Minutes

Board of County Commissioners
Hyde County

July 21, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, July 21, 2008 in the Multi-Use Room, Government Center, Swan Quarter, NC. The following members were present: Alice Armstrong, Gene Balance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public.

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

Agenda:

Chairman Spencer asked for any changes to the July 21, 2008 meeting Agenda as presented by the Clerk. Commissioner Davis moved to accept the Agenda as presented by the Clerk with addition of Item III.B.ii. – Reimbursement Resolution – Mattamuskeet EMS Station; Item V.D.i. – Solid Waste Fees – Part-time Residents; Item V.F. – Ponzer Community Building; Item V.G. – Board of Commissioners Size; Item V.H. – Swan Quarter Dike Project – Project Agreement Amendment; and Item V.I. – Authority to Advertise – Sheriff's Department and Dispatch. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Spencer asked for approval of the draft July 7, 2008 Meeting Minutes.

Commissioner Swindell moved to approve the July 7, 2008 Meeting Minutes as presented by the Clerk with page 3 of 6, line 42 stating Commissioner Davis declared a conflict of interest with the subdivision application and asked to be excused. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Public Comments:

Chairman Spencer called for comments from the public.

Ms. Sherrie Carawan, Engelhard, presented Crisis Situation with H2-B Workers Update. Board members were asked to call Congress and all Hyde County Representatives.

Commissioner Davis moved to send a note of resolution supporting separation of H2-B Workers from the Immigration Bill to the Hyde County Congressional Delegation, and neighboring counties (Dare, Tyrrell, Washington, Beaufort, and Carteret County). Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Ben Cahoon, Cahoon & Kasten Architects, presented Objective C (the final report) on the Old Courthouse Reuse Project. The Old Courthouse Reuse Project will be placed on the August 4, 2008 Agenda for discussion.

Commissioner Davis moved to accept Objective C – Report on The Old Courthouse Reuse Project. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Barbara Jean Gibbs, Engelhard, asked how much money will come from taxpayers for Objective C – The Old Courthouse Reuse Project.

Public Hearing:

Rural Operating Assistance Program:

Commissioner Davis moved to open Public Hearing on the Rural Operating Assistance Program (ROAP). Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Beverly Paul, Hyde Transit Director, presented the annual NCDOT Grant for Rural Operating Assistance Program that funds public transportation for Hyde County.

Jane Gibbs, Engelhard – complimented Beverly Paul for Hyde Transit assistance provided for the 4-H Summer Program.

Sherrie Carawan, Engelhard – appreciates Hyde Transit providing transportation to Carawan Seafood migrant employees.

Steve Bryan, Swan Quarter – called Hyde Transit a premier transit system.

Commissioner Swindell moved to close Public Hearing on the Rural Operating Assistance Program (ROAP). Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Commissioner Swindell moved to approve Appendix A – FY09 ROAP Sub-Allocation Worksheet and Appendix A-1 – FY09 ROAP Sub-Allocation Worksheet for Supplemental Funds, and to authorized execution of the Rural Operating Assistance Program (ROAP) – FY2008-09 Program. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Ordinances and Resolutions:

Resolution By Governing Body For The Mattamskeet Lodge Sewer Project:

Interim County Manager Carl Classen presented Resolution to Submit required by NC Rural Economic Development Center to provide funding for the Mattamuskeet Lodge Sewer Project. Hyde County is requesting grant assistance in the amount of $1,000,000 from the Supplemental Grants Program for the project.

Commissioner Davis moved to adopt Authorizing Resolution By Governing Body For The Mattamskeet Lodge Sewer Project. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of the "Authorizing Resolution By Governing Body For The Mattamuskeet Lodge Sewer Project" is attached herewith as Exhibit A and incorporated herein by reference.

Reimbursement Resolution – Mattamuskeet EMS Station:

The purpose of the Reimbursement Resolution is to allow the County to utilize its own funds to construct the EMS building and then have up to three years to reimburse itself from tax-exempt proceeds. The present construction estimate for the project is $200,000 but the higher amount is included in the Reimbursement Resolution in case of an overrun. The Mattamuskeet EMS Station is expected to be a metal shell building with bays for the ambulances and an attached pre-fabricated three-bedroom living quarters for the EMT's.

Commissioner Swindell moved to approve "Declaration of Official Intent to Reimburse" (otherwise known as a Reimbursement Resolution) for the EMS Station and to authorize the Interim County Manager to retain Cahoon & Kasten to prepare a cost estimate and plans utilizing existing funding in the FY2008-09 budget. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of the "Declaration of Official Intent to Reimburse" is attached herewith as Exhibit B and incorporated herein by reference.

Other Matters:

Budget Revisions and Transfers:

Courtroom Changes:

Interim County Manager Carl Classen reviewed estimates from Jay Paul Construction for courtroom changes. Original drawings will be reviewed before a contractor is selected.

After discussion, Mr. Davis moved to transfer $30,000 from the Judgment Reserve line to cover expenses relating to the Courtroom changes but to retain Cahoon & Kasten to have drawings done and to have such drawings reviewed by the judges, Clerk of Court and approved by them before any contract for work is executed. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Tax Settlement:

Interim County Manager Carl Classen reviewed reports submitted by Tax Administrator Linda Basnight for 2007 DMV Taxes Settlement and 2007 Countywide Taxes Settlement.

After discussion, Mr. Swindell moved to approve the 2007 DMV and Countywide Taxes Settlement. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

FY2007-08 Tax Collections:

Tax Administrator Linda Basnight provided FY2007-08 monthly tax collections reports. No action was required by the Board.

Tax Department Pick-Ups and Releases:

Tax Administrator Linda Basnight presented a list of tax bills recommended for release.

Year	Name	Amount	Reason
1999	Austin, Donald Dwain	$207.63	Double Listing
1999	Blake, Bryan Kent	$ 97.90	Double Listing
1999	Bradley, Scott	$ 71.01	Double Listing
1997	Cuthrell, Bryan Wesley	$125.26	Double Listing
2003		$ 70.10	
2004		$160.37	
2005	Ebron, Samuel B. Jr.	$186.87	Solid Waste Fee Was Charged When There Was No Residence Since Storm
2007	Fonville-Bryant, Debbie S.	$105.25	Billed On A Temporary & Permanent Plate
1997		$ 5.10	
1997	Fulford, Linda Cooper	$ 5.10	Over 10 Years Old, Cannot Enforce Garnishment
1999	O'Neal, Ronnie Van Sr.	$423.57	Double Listing
1997		$108.03	
1997		$165.32	
1997		$105.05	
1997	Pugh, Paul Wayne	$166.92	Over 10 Years Old, Cannot Enforce Garnishment
2002	Shaw, Willie Gray	$172.11	Owned Vehicle One Day Only

Year	Name	Amount	Reason
2005	Williams, Lloyd Lee Jr.	$ 47.76	Bill Paid (12-30-2005)
1999	Willis, Jack Carroll Jr.	$168.17	Double Listing

After discussion, Mr. Davis moved to approve release of the listed tax bills. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Project Ordinance Amendment – Mattamuskeet Lodge Sewer Projects:

Interim County Manager Carl Classen reported to date the Engelhard Lagoon Improvements Project and Sewer Line Extension Project remain on schedule for bid awards in Fall 2008 and completion in December 2009 for opening of the renovated Mattamuskeet Lodge in January 2010.

Hyde County has already been awarded $417,000 of the amount to be applied for from the Golden Leaf Foundation and has already been awarded $500,00 of the amount to be applied for from the NC Rural Center. Staff and engineers continue working closely with Senator Basnight, Representative Spear, the funding agencies and the Engelhard Sanitary District Board of Directors on the many aspects of this complex project.

After discussion, Mr. Davis moved to approve Project Ordinance Amendment – Mattamuskeet Lodge Sewer Projects. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of the "Project Ordinance Amendment – Mattamuskeet Lodge Sewer Projects" is attached herewith as Exhibit C and incorporated herein by reference.

Quarterly Update – CDBG-EI and CDBG-CB Grants:

Larry Moolenar, of the East Carolina Council of Governments, is administering two CDBG grants for Hyde County. The CDBG Entrepreneurial Incubator grant ($201,000) is upgrading facilities at the Hyde Davis Business Enterprise Center and the CDBG Capacity Building ($75,000) was awarded to build the capacity of the Hyde County Community Development Corporation to develop and administer housing related grants. The North Carolina Department of Community Assistance requires quarterly reports to the Hyde County Board of Commissioners for both of these grants. No action was required by the Board.

AT&T Wireless - Variance Application:

Bell Consulting, Inc. (BCI) on behalf of AT&T Wireless has requested approval of application to co-locate on an existing tower owned by Embarq at 124 Cedar Road, Ocracoke Island. AT&T would like to extend the tower by 25' to accommodate their installation. Variance from the Board of County Commissioners for the tower extension and waiver of setback requirements is required.

After discussion, Mr. Davis moved to accept the AT&T variance application but to await further submissions before any action is taken on approval, approval with modifications, or denial. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Solid Waste Fees – NCDOT:

NCDOT provides numerous services to Hyde County, including no charge to the County for employees traveling the Ferry System on County business. NCDOT conducts roadside cleanup programs, which generates a modest amount of C&D solid waste. Additionally, their facilities in Swan Quarter and Ocracoke generate some solid waste but not an excessive amount. Many of the larger projects are contracted out to private firms and those contract projects can generate large amounts of C&D.

Given the direct assistance provided to Hyde County by NCDOT, the Interim County Manager has, on an interim basis, exempted NCDOT solid waste from its roadside clean-up and its Swan Quarter and Ocracoke facilities.

After discussion, Mr. Davis moved to adopt and make this policy a part of the solid waste fee structure with the following exemptions approved:

1. Exempt NCDOT Ferry Division Solid Waste from payment of fees for nominal amounts of solid waste NCDOT employees take to a Hyde County Recycling Center.
2. Exempt NCDOT from payment of solid waste fees when NCDOT oversees roadside clean-up in Hyde County and the waste is taken to a Hyde County Recycling Center.
3. Exempt NCDOT from paying solid waste fees when a project is performed by NCDOT staff (including inmate labor) and the solid waste is taken by NCDOT to a Hyde County Recycling Center. Solid waste from NCDOT projects that are contracted to private are not exempt from solid waste fees.
4. If a local, State or federal public agency performs a service to Hyde County, authorize the County Manager to waive solid waste fees for waste coming from a specified project if the solid waste is taken to a Hyde County Recycling Center by the local, State or federal public agency.

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

Solid Waste Fees – Part-time Residents:

On July 21, the Interim County Manager received a call from James Cozart, who owns a single-wide mobile home along Slades Creek. Mr. Cozart stated he had received his recent utility bill and asked whether the monthly solid waste fee could be removed as he is only there several weekends a year for hunting and hauls his own trash out and disposes of it outside Hyde County given that a recycling site is not nearby. (The closest one is in Swan Quarter.)

Mr. Cozart was told that there was no exemption presently for part-time residents and he asked if one was possible.

Interim County Manager Carl Classen asked does the County want to exempt part time residents from payment of the monthly solid waste fee. If so, how should "part time" be defined for the purpose of imposing or not imposing the solid waste fee?

No action was taken.

Building Inspections:

Interim County Manager Carl Classen reported that the following "code enforcement officials" are under contract by the County to provide code enforcement in the areas of building; electric; mechanical; plumbing; and fire. No action was required.

	Area(s) of Inspection Responsibility				
Name	**Bldg.**	**Elec.**	**Mech.**	**Plbg.**	**Fire**
Dean Burbage	☒	☒	☒	☒	☒
Joie Spencer	☒	☒	☒	☒	
David Warren					☒
Jerry Hardison			☒	☒	

Ponzer Community Building:

The Ponzer Community Building was recently vacated by the NC Forest Service after use as the Evans Road Fire Incident Command Post. Later in their use of the building, substantial mold problems were found by health officials.

This building, which was previously managed by the Swan Quarter Ruritan Club and more recently through a contract with Cathy Clayton, was principally funded with a North Carolina Parks and Recreation Trust Fund (PARTF) grant with local matches coming from Hyde County and Cooperative Extension. The building is in generally good condition though it needs numerous repairs and likely several capital improvements.

In addition to housing community functions and private parties, the Ponzer Community Building is used for 4-H programs, educational meetings, and various Cooperative Extension activities. Coordination of these functions and the need for additional funds for building repairs and upgrades make it prudent to have the building under closer management. The Interim County Manager has spoken with the Extension Director and he supports putting management of the building under Cooperative Extension.

After discussion, Mr. Davis moved to approve placing management of the Ponzer Community Center under Cooperative Extension and to send a letter of thanks to Cathy Clayton for her service in managing the Building since it's management was turned over from the Ruritan Club. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Balance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Board of Commissioners Size:

Commissioner Spencer asked about increasing the size of the Board of Commissioners.

Interim County Manager Carl Classen has provided a copy of State law (NCGS153A-58 through 153A-64) which outlines the procedure. The Commissioners can propose a change through passage of a resolution and the matter is subject to voter approval. The resolution is necessary for moving forward, if so desired by the Commissioners. The Board should address each item - 1. through 4. under NCGS153A-58 - for staff to draft a resolution.

The county closest to Hyde to recently increase the size of its Board of Commissioners is Currituck, which increased the Board from five to seven members (vote in 2006; first election under new Board in 2008). A copy of Resolution Redesigning Currituck County Commissioner Residency Districts was provided.

After discussion, Mr. Spencer moved to adopt A Resolution Of The Hyde County Board Of Commissioners Increasing The Number Of Commissioners. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – Davis; Absent or Not Voting – None.

CLERK'S NOTE: A copy of the "A Resolution Of The Hyde County Board Of Commissioners Increasing The Number Of Commissioners" is attached herewith as Exhibit D and incorporated herein by reference.

Swan Quarter Dike Project – Project Agreement Amendment:

Interim County Manager Carl Classen presented Amendment to the Swan Quarter Dike Project Agreement with NRCS. This Amendment covers Phase 12 and includes $152,000 to Hyde County for Administration and inspections. NRCS requested that the County manage the Project as NRCS staff available to manage the Dike Project has been reduced.

Phase 12 does not complete the Swan Quarter Dike Project; rather, the Project has Phases 13 and 14 remaining, which are presently estimated to cost $4 million to complete.

Phase 12 of the Swan Quarter Dike Project is set to begin in the fall/winter of 2008-09 and be completed by late spring or summer 2009.

The Interim County Manager is discussing arrangements with possible inspectors. Administration of the contract will be performed in-house by staff; likely by the grant person sanctioned in the FY208-09 Budget Resolution.

After discussion, the Board decided to hold over discussion of the Swan Quarter Dike Project – Project Agreement Amendment.

Later in the meeting after further discussion, Mr. Davis moved to:

1. Approve Swan Quarter Project Agreement #8 and authorize the Chairman, Clerk, Interim County Manager, and other county officials to sign and executive, necessary.

2. Approve a FY2008-09 Budget Amendment increasing General Fund Grant Revenues by $152,000 and Swan Quarter Dike Project Contract Management Expenses of $152,000. Authorize the County Manager to utilize these funds for contracts, payroll, supplies, and other expenses and to make such intra-fund transfers as are necessary to provide line item amounts.

3. Direct that the Interim County Manager be appointed the Contract Officer for Phase 12 of the Project and that the Finance Officer as the Alternative Contract Officer.

4. Send a letter to the Hyde County Congressional Delegation supporting completion of the Swan Quarter Dike Project.

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

CLERK'S NOTE: A copy of the "Swan Quarter Dike Project – Project Agreement Amendment No. 8 - Dike Construction and No. 1- Architect & Engineering" is attached herewith as Exhibit E and incorporated herein by reference.

Authority to Advertise – Sheriff's Department; Dispatch:

Sheriff Mason has asked that authority to advertise for two Deputy Sheriff positions and one Dispatcher position be approved by the Board.

Commissioner Davis discussed using internal staffing to fill the Dispatcher position.

After discussion, Mr. Swindell moved to approve authority to advertise for the vacant positions. Mr. Spencer seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – Davis; Absent or Not Voting – None.

Boards and Committees:

Ocracoke Foundation – Commissioner Ballance recently attended the Golden Leaf – Fish House Project meeting.

County Commissioners Report:

Commissioner Ballance spoke with Terry Moore, CAMA, about a breakwater at the NPS boat ramp on Ocracoke Island. Mr. Balance recommends getting a cost estimate and to determine where funds might be available. Hearing no objection, Chairman Spencer so ordered.

Commissioner Armstrong asked what the problem is with the Government Center AC and elevator.

Interim County Manager Carl Classen reported that technicians have worked on both problems and the AC and elevator are both working properly at this time.

Commissioner Swindell reported nominees are needed for vacancies on the Board of Health as of November, 2008.

Chairman Spencer presented an update on Albemarle Mental Health and reported Pungo District Hospital is now receiving mental health clients from Hyde County which has reduced deputy transport time; reminded the Board that nominees are needed to replace Mr. Davis and himself on the ABC Board; reported Hyde Transit has new Board members and is receiving positive comments from the citizens.

No other Board or Committee reports were offered so Chairman Spencer continued with the Agenda.

County Manager's Report:

Interim County Manager Carl Classen reported Tony Spencer, Emergency Manager will begin working for Carteret County in August. As part of the FY2008-09 Budget Resolution, when vacancies occur, the Board stated they wanted to review reorganization or consolidation of departments. Mr. Classen prepared an overall plan that showed four major departments – Emergency Services and related Affiliated Independent Departments. Mr. Classen proposed combining Emergency Management, Emergency Medical Services, Code Enforcement, and 9-1-1 Database into an integrated Emergency Services Department.

Commissioner Davis recommends Dispatch also be considered in the reorganization plan.

After discussion, Mr. Davis moved to endorse the Reorganization Plan presented by Mr. Classen, to combine EM, EMS, Code Enforcement, and 9-1-1 Database to form the Emergency Services Department and to consider addition of Dispatch to this department. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of the "Affiliated Departments/Agencies" is attached herewith as Exhibit F and incorporated herein by reference.

Electronic Meetings: Interim County Manager Carl Classen asked the Board to pass along thanks to Representative Tim Spear for the passage of Senate Bill-1631 - "Hyde County Electronic Meetings".

Mr. Classen told the Board the new law is effective October 1, it only applies to Hyde County but to all public bodies (i.e. school board, board of health, social services board, etc.) in Hyde County, and the Board of Commissioners needs to adopt a set of rules consistent with the law before the new law can be utilized.

After discussion, Mr. Davis moved to direct County Attorney Sid Hassell to draft a set of Electronic Meetings rules during the coming months so they can be reviewed and adopted prior to October 1. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

Interim County Manager Carl Classen also reported on operations going on within the County.

There being no further matters to come before the Commissioners, Mr. Davis moved to adjourn the meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 9:15 PM.

Respectfully submitted:

Minutes approved on the 4th day of August, 2008.

Lois Stotesberry, Clerk to the Board of Commissioners

Charles Spencer, Chairman
Hyde County Board of Commissioners

ATTACHMENTS:

Exhibit A – *"Authorizing Resolution By Governing Body For The Mattamuskeet Lodge Sewer Project"*

Exhibit B – "*Declaration of Official Intent to Reimburse"*

Exhibit C – *"Project Ordinance Amendment – Mattamuskeet Lodge Sewer Projects"*

Exhibit D – *"A Resolution Of The Hyde County Board Of Commissioners Increasing The Number Of Commissioners"*

Exhibit E – *"Swan Quarter Dike Project – Project Agreement Amendment No. 8 - Dike Construction and No. 1- Architect & Engineering"*

Exhibit F – *"Affiliated Departments/Agencies"*

SUPPLEMENTAL PROGRAM

AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT

WHEREAS, in the summer of 2007 the North Carolina General Assembly included a $100 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

WHEREAS, Hyde County has need for and intends to provide a wastewater system to serve Mattamuskeet Lodge in Hyde County; and

WHEREAS, Hyde County intends to request grant assistance in the amount of $1,000,000 from the Supplemental Grants Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF HYDE COUNTY:

That Hyde County will arrange financing for all remaining costs of the project, if approved for a grant.

That Hyde County will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Chairman of the Board of Commissioners and the County Manager are hereby authorized to execute and file an application on behalf of Hyde County with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That the Chairman of the Board of Commissioners and the County Manager are hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Hyde County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 21st of July, 2008 in Hyde County, North Carolina.

Chairman
Hyde County

Clerk to the Board
Hyde County

(Seal)

COUNTY OF HYDE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the County of Hyde, North Carolina (the Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the Mattamuskeet EMS Station.

2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $3,000,000.00.

4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 21st day of July, 2008.

(SEAL)

By: Lois Stotesberry
Lois Stotesberry, Clerk to the Board

By: Charles R. Spencer
Charles R. Spencer, Chairman

COUNTY OF HYDE
MATTAMUSKEET LODGE SEWER PROJECT ORDINANCE
Ordinance No. 2008-07-02
(Amendment – July 21, 2008)

Be it hereby ordained by the Board of Commissioners of Hyde County, North Carolina, that pursuant to Section 13.2, Chapter 159 of the General Statues of North Carolina, the following project ordinance is adopted as an amendment to Mattamuskeet Lodge Sewer Project Ordinance #2008-04-01 originally adopted April 7, 2008 and as subsequently amended.

SECTION 1: The project authorized is the Mattamuskeet Lodge Sewer Project.

SECTION 2: The Hyde County staff is hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3: The following revenues and resources are anticipated to be available to complete the project activities:

~~Capital Reserve~~	~~$ 325,000~~
~~Grant Revenues~~	~~$2,675,000~~
~~Total~~	$3,000,000

Mattamuskeet Lodge Sewer Project	
Golden Leaf Foundation	$2,000,000
NC Rural Center	$2,000,000
TOTAL	$4,000,000

SECTION 4: The following amounts are appropriated for the project activities:

~~Planning, Design, Administration~~	~~$ 275,000~~
~~Construction~~	~~$2,725,000~~
~~Total~~	~~$3,000,000~~

Mattamuskeet Lodge Sewer Project – Engelhard Lagoon Improvements	
Construction & Contingencies	$1,738,000
Engineering and Design	$ 250,000
Construction Management/Inspection	$ 140,000
Grant Management	$ 25,000
SUBTOTAL	$2,153,000

Mattamuskeet Lodge Sewer Project – Sewer Line Extension	
Construction & Contingencies	$1,626,000
Engineering and Design	$ 117,000
Construction Management/Inspection	$ 89,000
Grant Management	$ 15,000
SUBTOTAL	$1,847,000

Mattamuskeet Lodge Sewer Project – TOTAL	$4,000,000

SECTION 5: The Finance Officer is hereby authorized to set up and maintain a special Revenue Fund for this project.

SECTION 6: The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

SECTION 7: The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

SECTION 8: Copies of this project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

ADOPTED THIS THE 21st DAY OF July, 2008.

ATTEST:

Charles R. Spencer
Chair, Board of Commissioners

Lois Stotesberry
Clerk to the Board

(SEAL)

RES2008-07-03

A RESOLUTION OF THE HYDE COUNTY BOARD OF COMMISSIONERS INCREASING THE NUMBER OF COMMISSIONERS

WHEREAS, Part 4 of Chapter 153A of the General Statues of North Carolina authorizes a Board of County Commissioners to establish the number of members, terms of office, mode of election, and selection of the board; and,

Whereas, the Hyde County Board of Commissioners desires to change the number of members of the Board and to provide for the nomination and election of said commissioners; and,

WHEREAS, this Resolution is adopted in accordance with NCGS Section 153A-60; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Hyde that:

Section 1. The Board of County Commissioners proposes to increase the number of members of the Board from five members to seven members.

Section 2. The number of members shall remain at five until seven members are elected in accordance with law and sworn into office.

Section 3. Terms of office shall be for overlapping four-year terms in accordance with Section 153A-58(2)(c).

Section 4. The mode of election of the board of commissioners shall in accordance with Section 153A-58(3)(d), which provides for members being a resident of the district from which they are nominated but nominated and elected by the qualified voters of the entire County.

Section 5. The Chairman of the Board of Commissioners shall be selected from among the Board's membership in accordance with Section 153A-58(4)(a).

Section 6. Seven electoral districts are hereby created concurrent with the seven precincts as established by the Board of Elections and as shown in Attachment A.

Section 7. The electoral districts are hereby found to be in conformity with Section 153A-58(3). Each district created shall be known as shown as titled below with the terms expiring on the dates as correspondingly shown:

Electoral District	Term Ending
Burgess Mill District	2010, and every four years thereafter.
Engelhard District	2008, and every four years thereafter
Fairfield	2008, and every four years thereafter
Lake Landing District	2010, and every four years thereafter
Ocracoke	2008, and every four years thereafter
Sladesville District	2010, and every four years thereafter
Swan Quarter	2010, and every four years thereafter

Section 8. Pursuant to Section 153A-58(4), the Hyde County Board of Commissioners calls a special referendum on the adoption of the alterations as described in this Resolution, and directs the Hyde County Board of Elections to hold such special referendum in conjunction with the General election to be held on or about November 4, 2008.

Section 9. The Clerk to the Board of Commissioners is directed to publish this Resolution in full in the following newspapers: *Washington Daily News* and *Ocracoke Observer*.

Section 10. The Clerk to the Board of Commissioners shall, not later than 10 days after the day on which this resolution becomes effective, file a certified copy of this resolution in the Secretary of State's office, in the office of the Hyde County Register of Deeds and with the Chairman of the Hyde County Board of Elections.

Section 3. This resolution is effective upon its adoption.

ADOPTED this the 21st day of July, 2008.

Charles Ray Spencer
Chairman, Board of Commissioners

ATTEST:

Lois Stotesberry
Clerk to the Board of Commissioners

(COUNTY SEAL)

Each electoral district is established in accordance with Section 153A-58(3) and shall consist of the electoral precinct or precincts established pursuant to Section 153A-22 and existent on July 21, 2008, the date on which this Resolution was adopted and made effective by the Hyde County Board of Commissioners.

Electoral District	Shall Consist of the Following Precincts
Burgess Mill District	Burgess Mill Precinct
Engelhard District	Engelhard Precinct
Fairfield District	Fairfield Precinct
Lake Landing District	Lake Landing Precinct
Ocracoke District	Ocracoke Precinct
Sladesville District	Sladesville Precinct
Swan Quarter District	Swan Quarter Precinct

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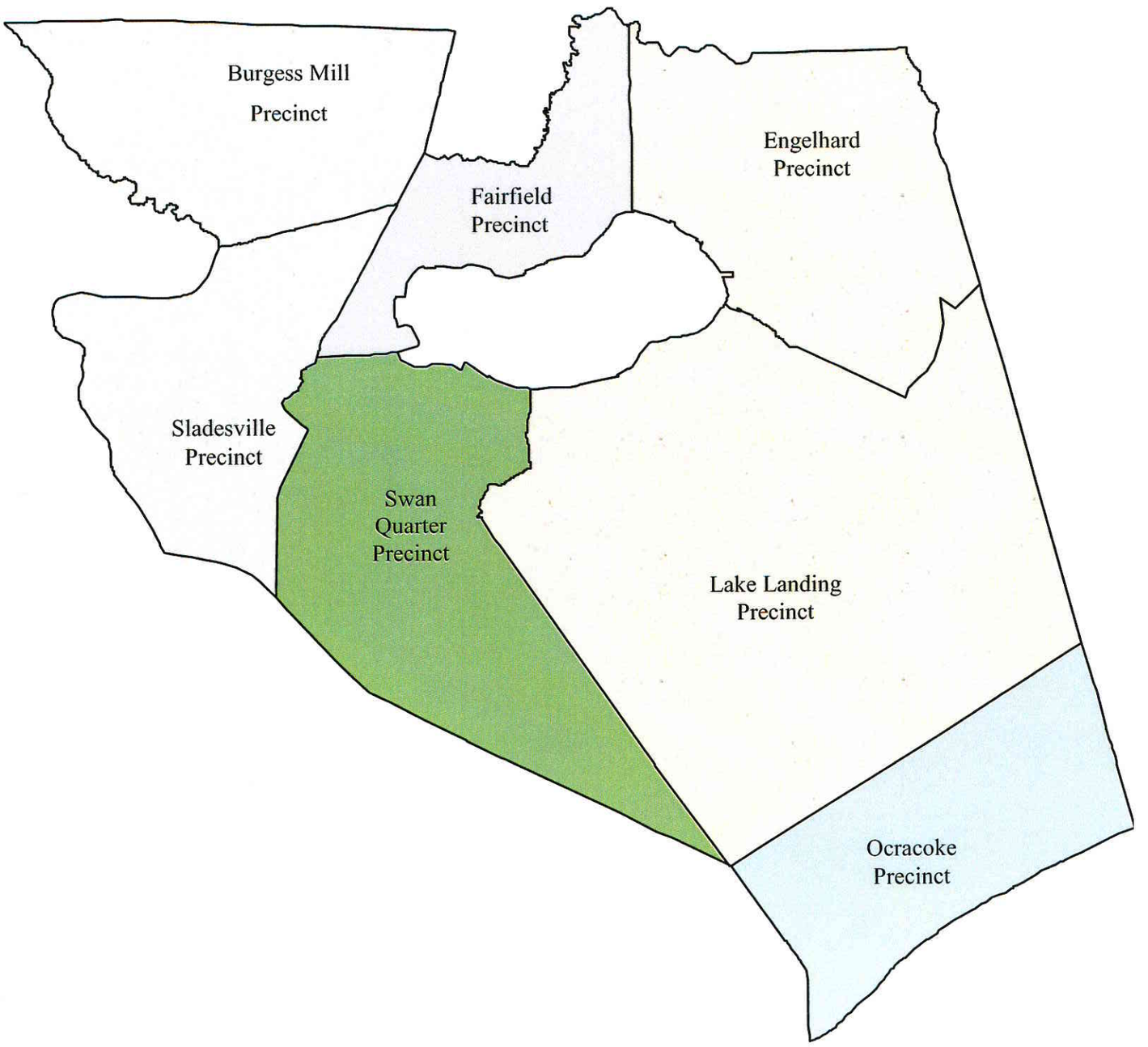
Burgess Mill
Precinct
Fairfield
Precinct
Engelhard
Precinct
Sladesville
Precinct
Swan
Quarter
Precinct
Lake Landing
Precinct
Ocracoke
Precinct

STATE North Carolina
WATERSHED Swanquarter
PROJECT Dike Construction
CONTRACT NO. 69-4532-2-001

AMENDMENT NO. 8 TO PROJECT AGREEMENT

1. Section A is hereby deleted and the following substituted in lieu thereof:

A.1. It is agreed that the following-described work, including vegetation, is to be constructed at an estimated cost of **$7,577,155.77**.

A.2. It is agreed that installation of asphalt pavement on State Road 1127 (Credle Road) will be included in the raising of said State Road at an estimated cost of **$34,332.50**.

A.3. It is agreed that the following-described work, including vegetation, is to be constructed at an estimated cost of **$3,147,306.67**.

Installation of an earthen dike and a vinyl flood wall, with pipes and tide gates for flood protection and water control, including raising NC Highway 45/State Road 1128 (Oyster Creek Road), State Road 1135 (Cuthrell Road), State Road 1136 (Landing Road), and State Road 1137 (Sadie Weston Road), referred to as Phases IV, V, and VI, in the Swanquarter Watershed, Hyde County, North Carolina.

A.4. It is agreed that installation of asphalt pavement on NC Highway 45/State Road 1128 (Oyster Creek Road), State Road 1135 (Cuthrell Road), State Road 1136 Landing Road), and State Road 1137 (Sadie Weston Road), will be included in the raising of said roads at an estimated cost of **$355,000.00**.

A.5. It is agreed that installation of asphalt pavement on State Road NC 45 and 1135 (Creekside Drive) will be included in the raising of said State Road at an estimated cost of **$106,521.43**.

A.6. It is agreed that the following-described work, Including vegetation, is to be constructed at an estimated cost of **$2,425,159.00**.

Installation of an earthen dike and a vinyl flood wall, with pipes and tide gates for flood protection and water control, including raising NC Highway 45 and State Road 1135 Creekside Drive, formerly known as Cuthrell referred to as Phase through Phase X11, in the Swanquarter Watershed, Hyde County, North Carolina.

COPY

2. Paragraph C.24. is hereby deleted and the following substituted in lieu thereof:

C.24. (a) Provide **100 percent** of the cost of installing the works of improvement described in Section A.5. This cost to the Contracting Local Organization is estimated to be **$106,521.43**

3. As a result of the above revisions, cost share funds are revised as follows:

	FROM	TO	NET CHANGE
NRCS	$5,151,996.77	$7,577,155.77	+$2,425,159.00
LOCAL ORGANIZATION	$ 389,332.50	$ 495,853.93	+$ 106,521.43
TOTAL	$5,541,329.27	$8,073,009.00	+$2,531,680.43

5. All other terms and conditions remain the same.

HYDE COUNTY BOARD OF COMMISSIONERS

BY: [signature]

TITLE: Chairman

DATE: 07-21-2008

UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

BY: _____

TITLE: State Administrative Officer

DATE: _____

STATE North Carolina
WATERSHED Swanquarter
PROJECT Architect & Engineering
CONTRACT NO. 69-4532-2-028

AMENDMENT NO. 1 TO PROJECT AGREEMENT

1. Section A is hereby deleted and the following substituted in lieu thereof:

A.1. It is agreed that the following engineering services are to be performed for development of structural measures for flood prevention and water control, including NC State Road modifications, at an estimated cost of **$439,563.53**.

Architect and Engineering (A&E) services for surveying Geotechnical investigations, plan sheet preparation, roadway design, hydraulic design and erosion control plans in the Swan Quarter Watershed, identified as Design Phase XIII, Hyde County, North Carolina.

A.2. Inspect all work performed by the contractor and ascertain whether or not it fully meets all requirements of the contract documents. Cost estimate of **$126,000.00**.

A.3. Perform all the necessary duties for the advertisement and administration of the contract. Cost estimate of $**26,600.00**.

D. NRCS will:

D.I. Provide 100 percent of the cost of engineering services described in Section A. This cost To NRCS is estimated to be **$439,563.53**.

3. As a result of the above revisions, cost share funds are revised as follows:

	FROM	TO	NET CHANGE
NRCS	$286,963.53	+ $439,563.53	+ $152,600.00
LOCAL ORGANIZATION	$ 0.00	$ 0.00	$ 0.00
TOTAL	$286,963.53	$439,563.00	$ 152,600.00

4. All other terms and conditions remain the same.

HYDE COUNTY BOARD OF COMMISSIONERS

BY: [signature]

TITLE: Chairman

DATE: 07-21-2008

UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE

BY: _____

TITLE: State Administrative Officer

DATE: _____

COPY

Affiliated Departments	**Agencies**	
	Administrative Services	
Register of Deeds	County Manager	Human Resources
Clerk of Court	Finance	Tax
	Community Development	
Social Services	Economic Development	Grant Management
Health Department		
	Emergency Services	
Sheriff	Emergency Management	Emergency Medical
	Code Enforcement	Fire Marshal
	9-1-1 Database	Telecom Systems
		Radio – Phone – Data
	Public Utilities	
	Water	Sewer
	Solid Waste	Buildings & Grounds

Budget Ordinance Amendment

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HYDE COUNTY, NORTH CAROLINA,

SECTION ONE: Ordinance No. 2008-06-01, "An Ordinance of the Board of County Commissioners of Hyde County, North Carolina, Relating to the FY2008-09 Budget," which was adopted June 19, 2008, and as subsequently amended, is hereby further amended as follows:

1. **Court Facility:** Transfer funds from the Judgment Reserve to cover expenses relating to the Courtroom.

Expense: Operating Expense	$ 30,000
Revenue: Court Facility Fees	$ 30,000

SECTION TWO: If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect

SECTION THREE: This Ordinance is effective immediately upon adoption.

This Budget Ordinance Amendment was duly adopted by the Hyde County Board of Commissioners at a meeting on July 21, 2008.

Hyde County Board of Commissioners:

Chairman Charles Ray Spencer

ATTEST:

Lois Stotesberry, Clerk to the Board