

## Minutes

### **Board of County Commissioners Hyde County**

**July 20, 2009**

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, July 20, 2009 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, Sharon Spencer, and Barry Swindell; County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioners Gene Ballance, Deputy Clerk Jamie Tunnell; and members of the public.

Following the pledge of allegiance and an opening prayer by Commissioner Swindell, the meeting was called to order.

#### **Agenda:**

Chairman Davis asked for any changes to the July 20, 2009 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to add Item II.A. – Special Presentation – Hyde County Board of Education; Item III.C. – Signage – No Wake Zone, Item IV.A. – Appointment – Tax Assessor; and Item VII. Closed Session - Personnel. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

#### **Consideration of Minutes:**

Chairman Davis asked for approval of meeting minutes.

Commissioner Byrd moved to approve the July 6, 2009 meeting minutes as presented by the Clerk. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

#### **Special Presentation – Hyde County Board of Education:**

Hyde County Schools Superintendent Greg Todd and School Board Member Thomas Whitaker reported that Hyde County Schools are eligible for Qualifying Schools Construction Bond (QSCB) funds for academic use and Qualifying Zone Academy Bond (QZAB) funds for renovation and/or refurbishing school buildings. Superintendent Todd said the debt service on part 1 could come out of existing capital revenue sales tax allocations. Mr. Classen stated that each \$1 million of zero-interest, twelve-year borrow would cost approximately \$80,000 annually.

Commissioner Spencer moved to approve application by the Hyde County Board of Education for QSCB and QZAB funding for part 1 (Mattamuskeet School) and 2 (Ocracoke School) proposals totaling approximately \$1.9 million as presented contingent to objection if changes arise and to hold part 3 proposals (Mattamuskeet School) totaling \$3 million for all the parts. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

George Chamberlin, Ocracoke, suggested comments from the public be moved to or continued at the end of Board meetings. He also stated Ocracoke is way behind on EMS services and the speaker/microphone system for the electronic meeting equipment is inadequate.

There being no further public comment, Chairman Davis continued the meeting.

### **Public Hearing – CDBG SBEA Grant**

Commissioner Swindell moved to open public hearing on the 2009 Community Development Block Grant – Small Business Entrepreneurial Assistance (CDBG-SBEA) Grant Application. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

County Planner Alice Keeney conducted public hearing on the 2009 CDBG-SBEA Grant Application. Ms. Keeney reported that on May 4, 2009, the Hyde County Board of Commissioners authorized the County Manager to execute such documents and take such actions as necessary for Hyde County to apply for a 2009 CDBG-SBEA grant. On May 18, 2009 the Hyde County Board of Commissioners held the first public hearing regarding the 2009 CDBG-SBEA grant application, at which time potential applicants were given a copy of the CDBG-SBEA guidelines and Hyde County's application to be considered for the grant, which was due on June 1, 2009. On July 6, 2009, the Hyde County Board of Commissioners reviewed the Hyde County Revolving Loan Committee's recommendations for potential applicants to be considered for the grant. At that time, the Board approved holding the second required Public Hearing in conjunction with the July 20, 2009 Commissioners Regular meeting. After conducting the second required public hearing, considering comments at the public hearing, the County Commissioners must adopt a resolution approving the grant application.

There being no further comments from the public, Commissioner Swindell moved to close public hearing on the 2009 CDBG-SBEA Grant Application. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

### **Public Hearing – ROAP Grant**

Commissioner Spencer moved to open public hearing on the FY2009-10 Rural Operating Assistance Program (ROAP) Grant. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

Hyde County Transit Director Beverly Paul conducted public hearing on the FY2009-10 ROAP Grant proposal. Ms. Paul reported that the ROAP grant is an annual public transportation grant from the NCDOT Public Transportation Division and presented recommendations for sub-allocation of funds.

There being no further comments from the public, Commissioner Swindell moved to close public hearing on the FY2009-10 ROAP Grant. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

### **Ordinances and Resolutions:**

#### **Hyde County Franchise Ordinance – Solid Waste Collectors**

The Hyde County Franchise Ordinance – Solid Waste Collectors was adopted by the Board

At the June 15, 2009 meeting, the County Attorney was asked to inquire about a change to the Ordinance regarding the maximum penalty and clarification of construction debris. County Attorney Sid Hassell proposed to amend Section 1. Definitions (f) Solid Waste Collector - *means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes solid waste from his own premises or one for whom the removal of solid waste is incidental to his primary business, for example, a building contractor who disposes of construction debris on his jobs.*

After discussion, Commissioner Swindell moved to adopt Hyde County Franchise Ordinance – Solid Waste Collectors with the amendment as proposed by the County Attorney. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "Hyde County Franchise Ordinance – Solid Waste Collectors" is attached herewith as Exhibit A and incorporated herein by reference.*

#### **Resolution – CDBG SBEA Grant**

After discussion, Commissioner Spencer moved to approve a Resolution titled, "Application for Community Development Block Grant Funding for the Small Business Entrepreneurial Assistance Project Jumpstart Hyde" and authorize the Chairman, Clerk County Manager and other county officials as necessary to sign and execute documents in support of this action. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

*CLERK'S NOTE: A copy of "Application for Community Development Block Grant Funding for the Small Business Entrepreneurial Assistance Project Jumpstart Hyde" is attached herewith as Exhibit B and incorporated herein by reference.*

#### **Resolution for Signage – No Wake Zone**

The North Carolina Wildlife Resources Commission has asked the Board of Commissioners to install No Wake signs in Silver Lake, Ocracoke; Far Creek, Engelhard; and in three canals in Swan Quarter.

After discussion, Commissioner Swindell moved to approve the NCWRC request for No Wake signs to be posted in Hyde County waterways but at no cost to the County. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

#### **Appointments**

After discussion and in accordance with State, law Commissioner Byrd moved to appoint Linda Basnight as Hyde County Tax Assessor and the Hyde County Tax Collector (serving in the position of Tax Administrator) for the period July 1, 2009 through June 30, 2013. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

Commissioner Swindell moved to accept the 2008 Settlement of Property Taxes in the amount of \$5,541,096.71; accept the 2008 Settlement of Vehicle Taxes in the amount of \$260,587.44; and, to authorize the Chairman to sign and execute both. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays - None; Absent or Not Voting – None.

requested approval to add \$435.49 reimbursement to the NENCPPH revenue line in order to offset expenditures for meals.

The Health Department has also received funding in the amount of \$17,058 for the period June 1, 2009 through August 9, 2009 to be used to enhance all hazards strategic planning and direction, coordination and assessment, surveillance and detection capacities, risk communication and health information dissemination, telecommunications capabilities and education and training. Any funds not spent by August 9 will revert back to the State. In order to prevent this from happening, the Health Department needs to transfer funds from the salaries and benefits lines (\$4,000) into department supplies (\$2,000) and equipment (\$2,000) lines. This transfer will not increase the budget for Bioterrorism.

Commissioner Swindell moved to accept \$435.49 reimbursement from the NENCPPH and to approve transfer of \$4,000 from salaries and benefits to department supplies and equipment. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

#### **Future Solid Waste Service Delivery Options**

With the Solid Waste budget and fee schedule in place for FY2009-10, Utilities Director Clint Berry presented follow-up information to the Commissioners May 4, 2009 discussion regarding solid waste collection issues. Mr. Berry reminded the Board that if the Commissioners desire to change any of the methods of service from private contract to in-house services, action needs to occur prior to October 1, 2009 for such to be effective July 1, 2010 without payment to the existing private solid waste hauler.

Mr. Berry provided a review of options presented previously but based upon figures from the FY2009-10 budget and fee structure. He also reported that 5 to 6 new jobs would be created with in-house solid waste collection.

After discussion, Commissioner Byrd moved to direct the County Manager pursue, develop and execute in-house solid waste collection, effective July 1, 2010 and take such actions as are necessary in support of this motion. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

#### **Rural Operating Assistance Program Grant**

After discussion, Commissioner Spencer moved to approve the FY2009-10 Rural Operating Assistance Program (ROAP) grant recommendations and authorize the Chairman, Clerk, County Manager and other county officials to sign and execute documents in support of this action. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

#### **Swan Quarter Step Grant- Rural Center Contract**

County Planner Alice Keeney presented Amendment No. 1 to Contract 2008-219-60401-107, which amends the agreement dated April 1, 2008 between Hyde County (“Grantee”) and the

the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

### **North Carolina Coastal Recreational Fishing License Grant Applications**

County Planner Alice Keeney reported that the North Carolina Marine Fisheries Commission (MFC) and the North Carolina Wildlife Resources Commission (WRC) have issued a Request for Proposals (RFP) for consideration of funding from the Marine Resources Fund. The Marine Resources Fund is composed of proceeds from the sale of the Coastal Recreational Fishing License (CRFL). The North Carolina General Assembly created the Fund to manage, protect, restore, develop, cultivate, and enhance the marine resources of the State Of North Carolina.

The Office of Planning and Economic Development and the Ocracoke Foundation (which needs for the County to submit an application on its behalf) request permission to submit two RFP's:

- (1) Improve and develop public fishing and boating access on property owned or controlled y the County by coordinating with other agencies and local governments to identify, enhance, conserve, and develop recreational fishing areas;
- (2) Continue development of the Ocracoke Restoration Project.

An RFP for each project will be submitted if it is determined the project is eligible for funding under by MFC and WRC and if the project is compatible with objectives identified in the RFP. RFP's are due by 5:00 PM on July 31, 2009.

Commissioner Byrd moved that if the Marine Fisheries Commission (MFC) determines that one or both of the projects meets the criteria for submitting a RFP to authorize the County Manager to execute applications for funding from the North Carolina Marine Resources Fund - CRFL. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – Swindell.

### **Swan Quarter Watershed Phase XII Project Agreement Amendment No. 2 to Contract No. 69-4532-5-028**

Grant Technician Kris Noble reported that at the time the Commissioner's Agenda was prepared the Natural Resource Conservation Service (NRCS) was in the process of providing Hyde County with Amendment No 2 to Project Agreement 69-4532-5-028, more commonly referred to as the Administration and Inspection contract. This agreement between the Natural Resource Conservation Service (NRCS) and Hyde County provides funds to locally administer the Swan Quarter Watershed Project and inspect all work performed. Each time additional funds are appropriated by the NRCS this original Project Agreement must be amended to reflect those changes. Amendment No. 2 ensures adequate funds will be available to continue to locally administer the project and provide inspection services by Jerry Harris, Applied Troubleshooting, beginning after the Notice to Proceed was issued on Phase XII through the completion of Phase XII.

Commissioner Byrd met with Mike Kecknie of East Carolina Behavioral Health (ECBH). Mr. Byrd also reported that the ADAP Center property and building was deeded to Hyde County in 2007.

Commissioner Ballance stated he approves adding Public Comment at the end of the Board of Commissioners Meeting Agenda and stated that more agenda item detail could be posted on the County website along with the Agenda. Mr. Ballance stated that the Ocracoke fire alarm is not run unless there is a crisis situation.

Commissioner Swindell stated that the Commissioners are trying to improve services and serve the whole county. Mr. Swindell encouraged citizens to file to run for office next Spring.

No other Board or Committee reports were offered so Mr. Davis continued with the Agenda.

### **County Manager's Report:**

County Manager Carl Classen reported that Agenda Summary Sheets will be in the Mattamuskeet and Ocracoke School Library and on the county website; Soundside Electronics will develop a plan to improve reception and eliminate feedback noise on the electronic meeting equipment; Jane Hodges, Deputy EMS Director and Lois Stotesberry, Administrative Assistant continue to work to keep EMS services moving forward countywide; Jeanette Jones will serve as Emergency Services Director for 2 to 4 months to assist with strengthening Emergency Services administration.

Mr. Classen introduced Emergency Services Director Jeanette Jones. Ms. Jones retired in 1998, from Orange County EMS with 27 years experience; the last 10 years as the EMS Director. I started with South Orange Rescue Squad as a volunteer EMT, became EMT-I in 1973, and an EMT-P in 1978. She became a county employee in 1978 and has been employed on a part-time basis since 1998 with the Orange County Board of Commissioners. Her motto is "I can't, but we can."

Mr. Classen further reported that the Office of the State Fire Marshal is assisting Hyde County with strengthening the Code Enforcement Department; advertisement for EMT-B; EMT-I; and EMT-Paramedic positions are posted and one Solid Waste Code Enforcement position will be advertised next week; request for Stimulus Grant funding has been turned down; NWRC and other agencies are working on the Ocracoke NPS Boat Ramp project; Cahoon and Kasten Architects will draft preliminary drawings to rehab the Engelhard Airport Terminal building and State funding will cover 90% of costs; Pam Sawyer can be contacted for County information and is managing the County website; and that Corrinne Gibbs, Assistant Finance Officer will manage FMLA, FLSA, and Workers Compensation for the County.

### **Engelhard Water Treatment Plant – Easement Acquisition**

County Manager Carl Classen reported that materials received from County Attorney Sid Hassell indicate that the Council of State has approved the County's request for easements to allow Hyde County use State property for the location of the Engelhard Water Treatment Plant outfall. The cost of the easements is \$4,250, which will be paid through Engelhard Water Treatment Plant Project grant/loan proceeds. (\$250 has already been paid.)

Commissioner Swindell moved to approve acceptance of State easements for the Engelhard Water Treatment Plant Project and payment of \$4,250 from proceeds for the Project. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance

July 17, 2009 10:00AM County Manager's Office

Witnesses: Carl Classen, County Manager; Corrinne Gibbs, Assistant Finance Officer; Katelynn Tillman, Administrative Assistant

<u>Bidder</u>	<u>Amount</u>	<u>Valid Contractor Lic.</u>	<u>Valid Insurance Cert.</u>
• A.R. Chesson	\$33,680.00	Yes	Yes
• J. Harrelson Co.	\$47,388.00	Yes	No
• RCI Custom Construction	\$19,557.00	Yes	Yes
• William L. Waters DBA Blair Shores Builders	\$39,359.31	Yes	Yes

Following the bid opening, the County Manager expressed concerned to the architect, Ben Cahoon of Cahoon & Kasten, that the lowest bid was much lower than the next lowest bid. The architect spoke with the lowest bidder and Mr. Cahoon wrote in a July 20 email to the County Manager: *"He feels confident he included the proper materials and did not leave anything out. He said he had checked his bid/addition twice before sealing it up. The only thing he seemed unsure about was how to remove the Jury chairs. But based on what he told me he has more than enough time included at an adequate rate. "This reminds me a little of the gazebo/Bo Taylor situation which actually turned out ok. I was concerned about that one too."*

Mr. Cahoon also noted that the contractor is to produce shop drawings prior to commencement of the work. He also stated that the all materials could be pre-approved by the architect.

Commissioner Swindell moved to accept the bid tab as presented; approve budget amendment (Facility Fee) in the amount of \$30,000 to cover the cost of the construction contract, inspection fees, and contingency; to authorize the County Manager to further retain Cahoon & Kasten for regular inspections of the project when underway; and to authorize the County Manager to execute necessary paperwork and contracts with RCI Custom Construction in support of this action subject to: (a) no construction work beginning prior to architect approval of shop drawings provided by the contractor and (b) prior architect approval of all materials and colors. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

**Closed Session:**

Commissioner Swindell moved to enter Closed Session in accordance with NCGS §143A-318.11(a)(6) to discuss personnel matters. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners entered closed session at 8:58 P.M.

Chairman Davis moved to return from Closed Session. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The Commissioners re-entered regular session at 10:00 P.M.

Minutes approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Lois Stotesberry, Clerk - Hyde County Board of Commissioners

SEAL

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Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

*Exhibit A – “Hyde County Franchise Ordinance – Solid Waste Collectors”*

*Exhibit B – “Resolution – Application for Community Development Block Grant Funding for the Small Business Entrepreneurial Assistance Project Jumpstart Hyde”*

Minutes approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Lois Stotesberry, Clerk - Hyde County Board of Commissioners

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Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

*Exhibit A – “Hyde County Franchise Ordinance – Solid Waste Collectors”*

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## LICENSING OF SOLID WASTE COLLECTORS

### Sec. 1. Definitions.

The following words, terms and phrases, shall have the meanings ascribed to them in this section, in the interpretation and enforcement of this article:

- a) *Board* means the Board of Commissioners of Hyde County.
- b) *Collection* means the act of removing solid waste to the Transfer Stations or the Facility.
- c) *Facility* means the East Carolina Environmental Landfill in Bertie County, North Carolina.
- d) *Person* means any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.
- e) *Solid waste* means any solid wastes that may be disposed of in sanitary landfills, including, without limitation, garbage, refuse, trash and other discarded material, whether from residential, commercial, industrial or institutional sources, which wastes are typically found in household, commercial or municipal refuse.
- f) *Solid waste collector* means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes solid waste from his own premises.
- g) *Solid waste license* or *license* means a license for the collection, transportation and disposal of solid waste pursuant to Section 2 of this article.
- h) *Transfer Stations* means the following three transfer stations: Chowan/Gates/Perquimans Counties Transfer Station, Currituck County Transfer Station and Dare County Transfer Station.

### Sec. 2. Solid waste license required.

It shall be unlawful for any person to engage in business as a solid waste collector within any area of the Hyde County, without first having procured a solid waste license from the Board. All solid waste collectors within Hyde County shall dispose of all solid waste generated within any area of the Hyde County at the Facility or the Transfer Stations.

### Sec. 3. Application, issuance, revocation of license.

- a) *Application*. All applicants for solid waste licenses shall file a written application with the Board's authorized representative and shall furnish the following information:
  - 1) The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation, partnership or other entity;
  - 2) A list of the collection vehicles the applicant plans to use in the Hyde County; and
  - 3) Any other information the Board's authorized representative may reasonably request.
- b) *Five-year license*. Solid waste licenses shall be issued for five-year periods. Licenses may be renewed with the information designated in subsection (a) of this section being presented to the Board's authorized representative at least thirty (30) days prior to the expiration of the existing and valid license.

- 1 c) *Selection of applicants; granting of licenses.* The Board's authorized representative shall  
2 review applications for solid waste licenses and license renewals, and shall issue licenses and  
3 renewals to applicants meeting the requirements of this article.
- 4 d) *Investigation of solid waste collectors prior to license issuance.* Before issuing a license  
5 pursuant to this article, the Board's authorized representative may inspect the facilities,  
6 equipment and solid waste collection vehicles the applicant plans to use in the solid waste  
7 collection business.
- 8 1) The Board's authorized representative shall issue the applicant a license when the  
9 Board's authorized representative determines that the application is complete and the  
10 applicant is in compliance with this article.
  - 11 2) When a license is issued to a solid waste collector, the solid waste collector shall affix a  
12 sticker indicating that the solid waste collector has a valid license to all of its solid waste  
13 collection vehicles that are to be operated in the Hyde County. The Board's authorized  
14 representative shall issue stickers to the solid waste collector at the time the license is  
15 issued. Licensees may obtain additional stickers from the Board's authorized  
16 representative.
  - 17 3) If the Board's authorized representative denies an applicant a license, the applicant may  
18 request a hearing before the Board by giving written notice of appeal to the Hyde County  
19 manager within (5) five working days of receipt of the Board's authorized  
20 representative's decision denying the license. After a hearing on the appeal, the Board  
21 shall either affirm the denial or direct the Board's authorized representative to issue the  
22 license.
- 23 e) *Revocation.* When the Board's authorized representative finds that a licensee has violated  
24 this article or the conditions of the license, the licensee shall receive written notice of the  
25 violation and be informed that if another violation occurs within (30) thirty-working days, or  
26 in the case of continuing violation if it is not corrected within (10) ten-working days, the  
27 license will be revoked. If another violation occurs within the (30) thirty-working day  
28 period, or if the continuing violation is not corrected within (10) ten-working days, the  
29 Board's authorized representative shall give the licensee written notice that the license is  
30 revoked. Upon receipt of the revocation, the licensee shall cease collecting, transporting or  
31 disposing of solid wastes in any area of the Hyde County immediately. The Board's  
32 authorized representative may reinstate a revoked license after the revocation has been in  
33 effect for (30) thirty working days if the Board's authorized representative finds that the  
34 conditions causing the violation have been corrected. A licensee whose license has been  
35 revoked may appeal the revocation to the Board by giving written notice of the appeal to the  
36 Board's authorized representative within (5) five working days of receiving notice of  
37 revocation from the Board's authorized representative. After a hearing on the appeal, the  
38 Board shall either affirm the revocation or direct the Board's authorized representative to  
39 reinstate the license.

40  
41 **Sec. 4. License fee.**

42 The licensee shall pay to the county the sum of fifty dollars (\$50.00) for the issuance of the  
43 license, and the sum of one dollar (\$1.00) for each sticker to be affixed to each solid waste  
44 collection vehicle.

45  
46 **Sec. 5. Non-transferability of licenses.**

47 Solid waste licenses are non-transferable and non-assignable.

1  
2 **Sec. 6. Responsibilities of licensee.**

- 3 a) The licensee shall serve every person who contracts with it for solid waste collection in such  
4 a manner that the licensee does not cause the person to be in violation of this article.  
5 b) The licensee shall dispose of all solid waste generated within any area of the Hyde County at  
6 the Facility or the Transfer Stations.  
7 c) A licensee shall submit an annual report to the Board's authorized representative containing  
8 the following information:  
9 1) A list of the collection vehicles the licensee used in the Hyde County during the reporting  
10 year;  
11 2) The total amount of solid waste collected in the Hyde County and the locations where the  
12 solid waste was disposed of during the reporting year;  
13 3) A certification that all solid waste the license collected in the Hyde County was disposed  
14 of at the Facility or the Transfer Stations; and  
15 4) Any other information the Board's authorized representative may reasonably request.  
16

17 **Sec. 7. Enforcement.**

- 18 a) *Penalty.* Any person who is found in violation of this article shall be subject to a civil  
19 penalty of not to exceed \$500.00 as provided in N.C.G.S. § 153-123. Each day's violation  
20 shall be treated as a separate offense.

21 *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition  
22 existing or in violation of this article may be enforced by injunction and order of abatement in  
23 accordance with N.C.G.S. § 153A-123.  
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25  
26 Passed and adopted by the Hyde County Board of Commissioners this 15th day of  
27 June, 2009 and the \_\_\_ of July, 2009.  
28

29 \_\_\_\_\_  
30 Tom Davis, Chairman  
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32  
33 ATTEST:  
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35 \_\_\_\_\_  
36 Lois Stotesberry, Clerk to the Board

RESOLUTION FOR THE COUNTY OF HYDE

APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING  
FOR THE SMALL BUSINESS ENTREPRENEURIAL ASSISTANCE PROJECT  
JUMPSTART HYDE

WHEREAS, the Hyde County Board of Commissioners has previously indicated its desire to assist in economic development efforts for small businesses/entrepreneurs within the County; and

WHEREAS, the Board of Commissioners has held two public hearing concerning the proposed application for Community Development Block Grant funding to benefit Williford Auto Supply, Ocracoke Seafood Company, Beck's Restaurant, and Engelhard Florist; and

WHEREAS the Board of Commissioners wishes the County to pursue a formal application for Community Development Block Grant Funding to benefit Williford Auto Supply, Ocracoke Seafood Company, Beck's Restaurant, and Engelhard Florist; and,

WHEREAS, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

NOW THEREFORE BE IT RESOLVED, by the County's Board of Commissioners that the County of Hyde is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Small Business & Entrepreneurial Assistance to benefit Williford Auto Supply, Ocracoke Seafood Company, Beck's Restaurant, and Engelhard Florist.

Adopted this 20th day of July, 2009, in Hyde County, North Carolina.

\_\_\_\_\_  
George Thomas Davis, Jr. Chairman  
Hyde County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board