

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

**Meeting Date:** January 6, 2020  
**Presenter:** Chairman Earl Pugh, Jr.  
**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:** January 6, 2020  
**Presenter:** Chairman Earl Pugh, Jr.  
**Attachment:** Yes

**ITEM TITLE:** CONSIDERATION OF AGENDA

**SUMMARY:** Attached is the proposed Agenda for the January 6, 2019 Regular Meeting of the Hyde County Board of Commissioners.

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

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**MOTION MADE BY:**  PUGH  
 SIMMONS  
 PAHL  
 SWINDELL  
 TOPPING

**MOTION SECONDED BY:**  PUGH  
 SIMMONS  
 PAHL  
 SWINDELL  
 TOPPING

**VOTE:**  PUGH  
 SIMMONS  
 PAHL  
 SWINDELL  
 TOPPING

# AGENDA

## HYDE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING

MONDAY, JANUARY 6, 2020 – 6:00 PM

### CALL TO ORDER

### CONSIDERATION OF AGENDA

### CONSIDERATION OF MINUTES

December 2, 2019 - Organizational Meeting and Regular Meeting Minutes

### PRESENTATIONS

- 1) Tax Collections Report – December 2019 ..... Linda Basnight
- 2) ABC Report ..... Meredith Nicholson

### RECOGNITION OF EMPLOYEE/ VOLUNTEER/ FRIEND OF HYDE COUNTY

- 1) Friend – Steve Bryan ..... Mgr. Noble

### 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) Ordinances – Resolutions – Proclamations
  - Ordinance to Amend Sec. 34-1 Vehicles Abandoned on County Property ..... Mgr. Noble
- 2) Ratify FAA Form ..... Jane Hodges
- 3) Request for Payment of Jury Commissioner ..... Brandi Pugh
- 4) Vidant Medical Center 2019-2020 Grant Agreement ..... David White
- 5) Hyde EMS Thrombolytics Protocol Implementation Project Budget Ordinance ... David White

- 6) **Revolving Loans:** ..... **Bill Rich**
  - Assumption of Debt – Arlene Burley
  - Assumption of Debt – Wild Water Protein
  - Dajio’s – Douglas & Judy Eifert
  - Gaffer’s Restaurant – Jason & Ashley Harrell
- 7) **McClees Consulting Contract Renewal** ..... **Mgr. Noble**
- 8) **Sub-Tenant Agreement for OSBM** ..... **Justin Gibbs**
- 9) **Lease With Campground for Travel Trailers** ..... **Justin Gibbs**
- 10) **EIC/CSBG 2020-2021 Application** ..... **Mgr. Noble**

**BUDGET MATTERS (none)**

**MANAGEMENT REPORTS**

**The Commissioners, County Manager and Assistant 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.**

**CLOSED SESSION (discussion and possible action if required)**

**ADJOURN**

**SUPPLEMENTAL INFORMATION**

**Department Reports**

**Department Heads reports will be attached to update the public with departmental activities and ideas for continuous improvement of government services to the citizens.**

**Informational Items**

- 1) **Albemarle Commission – Save the Date**

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

**Meeting Date:** January 6, 2020  
**Presenter:** Lois Stotesberry, Clerk  
**Attachment:** Yes

**ITEM TITLE:** CONSIDERATION OF MINUTES

**SUMMARY:** Attached are the December 2, 2019 Organizational Meeting and Regular Meeting Minutes of the Hyde County Board of Commissioners.

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

---

**MOTION MADE BY:**  PUGH  
 SIMMONS  
 PAHL  
 SWINDELL  
 TOPPING

**MOTION SECONDED BY:**  PUGH  
 SIMMONS  
 PAHL  
 SWINDELL  
 TOPPING

**VOTE:**  PUGH  
 SIMMONS  
 PAHL  
 SWINDELL  
 TOPPING

1 ORGANIZATIONAL / REGULAR MEETING MINUTES

2  
3 **HYDE COUNTY BOARD OF COMMISSIONERS**  
4 **MONDAY, DECEMBER 2, 2019**

5 Following opening prayer by Commissioner Simmons; and, Pledge of Allegiance, Chairman Pugh called the  
6 Organizational Meeting of the Hyde County Board of Commissioners to order at 6:00p.m., on Monday, December 2,  
7 2019 in the Hyde County Government Center Multi-Use Room and the Ocracoke Community Center using electronic  
8 conferencing equipment.

9  
10 The following members were present on the mainland: Chairman Earl Pugh, Jr.; Commissioners Ben Simmons,  
11 Shannon Swindell and James Topping; County Manager Kris Cahoon Noble; Attorney Franz Holscher; Clerk to the  
12 Board Lois Stotesberry; IT Director Donnie Shumate; and, members of the public.

13  
14 Vice-Chair Tom Pahl; EM Director Justin Gibbs; Teresa Adams and members of the public were present on Ocracoke.

15  
16 **CONSIDERATION OF AGENDA:**

17 Commissioner Swindell moved to approve the Monday, December 2, 2019 Organizational Meeting Agenda as  
18 presented by the Clerk with addition of Item No. 7 – Teresa Adams; and, Regular Meeting Agenda with addition of  
19 Item No. 3 – Resolution Opposing Reclassification of Jurisdictional Waters of North Carolina. Commissioner Pahl  
20 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping;  
21 Nays – None; Absent or not voting – None.

22  
23 **ELECTION OF CHAIRMAN:**

24 Clerk to the Board of Commissioners Lois Stotesberry opened the organizational meeting and called for nomination of  
25 the chairman for the ensuing year.

26  
27 Commissioner Simmons nominated Earl Pugh, Jr. to serve another year as Chairman to the Board of Commissioners.  
28 Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons,  
29 Swindell and Topping; Nays – None; Absent or not voting – None.

30  
31 Chairman Pugh continued the organizational meeting.

32  
33 **ELECTION OF VICE-CHAIRMAN:**

34 Commissioner Simmons nominated Tom Pahl to serve another year as Vice-Chairman to the Board of Commissioners.  
35 Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons,  
36 Swindell and Topping; Nays – None; Absent or not voting – None.

37  
38 **APPOINTMENT OF COUNTY ATTORNEY:**

39 Commissioner Simmons moved to reappoint Franz Holscher to serve another year as County Attorney. Commissioner  
40 Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and  
41 Topping; Nays – None; Absent or not voting – None.

42  
43 **APPOINTMENT OF CLERK TO THE BOARD OF COMMISSIONERS:**

44 Commissioner Swindell moved to reappoint Lois Stotesberry to serve another year as Clerk to the Board of  
45 Commissioners. Commissioner Pahl seconded the motion. The motion passed on the following vote: Ayes – Pugh,  
46 Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

1 **APPOINTMENT OF DEPUTY CLERK TO THE BOARD OF COMMISSIONERS:**

2 Commissioner Simmons moved to reappoint Rosemary Johnson, Justin Gibbs and Donnie Shumate and to appoint  
3 Teresa Adams to serve as Deputy Clerk to the Board of Commissioners. Commissioner Swindell seconded the  
4 motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None;  
5 Absent or not voting – None.

6  
7 Clerk of Superior Court Brandy C. Pugh administered Oaths of Office to the clerk and deputy clerks.

8 Chairman Pugh declared the organizational meeting closed at 6:15p.m.

9 **CONSIDERATION OF MINUTES:**

10 **November 4, 2019 – Regular Meeting Minutes and November 18-20 Special Meeting Minutes**

11 Commissioner Pahl moved to approve the November 4, 2019 regular meeting minutes with deletion of ~~or compensation~~  
12 ~~and terms of an employment contract~~ on page 5 line 19; and, to approve the November 18-20, 2019 special meeting  
13 minutes with correction on page 2 line 31 ~~motion second and deletion of and debris removal~~ on page 4 line 21.

14  
15 Commissioner Swindell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons,  
16 Swindell and Topping; Nays – None; Absent or not voting – None.

17  
18 **RESOLUTION TO ADOPT MEETING CALENDAR FOR 2020**

19 Commissioner Simmons moved to adopt “Resolution No. 2019-12-02 – Resolution of The Hyde County Board of  
20 Commissioners Establishing Regular Meeting Dates”. Commissioner Swindell seconded the motion. The motion  
21 passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting  
22 – None.

23 *Clerk’s Note: A copy of “Resolution No. 2019-12-02 – Resolution of The Hyde County Board of Commissioners*  
24 *Establishing Regular Meeting Dates” is attached herewith as Exhibit A and incorporated herein by reference.*

25  
26 **TAX REPORT**

27 Tax Administrator Linda Basnight presented the November, 2019 TR-407 Daily Distribution Report.

28  
29 Commissioner Swindell moved to approve the TR-407 report as presented. Commissioner Simmons seconded the  
30 motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None;  
31 Absent or not voting – None.

32  
33 **PUBLIC COMMENT:**

34 Kelley Shinn, Ocracoke – suggested a public comment session on dispersing funds for Ocracoke post Dorian and  
35 stated transparency is vital.

36  
37 Darlene Styron, Ocracoke – discussed the supplies ferry and requested an update on the north end road repair.

38  
39 Peter Vankevich – asked that priority passes be issued for residents with new vehicles on the Island.

40  
41 Hearing no further comment from the public, Chairman Pugh continued the meeting.

42  
43  
44  
45

1 **ITEMS OF CONSIDERATION:**

2 **AMENDMENT TO ABANDONED VEHICLE ORDINANCE**

3 Emergency Manager Justin Gibbs presented “An Ordinance to Amend Chapter 34, Article 1 Vehicles Abandoned On  
4 County Property.”

5  
6 County Attorney Franz Holscher will review and bring the final version back to the Board at its next regularly  
7 scheduled meeting on Monday, January 6, 2020.

8  
9 **HYDE COUNTY NURSING HOME COMMUNITY ADVISORY COMMITTEE**

10 County Manager Kris Cahoon Noble reported Jasmine Wilson, Aging Program & Contract Specialist, CAC Program  
11 Assistant with the Albemarle Commission, Area Agency on Aging, requests re-appointment of Karen Meekins to serve  
12 on the Hyde County Nursing Home Community Advisory Committee.

13  
14 Commissioner Simmons moved to re-appoint Karen Meekins to serve another three-year term on the Hyde County  
15 Nursing Home Community Advisory Committee. Commissioner Swindell seconded the motion. The motion passed  
16 on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting –  
17 None.

18  
19 **RESOLUTION OPPOSING RECLASSIFICATION OF JURISDICTIONAL WATERS**

20 County Manager Kris Cahoon Noble reported the North Carolina Marine Fisheries Commission (MFC) and the North  
21 Carolina Wildlife Resources Commission (WRC) formed a joint committee for the purpose of determining boundaries  
22 defining inland and coastal waters. Ms. Noble reported the proposed Reclassification of Jurisdictional Waters would  
23 create a loss of approximately 144,984 square acres or 226.5 sq. miles of coastal and commercial fishing waters. The  
24 financial impact as proposed would exceed \$1,000,000.00 for sustainable economic impact as prescribed in the NC  
25 Administrative Procedure Act.

26  
27 Commissioner Swindell moved to authorize Manager Noble to write a resolution opposing reclassification of  
28 jurisdictional waters. Commissioner Simmons seconded the motion. The motion passed on the following vote: Ayes –  
29 Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting – None.

30  
31 **BUDGET REVISIONS**

32 **Health Department**

33 06-20 – Health Department – Adult Health .....\$ 700.00  
34 07-20 – Mental Health/ Substance Abuse ..... \$36,250.42

35  
36 **MANAGEMENT REPORTS:**

37 Vice-Chairman Tom Pahl – reported much progress has been made and over all the Island looks good. Mr. Pahl also  
38 complimented the “Ocracoke Strong” Christmas decorations.

39  
40 Commissioner Topping – no report.

41  
42 Commissioner Swindell – no report.

43  
44 Commissioner Simmons – offered condolences to the family of Steve Bryan and suggested he be honored at the  
45 January 6, 2020 meeting. Mr. Simmons reported on state hurricane relief funding for the Fairfield Drainage District.

46  
47 Commissioner Pugh – attended Ocracoke Control Group meetings, Ocracoke – Engelhard Medical Center meeting,

1 Community Health Assessment Action Plan and the Albemarle Commission meeting. Mr. Pugh announced he will not  
2 be running for re-election. Registration is open until noon on December 20<sup>th</sup>.

3 Kris Cahoon Noble, County Manager – reported the SBA would be in the Government Center on Tuesday and  
4 Wednesday to assist citizens with Hurricane Dorian relief. Ms. Noble will continue working on long term  
5 sustainability. She reported repair to the north end is on schedule and should be completed on Friday; and listed  
6 departure times for the Swan Quarter and Cedar Island ferries.

7  
8 **PUBLIC COMMENT:** (none)

9 **CLOSED SESSION:** (none)

10  
11 Commissioner Simmons moved to adjourn the meeting. Commissioner Swindell seconded the motion. The motion  
12 passed on the following vote: Ayes – Pugh, Pahl, Simmons, Swindell and Topping; Nays – None; Absent or not voting  
13 – None.

14  
15 The meeting adjourned at 6:50p.m.

16 Respectfully submitted:

17  
18 Minutes approved on the 6<sup>th</sup> day of January, 2020.

19  
20 Attest:

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

\_\_\_\_\_ Earl Pugh, Jr.  
Chair, Hyde County Board of Commissioners

24  
25 **Attachments**

26 Exhibit A: *“Resolution No. 2019-12-02 – Resolution of The Hyde County Board of Commissioners Establishing*  
27 *Regular Meeting Dates”*

28 Exhibit B: *“Resolution Opposing Reclassification of Jurisdictional Waters”*

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

**Meeting Date:** January 06, 2020

**Presenter:** Meredith Nicholson – Chairman, Hyde County ABC Board

**Attachment:** None

**ITEM TITLE:** General Update

**SUMMARY:** General financial update. Discuss hurricane impact on local ABC stores.  
Present Required Distribution for fiscal year ended 06/30/19.

**RECOMMEND:** RECEIVE INFORMATION

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Motion Made By:  Earl Pugh, Jr.  
 Barry Swindell  
 Dick Tunnell  
 Ben Simmons  
 Tom Pahl

Motion Seconded By:  Earl Pugh, Jr.  
 Barry Swindell  
 Dick Tunnell  
 Ben Simmons  
 Tom Pahl

Vote:  Earl Pugh, Jr.  
 Barry Swindell  
 Dick Tunnell  
 Ben Simmons  
 Tom Pahl

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

**Meeting Date:** March 2, 2020  
**Presenter:** County Manager Kris Noble  
**Attachment:** No

**ITEM TITLE:** EMPLOYEE/VOLUNTEER/FRIEND OF THE MONTH

**SUMMARY:** Manager Kris Noble will announce the Employee, Volunteer and/or Friend of the County for the month of March 2020.

**RECOMMEND:** Congratulations.

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**MOTION MADE BY:** \_\_\_ PUGH  
\_\_\_ SIMMONS  
\_\_\_ PAHL  
\_\_\_ SWINDELL  
\_\_\_ TOPPING

**MOTION SECONDED BY:** \_\_\_ PUGH  
\_\_\_ SIMMONS  
\_\_\_ PAHL  
\_\_\_ SWINDELL  
\_\_\_ TOPPING

**VOTE:** \_\_\_ PUGH  
\_\_\_ SIMMONS  
\_\_\_ PAHL  
\_\_\_ SWINDELL  
\_\_\_ TOPPING

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

**Meeting Date:** January 6, 2020  
**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:** January 6, 2020  
**Presenter:** Justin Gibbs  
**Attachment:** Yes

**ITEM TITLE:** **ORDINANCE TO AMEND SECTION 34-1, REMOVAL & DISPOSAL OF JUNK MOTOR VEHICLES, STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES- AMENDMENT 1**

**SUMMARY:** Currently, under the Hyde County Abandoned Car Ordinance, the County only has permission to remove abandoned vehicles from county-owned property. This new ordinance will afford the County the ability to remove vehicles from right-of-ways. This new ordinance will assist the County in removal of vehicles due to Hurricane Dorian and future flood events.

**RECOMMEND:** **APPROVE AMENDMENT 1 TO SECTION 34-1 OF THE HYDE COUNTY ABANDONED CAR ORDINANCE**

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**MOTION MADE BY:** \_\_\_ PUGH  
\_\_\_ PAHL  
\_\_\_ SIMMONS  
\_\_\_ SWINDELL  
\_\_\_ TOPPING

**MOTION SECONDED BY:** \_\_\_ PUGH  
\_\_\_ PAHL  
\_\_\_ SIMMONS  
\_\_\_ SWINDELL  
\_\_\_ TOPPING

**VOTE:** \_\_\_ PUGH  
\_\_\_ PAHL  
\_\_\_ SIMMONS  
\_\_\_ SWINDELL  
\_\_\_ TOPPING

**AN ORDINANCE TO AMEND CHAPTER 34, STREETS, SIDEWALKS  
AND OTHER PUBLIC PROPERTIES – SECTION 34-1 – REMOVAL AND DISPOSAL OF  
ABANDONED AND JUNKED MOTOR VEHICLES**

Be it ordained by the Board of Commissioners of Hyde County, North Carolina, that the following Abandoned and Junked Motor Vehicles Ordinance #103, is hereby amended as follows:

**CHAPTER 34: STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTIES**

**SECTION 34 (1). – Removal and disposal of abandoned and junked motor vehicles.**

- (a) No person shall place, leave, park, abandon or junk a motor vehicle on public grounds, private property within the county's ordinance-making jurisdiction, or on county-owned property.
- (b) "Motor vehicle" includes any machine designed or intended to travel over land or water by self-propulsion or while attached to self-propelled vehicle.
  - (1) An "abandoned motor vehicle" is one that:
    - a. Is left on public grounds or county-owned property in violation of a law or ordinance prohibiting parking; or
    - b. Is left for longer than 24 hours on property owned or operated by the county; or
    - c. Is left for longer than two hours on private property without the consent of the owner, occupant, or lessee of the property; or
    - d. Is left for longer than seven days on public grounds.
  - (2) A "junked motor vehicle" is an abandoned motor vehicle that also:
    - a. Partially dismantled or wrecked; or
    - b. Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
    - c. Is more than five years old and appears to be worth less than one hundred dollars (\$100.00); or
    - d. Does not display a current license plate.
- (b) This section does not apply to any vehicle in an enclosed building, to any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county.
- (c) The county may remove to a storage garage or area an abandoned or junked motor vehicle found to be in violation of this section. A vehicle may not be removed from private property, however, without the written request of the owner, lessee, or occupant of the premises unless the board of commissioners or a duly authorized county official or employee has declared the vehicle to be a health or safety hazard. Appropriate county officers and employees have a right, upon presentation of proper credentials, to enter on any premises within the county ordinance-making jurisdiction at any reasonable hour in order to determine if any vehicles are health or safety hazards. The county will require any person requesting the removal from private property of an abandoned or junked motor vehicle to indemnify the county against any loss, expense, or liability incurred because of the vehicle's removal, storage, or sale.
- (d) When an abandoned or junked motor vehicle is removed, the county shall give notice to the owner as required by G.S. 20-219.11(a) and (b).
- (d) The board of commissioners shall from time to time establish reasonable towing or removal fees and storage fees which shall be posted in a schedule of fees maintained in the county manager's office. The initial towing or removal fee shall be \$125.00 and the storage fee is \$10.00 per day.
- (e) Anyone who protest the towing, removal or storage of their motor vehicle shall after paying any fees due request in writing within five (5) business days of the payment of the fees a hearing before the board of commissioners.

- (f) The board of commissioners shall conduct a hearing at its earliest convenience in which the owner may present evidence that their property was not abandoned or junked without consent. Any appeals by the owner of the board's decision shall be to the district court.
- (g) Abandoned or junked motor vehicles may be sold after five days or after a final decision in any appeal has been rendered and any period for appealing that decision has expired pursuant to the terms and conditions of G.S. ch. 44A, as applicable. If any property is not sold at the sale scheduled for that purpose the county may dispose of it as it sees fit including, but not limited to, destruction.
- (h) No person nor the county may be held to answer in a civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, junked, lost, or stolen motor vehicle for disposing of the vehicle as provided in this section.

This Removal and Disposal of Abandoned and Junked Motor Vehicles Ordinance No. 103 duly adopted on the 1<sup>st</sup> day of October, 2001 is hereby further amended and duly adopted by the Hyde County Board of Commissioners on the 6<sup>th</sup> day of January, 2020.

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Earl Pugh, Jr., Chairman  
Hyde County Board of Commissioners

ATTEST:

SEAL

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Lois Stotesberry, Clerk to the Board  
Hyde County Board of Commissioners

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

**Meeting Date:** January 6, 2020  
**Presenter:** Jane Hodges  
**Attachment:** Yes

**ITEM TITLE:** Ratification of Transfer of Aviation Entitlements

**SUMMARY:** This is for the transfer of funds that we have been unable to use for our current aviation projects. I have provided an email I received from Ron McCollum that should shed some light on this.

**RECOMMEND:** PLEASE APPROVE

## Request for FAA Approval of Agreement for Transfer of Entitlements

In accordance with 49 USC § 47117(c)(2).

Name of Transferring Sponsor: Hyde County

hereby waives receipt of the following amount of funds apportioned to it under 49 USC § 47117(c) for the:

Name of Transferring Airport (and LOCID): Hyde County Airport ( 7W6 )

for each fiscal year listed below:

Entitlement Type (Passenger, Cargo or Nonprimary)	Fiscal Year	Amount
NPE	2015	\$ 138,244.00
<b>Total</b>		<b>\$ 138,244.00</b>

The Federal Aviation Administration has determined that the waived amount will be made available to:

Name of Airport (and LOCID) Receiving Transferred Entitlements:

Statesville Regional Airport ( SVH )

Name of Receiving Airport's Sponsor: City of Statesville

a public use airport in the same state or geographical areas as the transferring airport for eligible projects under 49 USC § 47104(a).

The waiver expires on the earlier of 12/31/2019 (date) or when the availability of apportioned funds lapses under 49 USC § 47117(b).

For the United States of America, Federal Aviation Administration:

Signature: Rachel Bingham

Name: Rachel Bingham

Title: Interim Manager, NCDOT, DoA: serving as ADO for NCSBG

Date: 11/18/2019

**Certification of Transferring Sponsor**

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_

Name of Sponsor: Hyde County

Name of Sponsor's Authorized Official: Kris Noble

Title of Sponsor's Authorized Official: County Manager

Signature of Sponsor's Authorized Official: \_\_\_\_\_

*Kris Cahoon Noble*

**Certificate of Transferring Sponsor's Attorney**

I, *FRANZ HOLSCHER*, acting as Attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing Agreement under the laws of the state of \_\_\_\_\_ North Carolina. Further, I have examined the foregoing Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and 49 USC § 47101, et seq.

Dated at \_\_\_\_\_ (City, State), *Washington, NC*

this *6<sup>th</sup>* day of *December*, *2019*

Signature of Sponsor's Attorney: \_\_\_\_\_

*FH*



Jane Hodges <jhodges@hydecourtync.gov>

**7W6 Projects and NPE**

5 messages

Mccollum, Ron <remcollum@ncdot.gov>  
 To: Jane Hodges <jhodges@hydecourtync.gov>  
 Cc: Stephen Bright <wsbright@biilm.com>

Jane,

Rumor has you are a little under the weather. Sorry to hear that and I hope you get to feeling better soon.

We are starting to refine our list of projects to fund this year and noticed your airport will have the following projects:

1. ALP Update
2. Runway Rehab construction
3. PAPI construction
4. Runway extension (STI Funded)

We also noticed you have about \$604,000 in unencumbered NPE funds. I would like to know if you would be agreeable to utilizing all your NPE funds on the first 3 projects noted above w Please let me know your thoughts on this as soon as you can so we can plan appropriately.

Thank you and please let me know if you have any questions or want to further discuss,

Regl	Consultant	Contact	Airport	Fund	Fund Description	Fiscal	WBS Element	Project Description	Funding	Encumbered
NE	TBI-Wilmington	Ron Mccollum	7W6						750,000.00	145,410.00
NE	TBI-Wilmington	Ron Mccollum	7W6	3008040NPE	FAA SLwide- 2016 Aviation_Block 51_NPE	2016		#	150,000.00	
NE	TBI-Wilmington	Ron Mccollum	7W6	3008041NPE	FAA SLwide- 2017 Aviation_Block 52_NPE	2017		#	150,000.00	
NE	TBI-Wilmington	Ron Mccollum	7W6	3008043NPE	FAA SLwide- 2018 Aviation_Block 54_NPE	2018		#	150,000.00	
NE	TBI-Wilmington	Ron Mccollum	7W6	3008036	FAA Statewide_2014 Aviation_Block 47_NPE		36237.57.13.1	RW REHAB & PAPI REPLACEMENT (DESIGN)		121,436.00
NE	TBI-Wilmington	Ron Mccollum	7W6	3008036	FAA Statewide_2014 Aviation_Block 47_NPE	2014		#	150,000.00	
NE	TBI-Wilmington	Ron Mccollum	7W6	3008038NPE	FAA Statewide_2015 Aviation_Block 49_NPE		36237.57.13.1	RW REHAB & PAPI REPLACEMENT (DESIGN)		23,974.00
NE	TBI-Wilmington	Ron Mccollum	7W6	3008038NPE	FAA Statewide_2015 Aviation_Block 49_NPE	2015		#	150,000.00	

**Ron McCollum, PE**  
 Senior Airport Project Manager (Northeast)  
 Division of Aviation  
 North Carolina Department of Transportation

919 814 0562 office  
 919 741 3278 mobile  
 remcollum@ncdot.gov

1050 Meridian Drive  
 Morrisville, NC 27560



Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Mccollum, Ron <remccollum@ncdot.gov>  
To: Jane Hodges <jhodges@hydecourtync.gov>  
Cc: Stephen Bright <wsbright@tblm.com>

Wed, Mar 27, 2019 at 7:13 AM

Jane,

Just following up with you on the email below. Any thoughts?

**Ron McCollum, PE**  
Senior Airport Project Manager (Northeast)  
Division of Aviation  
North Carolina Department of Transportation

919 814 0562 office  
919 741 3278 mobile  
remccollum@ncdot.gov

1050 Meridian Drive  
Morrisville, NC 27560



[Quoted text hidden]  
[Quoted text hidden]

Jane Hodges <jhodges@hydecourtync.gov>  
To: "Mccollum, Ron" <remccollum@ncdot.gov>

Wed, Mar 27, 2019 at 11:37 AM

I don't see why not. The state will be absorbing the actual cost of the work when its done right?  
[Quoted text hidden]

Jane Hodges  
Hyde County Permit Technician/Hyde County Airport Manager  
P. O. Box 95  
30 Oyster Creek Road  
Swan Quarter, N.C. 27885  
1-252-926-4372 office phone  
1-252-926-3701-office fax  
1-252-925-1097-airport land line  
1-252-943-4113-personal cell phone

Mccollum, Ron <remccollum@ncdot.gov>  
To: Jane Hodges <jhodges@hydecourtync.gov>

Wed, Mar 27, 2019 at 10:50 PM

Jane,

Thanks for getting back with me. Yes, use all your NPE funds and make up any delta with state funds. We will proceed with this plan unless we hear otherwise from you.

**Ron McCollum, PE**  
Senior Airport Project Manager (Northeast)  
Division of Aviation  
North Carolina Department of Transportation

919 814 0562 office  
919 741 3278 mobile  
remccollum@ncdot.gov

1050 Meridian Drive  
Morrisville, NC 27560



**From:** Jane Hodges <jhodges@hydecountync.gov>  
**Sent:** Wednesday, March 27, 2019 11:38 AM  
**To:** Mccollum, Ron <remccollum@ncdot.gov>  
**Subject:** [External] Re: 7W6 Projects and NPE

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov)

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**Mccollum, Ron** <remccollum@ncdot.gov>  
**To:** Stephen Bright <wsbright@lbiilm.com>  
**Cc:** Jane Hodges <jhodges@hydecountync.gov>

Thu, Apr 25, 2019 at 7:14 AM

Stephen,

I spoke with Jon and he verified we would backfill with state funds to see the project through to completion, however, they still need to plan on applying all of their NPE to the project(s); e.g. 2019 too.

**Ron McCollum, PE**  
Senior Airport Project Manager (Northeast)  
Division of Aviation  
North Carolina Department of Transportation

919 814 0562 office  
919 741 3278 mobile  
remccollum@ncdot.gov

1050 Meridian Drive  
Morrisville, NC 27560



**From:** Mccollum, Ron <remccollum@ncdot.gov>  
**Sent:** Thursday, April 25, 2019 7:03 AM  
**To:** Arnold, Jonathan L <jonarnold@ncdot.gov>  
**Cc:** Clowes, Ashley E <aclowes@ncdot.gov>; Bingham, Rachel S <rsbingham@ncdot.gov>; Beam, Betsy <bbeam1@ncdot.gov>  
**Subject:** FV: [External] Re: 7W6 Projects and NPE  
**Importance:** High

Jon,

7W6 has about \$588,245 of unencumbered NPE with \$138,244 being 2015 funds. Jane has agreed to spend all their NPE on one or all of their current projects. With us combining the PAPI, RWY Rehab, and RWY Ext. into one project, there is a chance the 2015 funds may not be expended until spring 2020 or later. If they were to need to give up the 2015 NPE, I assume we would move them to another airport and backfill with state funds. However, I wanted to verify this with you before I commit DoA to this plan.

[Quoted text hidden]  
[Quoted text hidden]

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

**Meeting Date:** January 6, 2020  
**Presenter:** Clerk of Court Brandy C. Pugh  
**Attachment:** No

**ITEM TITLE:** REQUEST FOR PAYMENT OF JURY COMMISSIONERS

**SUMMARY:** In each county, there is a jury commission that is made up of a panel of three citizens who serve as jury commissioners, which are appointed positions.

The jury commissioners have three duties:

1. Approve the automated procedures used by the computer in the preparation of the master jury list and those procedures used by the county to randomly select jurors.
2. Determine the number of jurors that will comprise the master jury list that will be used by the county to summon jurors for either a one- or two-year period (depending on the county's practice).
3. Compile the master jury list by removing disqualified persons from the list.

Once the master jury list is finalized by the jury commission, they must file an alphabetized version of the master jury list with the clerk of superior court. G.S. 9-4(a) also requires that the jury commission file with the clerk of superior court a statement of the "sources used and procedures followed" in preparing the list. Filing the statement of sources and procedures informs jury commissioners in the next biennium, some of whom may be new, of the number of names selected and the procedures that were followed. The sources and procedures and master jury list are filed separately as Registration filings.

On December 11, 2019, the three appointed Jury Commissioners met and finalized the master list, filed it with the clerk of superior court, according to statute. It took the group approximately 5 hours to go through and comprise the master list. I am very appreciative of these three women for taking time out of their busy schedules to meet albeit later this year than in years past. We had to work around storm issues and the ferry schedule for our Ocracoke representative to be present. I am requesting the jury commissioner be compensated for their time in this very important and statutorily required task. In years past the Board of Commissioners approved to pay the jury commissioners \$100 each for their service and is the amount sought for consent this year.

**RECOMMEND:** Approve

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VOTE:  PUGH  
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**Hyde County Board of Commissioners  
AGENDA ITEM SUMMARY SHEET**

**Meeting Date:** January 6, 2020  
**Presenter:** David White, Hyde County EMS Operations Section Chief  
**Attachment:** Yes

**ITEM TITLE:** Vidant Medical Center 2019-2020 Grant Agreement

**SUMMARY:** Hyde County Emergency Medical Services (EMS) has received a grant from the Vidant Health Foundation, in the amount of \$35,000, for the implementation of a Thrombolytics protocol.

**RECOMMEND:** APPROVAL AND EXECUTION

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**MOTION MADE BY:** \_\_\_ PUGH  
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**MOTION SECONDED BY:** \_\_\_ PUGH  
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**VOTE:** \_\_\_ PUGH  
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**Vidant Health Foundation**  
**Appropriation to Hyde County Government**  
Grant Period 2019 – 2020

**Recipient:** Hyde County Government  
**Purpose:** Emergency Thrombolytic Program  
**Funding:** \$35,000  
**Appropriation:** Appropriation of \$35,000 from the <sup>ICAN</sup> Vidant Health Foundation at the August 28, 2019 Board Meeting.  
Project Budget Period: <sup>December 14</sup> July 1, 2019 - June 30, 2020

---

**Terms of Payment-- \$35,000** will be paid to Community Benefit & Health Initiatives Grant, Emergency Thrombolytic Program after it has been certified that:

1. The balance of all funds necessary for the first year of the program is available, and the grantee is committed to covering budget shortfalls resulting from operations.
2. The grantee commits to returning any excess funds that may remain after the grant period has expired to Vidant Health Foundation.
3. If, during the course of the year, there are any significant changes to the program's purpose, work plan, or financing, the grantee will immediately notify staff of the Vidant Health Foundation.
4. A report on the activities and expenditures of the program will be submitted each six months in the form set forth in a format similar to Attachment A.
5. If a random audit identifies that grant funds were not used appropriately, the recipient shall immediately repay the entire amount of such grant to Vidant Health Foundation.
6. A statement that the total amount of the appropriation has been spent for the purpose stated above, and that the funds have been used for tax-exempt purposes only, will be signed upon completion of the program as set forth in a format similar to Attachment B.
7. The organization continues to have a tax-exempt status under the Internal Revenue Code, during the project period and for six months thereafter.
8. If the recipient fails to comply with any of the Terms of Payment stated herein, the recipient shall immediately repay the entire amount of such grant to the Vidant Health Foundation.
9. Vidant Health Foundation will be acknowledged for grant funding through literature, publications, newsletters, and events that are related to the funded project.
10. If you are a Covered Entity for HIPAA purposes, (a health plan, health care provider or a health care clearinghouse that bills electronically) you must be in compliance with those rules to receive funding.

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Authorized Representative for:  
Hyde County Government

## Attachment A

# Foundation Grant Accountability Guidelines

## Six Month / End of Project Evaluation

- I. Give an overview of Program Activities/Goal Attainment/Other Successes. Report on how the program performed in reference to the goals that were established in the grant application.
- II. Provide an overview of Program Challenges/Lessons Learned.
- III. Share success stories of your program. These are personal successes that your clients are experiencing as a result of your program. We would love to share the personal successes and/or testimonials with our board, other grantees, and the community.
- IV. Enumerate the amount of appropriations received from the Foundation and the purpose for which the money was used. (Please attach an expense summary and an expense detail form.) Highlight those line items for which the budgeted amount was exceeded or underestimated. If the budget was exceeded, how were the program costs covered?
- V. Provide a statement regarding future plans and sustainability of the program.
- VI. Include with this report signatures of the President and Treasurer or equivalent.

**Expense Summary for Hyde County Government  
for Emergency Thrombolytic Program  
Actual Expenditures from 12/16/19 – 06/30/20**

<b>Funding Received</b>	\$35,000
-------------------------	----------

<b>Expense Summary</b>	<b>Dollars Budgeted for in Grant Application</b>	<b>Actual Dollars Spent</b>
Total Salary Expenses (includes Fringe/Benefits)	\$	
Capital	\$	
Supplies	\$	
Office Supplies	\$	
Printing Supplies	\$	
Minor Equipment	\$	
Contractual & Outside services	\$	
Marketing	\$	
Computer Software	\$	
Books/Subscriptions	\$	
Other Expenses	\$	
<b>Total Expenses</b>	\$	

<b>Amount Over/(Under) Budget</b>	\$	<b>Reason:</b>
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Grant Period 2019 – 2020

\_\_\_\_\_  
Signature of Treasurer or Accountant

## **Attachment B**

### **Vidant Health Foundation Expenditure Certification Form**

This is to certify that the \$35,000 appropriation from the Vidant Health Foundation granted to Hyde County Government, for the Emergency Thrombolytic Program was spent for said purpose for the grant year 2019- 2020.

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Authorized Representative for:  
Hyde County Government

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

**Meeting Date:** January 6, 2020  
**Presenter:** David White, Hyde County EMS Operations Section Chief  
**Attachment:** Yes

**ITEM TITLE:** Hyde County Emergency Medical Services (EMS) Thrombolytics Protocol Implementation Project Budget Ordinance

**SUMMARY:** Hyde County Emergency Medical Services (EMS) has received a grant from the Vidant Health Foundation, in the amount of \$35,000, for the implementation of a Thrombolytics protocol.

The attached Project Budget Ordinance directs the Hyde County Finance Office to create a project fund for the administration of the grant.

**RECOMMEND:** APPROVAL AND EXECUTION

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**HYDE COUNTY EMERGENCY MEDICAL SERVICES (EMS) THROMBOLYTICS  
PROTOCOL IMPLEMENTATION**

Project Ordinance 2020-01-06

Be it ordained by the Board of Commissioners of Hyde County, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted:

- Section 1.** The project authorized is the Hyde County Emergency Medical Services (EMS) Thrombolytics Protocol Implementation between the County of Hyde and the Vidant Health Foundation.
- Section 2.** Hyde County staff members are hereby directed to proceed with the Vidant Medical Center 2019-2020 Grant Program within the terms of the document(s), and the budget contained herein.
- Section 3.** The following revenues are anticipated to be available to complete the project activities:

Vidant Medical Center 19-20 Grant	<u>\$ 35,000</u>
<b>Total Project</b>	<b>\$ 35,000</b>

**Section 4.** The following amounts are appropriated for completion of the project activities:

Medications/Supplies	25,000
Training	<u>10,000</u>
<b>Total Project</b>	<b>\$ 35,000</b>

- Section 5.** The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records.
- Section 6.** The Finance Officer is directed to report on the financial status of each project element in Section 4.

**Section 7.** Copies of this Project Ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Adopted this 6<sup>th</sup> day of January, 2020

ATTEST

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Earl Pugh Jr., Chair

Hyde County Board of Commissioners

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Clerk to the Board

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

**Meeting Date:** January 6, 2020  
**Presenter:** Bill Rich  
**Attachment:** No

**ITEM TITLE:** ASSUMPTION OF DEBT – ARLENE BURLEY

**SUMMARY:** Devil Shoal Oyster and Clam Company, consisting of members Arlene Burley and Heather O’Neal, have recently decided to dissolve their partnership. The company has two loans under the Hyde County Golden Leaf Revolving Loan program. Ms. Burley paid the first loan in full (approximately \$7900) and now wishes to assume the second loan (totaling \$8900) under the name Clam Lady Jane Oyster Company. Ms. Burley will retain all of her personal property invested under Devil Shoal Oyster Company and Ms. O’Neal will retain her personal property and continue to do business under the Devil Shoal name. This will release Ms. O’Neal from any further financial liability.

The Hyde County Revolving Loan Committee met on December 18 and this request was discussed and unanimously approved contingent upon the approval of the Hyde County Board of Commissioners.

**RECOMMEND:** APPROVE MS. BURLEY’S ASSUMPTION OF THE DEVIL SHOAL OYSTER COMPANY LOAN UNDER THE BUSINESS NAME CLAM LADY JANE OYSTER COMPANY AND RELEASE MS. O’NEAL’S FINANCIAL LIABILITY

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

**Meeting Date:** January 6, 2020  
**Presenter:** Bill Rich  
**Attachment:** No

**ITEM TITLE:** ASSUMPTION OF DEBT – WILD WATER PROTEIN

**SUMMARY:** Woccocon Oyster Company, a partnership consisting of members Steve Wilson, Albert O’Neal and Dylan Bennick currently have a Golden Leaf Revolving loan with Hyde County with a balance of \$39,645.76. When Hurricane Dorian hit Ocracoke in September, Woccocon lost most of their oyster crop and equipment. Members Wilson and O’Neal have both been dealing with storm damage and personal and family health issues. Based upon this, the members have decided to dissolve their partnership and have transferred the remaining business assets to Wild Water Protein, a seafood distributor consisting of Joseph Ramunni and his partner, Matthew Madden that lives in Ohio. Wilson, O’Neal and Bennick have requested that they be released from any liability associated with the Woccocon loan and allow Wild Water Protein to assume the debt. Before dissolving the partnership, the members paid \$12,000 against the loan which represented their remaining profits under the partnership. Wild Water Protein will gain all remaining assets of Woccocon including the refrigerated truck and (2) 5 acre leases. This loan assumption will be personal guaranteed by Ramunni and Madden. We will continue to maintain a lien on the refrigerated truck and in addition, will be assigned collateral rights on the two five-acre leases.

The Hyde County Revolving Loan Committee met on December 18 and this request was discussed and unanimously approved contingent upon the approval of the Hyde County Board of Commissioners.

**RECOMMEND:** APPROVE ASSUMPTION OF WOCCOCON OYSTER COMPANY LOAN BY WILD WATER PROTEIN

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

**Meeting Date:** January 6, 2020  
**Presenter:** Bill Rich  
**Attachment:** Yes

**ITEM TITLE: REVOLVING LOAN REQUEST: DAIJO'S RESTURANT**

**SUMMARY:** Daijo's Restaurant is a restaurant on Ocracoke owned and operated by Douglas A. and Judy A. Eifert and has been in operation for 11 years. Daijo's has been very successful with both tourists and locals alike. Hurricane Dorian in September destroyed the restaurant and now the Eiferts' desire to renovate and elevate the existing facility. They are asking the County for a \$200,000 Revolving loan to assist with the renovations of their building. They also plan to utilize settlement funds from their insurance policies totaling \$100,000 and \$223,000, respectively. The total project cost will be approximately \$520,000. If approved, the County will take a second lien on the property behind First National Bank. Proposed terms are 10 years, monthly payments, 5.00% interest rate. At the current time, the Hyde County Revolving Loan fund cannot support a \$200,000 request. The committee requested that other funding options be explored.

**RECOMMEND:** Approve the \$200,000 loan to Daijo's

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**HYDE COUNTY  
NORTH CAROLINA**

**ECONOMIC DEVELOPMENT  
REVOLVING LOAN FUND**

*DAJIO*

**Dorian Re-Build**

305 Irvin Garrish Highway

Ocracoke NC 27960

APPLICATION FOR EXPANSION OF AN EXISTING BUSINESS

## TABLE OF CONTENTS

Listed below are the required contents of an application. Applications should be organized in this format. Applicants should number all pages in the application. **Two completed copies of the application should be submitted directly to the Hyde County Revolving Loan Fund Administrator, Hyde County Courthouse, Swan Quarter, NC.**

### Application Contents

Table of Contents

Application Summary Form

Project Description Form

Project Source and Use Form

Project Private Commitment Form

Project Needs Form

Project Feasibility Form

Activities Schedule Form

Maps

Attachments

- A. Verification of Project Costs/Cost Breakdown by Activity
- B. Firm Financial Commitments
- C. Historical Financial Statements (Business)
- D. Credit Reports
- E. Building Plans
- F. Projected Financial Statements
- G. Business Debt Schedule Forms
- H. Personal Financial Statements
- I. Appraisals of Real Property/Security
- J. Marketing Information/Business Plan Documentation

Only information received by Hyde County with the submission will be considered in the selection process, unless the county specifically requests additional information from the applicant. Failure to submit required information may be grounds for rejection of the application. Applicants should carefully review each project package, including attachments, to make certain that all required information is submitted and is internally consistent.

## TABLE OF CONTENTS

Listed below are the required contents of an application. Applications should be organized in this format. Applicants should number all pages in the application. **Two completed copies of the application should be submitted directly to the Hyde County Revolving Loan Fund Administrator, Hyde County Courthouse, Swan Quarter, NC.**

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- E. Building Plans
- F. Projected Financial Statements
- G. Business Debt Schedule Forms
- H. Personal Financial Statements
- I. Appraisals of Real Property/Security

1. APPLICANT

a. Name: Jajio, LLC

b. Street/P.O. Box: 305 Irvin Garrish Highway PO Box 982

c. City: Ocracoke NC

d. Zip Code: 27960

e. Contact Person: Doug or Judy Eifert

f. Telephone No.: 913-209-9975 / 913-209-9813

2. Project Number	3. Project Name	4. RLF Funds Requested
	<b>Dajio Dorian Re-Build</b>	<b>\$200,000</b>

5. CERTIFICATION

a. To the best of my knowledge and belief, data in this application is true and correct, the applicant will comply with the certifications in the attached Private Commitment Form if the assistance is provided.

b. Typed Name and Title of Authorized Representative

Judy Eifert

c. Signature

		d. Date 12/18/2019
<u>FOR HYDE COUNTY USE ONLY</u>		
6. Date Received  _____	8. Action Taken  _____ Funded _____ Not Funded _____ Withdrawn	9. Amount Funded:  \$ _____
7. Application Number  _____		

PROJECT DESCRIPTION FORM

The Project Description Form provides a brief introduction and overview to the entire project. As such, it should pull together all the project elements into a unified framework. This section should be brief, as the more specific evaluation questions are found on other forms. This form will also be circulated to interested parties during any environmental review. **Use the appropriate form for either a new business, expansion/improvement of existing business, or purchase of existing business.**

INSTRUCTIONS

1. NAME OF APPLICANT – Enter the legal name of the applicant.
  
2. APPLICATION DATE – Enter the date the application is submitted to Hyde County.

## PROJECT DESCRIPTION FORM

1. Name of Applicant: Jajio, LLC
2. Application Date: 12/18/19
3. Project Name: Dajio Dorin Re-Build
4. Description:
  - a. Briefly describe the existing business (products/services offered, basic project goals and objectives): Restaurant
  - b. Proposed location of existing business (include location map(s) 305 Irvin Garrish Highway Ocracoke
  - c. Number, size, and general description of any new buildings to be constructed (include site map and plans, if available): See Attached Drawings
  - d. Size of any parcel(s) of land to be acquired (include survey map): N/A
  - e. Describe any existing buildings to be demolished or abandoned: Bar Area
  - f. Describe any improvements to be made to existing buildings(s): See Attached Drawings
  - g. How many full-time equivalent jobs will be created by the expanded business during the two-year period? 15

How many full-time equivalent jobs will be retained by the expanded business during the two year period? 20

How many jobs will be retained for residents of Hyde County? \_\_\_\_\_ 20 \_\_\_\_\_

h. Briefly describe how RLF and other funds (bank loans, owner equity, etc.) will be used during property acquisition, construction, and/or expansion of the existing business. We endeavor to make the property ADA compliant, use water resistant materials in construction, and elevate bar area to mitigate flood damage

- i. How are road transportation and water and electric service to be supplied to the site?  
Same as existing
- j. How will sewage disposal be accomplished? Same as existing

## PROJECT SOURCE AND USE FORM

The Project Source and Use Form summarizes project funding sources and explicitly identifies how each activity will be financed. A given activity may be paid for with more than one funding source, but those sources and the individual amount committed must be explicitly identified. Existing assets should not be listed on this form.

### INSTRUCTIONS

1. NAME OF APPLICANT – Enter the legal name of the applicant.



### PROJECT PRIVATE COMMITMENT FORM

As President (title) of this company, I commit to the following actions, as described more fully in the project application:

- a. Undertake and carry out the project as described in the project application.
- b. Create a minimum of 15 jobs with 15 for persons residing in Hyde County, and obtain the level of jobs indicated above by Memorial Day 2020.
- c. Provide certified payroll report prior to initial disbursement of funds and provide quarterly reports thereafter showing job creation numbers.
- d. Secure funding for the project from the following sources, in the specified amounts:
  - 1. Flood Insurance--\$223,000
  - 2. Contents Insurance--\$100,000
  - 3. RLF--\$200,000
  - 4.
- e. Provide Hyde County with quarterly income statements and balance sheets throughout a two-year period following the loan award.
- f. Begin project activities only following execution of a legally binding commitment and loan agreement and the release of other conditions, if any, placed on the loan by Hyde County.
- g. Complete project activities by no later than Memorial Day 2020.

My firm is committed to undertake this project and but for the provision of the RLF assistance this project will not be undertaken.

Signed [Signature] Date 12/18/2019 ~~\_\_\_\_\_~~ Title President

Name of Business Jajio, LLC

# Dajío

for food & drink



December 18, 2019

To Rosemary Johnson and Members of the RLF:

This Letter of Transmittal is to affirm that the attached Private Commitment Form represents the firm's commitment in full and I am authorized to make the commitment for the firm as a Member of the LLC of Jadio and President of Dajío, Inc.

Please let me know if you need additional information or if you have any questions.

Sincerely,

Douglas A Eifert  
President, Jadio LLC  
President, Dajío, Inc.



- g. Project completion date must be no later than 25 months after the application date, and can be no earlier than the date specified in line b above.

### PROJECT PRIVATE COMMITMENT FORM

As \_\_\_\_\_ President \_\_\_\_\_ (title) of this company, I commit to the following actions, as described more fully in the project application:

- a. Undertake and carry out the project as described in the project application.
  
- b. Create a minimum of   15   jobs with  15  for persons residing in Hyde County, and obtain the level of jobs indicated above by  Memorial Day 2020 .
  
- c. Provide certified payroll report prior to initial disbursement of funds and provide quarterly reports thereafter showing job creation numbers.
  
- d. Secure funding for the project from the following sources, in the specified amounts:
  - 1. Flood Insurance--\$223,000
  
  - 2. Contents Insurance--\$100,000
  
  - 3. RLF--\$200,000
  
  - 4.

- e. Provide Hyde County with quarterly income statements and balance sheets throughout a two-year period following the loan award.
- f. Begin project activities only following execution of a legally binding commitment and loan agreement and the release of other conditions, if any, placed on the loan by Hyde County.
- g. Complete project activities by no later than \_\_ Memorial Day 2020 \_\_\_\_\_.

My firm is committed to undertake this project and but for the provision of the RLF assistance this project will not be undertaken.

Signed \_\_\_\_\_ Date 12/18/2019 \_\_\_\_\_ Title President

Name of Business \_\_\_\_ Jajio, LLC \_\_\_\_\_

## PROJECT NEEDS FORM

1. Name of Applicant: Jadio, LLC

2. Project Name: \_\_\_\_\_ Dajio Dorian Re-Build \_\_\_\_\_

3. Relationship between Project Activities and Job Claim: Explain how the activities described in the application will result in the jobs claimed as retentions or creations. If the project is a job retention project, the applicant must clearly demonstrate that existing jobs would be lost without provision of RLF funds. If funds are not acquired restaurant won't be completed and jobs won't be created.

4. Total Documented Project Financing Needs: Check applicable activities and in attachments provide required cost breakdowns shown (**Attachment "A"**). Describe here sources and methods of estimating for each activity including those financed with non-RLF funds.

- Real Estate (land or existing buildings) – Attach purchase option or lease option. Provide documentation on comparable land costs in the local vicinity, or an appraisal.
- Construction/Rehabilitation – Attach listing of components (HVAC, plumbing, electrical, etc.) with architect/engineer's estimate or quote from contractor.
- Site Improvements – Attach listing of components (grading, drainage, paving, etc.) with engineer's estimates or quotes from contractor.
- Machinery and Equipment – Attach detailed listing of items, with price quotes from suppliers.
- Public or On-Site Water and Sewer – Attach detailed listing of components and sizes, with engineer's estimates.
- Working Capital Expenditures – Attach detailed listing of startup/operating costs.

### See Attachments

5. Verification of RLF Need

(a) Loan Amount: \$ \_\_\_\_\_

(b) The Gap Addressed:

\_\_\_\_\_ Sufficient funds not available elsewhere, including internally.

\_\_\_\_\_ Funds available elsewhere, but cash flow is not sufficient to meet debt service.

\_\_\_\_\_ Other (Describe):

The amount of the gap must be no greater than the level of direct assistance proposed. Describe how the gap was identified and measured, referencing supporting documentation. Adequate financial documentation must be included with the application for the existence and dollar amount of the gap to be independently verified. See Application Instructions – Project Needs Form.

**See Attachments**

6. Security (Describe): Property at 305 Irving Garrish Highway, Ocracoke (existing space)

**PROJECT FEASIBILITY FORM**

The primary objective of the Hyde County Revolving Loan Fund program is to promote economic development and create jobs for residents of Hyde County, while enhancing the Hyde County Tax Base. Applicants must show that their project is feasible as proposed, and will be successful in meeting this objective. Project feasibility will be assessed in two areas: (1) financial feasibility, and (2) feasibility of attaining job commitments. The information in this form and in supporting documentation will be used in this evaluation.

**INSTRUCTIONS**

1. NAME OF APPLICANT – Enter the legal name of the applicant.

2. PROJECT NAME – Enter the project name.

**A. BUSINESS PLAN**

- c. Hiring long-term unemployed
- d. Hiring the handicapped
- e. Employee day care/self-help programs

### PROJECT FEASIBILITY FORM

- 1. Name of applicant:    Jadio, JJC
- 2. Project Name:    Dajio, Dorian Re-Build

#### A. BUSINESS PLAN

- 1. Name of Existing Business:    Jadio, Inc

Name of Proposed Business:    Jadio, Inc   

- 2. Legal Status:

Partnership

Proprietorship

Cooperative

Corporation

Other: (Specify):      LLC

3. Business Ownership and Management (include addresses and phone numbers):

Douglas and Judy Eifert PO Box 982 , 24 Bebe Lane Ocracoke NC 913-209-9975, 913-209-9813

4. Other Business Affiliations of Proposed Owners (if any):

a. Name of Business: Dajio, Inc

b. Name of Owner or Manager Involved:

c. Position in this Business:

d. Relationship Between this Business and RLF Project Business: Dajio Leases from Jadio

5. Product Line or Service Restaurant

a. Range of Products or Services:

6. Market Information **See Business Brief**

a. Geographic Market Area:

b. Major Customers:

c. Market Characteristics:

- d. Competition:
  
- 6. Marketing and Distribution **See Business Brief**
  
- 8. Cost Effectiveness: **See Business Brief**
  
- 9. Project Innovation/New Technology: **See Business Brief**
  
- 10. Employee Benefits: **See Business Brief**

## **B. B. FINANCIAL FEASIBILITY**

RLF applicants must show that the business requesting a loan has the financial and management capacity to carry out the RLF project as proposed. A determination of the financial feasibility of a proposed project will be made based on both financial and non-financial information provided in the application. The Project Feasibility Form provides the applicant with an opportunity to discuss concerns regarding the financial feasibility of a project which may be raised by Hyde County.

### INSTRUCTIONS

1. **FINANCIAL FEASIBILITY DOCUMENTATION** – The evaluation of a project's financial feasibility can only be based on documentation which is submitted to RLF with the application. The documentation listed on the form **must** accompany this section of the application. Applicants should make certain that all listed information is included in









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

**Meeting Date:** January 6, 2020  
**Presenter:** Bill Rich  
**Attachment:** Yes

**ITEM TITLE:** REVOLVING LOAN REQUEST FROM GAFFER'S RESTAURANT

**SUMMARY:** Gaffer's has been a popular restaurant on Ocracoke Island for both tourists and local residents since 2009. The principal owners are Jason C. Harrell and his wife Ashley C. Harrell. The restaurant has occupied a lease from the Oden family since its opening. The Harrells purchased the business operations in 2013. During Hurricane Dorian, the restaurant was flooded. Rather than continue to lease the building from the Odens, which will have to be completely renovated and flood-proofed before re-opening, the owners have decided to partner with The Berkley Manor to occupy a new (yet to be built) building at the Berkley. Berkley Manor will provide the land and the investment group will inject \$370,000 in capital toward the building project. Berkley will secure a first lien in the new building. The Harrells have requested a \$300,000 loan from the County for the building project and are also injecting \$170,000 of their own capital. If approved, the county will take a second lien position. The Berkley will not have an interest in the operation of the business, but will have interest in the real estate. If all goes as planned, the Harrells plan to have the new restaurant open for business by Memorial Day 2020. The Committee has requested that the county ensure that there are no performance covenants in the current lease with the Odens as well as a satisfactory business relationship between the Berkley investors and the Harrells.

**RECOMMEND:** APPROVE LOAN REQUEST FOR GAFFER'S

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MOTION MADE BY:  PUGH  
 PAHL  
 SIMMONS  
 SWINDELL  
 TOPPING

MOTION SECONDED BY:  PUGH  
 PAHL  
 SIMMONS  
 SWINDELL  
 TOPPING

VOTE:  PUGH  
 PAHL  
 SIMMONS  
 SWINDELL  
 TOPPING

**HYDE COUNTY  
NORTH CAROLINA**

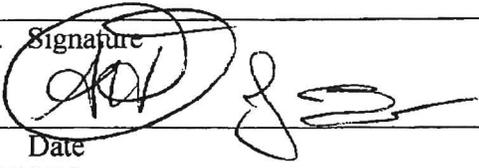
**ECONOMIC DEVELOPMENT  
REVOLVING LOAN FUND**

**Gaffers  
PO BOX 425  
Ocracoke, NC 27960**

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**APPLICATION FOR EXPANSION OF AN EXISTING BUSINESS**

**HYDE COUNTY ECONOMIC DEVELOPMENT  
REVOLVING LOAN FUND  
APPLICATION SUMMARY**

<b>1. APPLICANT</b>  a. Name: <b>Ashley and Jason "Red" Harrell Gaffers</b>  b. Street/P.O. Box: <b>425</b>  c. City: <b>Ocracoke</b>  d. Zip Code: <b>27960</b>  e. Contact Person: <b>Ashley Harrell</b>  f. Telephone No.: <b>252-258-7059</b>		
<b>2. Project Number</b>	<b>3. Project Name</b>	<b>4. RLF Funds Requested</b>
	<b>New Gaffers Building at The Berkley Manor</b>	<b>\$300,000.00</b>
<b>5. CERTIFICATION</b>  a. To the best of my knowledge and belief, data in this application is true and correct, the applicant will comply with the certifications in the attached Private Commitment Form if the assistance is provided.		b. Typed Name and Title of Authorized Representative <b>Ashley Harrell- President</b> <b>Jason Harrell- Vice President</b>
		c. Signature 
		d. Date <b>12/12/19</b>
<b>FOR HYDE COUNTY USE ONLY</b>		
<b>6. Date Received</b>	<b>8. Action Taken</b>	<b>9. Amount Funded:</b>
	<input type="checkbox"/> Funded <input type="checkbox"/> Not Funded <input type="checkbox"/> Withdrawn	\$ _____
<b>7. Application Number</b>		

## PROJECT DESCRIPTION FORM

1. Name of Applicant: Soulshine Music Corporation DBA Gaffers Sports Pub  
Ashley and Jason "Red" Harrell
2. Application Date: 12/12/2019
3. Project Name: New Gaffers at The Berkley Manor property
4. Description:
  - a. Briefly describe the existing business (products/services offered, basic project goals and objectives): See attached
  - b. Proposed location of existing business (include location map(s)): See attached plat/survey of proposed property
  - c. Number, size, and general description of any new buildings to be constructed (include site map and plans, if available): See attached
  - d. Size of any parcel(s) of land to be acquired (include survey map): See attached
  - e. Describe any existing buildings to be demolished or abandoned: empty lot
  - f. Describe any improvements to be made to existing buildings(s): n/a
  - g. How many full-time equivalent jobs will be created by the expanded business during the two-year period? 30-40  
  
How many full-time equivalent jobs will be retained by the expanded business during the two year period? 30-40  
  
How many jobs will be retained for residents of Hyde County? 30
  - h. Briefly describe how RLF and other funds (bank loans, owner equity, etc.) will be used during property acquisition, construction, and/or expansion of the existing business. See attached proposed project budget
  - i. How are road transportation and water and electric service to be supplied to the site? See attached proposed site plan
  - j. How will sewage disposal be accomplished? See attached proposed site plan

## Gaffers/Ferry View Project Scope

Note that this document is for planning purposes only. All specifications and estimates are subject to change. This document will serve as an initial outline for the proposed restaurant to be built on Berkley Club lot(s) 1/2.

**Building Description:** This building will be a wood frame facility, set on wooden piles, facing highway 12. There will be a 1<sup>st</sup> floor consisting of the main dining area, kitchen, bathrooms, cold storage. This level will have a large covered deck, and have the following specs:

- Minimum 10' wide covered deck along entire front of building and first 12' of sides.
- 12-15' ceiling height
- Minimum 8' tall windows along the entire front of building and wrapping around approximately 12' on sides.
- Simple interior wall finishing's – Rough cypress board
- Commercial/waterproof LVP flooring in dining area
- Epoxy flooring in kitchen and bathrooms

There will be a rooftop deck/bar area which will provide stunning views of Silver Lake and the Pamlico Sound. The upper deck shall be partially covered (bar located under) and partially open deck.

### Enclosed Square Footage – 2990

- Includes kitchen, bathrooms, indoor seating, and cool storage

**Project Cost Estimate:** Please see accompanying spreadsheet for cost estimates.

**Lot/Building Layout:** The Building shall be oriented facing highway 12, with the back of the building towards the Berkley Manor. This will allow for noise to be directed towards silver lake and away from the Manor. The Upper deck shall have a solid wall along the side facing the Manor so as to direct noise away from the Manor there as well. The elevation of the finished floor shall be approximately 6-7.5' above the finished ground level.

**Septic:** I have requested a meeting with the Hyde County health department, but have not received an appointment yet. I did reach out to our environmental engineer for an initial consultation. His findings were as follows:

- Capacity available – TBD – He is working on this and hopes to have it by weeks end.
- Restaurant seats will be assigned an initial flow of 40 gpd, and bar seats 20 gpd.
- If the total gpd flow exceeds 3000 gallons per day it has to be reviewed at the state level and will face significant delays and thresholds.
- Recommendation was to reduced restaurant "seats" and increase bar seats to stay under 3000. Then perform and actual usage study first 12 months in business, and use those findings to reduce total hold so you can add seats and stay below the 3000 number.



	GPD Per	Seats	Sq ft per	Total Sq Footage	Total GPD	
Dining Seats		40	60	15	950	2400
Bar Seats		20	29		200	580
Kitchen					900	
Bathrooms					375	
Prep/Service					115	
Office					150	
Cold Storage					300	
Total					2990	2980

Parking Spaces 22.25





**PROJECT SOURCES AND USES OF FUNDS**

USES OF FUNDS		SOURCES OF FUNDS					
USE	AMOUNT	LENDER [Source]	TERM	RATE	COLLATERAL	AMOUNT	D/S
Construction	\$ 493,600	BergAff LLC			First DOT	\$ 379,100	
Septic Engineering Survey	\$ 65,000	Hyde RLF			Second DOT	\$ 300,000	\$38,183.59
Generator	\$ 25,000	LAND			* Inventory Equity	\$ 450,800	
Hood System	\$ 15,000						
Contingencies	\$ 50,000	Operating Working Capital			*Harrell Equity	\$ 160,000	
Land	\$ 450,800						
LLC Start Up Costs	\$ 4,500						
<b>TOTAL USE</b>	<b>\$ 1,129,900</b>					<b>\$ 1,289,900</b>	<b>\$38,183.59</b>

**Building Cost**

<b>Building Shell</b>	\$ 310,000.00	Includes roof, framing package, subfloor, w 2 big ass fans in first floor, 4 standard fans
Fans	\$ 9,000.00	
Water Heater	\$ 1,800.00	
Engineering/Design	\$ 15,000.00	
Septic Engineering	\$ 8,000.00	
HVAC	\$ 25,000.00	
Elevator	\$ 35,000.00	
Flooring	\$ 12,000.00	
Doors	\$ 4,500.00	
Septic Install & Material	\$ 65,000.00	
20 Loads Fill Dirt	\$ 8,000.00	
Driveway Gravel	\$ 4,800.00	
Surveying	\$ 3,000.00	
Roof Deck	\$ 35,000.00	
Buffer Fence/Landscaping	\$ 10,000.00	
Incidentals	\$ 50,000.00	
Generator	\$ 25,000.00	
Specialty Lighting/Fixtures	\$ 3,500.00	
Bars/Fixed service area	\$ 4,000.00	
Walk In Cooler	\$ 8,000.00	
Walk In Freezer	\$ 8,000.00	
Interior Wall Finish	\$ 15,000.00	
Kitchen Hood/fan	\$ 15,000.00	
<b>Total</b>	<b>\$ 674,600.00</b>	

**Land Cost**

Lot 2	\$ 330,000.00
Lot 1 - 2500 Sq Feet	\$ 120,800.00
<b>Total</b>	<b>\$ 450,800.00</b>

**Business Cost**

Legal Setup	\$ 3,500.00
Insurance	\$ 1,000.00
<b>Total</b>	<b>\$ 4,500.00</b>

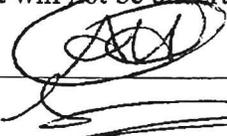
**Grand Total Project Cost \$ 1,129,900.00**

**PROJECT PRIVATE COMMITMENT FORM**

As President (title) of this company, I commit to the following actions, as described more fully in the project application:

- a. Undertake and carry out the project as described in the project application.
- b. Create a minimum of 30 jobs with 30 for persons residing in Hyde County, and obtain the level of jobs indicated above by \_\_\_\_\_.
- c. Provide certified payroll report prior to initial disbursement of funds and provide quarterly reports thereafter showing job creation numbers.
- d. Secure funding for the project from the following sources, in the specified amounts:
  - 1. **1,000,000.00 from Investment Group**
  - 2.
  - 3.
  - 4.
- e. Provide Hyde County with quarterly income statements and balance sheets throughout a two-year period following the loan award.
- f. Begin project activities only following execution of a legally binding commitment and loan agreement and the release of other conditions, if any, placed on the loan by Hyde County.
- g. Complete project activities by no later than **December 2020**.

My firm is committed to undertake this project and but for the provision of the RLF assistance this project will not be undertaken.

Signed  Date 12/12/2019 Title President

Name of Business Soulshine Music Corporation DBA Gaffers