

Meeting Minutes

**Board of County Commissioners
Hyde County**

December 3, 2012

Chairwoman Sharon Spencer called the regular meeting of the Hyde County Board of Commissioners to order at 6:00 PM on Monday, December 3, 2012 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Room using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Sharon Spencer, Barry Swindell and Dick Tunnell; Attorney Fred Holscher; County Manager Mazie Smith; Deputy Clerk Justin Gibbs; and, members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk/PIO Megan Shaw; and, members of the public.

Following opening prayer by Commissioner Tunnell and pledge of allegiance, Chairwoman Spencer called the meeting to order.

Swearing in of New Commissioners

Incoming Commissioners Anson Byrd, John Fletcher, and Earl Pugh, Jr. were sworn in by Clerk of Court, Sharon Sadler.

Incoming Commissioners John Fletcher and Earl Pugh, Jr. were then seated and began participation of the meeting.

Organizational Meeting of the Board

County Manager/Clerk to the Board, Mazie Smith opened the organizational meeting of the Board.

Nomination and Election of Board Chairman

Commissioner Byrd nominated Commissioner Barry Swindell as Board Chairman.

Mr. Fletcher seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell, and Tunnell Nays – None

Commissioner Swindell then took over conducting the meeting.

Nomination and Election of Board Vice-Chairman

Commissioner Byrd nominated Commissioner Tunnell as Board Vice-Chairman.

Mr. Pugh seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell, and Tunnell Nays – None

Nomination and Election of Clerk to the Board

Commissioner Byrd nominated Averi Simmons as Clerk to the Board.

Mr. Fletcher seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell, and Tunnell Nays – None

Ms. Simmons was then sworn in as Clerk to the Board by Clerk of Court, Sharon Sadler.

Appointment of Deputy Clerk to the Board

Chairman Swindell moved to appoint Justin Gibbs as Deputy Clerk to the Board.

Mr. Fletcher seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell, and Tunnell Nays – None

Mr. Gibbs was then sworn in as Deputy Clerk to the Board by Clerk of Court, Sharon Sadler.

Appointment of County Attorney

Commissioner Fletcher moved to appoint Fred Holscher as County Attorney.

Commissioner Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell, and Tunnell Nays – None

Chairman Swindell then moved to close the organizational meeting. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell, and Tunnell Nays – None

Agenda:

Chairman Swindell asked for any changes to the December 3, 2012 meeting Agenda as presented by the Clerk. Commissioner Byrd moved to approve the agenda as presented by the Clerk with addition of:

No. 7a. – Closed Session

No. 18a. – Discussion to draft a resolution in support of the repair of Hwy 12 in Dare County

Budget Transfers – Elections \$3,000.00
 Administration \$500.00
 Register of Deeds \$1,400.00

Mr. Pugh seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Recognition of Outgoing Board Members Sharon Spencer and Darlene Styron

The County Manager recognized the outgoing Commissioners, stating that both Ms. Spencer and Ms. Styron contributed tireless hours attending meetings and events on behalf of Hyde County. The County Manager then presented each outgoing Commissioner with a token of appreciation for their dedication and service.

Consideration of Minutes:

Chairman Swindell asked for approval of meeting minutes.

Commissioner Tunnell moved to approve the November 19, 2012 regular meeting minutes as presented by the Clerk. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Public Comments:

Chairman Swindell called for comments from the public.

Susie Credle – Ponzer, stated she is having issues with stray dogs in her neighborhood. She would like to see someone held accountable for the dogs.

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

Closed Session

Commissioner Byrd moved to enter into closed session in accordance with §143-318.11 (1-9). Mr. Fletcher seconded the motion. The motion passed on the following vote:

Ayes - Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

The Board entered closed session at 6:25 p.m.

Commissioner Byrd moved to return from closed session. Mr. Pugh seconded the motion. The motion passed by the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

The Board returned from closed session at 7:00 p.m.

Items of Consideration:

Presentation on Sea Level Rise

Spencer Rogers of UNC’s Sea Grant program at UNCW gave a presentation on the issue of sea-level rise and how Hyde County should prepare to adapt to the changes predicted.

Presentation of Options for Renovating the Public Safety Center

At the County Manger’s request, Andy Lamm and Robin Jensen of Lamm Engineering Associates, PLLC have given a presentation to the Board and the public regarding the possibilities, scope of work, and cost of renovations to repair the Public Safety Center.

Contract for Services with Lamm Engineering Services

The County Manager stated that Lamm Engineering Associates, PLLC had prepared a proposal for the County Manager and the Board to provide a fee for engineering services in the form of investigation, assessment of findings, developing alternative solutions, investigating and tallying projected cost for the various options to repairing the Public Safety Center, as outlined in their presentation. The fee to provide design services as outlined in the proposal was \$4,800. The County Manager stated this money will be paid out of Administration’s Contract Services line. Commissioner Byrd moved to pay the invoiced proposal. Mr. Pugh seconded the motion.

The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Proposal to Add Acreage to Pocosin Lakes National Wildlife Refuge

Hyde County was provided a copy of a draft proposal to expand Pocosin Lakes National Wildlife Refuge in Hyde, Tyrrell, and Washington Counties. According to the County Manager and the County Tax Administrator, this expansion would have a detrimental impact on Hyde County’s tax base and ability to maintain mandated and necessary service to the citizens of Hyde County. A resolution was drafted in opposition of this expansion.

Commissioner Tunnell moved to adopt the Resolution to oppose the proposed expansion of Pocosin Lakes National Wildlife Refuge. Mr. Fletcher seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Clerk’s Note: A copy of “Resolution Opposing the Proposed Expansion of Pocosin Lakes National Wildlife Refuge” is attached herewith as Exhibit A and incorporated herein by reference.

Agreement for Bond Counsel Services from Sanford Holhouser LLP

At the November 19, 2012 Board meeting, the Commissioners approved the re-financing of several loans with USDA that will lower the interest rates, decrease the number of years that loan payments will have to be made, and result in over \$1 million in savings when the process is complete.

The Finance Director stated that Board approval must be given for Bond Counsel Services as directed by the Local Government Commission. The Finance Director recommended using Sanford Holshouser LLP. Commissioner Fletcher moved to approve the ***Agreement for Bond Counsel Services from Sanford Holshouser LLP***. Mr. Pugh seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Resolution for the Sale of General Obligation Refunding Bonds

At the November 19, 2012 Board meeting, the Commissioners approved the re-financing of several loans with USDA that will lower the interest rates, decrease the number of years that loan payments will have to be made, and result in over \$1 million in savings when the process is complete. A resolution was presented to the board by the Finance Director for the sale of the refunding bonds.

Commissioner Tunnell moved to approve the resolution for the sale of general obligation refunding bonds. Mr. Fletcher seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

In addition to the resolution, the Finance Director presented a bond order authorizing the issuance of said bond. Commissioner Fletcher also moved to authorize the bond order. Mr. Pugh seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Clerk's Note: A copy of "*Resolution for the Sale of General Obligation Refunding Bonds in the Maximum Amount of \$5,000,000*" is attached herewith as Exhibit B and incorporated herein by reference.

Agreement for Hyde County Medical Director

The Emergency Services Director stated Dr. Charles Boyette has served as the Medical Director for Hyde County Emergency Medical Services for a number of years at no cost to Hyde County. With the recent purchase of his practice by Vidant Medical Services, Dr. Boyette is no longer able to serve as Hyde County's Medical Director free of charge. As a result, the Emergency Services Director presented a contract between Hyde County and Dr. Boyette, paying him a fee of \$3,000.00 per year. The contract stated that the County shall carry a general liability insurance policy on Dr. Boyette. As no quote had been obtained for general liability insurance at the time of this meeting, Commissioner Fletcher moved to table approving the agreement until the January 7, 2013 Board of Commissioner's meeting. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Contract for Service of Lobbyists 2013

The County Manager reported that the contract for lobbying services with McClees Consulting to oppose the addition and increase of ferry tolls to Ocracoke Island will expire on December 31, 2012. The fee is \$10,300.00, with the Hyde County Chamber of Commerce paying \$300.00 and the Ocracoke Occupancy Tax Board paying \$10,000.00. The County Manager stated that contact has not yet been made with the Mainland and Ocracoke Occupancy Tax Boards. Commissioner Fletcher moved to table the decision to pay until contact could be made with both boards. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Appointment to Albemarle Commission Board of Directors

Ms. Sharon Spencer most recently served on Albemarle Commission's Board of Directors as the Commissioner Representative for Hyde County. With her no longer being a County Commissioner,

a new commissioner must be chosen to serve on that board. Commissioner Tunnell nominated Commissioner Earl Pugh, Jr. as the new Albemarle Commission Board member. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Appointment to Northeastern Workforce Development Board

There are currently two vacant seats on the Northeastern Workforce Development Board. The Board seeks to fill these positions with citizens from Hyde County that have an interest in helping citizens find employment. The County Manager spoke with former Board of Education member, Willie Gray Shaw, and he has graciously agreed to serve in this capacity. Commissioner Pugh moved to appoint Mr. Shaw to the Northeastern Workforce Development Board. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Appointment to Ocracoke Scenic Byway Advisory Committee

Members of the Ocracoke Scenic Byway Advisory Committee would like to have Delores Gilbert join their board as a member. She has already become very involved with the Ocracoke Preservation Society Museum, which is an integral part of the Scenic Byway. Commissioner Fletcher moved to appoint Ms. Gilbert to the Ocracoke Scenic Byway Advisory Committee. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Draft Resolution in Support of Dare County’s Efforts to Restore NC Hwy 12

Commissioner Fletcher moved that a resolution be drafted in support and encouragement of Dare County’s efforts to restore and rebuild the section of NC Hwy 12 that was severely damaged due to ocean overwash as a result of Hurricane Sandy in October 2012. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Resolution to Establish Meeting Dates for 2013

The County Manager presented two separate meeting calendars for Board consideration based on input from Board members and the County Attorney. The first option would decrease the number of regular meetings per month to one. The second option would keep the same schedule as is currently used, with two meetings per month, on the first and third Monday of each month. Option one is estimated to save the County approximately \$60,000.00 annually. Commissioner Fletcher moved to adopt the meeting calendar of one meeting per month, on the first Monday of each month. Mr. Tunnell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Clerk’s Note: A copy of “*Resolution of the Hyde County Board of Commissioners Establishing Regular Meeting Dates*” is attached herewith as Exhibit C and incorporated herein by reference.

Budget Calendar for FY 2013-2014 Budget Development

The County Manager presented the calendar that will be used to develop the budget for fiscal year 2013-2014. She stated that by law, this calendar must be adopted by the Hyde County Board of

Commissioners. Commissioner Byrd moved to approve the calendar as presented. Mr. Fletcher seconded the motion. The motion passed by the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Employee Recognition Brunch

The County Manager asked the Commissioners to confirm their attendance at the Employee Recognition Brunch held on December 14, 2012. Commissioners Swindell & Fletcher stated they would not be able to attend. Commissioners Tunnell, Byrd, and Pugh did confirm their attendance.

Commissioners Organizational Meeting

Chairman Swindell stated that the Commissioners Organizational Meeting, scheduled for December 14, 2012 would be discussed at the end of the meeting.

Engelhard Christmas Parade

The County Manager reminded the Board that the Engelhard Christmas Parade was scheduled for December 15th, 2012 at 4:00 p.m. and asked if any Commissioner wanted to attend and ride in the parade. Commissioners Tunnell and Pugh agreed to ride in the Parade.

Essentials of County Government Training

The County Manager stated that all incoming Commissioners were required to attend the Essentials of County Government training which includes ethics training. Commissioners Pugh and Byrd stated they will be attending the training in New Bern on January 30-31, 2013 and Commissioner Fletcher stated he will be attending the training in Chapel Hill on February 22-23, 2013.

Budgetary Matters:

The County Manager presented the following budget transfers:

Board Approval Required			
Department	Program	Amount	Explanation
Health	Capital Improvements	\$ 15,000.00	Transfer funds from various Health Department Medicaid Escrow accounts into a Capital Improvement line within each corresponding program. These additional funds are necessary to complete Phase I repairs/renovations to the Health Department building to create a new location for providing clinical services to patients. Bids by Sound Side Group to complete IT work, and by Anthony Russ to relocate generator for vaccine refrigerator/freezer unit, were higher than originally budgeted for. Also, transfer includes funds to cover for relocation of telephone lines and extensions.

Commissioner Fletcher moved to approve the Health Department budget transfer as presented by Director Smith. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

County Manager Approved			
Department	Program	Amount	Explanation
Elections	Elections	\$3,000.00	Transfer from Travel & Department Expense lines to cover Retirement and Fees to Local Officials expenses.
Admin		500.00	Transfer from Admin Facility Assessment line to cover Governing Board Gifts and Contributions line.
ROD		\$1,400.00	Transfer from Equipment line to cover Travel expenses.

(Only County Manager approval is needed for budget transfers less than \$5,000.00)

County Manager's Report:

Manager Smith stated that she spent a day volunteering at the Toys 4 Tots toy drive in Washington. She also reported she has been participating in the Hyde Partners for Health Committee. In addition, the County Manager stated she has spent much time with Lamm Engineering Associates, PLLC in efforts to jump-start the Capital Improvement Plan for the Hyde Government Center and the Hyde Public Safety Center.

County Commissioners Reports:

Commissioner Pugh – stated that he was honored to be serving as a Hyde County Commissioner and that he pledges to do his best to serve Hyde County.

Commissioner Tunnell – reminded everyone that the Hyde Recreation Commission will be meeting in January 2013. He also stated that there has been a lot of public input regarding the need for more recreation options in Hyde County. He then welcomed the new Board members and thanked the exiting Commissioners.

Commissioner Fletcher – thanked the public for their votes. He stated that the students at Ocracoke High School do not have an athletic field on which to play baseball, football or soccer.

Commissioner Byrd – stated he appreciates the work done by exiting Commissioners Styron and Spencer.

Commissioner Swindell – thanked exiting Commissioners Spencer and Styron for all their work as Commissioners. He also thanked the Board for the opportunity to be Board Chairman. He stated he wants to see the Board move forward with serving Hyde County.

**Chairman Swindell then asked the Board if they had anything else they wanted to add or discuss.

Commissioner Pugh moved that we write a thank you letter to the Coastal Resources Commission for their visit to Hyde in November. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

Commissioner Byrd moved to terminate the contract of County Manager Mazie Smith. Mr. Swindell seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Swindell Nays – Tunnell Abstain – Pugh

Public Comments:

Chairman Swindell called for comments from the public.

Sharon Spencer – Engelhard, stated as past Chair of the Hyde County Board of Commissioners and as a member of County Manager Smith's hiring committee, she feels the Board is doing the County a great disservice by terminating the County Manager.

Mary Gibbs – Swan Quarter, stated that she was sorry for Ms. Smith to be losing her job, but that in response to Ms. Spencer's statement that the Board was doing the County a disservice, she felt it was a disservice to the nine employees who were fired when Ms. Spencer served as a Commissioner.

Darlene Styron – Ocracoke, stated that she knew the cost of the repairs to the Public Safety Center cannot just be taken out of the General Fund and that some other ideas for funding those repairs need to be explored. She also commended Mr. Pugh for abstaining from voting.

Connie Leinbach – Ocracoke, commended the previous Board for hiring Ms. Smith. She also stated that she thought Ms. Smith was doing a good job.

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

Commissioners Organizational Meeting

Chairman Swindell stated that the organizational meeting scheduled for December 14, 2012 between the Commissioners and County Manager would be postponed at this time. He then requested that all Department Heads and Elected Department Heads (Sheriff, Register of Deeds, and Clerk of Court) meet with him the following morning, December 4, 2012 at 9:00 a.m. in the Multi-Use room of the Hyde Government Center to discuss operations in the absence of a County Manager.

Supplemental Information

Employment Anniversary and Birthday Calendar

Commissioner Fletcher moved to adjourn the meeting. Mr. Byrd seconded the motion. The motion passed on the following vote:

Ayes – Byrd, Fletcher, Pugh, Swindell and Tunnell Nays – None

The meeting adjourned at 8:45p.m.

Respectfully submitted:

Minutes approved on the 7th day of January, 2013.


 Averi Simmons, Clerk
 Hyde County Board of Commissioners


 Chairman, Hyde County Board of Commissioners



Attachments:

Exhibit A - *"Resolution Opposing the Proposed Expansion of Pocosin Lakes National Wildlife Refuge"*

Exhibit B - *"Resolution for the Sale of General Obligation Refunding Bonds in the Maximum Amount of \$5,000,000"*

Exhibit C - *"Resolution of the Hyde County Board of Commissioners Establishing Regular Meeting Dates"*

**Resolution for the Sale of General Obligation
Refunding Bonds in the Maximum Amount of \$5,000,000**

WHEREAS --

Hyde County has previously approved the issuance of general obligation refunding bonds (the "Bonds") to refinance all or a portion of the County's general obligation bonds originally issued in 1991, 1995, 1999 and 2006 and currently held by the United States - Department of Agriculture (the "Prior Bonds").

Branch Banking and Trust Company (the "Bank") has submitted a proposal for the purchase of the Bonds, and the County has determined to accept the proposal.

BE IT RESOLVED by the Board of Commissioners of Hyde County, North Carolina, as follows:

1. Determination To Sell Bonds to the Bank - The County will issue and sell the Bonds and use the proceeds to pay all or a portion of the outstanding balance of the Prior Bonds, along with other related costs.

The County accepts the Bank's proposal, dated November 2, 2012, for the purchase of the Bonds. The County asks the North Carolina Local Government Commission (the "LGC") to sell the Bonds to the Bank at a private sale, substantially in accordance with the Bank's proposal and this resolution.

2. Pledge of Faith, Credit and Taxing Power -- The County's full faith and credit are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of and interest on the Bonds as the same become due.

3. Form of Bonds -- The Bonds will be issued in the form of two separate bonds. One bond (the "Water Bond") will be issued to refinance all or a portion of the outstanding balance of the Prior Bonds that were issued to finance water system improvements. The other bond (the "Public Improvement Bond") will be issued to refinance all or a portion of the outstanding balance of the Prior Bonds that were issued to finance the County's courthouse and public safety facilities. Each Bond will be dated the date of its initial delivery to the Bank (the "Closing Date"), will be fully registered as to payment of principal and interest, and will be registered initially in the name of the Bank or its designee.

The Water Bond will be designated "General Obligation Water Refunding Bond, Series 2012," and will be numbered RA-1 for identification. The Water Bond will bear interest at an annual rate not to exceed 2.79% and must have a final maturity not later than December 31, 2028.

The Public Improvement Bond will be designated "General Obligation Public Improvement Refunding Bond, Series 2012," and will be numbered RB-1 for identification. The Public Improvement Bond will bear interest at an annual rate not to exceed 3.79% and must have a final maturity not later than December 31, 2033.

The Water Bond will be substantially in the form set out in Exhibit A. The Public Improvement Bond will be in substantially the form set out in Exhibit B. Each Bond may have such additional minor changes (including any appropriate changes to the Series designation) not inconsistent with this Resolution as may be approved by the Bank and the officers signing the Bonds. This approval will be evidenced conclusively by the Bank's acceptance of the delivery of the Bonds.

Each Bond must be signed by the manual or facsimile signature of the Board's Chairman or the County Manager. The County's seal must be affixed to the Bond (or a facsimile of the seal printed on the Bond) and attested by the manual or facsimile signature of the Clerk to this Board. No Bond will be valid unless at least one signature appearing on the Bond is manually applied; the manual signature may be the signature of an LGC official that is required by law to appear on the Bond.

4. Other Bond Payment Provisions – The County's Finance Officer is authorized to determine the final aggregate principal amount of each of the Bonds to be issued, the principal and interest payment schedule for the Bonds and the prepayment terms of the Bonds. The Finance Officer will execute a certificate prior to the initial delivery of the Bonds determining such matters, and this certificate will be conclusive evidence of the Finance Officer's approval and determination of such matters.

The Bonds in final form, however, must provide for the aggregate principal amount of Bonds to be not more than \$5,000,000 and for the first principal payment on the Bonds to be due not later than December 1, 2013.

Principal, prepayment premium (if any) and interest on the Bonds will be payable in lawful money of the United States of America by federal reserve wire transfer (or other transfer of immediately available funds) sent to the Bondholder on the payable date.

5. Disbursement of Bond Proceeds – The Board directs the Finance Officer to determine, in consultation with the LGC, the procedures for the disbursement of the proceeds of the Bonds for the payment of the Prior Bonds and other costs.

6. Finance Officer as Registrar; Payments to Registered Owners -- (a) The County's Finance Officer is appointed Registrar for the Bonds. As Registrar, the Finance

Officer must maintain appropriate books and records of the ownership of the Bonds.

(b) The County will treat the registered owner of each Bond as the person exclusively entitled to payment of principal, prepayment premium, if any, and interest and the exercise of all rights and powers of the owner, except that the County will make all payments to the person shown as owner on the registration books at the end of the calendar day on the 15th day (whether or not a business day) of the month preceding each payment date.

(c) The Registrar must not, however, register the transfer of any portion of the Bonds to any person or entity other than a bank, an insurance company or a similar financial institution unless the LGC has previously approved the transfer.

7. County Officers To Complete Bond Closing - The Board directs the County Manager and all other County officers and employees to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the Bank upon payment for the Bonds.

The Board authorizes the County Manager to hold the executed Bonds, and any other documents authorized or permitted by this resolution, in escrow on the County's behalf until the conditions for the delivery of the Bonds and other documents have been completed to the County Manager's satisfaction, and thereupon to release the executed Bonds and other documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the foregoing, the Board specifically authorizes the County Manager (a) to enter into such agreements or take such other actions as such officer may deem appropriate to provide for the refunding contemplated by this resolution (such as giving notice of prepayment to the existing bondholders), and (b) to approve changes to any documents, agreements or closing certifications previously signed by County officers or employees, subject to the provisions of this resolution and provided that any such changes do not substantially alter the intent of those items from that expressed in the forms originally signed. The County Manager's authorization of the release of any such document for delivery will constitute conclusive evidence of such officer's approval of any changes.

In addition, the County Manager is authorized to take all appropriate steps for the efficient and convenient carrying out of the County's on-going responsibilities with respect to the Bonds. This authorization includes, without limitation, contracting with third parties for reports and calculations that may be required under the Bonds, this resolution or otherwise with respect to the Bonds.

8. Covenants As To Tax Matters - The County will not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds," within the meaning of Section 148 of the "Code" (as defined below), or "private activity bonds" within the meaning of Code Section 141, or otherwise cause interest on the Bonds to be includable in gross income for federal income tax purposes. Without limiting the

generality of the foregoing, the County will comply with any Code provision that may require the County at any time to pay to the United States any part of the earnings derived from the investment of the proceeds of the Bonds, and the County will pay any such required rebate from its general funds. For the purposes of this resolution, "Code" means the United States Internal Revenue Code of 1986, as amended, including applicable Treasury regulations.

9. Bonds Are "Bank-Qualified" Obligations -- The County designates the Bonds as "qualified tax-exempt obligations" for the purpose of Code Section 265(b)(3), which provides certain tax advantages for financial institutions investing in obligations similar to the Bonds.

10. Call of Prior Bonds for Redemption - The Board directs the Finance Officer, on the County's behalf, (a) to provide notice to the holders of the Prior Bonds of the pending prepayment of those Bonds, and (b) to make a final irrevocable call for redemption of the Prior Bonds (in whole or in part) as the Finance Officer (after consultation with the LGC) deems beneficial to the County. The Finance Officer will make this call for redemption by the execution and delivery of an appropriate certificate in connection with the original delivery of the Bonds.

11. Publishing Bond Order -- The Board directs the Clerk to this Board to provide for the publication of a notice of the adoption of the Bond Order that authorizes the issuance of the Bonds. This notice must be in the form provided for in Section 159-58 of the General Statutes, and the notice is to be published one time in a newspaper having general circulation in the County. All prior actions to this end are ratified.

12. Finding as to Term of the Bonds -- In accordance with Section 159-122 of the General Statutes, the Board finds and determines that the term of the Bonds will be the shortest period in which the debt to be refunded can be finally paid without making it unduly burdensome on the County's taxpayers, and will be within the remaining period of usefulness of the projects financed with the proceeds of the prior bonds.

13. Miscellaneous Provisions -- All County officers and employees are authorized to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of County representatives are ratified. Upon the absence, unavailability or refusal to act of the Chairman, the County Manager or the Finance Officer, any of such officers may assume any responsibility or carry out any function assigned to another officer. In addition, the Vice Chairman or any Deputy or Assistant Clerk may assume any responsibility or carry out any function assigned to the Chairman or the Clerk to this Board, respectively, in this resolution. All other Board proceedings, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

Exhibit A -- Form of Water Refunding Bond

REGISTERED BOND NUMBER RA-1

_____, 2012

\$1,900,000

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA

HYDE COUNTY

General Obligation Water Refunding Bond, Series 2012

HYDE COUNTY, NORTH CAROLINA (the "County"), for value received, promises to pay to

BRANCH BANKING AND TRUST COMPANY

its successors and registered assigns (the "Bondholder"), the principal sum of

**ONE MILLION NINE HUNDRED THOUSAND
DOLLARS (\$1,900,000)**

together with interest on the unpaid principal from the date of this Bond until payment of the entire principal sum at the annual rate of 2.79%, subject to prepayment as provided below, in installments of principal and interest on dates and in amounts as described on Schedule I.

Interest will be calculated on the basis of a 360-day year consisting of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America by federal reserve wire transfer (or other transfer of immediately available funds) sent to the Bondholder on the payment date.

The County may prepay the principal of this Bond, in whole but not in part, on any regularly-scheduled payment date upon payment of the principal amount to be prepaid plus interest accrued to the payment date, together with a prepayment premium of 1% of the principal amount prepaid.

In all events, and notwithstanding any other provisions of this Bond, (1) all payments on this Bond will be applied first to interest accrued and unpaid to the payment

date and then to principal, and (2) if not sooner paid, the entire principal of and interest on this Bond will be due and payable on _____, 2028.

This Bond is issued pursuant to a Bond Order and a Bond Resolution each adopted by the County's governing Board of Commissioners on December 3, 2012, and the Constitution and laws of the State of North Carolina, including the Local Government Bond Act. This Bond constitutes the entire issue of refunding bonds authorized by that Bond Order.

The County's full faith and credit are pledged for the payment of principal of and interest on this Bond.

This Bond is fully registered as to both principal and interest. Transfer of this Bond may be registered upon books maintained for that purpose by the County's Finance Officer, who has been appointed Registrar, at Hyde County Administration Building, 30 Oyster Creek Road, Swan Quarter, North Carolina 27885, or such successor office as the Registrar may designate in writing to the Bondholder. The Registrar will not, however, register the transfer of any portion of the Bonds to any person or entity other than a bank, an insurance company or a similar financial institution unless the North Carolina Local Government Commission has previously approved the transfer.

The Registrar will treat the registered owner of this Bond as the person exclusively entitled to payment of principal of, prepayment premium, if any, and interest on this Bond and the exercise of all other rights and powers of the owner, except that the County will make payments to the person shown as the registered owner at the end of the calendar day on the 15th day (whether or not a business day) of the month preceding the payment date.

The County has designated this Bond as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The County intends that North Carolina law will govern the interpretation of the terms of this Bond.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and the issue of Bonds of which this Bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of North Carolina.

IN WITNESS WHEREOF, the County has caused this Bond to be signed by its County Manager, its seal to be affixed hereto and attested by the Clerk to the Board of Commissioners, and this Bond to be dated _____, 2012.

(SEAL)

ATTEST:

HYDE COUNTY,
NORTH CAROLINA

[sample only - do not sign]
Clerk, Board of Commissioners

By: [sample only - do not sign]
County Manager

[\$1,900,000 General Obligation Water Refunding Bond, Series 2012]

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The Bonds have been approved by
the North Carolina Local Government
Commission in accordance with the
Local Government Bond Act.

[Sample only - do not sign]

T. Vance Holloman
Secretary, Local Government Commission

TRANSFER OF BOND

Transfer of this Bond may be registered by the registered owner or its duly authorized attorney upon presentation to the Registrar, who will note the transfer in books kept by the Registrar for that purpose and in the registration blank below.

<u>Date of Re-registration</u>	<u>Name of New Registered Owner</u>	<u>Signature of Registrar</u>

**[\$1,900,000 General Obligation Water Refunding Bond, Series 2012,
of Hyde County, North Carolina]**

Schedule I – Principal and Interest Payment Schedule

Principal is payable annually on each June 1 in years and amounts as shown below. Interest is payable on each June 1, beginning June 1, 2013, at the annual rate of _____ % until paid. The schedule below shows the expected interest payment amounts.

[Complete schedule to be determined]

Payment	Principal Amount (\$)	Interest Amount (\$)	Total (\$)
6/1/2013			
6/1/2014			
6/1/2015			
6/1/2016			
6/1/2017			
6/1/2018			

**[\$1,900,000 General Obligation Water Refunding Bond, Series 2012,
of Hyde County, North Carolina]**

Exhibit B -- Form of Public Improvement Refunding Bond**REGISTERED BOND NUMBER RB-1**

_____, 2012

\$3,100,000

**UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA****HYDE COUNTY****General Obligation Public Improvement Refunding Bond, Series 2012**

HYDE COUNTY, NORTH CAROLINA (the "County"), for value received, promises to pay to

BRANCH BANKING AND TRUST COMPANY

its successors and registered assigns (the "Bondholder"), the principal sum of

**THREE MILLION ONE HUNDRED THOUSAND
DOLLARS (\$3,100,000)**

together with interest on the unpaid principal from the date of this Bond until payment of the entire principal sum at the annual rate of 3.79%, subject to prepayment as provided below, in installments of principal and interest on dates and in amounts as described on Schedule I.

Interest will be calculated on the basis of a 360-day year consisting of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America by federal reserve wire transfer (or other transfer of immediately available funds) sent to the Bondholder on the payment date.

The County may prepay the principal of this Bond, in whole but not in part, on any regularly-scheduled payment date upon payment of the principal amount to be prepaid plus interest accrued to the payment date, together with a prepayment premium of 1% of the principal amount prepaid.

In all events, and notwithstanding any other provisions of this Bond, (1) all payments on this Bond will be applied first to interest accrued and unpaid to the payment

date and then to principal, and (2) if not sooner paid, the entire principal of and interest on this Bond will be due and payable on _____, 2033.

This Bond is issued pursuant to a Bond Order and a Bond Resolution each adopted by the County's governing Board of Commissioners on December 3, 2012, and the Constitution and laws of the State of North Carolina, including the Local Government Bond Act. This Bond constitutes the entire issue of refunding bonds authorized by that Bond Order.

The County's full faith and credit are pledged for the payment of principal of and interest on this Bond.

This Bond is fully registered as to both principal and interest. Transfer of this Bond may be registered upon books maintained for that purpose by the County's Finance Officer, who has been appointed Registrar, at Hyde County Administration Building, 30 Oyster Creek Road, Swan Quarter, North Carolina 27885, or such successor office as the Registrar may designate in writing to the Bondholder. The Registrar will not, however, register the transfer of any portion of the Bonds to any person or entity other than a bank, an insurance company or a similar financial institution unless the North Carolina Local Government Commission has previously approved the transfer.

The Registrar will treat the registered owner of this Bond as the person exclusively entitled to payment of principal of, prepayment premium, if any, and interest on this Bond and the exercise of all other rights and powers of the owner, except that the County will make payments to the person shown as the registered owner at the end of the calendar day on the 15th day (whether or not a business day) of the month preceding the payment date.

The County has designated this Bond as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The County intends that North Carolina law will govern the interpretation of the terms of this Bond.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and the issue of Bonds of which this Bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of North Carolina.

IN WITNESS WHEREOF, the County has caused this Bond to be signed by its County Manager, its seal to be affixed hereto and attested by the Clerk to the Board of Commissioners, and this Bond to be dated _____, 2012.

(SEAL)

ATTEST:

**HYDE COUNTY,
NORTH CAROLINA**

[sample only - do not sign]
Clerk, Board of Commissioners

By: [sample only - do not sign]
County Manager

[\$3,100,000 General Obligation Public Improvement Refunding Bond, Series 2012]

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The Bonds have been approved by
the North Carolina Local Government
Commission in accordance with the
Local Government Bond Act.

[Sample only - do not sign]
T. Vance Holloman
Secretary, Local Government Commission

TRANSFER OF BOND

Transfer of this Bond may be registered by the registered owner or its duly
authorized attorney upon presentation to the Registrar, who will note the transfer in books
kept by the Registrar for that purpose and in the registration blank below.

<u>Date of Re-registration</u>	<u>Name of New Registered Owner</u>	<u>Signature of Registrar</u>

**[\$3,100,000 General Obligation Public Improvement Refunding Bond, Series 2012,
of Hyde County, North Carolina]**

Schedule I – Principal and Interest Payment Schedule

Principal is payable annually on each June 1 in years and amounts as shown below. Interest is payable on each June 1, beginning June 1, 2013, at the annual rate of _____% until paid. The schedule below shows the expected interest payment amounts.

[Complete schedule to be determined]

Payment	Principal Amount (\$)	Interest Amount (\$)	Total (\$)
6/1/2013			
6/1/2014			
6/1/2015			
6/1/2016			
6/1/2017			
6/1/2018			

**[\$3,100,000 General Obligation Public Improvement Refunding Bond, Series 2012,
of Hyde County, North Carolina]**

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS IN THE MAXIMUM AMOUNT OF \$5,000,000 TO REFUND EXISTING COUNTY BONDS

WHEREAS –

Hyde County has determined that refinancing a portion of the County’s outstanding general obligation bonds could provide savings to the County. The County has applied to the North Carolina Local Government Commission for its approval of the issuance of County bonds to carry out such a refinancing, and the LGC has accepted the County’s application.

BE IT ORDERED by the Board of Commissioners of Hyde County, North Carolina, as follows:

1. There are hereby ordered to be issued general obligation refunding bonds of the County to provide for the refinancing of a portion of the County’s outstanding general obligation bonds, including the payment of related financing costs. In particular, the bonds to be refunded may include all or any portion of the following County general obligation bond issues: County general obligation bonds as currently held by USDA, with series designations 1991 A and B, 1995, 1999 and 2006.
2. The maximum aggregate principal amount of the bonds issued for such purpose will be \$5,000,000.
3. Taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds so issued, to the extent other funds (such as utility charges) are not otherwise available and appropriated for such purpose.
4. A sworn statement of debt prepared by the County's Finance Officer has been filed with the Clerk to this Board and is available for public inspection.
5. This Bond Order takes effect immediately.



**BOARD OF COMMISSIONERS
OF THE COUNTY OF HYDE
NORTH CAROLINA**

**RESOLUTION
OPPOSING THE PROPOSED EXPANSION OF POCOSIN LAKES
NATIONAL WILDLIFE REFUGE**

WHEREAS, the Hyde County Board of Commissioners received a copy of the Draft Land Protection Plan and Environmental Assessment for the Proposed Expansion of Pocosin Lakes National Wildlife Refuge, and

WHEREAS, the National Wildlife Refuge already owns **89,887** acres of land in Hyde County, and

WHEREAS, local, state and federal land in Hyde County, not including land for public schools, removes a total of \$704,661,220 in taxable value from Hyde County each year; and

WHEREAS, this expansion would remove almost 11,000 acres of privately owned property from local tax bases, including approximately 4,727 acres from Hyde County's tax base; and

WHEREAS, the tax value of the property to be acquired in Hyde County represents in excess of \$5.1 million dollars in tax value; and

WHEREAS, removal of additional value from Hyde County's tax base will be detrimental to Hyde County's ability to maintain mandated and necessary services to the citizens of the County.

NOW THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners strongly opposes the expansion of the Pocosin Lakes National Wildlife Refuge in Hyde County and wish to permanently end consideration of the expansion of the Wildlife Refuge in Hyde County or any location affecting future economic growth of Hyde County.

ADOPTED this the 3rd day of December, 2012.

Attested by:

Chairman
Hyde County Board of Commissioners

Clerk to the Board
Hyde County Board of Commissioners

Resolution No. 2012-12-01

RESOLUTION OF THE
HYDE COUNTY BOARD OF COMMISSIONERS
ESTABLISHING REGULAR MEETING DATES

WHEREAS, pursuant to NCGS 153A-40, the Hyde County Board of Commissioners have elected to adopt a meeting schedule by resolution so that its members and the public may know when Regular meetings of the Board are to be held;

WHEREAS, the Hyde County Board of Commissioners adopted Rules of Procedure on October 6, 2008, calling for Regular meetings on the first and third Monday of each month, except in August and December or as otherwise provided;

WHEREAS, nothing in this Resolution shall preclude the Hyde County Board of Commissioners from holding Special or Emergency meetings as such may be allowed by law;

WHEREAS, the Board of Commissioners desires to begin all calendar year 2012 Regular board meetings at 6:00 p.m.; and.,

WHEREAS, the Hyde County Board of Commissioners utilizes an electronic meeting system for the simultaneous audio and/or video conduct of Regular meetings on both the Mainland and Ocracoke, the sites of such electronic meetings being as follows unless an alternative location is posted on the door of the meeting site:

- "Government Center" means the Multi-Use Room in the Government Center, 30 Oyster Creek Road, Swan Quarter, NC.
- "Ocracoke" means the Commons Area, Ocracoke School, 1 Schoolhouse Road, Ocracoke, NC.
- * means the meeting date is on Tuesday.

WHEREAS, the Hyde County Board of Commissioners, at its Organizational Meeting on December 3, 2012, unanimously moved to call for Regular meetings on the first Monday of each month, or as otherwise provided;

NOW, THEREFORE, BE IT RESOLVED that the Hyde County Board of Commissioners adopts the following schedule for regular Board meetings:

January 7, 2013	July 1, 2013
February 4, 2013	August 5, 2013
March 4, 2013	September 3, 2013*
April 1, 2013	October 7, 2013
May 6, 2013	November 4, 2013
June 3, 2013	December 2, 2013

BE IT FURTHER RESOLVED that the Clerk is hereby directed to post a copy of this Resolution on the courthouse bulletin board and to publish a summary in the *Coastland Times* newspaper on or before December 30, 2012.

Duly adopted this the 3rd day of December, 2012.


Chair, Hyde County Board of Commissioners

ATTEST:

Clerk to the Board

