sufficient funds in the Salaries Part-Time line to cover this transfer (>20,000). This transfer does not increase the budget for Home Health.
General Health	\$ 400.00	Transferring funds from Local Advisory Board line into Travel line in General Health Program to ensure there are sufficient funds to cover staff travel through the end of the current fiscal year. The Local Advisory Board has not met this fiscal year. This transfer does not increase the budget for General Health.
Cooperative Extension	\$ 650.00	Transferring funds from Maintenance & Repairs line to Departmental Expenses line to help cover supplies for various summer programs.
Soil & Water	\$ 1,000.00	Transferring funds from Gas, Oil & Tires line to Travel & Training

		line. Hyde Board of Supervisors travel reimbursements are paid by the State through the Division of Soil & Water Conservation District. The District received notification that those funds had been depleted and Hyde S&W does not have funding for the remainder of the year meetings. Funds requested to pay the Board of Supervisors travel reimbursement for meeting scheduled for May 21, 2013.
Social Services		
Medicaid	\$ 5,000.00	Transferring funds from IV-E Foster Care to Medicaid – Gas to ensure there are sufficient funds to cover expenses (transporting clients) for the remainder of the current fiscal year. Does not increase the budget.
Hyde Co. DSS	\$ 3,000.00	Transferring funds from IV-E Foster Care to DSS for Equipment line to meet the deductible for accident with bear. Will not increase the budget.
Hyde Co. DSS	\$ 5,000.00	Transferring funds from IV-E Foster Care to Medicaid Transportation to provide transportation to Medicaid eligible clients for the remainder of this fiscal year. Will not increase the budget.
Emergency Services		
EM	\$ 500.00	Transferring funds from Vehicle Maintenance line to Travel line to cover travel expenses for the remainder of the fiscal year.
EMS	\$ 4,500.00	Transferring funds from Vehicle Maintenance and Gas, Oil & Tires lines to Utilities and Medical Supplies line to cover utilities and medical supply expenses for the remainder of the fiscal year.
E-9-1-1	\$ 3,500.00	Transferring funds from Equipment and Training lines to cover E-9-1-1 Service Charges for the remainder of the fiscal year.

1

2 **Closed Session**

3 Commissioner Byrd moved to enter into closed session at 7:52 p.m. in accordance with §143-
4 318.11 (a) (1) – to prevent disclosure of information that is confidential; and, (6) – personnel
5 matters. Mr. Pugh seconded the motion. The motion passed on the following vote: Ayes – Byrd,
6 Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

7 Commissioner Byrd moved to come out of closed session at 8:12 p.m. Mr. Pugh seconded the
8 motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Swindell and
9 Tunnell; Nays – None; Absent or not voting – None.

10 Commissioner Fletcher moved to permit the tax adjuster to hire Attorney Shelley Eason. Mr. Pugh
11 seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh,
12 Swindell and Tunnell; Nays – None; Absent or not voting – None.

13 **Management Reports:**

14 **Commissioner Tunnell** – reported that he attended the LPAN and Recreation Committee meetings.

15 **Commissioner Fletcher** – reported that two dredges are working on the Ocracoke channel project.

16 **Commissioner Byrd** – reported that he attended the hurricane preparedness conference at the
17 Vernon James Center in Plymouth.

1 **Commissioner Pugh** – reported that he attended the Albemarle Commission and Airport Board
2 meetings and the Chamber of Commerce Issues Luncheon.

3 **Chairman Swindell** – reported that he will attend the Board of Health meeting next week. Mr.
4 Swindell encouraged commissioners and citizens to support the Rural Center and current Hyde
5 County concerns.

6 **County Manager Rich** – presented his May 6th – 31st meetings calendar. Mr. Rich reported a
7 compromise has been made to keep ferry tolls as they are; however, everyone is encouraged to
8 continue their support. Representative Paul Tine reports that the Game Fish Bill has been tabled at
9 this time.

10 **Public Comments:**

11 Chairman Swindell called for comments from the public.

12 Darlene Styron, Ocracoke – thanked the Ocracoke Development Ordinance Board for work done
13 over the past several years. She also thanked Emergency Services Director Justin Gibbs for
14 organizing a control group for hurricane evacuation education on Ocracoke.

15 Ken Collier, Ponzer – asked that the ABC Board be required to give a monthly report.

16 Commissioner Tunnell offered condolences to the Jack Mason family.

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

18 **Adjourn**

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

22 The meeting adjourned at 8:21 p.m.

23
24 Respectfully submitted:

25
26 Minutes approved on the 1st day of July, 2013.

27
28
29
30 _____
31 Lois Stotesberry, CMC, NCCCC
32 Clerk, Hyde County Board of Commissioners

30 _____
31 Barry Swindell
32 Chair, Hyde County Board of Commissioners

33 Attachments:

34 Exhibit A: “Resolution Requesting Speed Limit”

35 Exhibit B: “Resolution In Support of Waterway Landing/Pocosin Farms Property Owners And Their
Negotiation With The US Army Corp of Engineers”

- 1 Exhibit C: *“Resolution Authorizing County Manager To Reconcile Department Budgets”*
- 2 Exhibit D: *“Resolution Appointing Kris Noble as Plat Review Officer”*
- 3 Exhibit E: *“Resolution Appointing Averi Simmons as Plat Review Officer”*
- 4 Exhibit F: *“Relating To The Hyde County Budget For Fiscal Year 2013-2014”*
- 5 Exhibit G: *“FY2013-2014 Hyde County Budget Ordinance”*
- 6 Exhibit H: *“Amendment to Ocracoke Development Ordinance”*
- 7 Exhibit I: *“Amendment to ~~Wanchese Seafood Industrial Park~~ Engelhard Marine Industrial Park*
- 8 *Project Ordinance 2012-05-01”*

DRAFT

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: July 1, 2013
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

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

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

Time for one person cannot be used by another person.

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

RECOMMEND: Receive comments.

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

Meeting Date: July 1, 2013
Presenter: Linda Basnight
Attachment: Yes

ITEM TITLE: Appointment of Tax Assessor

SUMMARY: In accordance with GS 105-294, a copy of which is attached, it is time to re-appoint a Tax Assessor for Hyde County.

I was last appointed in July, 2009 for a 4 year term. I have completed the required 30 hours of continuing education instruction in appraisal and assessment of property as provided in regulations of the Department of Revenue.

If it is the pleasure of the Board, I will accept another appointment as Tax Assessor for a 4 year term as allowed in GS 105-294.

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.

Article 16.

County Listing, Appraisal, and Assessing Officials.

§ 105-294. County assessor.

(a) **Appointment.** – Persons occupying the position of county assessor on July 1, 1983, shall continue in office until the first Monday in July, 1983. At its first regular meeting in July, 1983, and every two years or four years thereafter, as appropriate, the board of county commissioners of each county shall appoint a county assessor to serve a term of not less than two nor more than four years; provided, however, that no person shall be eligible for initial appointment to a term of more than two years unless such person is deemed to be qualified as provided in subsection (b) of this section or has been certified by the Department of Revenue as provided in subsection (c) of this section. The board of commissioners may remove the assessor from office during his term for good cause after giving him notice in writing and an opportunity to appear and be heard at a public session of the board. Whenever a vacancy occurs in this office, the board of county commissioners shall appoint a qualified person to serve as county assessor for the period of the unexpired term.

(b) Persons who held the position of assessor on July 1, 1971, and continue to hold the position, and persons who have been certified for appointment as assessor by the Department of Revenue between July 1, 1971, and July 1, 1983, are deemed to be qualified to serve as county assessor. Any other person selected to serve as county assessor must meet the following requirements:

- (1) Be at least 21 years of age as of the date of appointment;
- (2) Hold a high school diploma or certificate of equivalency, or in the alternative, have five years employment experience in a vocation which is reasonably related to the duties of a county assessor;
- (3) Within two years of the date of appointment, achieve a passing score in courses of instruction approved by the Department of Revenue covering the following topics:
 - a. The laws of North Carolina governing the listing, appraisal, and assessment of property for taxation;
 - b. The theory and practice of estimating the fair market value of real property for ad valorem tax purposes;
 - c. The theory and practice of estimating the fair market value of personal property for ad valorem tax purposes; and
 - d. Property assessment administration.
- (4) Upon completion of the required four courses, achieve a passing grade in a comprehensive examination in property tax administration conducted by the Department of Revenue.

(c) **Certification.** – Persons meeting all of the requirements of this section shall be certified by the Department of Revenue. From the date of appointment until the date of certification, persons appointed to serve as county assessor are deemed to be serving in an acting capacity. Any person who fails to qualify within two years after the date of initial appointment shall not be eligible for reappointment until all of the requirements have been met.

(d) In order to retain the position of county assessor, every person serving as county assessor, including those persons deemed to be qualified under the provisions of this act, shall, in each period of 24 months, attend at least 30 hours of instruction in the appraisal or assessment of property as provided in regulations of the Department of Revenue.

(e) The compensation and expenses of the county assessor shall be determined by the board of county commissioners.

(f) **Alternative to separate office of county assessor.** – Pursuant to Act [Article] VI, Section 9 of the North Carolina Constitution, the office of county assessor is hereby declared to be an office that may be held concurrently with any other appointive or elective office except that of member of the board of county commissioners. (1939, c. 310, ss. 400, 401; 1953, c. 970, ss. 1, 2; 1971, c. 806, s. 1; 1973, c. 476, s. 193; 1983, c. 813, s. 2; 1987, c. 45, ss. 1, 2; 1997-23, s. 5.)

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

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

ITEM TITLE: DESIGNATION OF VOTING DELEGATE
TO NCACC ANNUAL CONFERENCE

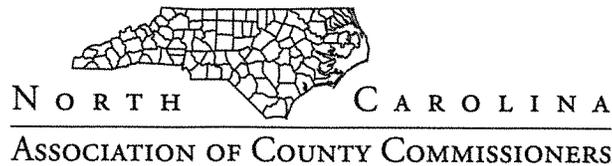
SUMMARY: The 106th NCACC Annual Conference will be held in August in Guilford County. Hyde County has been asked to elect a Designated Voting Delegate to represent the County at this conference.

RECOMMEND: Appoint voting delegate.

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.



Designation of Voting Delegate to NCACC Annual Conference

I, _____, hereby certify that I am the duly designated voting delegate for _____ County at the 106th Annual Conference of the North Carolina Association of County Commissioners to be held in Guilford County, N.C., on August 22-25, 2013.

Signed: _____

Title: _____

Article VI, Section 2 of our Constitution provides:

“On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues.”

Please return this form to Sheila Sammons by: **Friday, August 9, 2013:**

NCACC
215 N. Dawson St.
Raleigh, NC 27603
Fax: (919) 733-1065
sheila.sammons@ncacc.org

Lois Stotesberry

From: Todd McGee <todd.mcgee@ncacc.org>
Sent: Thursday, June 20, 2013 1:32 PM
To: County Clerks
Cc: County Managers
Subject: Voting delegate form for NCACC Annual Conference (not NACo)
Attachments: Voting delegate form 2013.doc

Clerks and managers,

Attached is the voting delegate form for the 106th annual NCACC Annual Conference, which will be held in August in Guilford County. Please place the selection of a voting delegate on the agenda of an upcoming Board meeting, and then return the form to Sheila Sammons once you have chosen your delegate.

Thanks,



Todd McGee
Public Relations Director
North Carolina Association of County Commissioners
Phone (919) 715-7336 | Fax (919) 733-1065
www.ncacc.org
www.welcometoyourcounty.org



Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: July 1, 2013
Presenter: County Manager Bill Rich
Attachment: No

ITEM TITLE: Appointment of ABC Board Members

SUMMARY: Currently, all of the ABC Board member's terms have expired. It is necessary at this time to re-appoint and/or make new appointments.

Board of Directors	Appointed	Term Length	Expires	Re-Appointed	Expires
Keith Parker-Lowe, Chairman	3/21/2011	1 year	3/21/2012		
	Chairman on				
	6/6/2011				
Don Bachman	5/2/2011	1 year	5/2/2012		
Glenda B. Williams	2/6/2012	2 years	5/2/2013		
	to complete Sharon Gibbs' term				
Jerry Armstrong	5/16/2011	3 years	5/15/2014		
Gary Davis, CPA, Finance Officer	6/---/2013				
Vickie Gibbs, General Manager	?				

RECOMMEND: Appoint members.

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: July 1, 2013
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: ABC BOARD AUDIT UPDATE

SUMMARY: Jeff Best, CPA, Pittard Perry & Crone, Inc., presented the FY2012-2013 Hyde County ABC Board Audit on Monday, June 24, 2013 during a Special Called Meeting of the ABC Board with the Hyde County Board of Commissioners invited to attend.

Manager Rich will discuss Audit findings and recommendations.

RECOMMEND: Discussion. No action required.

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

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

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



Hyde County, North Carolina
Celebrating 301 years!

The Hyde County ABC Board will hold a Public Hearing at the Hyde County Commons Room at the Courthouse on Monday 6.24.13 at 9:30 am.

The Agenda is listed below.

Public Hearing Final ABC Board Budget for Fiscal Year July 1 2013 - June 30 2014

Date June 24 2013

Time 9:30AM until concluded or 10:00AM (which ever is earlier)

Followed immediately by HYDE ABC Board Meeting

Agenda

Call to Order by Chairman

Reading of minutes from previous meeting by Board Secretary

Review of Minutes

Introduction of the Auditors

Presentation of the Audit for 2011 -2012 by Auditors.

Changes being made relative to the Audit by Board

Discussion and questions on Audit

Budget Account transfers

New Business

Close meeting

Call if you have any questions.

Vicki Gibbs

General Manager

Hyde County ABC 130

252.926.6991 /252.475.0354

vickihydeabc@yahoo.com

hydecountyabc@embarqmail.com

Hyde County Public Information

www.hydecountync.gov

[Hyde County Public Information Facebook Page](#)

[Hyde County Public Information Twitter Page](#)

Sarah Johnson, Public Information Officer

sarah.johnson@hydecountync.gov

(252) 542-0842

COUNTY OF HYDE

Board of Commissioners

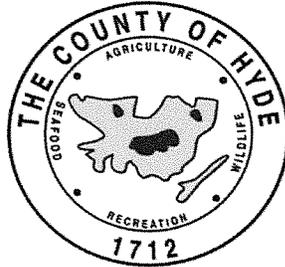
Barry Swindell, Chair
Dick Tunnell, Vice-chair
Anson Byrd
John Fletcher
Earl Pugh, Jr.

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

Bill Rich
County Manager

Fred Holscher
County Attorney

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



June 24, 2013

PUBLIC NOTICE

Recessed Special Meeting

Hyde County Board of Commissioners and Hyde County ABC Board

The Monday, June 24, 2013, recessed Hyde County Board of Commissioners and Hyde County ABC Board meeting will reconvene on Friday, June 28, 2013, beginning at 9:30 a.m., in the Hyde County Government Center Multi-Use Room, Swan Quarter and the Ocracoke School Commons Room utilizing electronic conferencing equipment.

The purpose of this special meeting is to receive presentation of the FY2012-2013 ABC Board Audit.

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

###

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

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

ITEM TITLE: BHM REGIONAL LIBRARY AGREEMENT

SUMMARY: Susan Benning, Director of BHM Regional Library met with County Manager Rich to present changes in the NC Administrative Code affecting Regional Library Systems (letter attached). Manager Rich will give report.

Also attached is the BHM Regional Library Agreement for Board consideration.

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.



B H M REGIONAL LIBRARY
"The Best Place to Start"

158 North Market Street Washington, NC 27889
Phone: (252) 946-6401 Fax: (252) 946-0352

From: Susan Benning, Director

To: Bill Rich, Hyde County Manager
Randell Woodruff, Beaufort County Manager
David Bone, Martin County Manager
Dr. Guinn Leverett, Belhaven Town Manager
Eric Pearson, Williamston Town Administrator
Elizabeth "Libby" Jenkins, Robersonville Town Manager

Date: June 20, 2013

Re: Changes in NC Administrative Code affecting Regional Library Systems

Attached is the final draft of the new Regional Agreement that the BHM Regional Library Board approved at their meeting on Tuesday June 18, 2013. This document has been approved by the State Library consultants. There was a delay due to some of the requested revisions and the channels the document had to go through as a part of that process. It is my hope that when your governing bodies meet in July, the Commissioners and Councils will accept and sign this Regional Agreement so that library service can continue in the three counties and towns.

As you recall, this new agreement became necessary because of changes in the N.C. Administrative Code and N.C. General Statutes. The North Carolina Administrative Code governing the State Library of North Carolina (07 NCAC Chapter 2) was recently revised to ensure regional library agreements contain specific information on the organization and operation of the regional library and its board of trustees, along with terms for property ownership and provisions for amendment, withdrawal and termination. A regional library agreement must now include:

- The structure of the regional library board of trustees
- The powers and duties of the regional board
- The financial structure of the regional library
- The terms of property ownership and any conditions of joint ownership including property rights in the event of withdrawal from or dissolution of the regional library
- Provisions for amendment
- Provisions for withdrawal by a member county or dissolution of the regional library
- Provisions for termination of the regional agreement

The 1995 BHM Regional Library Agreement did not meet these requirements and had to be revised to comply with the new rules. The State Library had set a deadline of July 1, 2013 to receive a final draft of a revised regional library agreement approved by all participating governmental agencies. I have notified State Library most likely it will be August before I can deliver the signed documents to Raleigh. It has been a long year since this process started in July 2012. I appreciate the efforts of everyone to bring this project to a successful conclusion.

Timetable

1. Agreement revised to meet requirements of new Administrative rules and submitted for initial review to State Library. **Completed – November 2012**
2. Submit the approved contract to the BHM Regional Library Board of Trustees for approval. **Completed - November 2012**
3. Two Reviews by participating agencies and input provided. **Completed December 2012 – April 2013**
4. Prepared the final copy for signatures and obtained approval of State Library and BHM Regional Library Board **Completed May - June 2013**
5. Deliver to counties and towns for vote of governing Boards **July 2013**

As a reminder, within the BHM Regional Library system, there are different situations of ownership of buildings where the public libraries are located. For this reason, the term "owning organization" was added to sections III, IV, and V. The terms of this new agreement are similar to the previous agreement with three specific changes. If a county wishes to withdraw from BHM Regional Library, notice must be given in writing "on or before July 1 to the BHM Regional Library Board, the other participating local governmental units, and the State Library of North Carolina. The withdrawal shall be effective June 30 of the following year." The term of this agreement is 10 years, unless notice is given in writing to all parties. Lastly, each funding government agency is allowed to have representation on the BHM Regional Library Board. The three counties will keep appointing three Board members, but municipalities giving funding for the operation of the library in their specific town will be allowed to appoint a Board member. The size of the BHM Regional Board will therefore be twelve instead of the current size of nine Board members.

Please let me know if you have a question. It will be our pleasure to continue serving Beaufort, Hyde and Martin County residents with all of their library needs. On behalf of the BHM Regional Library system, I wish to welcome the towns of Belhaven, Robersonville, and Williamston. As soon as the document is signed, I will be in touch to begin the process of appointing a representative for the Board.

Sincerely,



Susan Benning, Director
BHM Regional Library System
158 North Market St.
Washington NC 27889
252-946-6401
sbenning@bhmlib.org

BHM Regional Library Agreement

WHEREAS, The mission of the BHM Regional Library is to improve the quality of life in Beaufort, Hyde, and Martin counties by providing the best library services, collections, and programs in accordance with the library's role as an educational institution;

WHEREAS, recognizing the diverse communities served and the specific individual needs of their residents, six governments and eight libraries collaboratively are committed to the education, economic development, and quality-of-life contributions that libraries are uniquely able to provide and;

WHEREAS, this collaboration provides for the most effective and efficient use of local resources for the benefit of their residents and;

WHEREAS, this collaboration provides opportunities for services and resource allocations otherwise beyond the financial and service capabilities of the individual governments and libraries;

WHEREAS, Beaufort, Hyde, and Martin Counties previously signed a Regional Agreement for library service dated March 8, 1995.

NOW, THEREFORE, pursuant to resolutions duly adopted by their governing boards, the parties, on this date, hereto renew their commitment for the organization of the BHM Regional Library upon the terms set forth below therein for a term extending from July 1, 2013 through June 30, 2023.

I. Governments and libraries involved

- A. Beaufort County - four libraries at Aurora, Bath, Belhaven, and Washington
- B. Hyde County - two joint school/public libraries at Mattamuskeet and Ocracoke
- C. Martin County - Robersonville Public Library and Martin Memorial Library
- D. Town of Belhaven - Belhaven Public Library
- E. Town of Robersonville - Robersonville Public Library
- F. Town of Williamston - Martin Memorial Library

II. Purpose Statement

- A. This agreement will replace the March 8, 1995 Regional Agreement signed by Beaufort, Hyde, and Martin Counties. There are no other agreements in force between parties and there is no joint agency established among the participating agencies. This sole agreement is to perpetuate library and information services to the residents of the areas included within the jurisdictions of the aforementioned governing bodies through their collaborative and collective efforts under the legal authority of N.C.G. S. 153A-270 and N.C.G.S. 160A, Article 20, Part 1.

III. Board of Trustees

- A. The BHM Regional Library Board of Trustees shall be the governing body of the BHM Regional Library.
- B. Membership
 - 1. There shall be twelve members of the BHM Regional Library Board of Trustees.
 - 2. Each participating governmental unit shall have the authority to make appointments to the Regional Library Board of Trustees as set forth below:

- a. Beaufort County - 3
 - b. Hyde County - 3
 - c. Martin County - 3
 - d. Town of Belhaven (Beaufort County) - 1
 - e. Town of Robersonville (Martin County) - 1
 - f. Town of Williamston (Martin County) - 1
3. Members shall serve no more than two consecutive terms with no single term longer than six years.
 4. Members shall be appointed in staggered terms to promote consistency as well as to accommodate change. Bylaws for the BHM Regional Library Board of Trustees shall clearly define the term limits and how staggered terms shall be accomplished among the counties and municipalities.
 5. Vacancies on the Board shall be filled with appointments by the appropriate participating governmental unit for the length of the term of the member creating the vacancy, which does not count toward the two term limit.
 6. Counties making their designated number of appointments to the Board will give equitable county-wide representation on the Board taking into consideration the representatives appointed by towns giving funding.
- C. Powers and Duties are delegated to the Regional Library Board of Trustees by the participating government units as follows:
1. The Board of Trustees shall be delegated the power to adopt bylaws and rules for its own governance.
 2. The Board of Trustees shall be delegated the power to adopt policies for the regional library system's administration and operation.
 3. The Board of Trustees shall be delegated the power to select, appoint, remove, determine salary and other terms of employment of a regional library director.
 - a. These actions shall require a majority vote of the Board at which a quorum is present.
 - b. The BHM Regional Library Director shall:
 - i. Have a valid North Carolina Public Librarian Certificate;
 - ii. Be the chief executive and administrative officer of the BHM Regional Library and function in accordance with the approved policies of the BHM Regional Library Board.
 4. The Board of Trustees shall approve an annual budget which shall:
 - a. Be administered under the same provisions as units of local government (G.S. 159), with all state funds administered by the regional library and expended throughout the region as described in 07 NCAC 021.0202.
 - b. Each county, municipality, or owning organization will pay into the Regional Library a mutually agreed upon amount as appropriated in their annual budget cycle. Funding is for the purpose of operating its facilities, utilities, building maintenance, telephone bills, rent, or salaries; and all other benefits afforded to employees of that county or municipality; and materials and equipment exclusively for that county, municipality, or owning organization. Each county, municipality, or owning organization may also contribute to joint operations a mutually

- agreed upon amount. The funds shall be sent to the regional library finance officer in monthly, quarterly, biannual, or annual payments as negotiated by the finance officer and the county/municipality.
- c. The Regional Library Finance Officer will receive, deposit and disburse all funds in accordance with generally accepted accounting principles and account for all expenditures by source of funds.
5. The Director shall be delegated the power to appoint a regional finance officer who shall:
 - a. Ensure expenditure of funds consistent with the budget adopted by the Board;
 - b. Report directly to the Regional Library Director and at all meetings of the Board.
 6. The Board of Trustees shall be delegated the power to assure compliance with all applicable State and Federal law and eligibility for the receipt of State and Federal Funds.
 7. The Board of Trustees shall be delegated the power to make recommendations to the governing units concerning the construction and improvement of the physical facilities of the libraries within the region; however, construction and facility maintenance shall be the responsibility of the local governmental unit or the organization that owns the facility unless the Regional Board negotiates and approves a collaborative effort.
 8. The Board of Trustees shall make regular reports related to services and operations to each governing body as conveyed by approved reports of the Regional Library Director; or as deemed necessary.
 9. The Board of Trustees shall obtain an annual independent audit of regional library accounts consistent with generally accepted accounting principles, and submit a copy of this audit to the State Library of North Carolina and to all parties of this agreement.

IV. Terms of Property Ownership

- A. A major benefit of regional cooperation is that scarce resources may be shared among the various county residents without wasteful duplication; however, certain ownership restrictions shall apply:
 1. All buildings, grounds, and other facilities of each library shall remain the property of the county, municipality, or organization holding title.
 2. All books, technology, or other resources paid for with local funds shall remain the property of the county, municipality, or owning organization.
 3. All books, technology, or other resources paid for with Regional or State funds shall remain the property of the Regional Library System.
 4. If required, a lease with an owning organization, county or municipality may be entered into between parties setting out duties, rights, and responsibilities, and further obligations between lessor and lessee.

V. Insurance Coverage and Indemnification

A. Insurance Coverage

1. The local government units shall maintain insurance coverage for owned Library buildings or insurance should be maintained by the organization that owns the building.
2. The Regional Library shall maintain insurance coverage for the Regional Library Administrative Office and its contents, contents of branch libraries, general liability for the Regional Board of Trustees, Regional staff, accident insurance coverage for patrons, and the coverage for vehicles used to provide service. In addition, the Regional Library will also maintain flood insurance on contents in libraries, if necessary.

B. Indemnification

The Regional Library shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, board member, or employee against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the corporation; and further provided that any compromise or settlement payment shall be approved by a majority vote of Board Members who are not at that time parties to the proceeding.

VI. Provisions for Amendment

- A. This agreement can be amended to change or modify provisions or add new counties or towns providing that all parties accept those amendments by resolution of each governing Board in a regular meeting of those parties and be recorded in the minutes. Copies of this contract and future adopted amendments will be sent to the State Library and all parties. Requests for amendments can come from either a Board of Commissioners or from the BHM Board of Trustees.
- B. Recommendations for amendments shall be forwarded to each of the county and town governments in writing with a thirty-day period for consideration given. The recommendations shall state the date the thirty-day period commences and ends. If any party to this agreement has not taken specific action regarding the recommendation within sixty-days of the end date of the thirty-day period the recommended amendment shall be considered approved by that Board or entity.
- C. Disagreements related to this agreement shall be resolved first by a committee of appointed representatives one each from the governmental units and then by their legal counsel if necessary.

VII. Provisions for Withdrawal

- A. A member proposing to withdraw from the BHM Regional Library System shall give written notice on or before July 1 to the Regional Library Board, the other participating local governmental units and the State Library of North Carolina. The withdrawal shall be effective June 30 of the following year.
- B. Should that member decide within this time period to rescind the proposal, that member shall remain a part of the Regional Library System under the same conditions and requirements as the agreement under which they became a member.
- C. Should that member fully withdraw, the Terms of Property Ownership as stated in Section IV shall apply.
- D. The withdrawal of any participating governmental agency shall result in review of the regional library agreement. The BHM Regional Library may be dissolved if two or more of the participating governmental units withdraw in accordance with stated procedures.
- E. As included under NCGS 160A, Article 20, Part 1, Joint Exercise of Power, property purchased by the region is owned jointly as tenants in common by the participating agencies; therefore, if the BHM Regional Library System is dissolved, the participating agencies shall divide the joint assets as determined by a committee composed of representatives from each governmental unit, the current Regional Library Director, and a representative from the State Library of North Carolina.
- F. Any endowments made to a specific library are and will continue to remain the property of that specific library in the event the BHM Regional Library system dissolves.
- G. After all outstanding debts are resolved, any remaining funds from local governmental units shall be returned to them and the distribution of any remaining State and Federal funds shall be determined by the state library. BHM property, such as the outreach vans, computers and other technology, books, and any other assets shall be sold at auction and the proceeds divided about the units or distributed in some other equitable manner as agreed upon by the committee of representatives.

VIII. Review and Termination

- A. This agreement shall continue to be in effect for ten years from July 1, 2013 – June 30, 2023 unless reasonable cause is presented in writing to each of the local governmental units and the State Library of North Carolina. This Agreement will automatically renew for successive 10 year periods unless sooner terminated, as outlined in the procedures stated herein.
- B. The agreement may be reviewed at any time by any local governmental body or the Regional Library Board and, if modifications are deemed reasonable and necessary, amendments may be made according to the procedures stated above.
- C. Prior to the end of the ten-year agreement period, the Regional Library Board shall review the agreement, recommend any modifications, and submit it for review to each of the local governmental units which shall review, suggest modifications, and vote to modify the agreement.

- D. Changes to any section of the contract do not impair the operation of or affect the other provisions of this agreement not inconsistent therewith.
- E. The agreement may be terminated if reasonable cause is presented in writing by a local governmental unit to the other members of the region, the Regional Library Board, and the State Library of North Carolina.
- F. The effective dates for termination shall be the same as a withdrawal from the System.
- G. If the agreement terminates, and no successor agreement is to be executed, the BHM Regional Library System shall be dissolved and joint assets distributed as described above in Section VII. Joint assets in the case of a dissolution and distribution shall be defined as personal property and/or monetary amounts, and not real estate.

This **AGREEMENT** shall be effective upon acceptance by all parties.

Counterparts

This **AGREEMENT** may be executed in an original and any number of counterparts by BHM Regional Library and the signing government members, each of which shall be deemed to be an original of the one and the same instrument.

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Signed and sealed this ____ day of _____, 2013

BEAUFORT COUNTY

Clerk to the Board

Board of Commissioners, Chairman

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Signed and sealed this ____ day of _____, 2013

HYDE COUNTY

Clerk to the Board

Board of Commissioners, Chairman

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Signed and sealed this ____ day of _____, 2013

MARTIN COUNTY

Clerk to the Board

Board of Commissioners, Chairman

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Signed and sealed this ____ day of _____, 2013

TOWN OF BELHAVEN

Town Clerk

Belhaven Town Manager

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Signed and sealed this ____ day of _____, 2013

TOWN OF ROBERSONVILLE

Town Clerk

Robersonville Town Manager

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Signed and sealed this ____ day of _____, 2013

TOWN OF WILLIAMSTON

Town Clerk

Williamston Town Mayor

Signed and sealed this ____ day of _____, 2013

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

BHM REGIONAL LIBRARY INC.

Director

Chairman of BHM Regional Library Board

Signed and sealed this ____ day of _____, 2013

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: July 1, 2013
Presenter: Kris Noble
Attachment: Amended Bylaws

ITEM TITLE: AMENDMENT TO THE HYDE COUNTY RECREATION COMMITTEE BYLAWS

SUMMARY: The Hyde County Recreation Committee has worked over the last several months to analyze and revise the “Bylaws Governing the Hyde County Recreation Advisory Committee”.

Proposed Bylaw Changes Included:

- Article 1.a. – Meetings will be held at the Hyde Government Center and the Ocracoke School Commons via teleconferencing equipment on a quarterly basis unless determined otherwise by the Committee.
- Article 2.a. - Allow a County staff liaison to be designated as Secretary in a non-voting position, change election of officers to the last meeting of each calendar year.
- Article 2.b. – Officers to take office at the first meeting of each calendar year.
- Article 6.b.3. – Omit mention of Dare County Parks & Recreation.
- Article 6.b.4. - A nominating committee is to be appointed at least 30 days prior to the last meeting of each calendar year.
- Article 7 – Change due date of annual reports to the first and second meeting of each calendar year.

A revised set of bylaws was presented to the Committee at the June meeting for adoption and is now being presented to the Hyde Board of Commissioners for approval.

RECOMMEND: Discussion and approval.

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

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

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

**BYLAWS GOVERNING
THE
HYDE COUNTY RECREATION ADVISORY COMMITTEE
ADOPTED NOVEMBER 2, 2000**

ARTICLE 1:

- a. Regular meetings of the Recreation Advisory Committee will be held at Lake Mattamuskeet School Campus-Alternative School Building on the first Monday of each month.
- b. Special meetings may be called by the Chairman or upon written request from a majority of the body.
- c. A majority of the members constitute a quorum.
- d. The order of business at regular meetings shall be as follows:
 - Reading of minutes of previous meetings
 - Communications
 - Report of The Chairman of the Advisory Committee
 - Special Reports
 - Unfinished Business
 - New Business
 - Adjournment
- e. The absence of any member from three consecutive regular meetings without leave except when such absence is made necessary by sickness or other similar causes, ruled as emergency in nature will declare vacant the seat of such members, in which event the vacancy this created shall be filled by the Hyde County Board of Commissioners.

ARTICLE 2:

- a. The election of officers for the ensuing year, a Chairman, Vice-Chairman and Secretary will take place at the regular meeting in June of each year. A nominating committee of three members shall be appointed by the Chairman, at the May meeting (or before) to bring in, to the June meeting, nominees for these offices.
- b. The new officers will take office at the regular July meeting each year.

ARTICLE 3:

- a. It shall be the duty of the Chairman to preside at all meetings and to sign official papers.
- b. The Vice-Chairman shall perform duties of the Chairman in the absence of the latter.
- c. It shall be the duty of the Secretary to take minutes at all meetings. To prepare correspondence/notices as may be needed by the Committee, and to send out copies of minutes and letters to all members of the committee.

ARTICLE 4:

The Director (when one is employed) shall serve as secretary of the Recreation _____. It shall be the duty of the secretary to notify members of all meetings, to keep a permanent record of the proceedings of all meetings, and to have a copy of the proceedings of each meeting sent to each member.

ARTICLE 5:

The Recreation _____, shall advise with the Director concerning the administration of the affairs of recreation. The Director shall be the agent of the Recreation _____. And to that end shall supervise the operation of all the recreation department's activities. The Director shall submit a detailed report of the activities and administration of the program of the Recreation Department to each regular meeting for the month prior to the meeting. A copy of this report shall be sent to each member and to _____.

ARTICLE 6:

a. Committees shall be appointed by the Chairman, as needed throughout the year. Vacancies on the committees shall be filled by the Chairman at any regular meeting.

b. Committees are as follows:

(1) Plans and Finance - 3 members

It shall be the duty of the Plans and Finance Committee to assist in setting up the recommended program plan and budget for the ensuing fiscal year. It shall, further be the responsibility of the Plans and Finance Committee to assist the County Manager, and the Chairman of the Recreation Advisory Committee in explaining and justifying the final drafts of the recommended budget and program plan to the Recreation Advisory Committee, Hyde County Board of Commissioners and to the public in order that the desired program will be implemented by adequate funds.

(2) Facilities - 3 members

This committee will study the need, use, demand, and availability of areas and facilities (including water areas) and make recommendation on acquisition, development, use and operation of all areas and facilities owned, used, leased or proposed to be acquired by the recreation department.

(3) Ocracoke Island Sub-Committee - 2 members

This sub-committee will assist the full advisory committee by identifying the recreation needs of the full-time residents of Ocracoke Island. Once the needs and facilities for the island have been determined, then the committee will see, if some of these needs can be met by participating in the Dare County Parks and Recreation program on Hatteras Island. All programs and facilities needed for Ocracoke and mainland Hyde County will be approved by the full advisory committee and the county commissioners.

(4) Nominating - 2 members

Present slate of officers to be acted upon at the regular meeting in July.

ARTICLE 7:

The Director shall submit preliminary annual reports, of the program and of finances at the regular meeting in July of each year. The final Annual Report will be rendered no later than the September meeting.

ARTICLE 8:

Special committees may be appointed for such purposes as deemed necessary.

ARTICLE 9:

The Chairman and Director shall be ex-officio members of all committees and, as such, notified of all committee meetings.

ARTICLE 10:

All amendments to these rules must be proposed in writing in one meeting and is acted upon at the next regular meeting

BYLAWS GOVERNING
THE
HYDE COUNTY RECREATION ADVISORY COMMITTEE
ADOPTED NOVEMBER 2, 2000
AMENDED JUNE 19, 2013

ARTICLE 1:

- a. Regular meetings of the Recreation Advisory Committee will be held at the Hyde County Government Center and via teleconferencing equipment at the Ocracoke School Commons on a quarterly basis unless when determined otherwise by the Committee.
- b. Special meetings may be called by the Chairman or upon written request from a majority of the body.
- c. A majority of the members constitute a quorum.
- d. The order of business at regular meetings shall be as follows:
 - Reading of Minutes of Previous Meetings
 - Communications
 - Report of the Chairman of the Advisory Committee
 - Special Reports
 - Unfinished Business
 - New Business
 - Adjournment
- e. An appointed member who misses more than three (3) consecutive regular meetings loses his status as a member of the Committee until reappointed or replaced by the governing body of the unit. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Committee except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

ARTICLE 2:

- a. There shall be a Chairman, Vice-Chairman, and Secretary, who will be a non-voting staff liaison. An annual election of the officers shall be held by the Committee members and shall occur at the last regular meeting of each calendar year. Officers shall serve for one year from election with eligibility for re-election. In the event an officer's appointment to the Committee is terminated, a replacement to this office shall be elected by the Committee, from its membership, at the meeting following the termination.
- b. New officers shall take office at the subsequent first meeting of the new calendar year.

ARTICLE 3:

- a. It shall be the duty of the Chairman to preside at all meetings and to sign official papers.
- b. The Vice-Chairman shall perform duties of the Chairman in the absence of the latter.
- c. It shall be the duty of the Secretary to take minutes at all meetings, prepare correspondence/notices as may be needed by the Committee, and to send out copies of minutes and letters to all members of the committee.

ARTICLE 4:

The Director (if one is employed) shall serve as secretary of the Recreation Advisory Committee. It shall be the duty of the secretary to notify members of all meetings, to keep a permanent record of the proceedings of all meetings, and to have a copy of the proceedings of each meeting sent to each member.

ARTICLE 5:

The Recreation Advisory Committee shall advise with the Director concerning the administration of the affairs of recreation. The Director shall be the agent of the Recreation Advisory Committee and to that end shall supervise the operation of all the recreation department's activities. The Director shall submit a detailed report of the activities and administration of the program of the Recreation Department to each regular meeting for the month prior to the meeting. A copy of this report shall be sent to each member, staff liaison, and the County Manager's Office.

ARTICLE 6:

- a. Committees shall be appointed by the Chairman, as needed throughout the year. Vacancies on the committees shall be filled by the Chairman at any regular meeting.

- b. Committees are as follows:

- (1) Plans and Finance - 3 members

It shall be the duty of the Plans and Finance Committee to assist in setting up the recommended program plan and budget for the ensuing fiscal year. It shall, further be the responsibility of the Plans and Finance Committee to assist the County Manager, and the Chairman of the Recreation Advisory Committee in explaining and justifying the final drafts of the recommended budget and program plan to the Recreation Advisory Committee, Hyde County Board of Commissioners and to the public in order that the desired program will be implemented by adequate funds.

- (2) Facilities- 3 members

This committee will study the need, use, demand, and availability of areas and facilities (including water areas) and make recommendations on acquisition, development, use and operation of all areas and facilities owned, used, leased or proposed to be acquired by the recreation department.

(3) Ocracoke Island Sub-Committee- 2 members

This sub-committee will assist the full advisory committee by identifying the recreation needs of the full-time residents of Ocracoke Island. All programs and facilities needed for Ocracoke and mainland Hyde County will be approved by the full Advisory Committee and the County Commissioners.

(4) Nominating- 2 members

A nominating committee shall be appointed at least thirty days prior to the last meeting of the calendar year.

ARTICLE 7:

The Director shall submit preliminary annual reports, of the program and of finances at the first regular meeting of each year. The final Annual Report will be rendered no later than the second regular meeting of each year.

ARTICLE 8:

Special committees may be appointed for such purposes as deemed necessary.

ARTICLE 9:

The Chairman and Director shall be ex-officio members of all committees and, as such, notified of all committee meetings.

ARTICLE 10:

All amendments to these rules must be proposed in writing in one meeting and is acted upon at the next regular meeting.

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

Meeting Date: July 1, 2013
Presenter: Kris Noble
Attachment: Amended Ordinance

ITEM TITLE: AMENDMENT TO THE HYDE COUNTY RECREATION COMMITTEE ORDINANCE

SUMMARY: The Hyde County Recreation Committee has worked over the last several months to analyze and revise the "Ordinance Creating a Recreation Advisory Committee". Changes include allowing a County staff liaison to be designated as Secretary in a non-voting position, election of officers to the last meeting of each calendar year with officers taking office at the first meeting of each calendar year, and states that a nominating committee is to be appointed at least 30 days prior to the last meeting of each calendar year.

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.

#90
ORDINANCE CREATING
RECREATION ADVISORY COMMITTEE

SECTION: CREATION; NAME; NUMBER OF MEMBERS

There is hereby created a Recreation Committee composed of eleven (11) citizens of the unit, to be known as the Recreation Committee.

SECTION: COMMITTEE; POWERS AND DUTIES

The Recreation Committee shall serve as the advisory body for the County of Hyde. The Committee shall suggest policies to the Manager and the governing body, within its powers and responsibilities as stated in this ordinance. The Committee shall serve as a liaison between the Manager and the Governing Body of the unit and citizens of the county. The Committee shall consult with and advise the Manager and the Governing Body in matters affecting recreation policies, program, personnel, finances, and the acquisition and disposal of lands and properties related to the total county recreation program, and to its long-range, projected program for recreation.

The Recreation Committee shall assume duties for recreation purposes, as follows: Make recommendations; (1) for the establishment of a system of supervised recreation for the unit; (2) to set apart for use as parks, playgrounds, recreation centers, water areas, or other recreation areas and structures, any unit's authorized body, and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation program within those funds allocated to the Department; (3) and advise in the acquisition of lands and structures through gifts, purchase, lease or loan, or by condemnation by the unit as provided by Chapter 40A, eminent domain, of the general statutes of North Carolina and as approved by the Governing Body of the Unit; (4) and advise in the acceptance by the unit of any grant, gift, bequest or donation, any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property, any grant, devise of real or personal property so acquired shall be held, by the unit, used and finally disposed of in accordance with the terms under which such grant, gift or devise is made and accepted; (5) and advise in the construction, equipping, operation, and maintenance of parks, playgrounds, recreation centers and all buildings and structures necessary or useful to recreational function, and will advise in regard to other recreation facilities which are owned or controlled by the unit or leased or loaned, to the unit.

SECTION: APPOINTMENT OF THE COMMITTEE

Each member of the Committee shall be appointed by the Governing Body of the unit.

SECTION: COMPOSITION

A member of the Governing Body of the unit may be designated as an exofficio member of the Committee.

SECTION: LENGTH OF APPOINTMENT

Each member shall be appointed for a three-year term; however, initial appointments shall be arranged thusly: five members shall be appointed for a two-year term and five members shall be appointed for a three-year term. The governing body member shall serve on the Recreation Committee concurrent with his term of office on the Governing Body.

SECTION: MEETINGS

Commission meetings shall be held on a quarterly basis unless when determined otherwise by the Committee. The Chairman of the Committee or, in his absence, the Vice-Chairman, may call a special meeting of the Committee at any time by giving each member 24-hour notice. Special meetings will be scheduled upon request by four or more Committee members. A quorum of the Committee shall be in attendance before action of an official nature can be taken. A quorum is at least 1 more than the number absent, of the appointed members.

SECTION: ATTENDANCE OF MEMBERS

An appointed member who misses more than three (3) consecutive regular meetings loses his status as a member of the Committee until reappointed or replaced by the governing body of the unit. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Committee except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

SECTION: COMPENSATION

Committee members shall serve without monetary compensation. Members shall be reimbursed for travel and subsistency to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with the general policies of the unit.

SECTION: OFFICERS

There shall be a Chairman, Vice-Chairman of the Committee, and Secretary. An annual election of the officers shall be held by the Committee members and shall occur at the regular monthly meeting in June. Officers shall serve for one year from election with eligibility for re-election. New officers shall take office at the subsequent regular meeting in July. In the event an

officer's appointment to the Committee, is terminated, a replacement to this office shall be elected by the Committee, from its membership, at the meeting following the termination.

SECTION: OFFICER'S DUTIES

The Committee Chairman shall preside at all meetings and sign all documents relative to action taken by the Committee. The Chairman shall appoint all subcommittees including a nominating committee composed of two Committee members. A nominating committee shall be appointed at least thirty days prior to the June meeting.

When the Chairman is absent the Vice-Chairman shall perform the duties of the Chairman. When both the Chairman and Vice-Chairman are absent a temporary Chairman shall be selected by those members who are present.

The Secretary shall mail to all members copies of official reports and the official minutes of all regular and special meetings, prior to the next scheduled meeting.

SECTION: COMMITTEES

The Committee Chairman is authorized to appoint such committees as, in the opinion of the Committee are needed. Standing Committee suggestions are (1) program and activities; (2) areas and structures; (3) budget; (4) personnel; (5) policies and procedures. Temporary and project committees shall be appointed as needed.

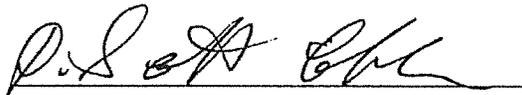
SECTION: BY-LAWS

Operational policies and procedures may be incorporated into a set of By-Laws as developed and approved by the Committee in line with this ordinance and the policies of the unit.

Motion to adopt the Ordinance Creating a Recreation Advisory Committee was made by Troy Lane Mayo, seconded by Barbara Deese and adopted on a vote of 5 to 0 this the 21 day of August, 2000.

COUNTY OF HYDE

(SEAL)


D. SCOTT COBLE, CHAIRMAN

ATTEST:

Connie Burlison
CLERK TO THE BOARD

#90
ORDINANCE CREATING
RECREATION ADVISORY COMMITTEE
AMENDED JUNE 19, 2013

SECTION: CREATION; NAME; NUMBER OF MEMBERS

There is hereby created a Recreation Committee composed of eleven (11) citizens of the unit, to be known as the Recreation Committee.

SECTION: COMMITTEE; POWERS AND DUTIES

The Recreation Committee shall serve as the advisory body for the County of Hyde. The Committee shall suggest policies to the Manager and the governing body, within its powers and responsibilities as stated in this ordinance. The Committee shall serve as a liaison between the Manager and the Governing Body of the unit and citizens of the county. The Committee shall consult with and advise the Manager and the Governing Body in matters affecting recreation policies, program, personnel, finances, and the acquisition and disposal of lands and properties related to the total county recreation program, and to its long-range, projected program for recreation.

The Recreation Committee shall assume duties for recreation purposes, as follows: Make recommendations; (1) for the establishment of a system of supervised recreation for the unit; (2) to set apart for use as parks, playgrounds, recreation centers, water areas, or other recreation areas and structures, any unit's authorized body, and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation program within those funds allocated to the Department; (3) and advise in the acquisition of lands and structures through gifts, purchase, lease or loan, or by condemnation by the unit as provided by Chapter 40A, eminent domain, of the general statutes of North Carolina and as approved by the Governing Body of the Unit; (4) and advise in the acceptance by the unit of any grant, gift, bequest or donation, any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property, any grant, devise of real or personal property so acquired shall be held, by the unit, used and finally disposed of in accordance with the terms under which such grant, gift or devise is made and accepted; (5) and advise in the construction, equipping, operation, and maintenance of parks, playgrounds, recreation centers and all buildings and structures necessary or useful to recreational function, and will advise in regard to other recreation facilities which are owned or controlled by the unit or leased or loaned, to the unit.

SECTION: APPOINTMENT OF THE COMMITTEE

Each member of the Committee shall be appointed by the Governing Body of the unit.

SECTION: COMPOSITION

A member of the Governing Body of the unit may be designated as a non-voting ex-officio member of the Committee.

SECTION: LENGTH OF APPOINTMENT

Each member shall be appointed for a three-year term; however, initial appointments shall be arranged thusly: five members shall be appointed for a two-year term and five members shall be appointed for a three-year term. The governing body member shall serve on the Recreation Committee concurrent with his term of office on the Governing Body.

SECTION: MEETINGS

Committee meetings shall be held on a quarterly basis unless when determined otherwise by the Committee. The Chairman of the Committee or, in his absence, the Vice- Chairman, may call a special meeting of the Committee at any time by giving each member 24- hour notice. Special meetings will be scheduled upon request by four or more Committee members. A quorum of the Committee shall be in attendance before action of an official nature can be taken. A quorum is at least 1 more than the number absent, of the appointed members.

SECTION: ATTENDANCE OF MEMBERS

An appointed member who misses more than three (3) consecutive regular meetings loses his status as a member of the Committee until reappointed or replaced by the governing body of the unit. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Committee except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

SECTION: COMPENSATION

Committee members shall serve without monetary compensation. Members shall be reimbursed for travel and subsistency to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with the general policies of the unit.

SECTION: OFFICERS

There shall be a Chairman, Vice-Chairman, and Secretary, who will be a non-voting staff liaison. An annual election of the officers shall be held by the Committee members and shall occur at the last regular meeting of each calendar year. Officers shall serve for one year from election with eligibility for re- election. New officers shall take office at the subsequent first meeting of the new calendar year. In the event an officer's appointment to the Committee is terminated, a replacement to this office shall be elected by the Committee, from its membership, at the meeting following the termination.