

Meeting Minutes

**Board of County Commissioners  
Hyde County**

**Monday, June 3, 2013**

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

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

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

**Agenda:**

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

**Consideration of Minutes:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Public Comments:**

Chairman Swindell called for comments from the public.

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

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

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

**Employee Recognition:**

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

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

**Items of Consideration:**

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

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

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

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

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

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

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

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

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

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

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

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

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

*Clerk’s Note: A copy of “Resolution Appointing Kris Noble as Plat Review Officer” is attached herewith as Exhibit D and incorporated herein by reference.*

*Clerk’s Note: A copy of “Resolution Appointing Averi Simmons as Plat Review Officer” is attached herewith as Exhibit E and incorporated herein by reference.*

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

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

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

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

### **FY2013-2014 Hyde County Budget Ordinance**

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

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

*Clerk's Note: A copy of "FY2013-2014 Hyde County Budget Ordinance" is attached herewith as Exhibit G and incorporated herein by reference.*

### **Amendment to Ocracoke Development Ordinance**

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

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

*Clerk's Note: A copy of "Amendment to Ocracoke Development Ordinance" is attached herewith as Exhibit H and incorporated herein by reference.*

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

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

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

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

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

Justin Gibbs, Emergency Services Director, reported US Cellular has requested authorization to upgrade the equipment and utilities, located at 1151 Main Street; Swan Quarter, NC, to provide 4G

wireless telecommunications. The County of Hyde currently leases tower and ground space to US Cellular for the provision of wireless telecommunications. US Cellular has provided plans for the proposed upgrade and has conducted structural analysis at the tower site, which have been reviewed by Hyde County Emergency Services and the Hyde County Inspections Department. In order to complete the upgrade, an addendum to the lease agreement is required. The addendum updates the equipment affixed to the tower and changes no other provisions of the agreement. The County Attorney has reviewed and approved the proposed addendum.

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

#### **NCDOT Secondary Road Agreement – SR1135**

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

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

#### **Hyde Transit – ROAP Funds**

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

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

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

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

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

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

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

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

#### **Delinquent Tax Collections**

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

### **ABC Board Audit**

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

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

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

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

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

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

Commissioner Fletcher moved to authorize County Manager Rich to award the FY2012-2013 Hyde County Audit Contract to the auditor of his choice; and, to put RFP for the audit contract out for bid in January, 2014. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Byrd, Fletcher, Pugh, Tunnell and Swindell; Nays – None; Absent or not voting – None.

### **House Bill 321**

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

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

### **Support of Mike Johnson Appointment**

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

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

### **MATTIE/Historic Courthouse Sign**

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

No action required.

**Ocracoke Convenience Site Equipment**

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

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

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

**Projects Update**

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

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

**Budget Revisions**

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

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

Board Approval Required		
Department/Program	Amount	Explanation
Health	VOID \$87,107.00	On May 6, 2013, BR#47-13 - KBR Community Change Funds transfer was approved. Because the revision had been approved in the original Ordinance this transfer was unnecessary.
KBR Community Change		

<b>Finance</b>		Transferring funds from Sales Tax lines to School Capital Outlay lines. Monies received in excess of appropriation. Does not increase the budget.
<b>Education</b>	\$ 119,706.37	
<b>Airport</b>	\$ 43,897.30	Transferring funds from Airport Grant line into Airport Improvements line. Monies received in excess of appropriation. Does not increase the budget.
<b>Utilities</b>	\$ 11,500.00	Transferring funds from various departmental lines to Maintenance & Repairs and Computer Support lines. Does not increase the budget.
<b>Hyde Transit</b>	\$ 4,800.00	Transferring funds interdepartmentally to cover year end expenses.
<b>Approved Administratively</b>		
<b>Department/Program</b>	<b>Amount</b>	<b>Explanation</b>
<b>Health</b>		Transferring funds from Travel line in Healthy Communities program into General Supplies line to purchase supplies for a community garden in the Ridge Community through collaboration with Pleasant Grove Missionary Baptist Church in Engelhard. These funds are part of the grant received from Region 9 Community Transformation Project, Change for Good, in Hyde County, which must be spent by May 31, 2013. This revision does not increase the budget for Healthy Communities.
<b>Healthy Communities</b>	\$ 1,400.00	
<b>Family Planning</b>	\$ 2,958.00	Transferring funds from Medical Supplies line in Adult Health into Medical Supplies line in Family Planning. This will allow the health department to order Long Acting Reversible Contraceptives (LARC) and use Division of Public Health (DPH) state funds to cover the cost of the supplies. The \$2,958 must be spent before May 31, 2013 or will be lost. While this transfer does increase the budget for Family Planning, it does not increase the overall budget for Fund 10.
<b>Child Health</b>	\$ 1,064.00	Using funds from Child Health Medicaid Escrow Account to reclassify a prior invoice (dated 07-25-2012) from Dare County Department of Health Miles of Smiles Dental Program that was charged to General health. While this revision does increase the budget for Child Health, the funds are being pulled from Child Health Medicaid Escrow and do not require any County of Hyde appropriations from Fund 10.
<b>Home Health</b>	\$ 1,250.00	Transferring funds from Salaries Part-Time line into Travel line in Home Health Program to ensure there are sufficient funds to cover staff travel through the end of the current fiscal year. There are sufficient funds in the Salaries Part-Time line to cover this transfer (>20,000). This transfer does not increase the budget for Home Health.
<b>General Health</b>	\$ 400.00	Transferring funds from Local Advisory Board line into Travel line in General Health Program to ensure there are sufficient funds to cover staff travel through the end of the current fiscal year. The Local Advisory Board has not met this fiscal year. This transfer does not increase the budget for General Health.
<b>Cooperative Extension</b>	\$ 650.00	Transferring funds from Maintenance & Repairs line to Departmental Expenses line to help cover supplies for various summer programs.
<b>Soil &amp; Water</b>	\$ 1,000.00	Transferring funds from Gas, Oil & Tires line to Travel & Training line. Hyde Board of Supervisors travel reimbursements are paid by the State through the Division of Soil & Water Conservation District. The District received notification that those funds had been depleted and Hyde S&W does not have funding for the remainder of the year meetings. Funds requested to pay the Board of Supervisors travel reimbursement for meeting scheduled for May 21, 2013.
<b>Social Services</b>		Transferring funds from IV-E Foster Care to Medicaid – Gas to ensure there are sufficient funds to cover expenses (transporting clients) for the remainder of the current fiscal year. Does not increase the budget.
<b>Medicaid</b>	\$ 5,000.00	
<b>Hyde Co. DSS</b>	\$ 3,000.00	Transferring funds from IV-E Foster Care to DSS for Equipment line to meet the deductible for accident with bear. Will not increase the budget.
<b>Hyde Co. DSS</b>	\$ 5,000.00	Transferring funds from IV-E Foster Care to Medicaid Transportation to provide transportation to Medicaid eligible clients for the remainder of this fiscal year. Will not increase the budget.
<b>Emergency Services</b>		Transferring funds from Vehicle Maintenance line to Travel line to cover travel expenses for the remainder of the fiscal year.
<b>EM</b>	\$ 500.00	
<b>EMS</b>	\$ 4,500.00	Transferring funds from Vehicle Maintenance and Gas, Oil & Tires lines to Utilities and Medical Supplies line to cover utilities and medical supply expenses for the remainder of the fiscal year.
<b>E-9-1-1</b>	\$ 3,500.00	Transferring funds from Equipment and Training lines to cover E-9-1-1 Service Charges for the remainder of the fiscal year.

### **Closed Session**

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

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

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

### **Management Reports:**

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

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

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

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

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

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

### **Public Comments:**

Chairman Swindell called for comments from the public.

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

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

Commissioner Tunnell offered condolences to the Jack Mason family.

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

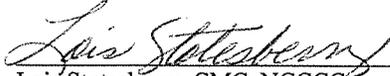
### **Adjourn**

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

The meeting adjourned at 8:21 p.m.

Respectfully submitted:

Minutes approved on the 1<sup>st</sup> day of July, 2013.

  
Lois Stotesberry, CMC, NCCCC  
Clerk, Hyde County Board of Commissioners

  
Barry Swindell  
Chair, Hyde County Board of Commissioners



Attachments:

Exhibit A: *"Resolution Requesting Speed Limit"*

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

Exhibit C: *"Resolution Authorizing County Manager To Reconcile Department Budgets"*

Exhibit D: *"Resolution Appointing Kris Noble as Plat Review Officer"*

Exhibit E: *"Resolution Appointing Averi Simmons as Plat Review Officer"*

Exhibit F: *"Relating To The Hyde County Budget For Fiscal Year 2013-2014"*

Exhibit G: *"FY2013-2014 Hyde County Budget Ordinance"*

Exhibit H: *"Amendment to Ocracoke Development Ordinance"*

Exhibit I: *"Amendment to ~~Wanchese Seafood Industrial Park~~ Engelhard Marine Industrial Park Project Ordinance 2012-05-01"*

# COUNTY OF HYDE

## Board of Commissioners

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

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SWAN QUARTER, NORTH CAROLINA  
252-926-4400  
252-926-3701 Fax

Bill Rich  
County Manager

Fred Holscher  
County Attorney

Lois Stotesberry, CMC, NCCCC  
Clerk to the Board



## RESOLUTION REQUESTING SPEED LIMIT

**WHEREAS**, the Hyde County Board of Commissioners are aware of citizen requests to have the speed limit set on New Lands Road in Fairfield in Hyde County; and

**WHEREAS**, the County Commissioners adopt this resolution of support and recommend that the North Carolina Department of Transportation set speed limits on New Lands Road and post children playing signs; and

**NOW THEREFORE, BE IT RESOLVED** that the Hyde County Board of Commissioners approve requesting NCDOT set speed limit on New Lands Road in Fairfield in Hyde County, North Carolina and post necessary signage.

Adopted this the 3<sup>rd</sup> day of June, 2013, in Hyde County, North Carolina.

ATTEST:

  
Lois Stotesberry, Clerk to the Board

  
Barry Swindell, Chairman



# COUNTY OF HYDE

## Board of Commissioners

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

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

Bill Rich  
County Manager

Fred Holscher  
County Attorney

Lois Stotesberry, CMC, NCCCC  
Clerk to the Board



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

**WHEREAS**, Governors for the Waterway Landing/Pocosin Farms Property Owner's Association, located on the Alligator Canal, Intercoastal Waterway approximately 4.5 miles east of Walter B. Jones Bridge on US Hwy 264 in Hyde County, represents 49 lot owners on the waterfront and 39 lot owners on the rural side of Waterway Drive in the Subdivision; and,

**WHEREAS**, in 1957 the US Army Corp of Engineers obtained easement which encompasses the entire waterfront of Waterway Landing Subdivision which remained uninhabited until 1997 when the property was subdivided into five (5) acre lots and sold; and,

**WHEREAS**, fifteen (15) homes have been built in the subdivision, nine (9) full-time residents and six (6) retirees, along with several lots used for campsites; and,

**WHEREAS**, the US Army Corp of Engineers recently notified property owners that it intends to put a containment area along the one (1) mile long West Waterway Drive with walls twenty (20) feet high to contain dredge material and water; and,

**WHEREAS**, property owners affected by the containment area believe the twenty (20) foot tall containment area will cause mosquito infestation and possibly cause structural damage to their homes foundation and create risk of septic system failure thus preventing owners from using their land; and,

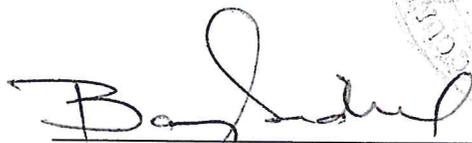
**WHEREAS**, the affected property owners have offered another parcel of land to the US Army Corp of Engineers to be utilized for containment of the dredged material and water.

**NOW, THEREFORE, BE IT RESOLVED** that the Hyde County Board of Commissioners supports Waterway Landing/Pocosin Farms Property Owners Association's offer of substitute land for containment of dredged spoils to the US Army Corp of Engineers.

Adopted this the 3<sup>rd</sup> day of June, 2013, in Hyde County, North Carolina.

ATTEST:

  
Lois Stotesberry, Clerk to the Board

  
Barry Swindell, Chairman



# COUNTY OF HYDE

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Clerk to the Board



## **Resolution Authorizing County Manager to Reconcile Department Budgets**

**WHEREAS**, in accordance with the FY2012-2013 Budget Ordinance the County Manager, with Board of Commissioners authority, will reconcile departmental accounts prior to year end closeout.

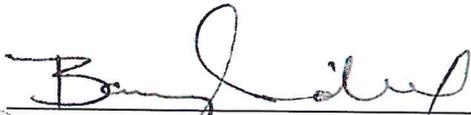
**NOW, THEREFORE, BE IT RESOLVED** that the Hyde County Board of Commissioners authorizes the County Manager to reconcile departmental budgets for year-end closeout under the following conditions:

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

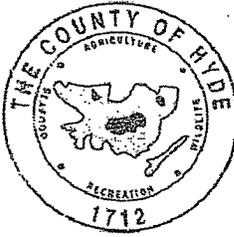
Adopted this the 3<sup>rd</sup> day of June, 2013, in Hyde County, North Carolina.

ATTEST:

  
Lois Stotesberry, Clerk to the Board

  
Barry Swindell, Chairman



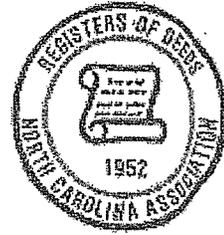


Phone: 252-926-4182

*E. Merita Lewis-Spencer*

Hyde County Register of Deeds  
Post Office Box 294, Swan Quarter, NC 27885

Email: [mspencer@hydecountync.gov](mailto:mspencer@hydecountync.gov)



Fax: 252-926-3710

*Pamela H. Sawyer, Assistant*

Phone: 252-926-4183

Email: [psawyer@hydecountync.gov](mailto:psawyer@hydecountync.gov)

May 24, 2013

RESOLUTION

WHEREAS, the new G.S. 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Hyde County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE BE IT RESOLVED that Kris Noble is hereby appointed to perform all responsibilities as required for Review Officer.

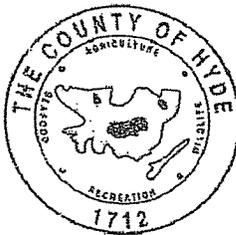
BE IT FURTHER RESOLVED that a copy of the resolution designating the Review Officer be recorded in the Hyde County Register of Deeds Office and indexed in the name of the Review Officer pursuant to new G.S. 47-30.2 and that this Resolution shall become effective immediately.

ADOPTED this the 3<sup>rd</sup> day of <sup>June</sup>~~May~~, 2013.

*Leis Stotterberry*  
Clerk to the Board

*Barry Swindell*  
Chairman, Hyde County Board of Commissioners  
Barry Swindell





Phone: 252-926-4182

*E. Merita Lewis-Spencer*

Hyde County Register of Deeds  
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Fax: 252-926-3710

*Pamela H. Sawyer, Assistant*

Phone: 252-926-4183

Email: [psawyer@hydecountync.gov](mailto:psawyer@hydecountync.gov)

May 24, 2013

### RESOLUTION

WHEREAS, the new G.S. 47-30.2 requires the Board of Commissioners in each county, by resolution, to appoint one or more persons as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Hyde County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE BE IT RESOLVED that Averi Simmons is hereby appointed to perform all responsibilities as required for Review Officer.

BE IT FURTHER RESOLVED that a copy of the resolution designating the Review Officer be recorded in the Hyde County Register of Deeds Office and indexed in the name of the Review Officer pursuant to new G.S. 47-30.2 and that this Resolution shall become effective immediately.

ADOPTED this the 3<sup>rd</sup> day of ~~May~~ <sup>June</sup>, 2013.

*Lisa Stotesbery*  
Clerk to the Board

*Barry Swindell*  
Chairman, Hyde County Board of Commissioners  
Barry Swindell





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

**RESOLUTION  
RELATING TO THE BUDGET  
FOR FISCAL YEAR 2013-2014**

**WHEREAS**, the Board of County Commissioners desires to establish a detailed fiscal year budget (July 1, 2013 through June 30, 2014) for the County of Hyde, North Carolina, and;

**WHEREAS**, the Board of Commissioners is adopting a Budget Ordinance for the July 1, 2013 – June 30, 2014 fiscal year and said Ordinance incorporates this Resolution into the Ordinance as the budget for Hyde County for this period;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Hyde County, North Carolina meeting this 3rd day of June, 2013, does hereby adopt the attached document entitled "FY2013-2014 Hyde County Budget" (that is evidenced by the County Manager's initials on the bottom of each page of the document) as the fiscal year budget for Hyde County for the period beginning July 1, 2013 and ending June 30, 2014 and;

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby adopts the following goals regarding items contained within the attached "FY2013-2014 Hyde County Budget:"

1. The County Commissioners shall continue to make economic development, community development and tourism that creates quality job opportunities and increases the tax base a very high priority.
2. The County Commissioners shall continue to support the expansion of infrastructure services to the citizens of the County.
3. The County Commissioners shall continue to expect a high level of customer service in all interactions with County government.

**BE IT FURTHER RESOLVED** that the Board of Commissioners hereby adopts the following County Manager's objectives regarding items contained within "FY2013-2014 Hyde County Budget," and additional expectations and commitments as follows:

1. Raise Hyde County's General Fund Balance to a minimum of four million dollars (\$4,000,000.00) by June 30, 2014.

2. Operate within the adopted budget with an emphasis on cost savings and reduced expenses.
3. Recover most, if not ALL of FEMA funds due to Hyde County.
4. Sell and/or lease those surplus properties owned by Hyde County that are FEMA acquired or unused.
5. Stimulate the local economy in an effort to increase sales and alcohol tax.
6. Participate with the Hyde County Tax Department and our Legal Support to continue to aggressively collect delinquent taxes and monitor the new state mandated collections for the Department of Motor Vehicle Tax.
7. Stabilize the roofs of both the government and public safety center where we will be leak and mold free in the most cost effective manner to the County.
8. Receive ownership of the East Carolina Bank Processing Facility and have an orderly transition of the Department of Social Services and Satellite Sheriff's Office to the new facility.
9. Aggressively participate with Kris Noble and Jane Hodges in economic development stemming from the Hyde County Airport and its involvement with the UAV program and how that correlates with aerospace technology and engineering.
10. Related to airport development, establish remote campuses for regional outreach as it might relate to East Carolina University, Beaufort County Community College, Elizabeth City State University and College of the Albemarle.
11. Aggressively pursue with Kris Noble grants and programs to bring economic and environmental improvement to Hyde County.
12. Promote and stimulate the ecological and environmental beauty of Hyde County as a tourist attraction.
13. Draw a small percentage of tourism from Dare County and entice tourist to visit mainland Hyde County and Ocracoke for overnights, great meals and outdoor exploration.
14. Be involved in better understanding the operations of EMS, EM, E911 and the Sheriff's Department.
15. Participate in courses and training to be totally prepared as County Manager and ultimately Incident Commander for any type of disaster.

16. Assist with the Hyde County Tax, Water and Inspection Departments in implementing a system to accept all major debit/credit cards.
17. Work with North Carolina Department of Commerce in attracting new and conducive industry to Hyde County.
18. Improve storm water run-off on the streets of Ocracoke.
19. Establish a Mooring Field on Silver Lake with the help of Jane Hodges.
20. Maintain community chipping and mulch operations on Ocracoke.
21. See NO INCREASES in Hyde County ferry tolls.
22. Work closely with Hyde County Chamber of Commerce-Tourism, Tourism, Tourism.
23. Be present when they yell "Play Ball" at the Ocracoke Community Park.
24. Stay active in the community-Meals on Wheels, Senior Center, 4-H, etc.
25. Provide a condensed but precise monthly financial report for the Hyde County Board of Commissioners.

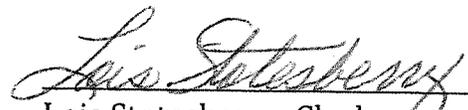
**BE IT FURTHER RESOLVED** that any narrative language contained in the attached budget document and this Resolution is subordinate to any language in conflict with the Budget Ordinance in which this Resolution is referenced but that any figures and narrative language contained in this Resolution or the attached budget document is otherwise binding; and,

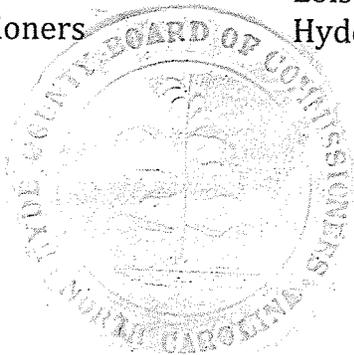
**BE IT FURTHER RESOLVED** that a copy of this resolution, shall be recorded in the minutes of the Board of Commissioners but that the original version of the attached "FY2013-2014 Hyde County Budget" with the Budget Officer's initials on each page shall be kept on file in the office of the Clerk to the Board of County Commissioners.

Duly adopted the 3<sup>rd</sup> of June, 2013.

**Attested by:**

  
\_\_\_\_\_  
Barry Swindell, Chair  
Hyde County Board of Commissioners

  
\_\_\_\_\_  
Lois Stotesberry, Clerk  
Hyde County Board of Commissioners



**Ordinance No. 2013-06-03**

**AN ORDINANCE OF THE BOARD OF COUNTY  
COMMISSIONERS OF HYDE COUNTY, NORTH CAROLINA,  
RELATING TO THE FY2013-2014 BUDGET**

Be It Ordained By the Board of Commissioners of Hyde County, North Carolina:

**ARTICLE I. BUDGET RESOLUTION**

This Ordinance hereby incorporates by reference in its entirety Resolution titled "A Resolution of the Board of Commissioners of Hyde County, North Carolina Establishing a Budget for the County of Hyde for FY2013-2014", adopted by the Board of Commissioners on June 03, 2013, and all language in said Resolution is incorporated into this Ordinance as if it were included within the body of this Ordinance. Said Resolution may hereafter be referred to as the "Budget Resolution".

**ARTICLE II. GENERAL FUND**

**SECTION 1 – Appropriations:** For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the General Fund for the operation of county government and its activities for the fiscal year beginning July 1, 2013 and ending June 30, 2014 in accordance with the Budget Resolution and the chart of accounts heretofore established for this county:

General Government:

Governing Board.....	\$	26,453.93
Administration.....		806,028.28
Elections.....		86,425.51
Finance.....		157,723.03
Tax Supervisor.....		252,141.55
Legal.....		50,000.00
Register of Deeds.....		187,052.76
Planner.....		138,363.92
Public Building Maintenance.....		379,707.99
Court Facilities.....		10,000.00
Various Grants.....		80,000.00
Human Resources.....		72,172.29

Public Safety:

Sheriff.....	\$	1,372,310.85
Jail.....		149,041.17
Alcoholic Rehabilitation.....		1,800.00
Emergency Management.....		166,551.15



Volunteer Fire Departments.....	108,750.00
State Forestry Program 35%.....	73,132.00
Inspections.....	134,902.13
Emergency Medical Services.....	1,435,124.99
Animal Control.....	14,883.00
Medical Examiner.....	3,000.00
Transportation:	
Airport.....	\$ 95,100.00
Elderly & Handicapped Transportation.....	98,998.00
Environmental Protection:	
Solid Waste.....	\$ 900,000.00
Soil Conservation Administration.....	124,614.77
Economic & Physical Development:	
Cooperative Extension.....	\$ 107,569.59
Juvenile Crime Prevention.....	54,888.00
Human Services:	
Health.....	\$ 252,605.00
Environmental Health.....	70,254.00
Food & Lodging.....	42,116.00
Family Planning - State.....	65,614.00
Maternal Health-State.....	23,169.00
Health Promotion – Risk Reduction.....	23,913.00
Immunization Action Plan.....	8,027.00
Child Health – State.....	14,034.00
Women, Infants & Children.....	31,860.00
Communicable Diseases.....	13,110.00
Public Management Entity.....	9,556.00
Breast & Cervical Cancer.....	16,229.00
Adult Health.....	89,522.00
Medication Assistance Program.....	19,300.00
Mosquito Control.....	4,035.00
Private Well Program.....	1,000.00
Bioterrorism Response Preparedness.....	45,544.00
KB Reynolds Grant.....	76,222.00
Community Transformation.....	2,500.00
Tobacco Free Hyde.....	6,950.00
Hyde Transit.....	18,000.00
Child Services Coordinator.....	10,866.00
Pregnancy Care Management.....	11,463.00
Project Legacy for Men.....	15,000.00
Mental Health.....	10,914.00

BR

Social Services	
Administration.....	\$ 1,047,040.58
Title III.....	26,376.00
SAD-SAA.....	50,500.00
Medicaid.....	2,500.00
Public Service Assistance.....	278,687.00
CAPS Program.....	86,270.79
Day Care Support Services.....	80,000.00
Day Care.....	289,622.00
Mattamuskeet Opportunities.....	168,519.79
Other Human Services	
Elderly Nutrition.....	\$ 30,320.00
Veteran Service Officer.....	9,889.28
Cultural Arts:	
Beaufort County Arts Council.....	\$ 1,000.00
BHM Regional Library.....	42,000.00
Education:	
Current Expense.....	\$1,199,568.00
Capital Outlay Sales Tax.....	220,000.00
QZAB Payment.....	55,964.58
QSCB Payment.....	224,381.17
Transfers to Other Funds: .....	85,591.80
Contingency.....	\$ -0-
<b>TOTAL GENERAL FUND</b>	<b>\$11,866,768.90</b>

**SECTION 2 – Revenues:** For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Ad Valorem Taxes.....	\$ 6,902,033.00
Sales Tax.....	1,505,000.00
Other Tax and License.....	90,600.00
Unrestricted Intergovernmental.....	68,128.00
Restricted – Other.....	339,901.58
Restricted – Social Services.....	1,411,860.79
Restricted – Health.....	500,379.00
Permits and Fees.....	138,350.00
Sales and Service.....	301,085.00
Investment Earnings .....	10,000.00

BR

Miscellaneous.....	103,360.00
Fund Balance Appropriated.....	496,071.53

**TOTAL GENERAL FUND REVENUE** **\$11,866,768.90**

**ARTICLE III. HYDE COUNTY WATER/SEWER SYSTEM FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Hyde County Water System Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures.....	\$1,678,500.00
-------------------	----------------

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Hyde County Water System Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

Sale of Water.....	\$1,065,000.00
Connection Fees.....	2,000.00
Prison Water Charges.....	250,000.00
Prison Sewer Charges.....	300,000.00
Interest Earned.....	5,500.00
Penalties & Interest.....	25,000.00
NC Motor Fuel Tax Refund.....	2,000.00
Engelhard Sanitary District.....	13,000.00
Meter Installation.....	10,000.00
Miscellaneous.....	1,000.00
Gov Deals.....	<u>5,000.00</u>
	\$1,678,500.00

**ARTICLE IV. OCRACOKE MOSQUITO TAX FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Ocracoke Mosquito Tax Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures.....	\$ 48,383.00
-------------------	--------------

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Ocracoke Mosquito Tax Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

BR

Prior Tax.....	\$ 2,000.00
DMV Prior.....	50.00
Current Tax.....	45,333.00
DMV Current.....	<u>1,000.00</u>
	\$ 48,383.00

**ARTICLE V. FINES AND FORFEITURES**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Fines and Forfeitures Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Court.....	\$ 56,500.00
------------	--------------

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Fine and Forfeitures Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Court.....	\$ 56,500.00
------------	--------------

**ARTICLE VI. CAPITAL RESERVE FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Capital Reserve Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures	\$ 5,000.00
--------------	-------------

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Interest on Investment.....	\$ 5,000.00
-----------------------------	-------------

**ARTICLE VII. HYDELAND HOME HEALTH FUND**

For purposes of summary only, as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Hydeland Home Health Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014 the length of the project:



Expenditures..... \$ 372,512.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Hydeland Home Health Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Interest Earned.....	\$ 6,500.00
Medicare.....	163,500.00
Fund Balance Appropriated.....	49,512.00
Medicaid-EDS.....	144,500.00
Private Insurance.....	<u>8,500.00</u>
	\$ 372,512.00

**ARTICLE VIII. WEST/QUARTER FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the West/Quarter Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures..... \$ 4,090.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the West/Quarter Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Prior Taxes.....	\$ 140.00
Current Taxes.....	3,800.00
Interest Earned.....	<u>150.00</u>
	\$ 4,090.00

**ARTICLE IX. REVALUATION**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Revaluation Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures..... \$ 50,500.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Revaluation Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

BR

Appropriated from General Fund.....	\$ 50,000.00
Interest on Investment.....	<u>500.00</u>
	\$ 50,500.00

**ARTICLE X. 4-H FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the 4-H Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures.....	\$ 17,780.00
-------------------	--------------

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the 4-H Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Fees Collected.....	\$ 17,780.00
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**ARTICLE XI. OCRACOKE OCCUPANCY TAX FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Ocracoke Occupancy Tax Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures.....	\$ 359,445.00
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For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Ocracoke Occupancy Tax Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Occupancy Tax – Ocracoke.....	\$ 351,945.00
Interest Earned.....	2,500.00
Ocracoke Fire Donations.....	<u>5,000.00</u>
	\$ 359,445.00

**ARTICLE XII. E-911 FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the E-911 Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

MR

Expenditures..... \$129,092.58

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the E-911 Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Interest Earned.....	\$ 1,000.00
E-911.....	-0-
911 Wireless 50% Funds.....	97,926.00
911 Street Names—Sign Fee.....	-0-
Fund Balance Appropriated.....	<u>30,166.58</u>
	\$129,092.58

**ARTICLE XIII. MAINLAND OCCUPANCY TAX FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Mainland Occupancy Tax Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures..... \$ 6,500.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following revenues are hereby appropriated in the Mainland Occupancy Tax Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Occupancy Tax Mainland..... \$ 6,500.00

**ARTICLE XIV. CAPS, PERSONAL CARE, CHORE FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the CAPS, Personal Care, Chore Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures..... \$ 145,833.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following revenues are hereby appropriated in the CAPS, Personal Care, Chore Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

CAPS—Medicaid..... 145,833.00

**ARTICLE XV. AIRPORT IMPROVEMENT FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Airport Improvement Opportunities Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures \$ 160,000.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Mattamuskeet Opportunities Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Grant \$ 144,000.00  
Appropriation from General Fund 16,000.00  
160,000.00

**ARTICLE XVI. SWAN QUARTER DIKE FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Swan Quarter Dike Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures \$ 5,000.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Swan Quarter Dike Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Current Taxes \$ 5,000.00

**ARTICLE XVII. SENIOR CENTER FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Senior Center Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures \$ 101,930.80

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Senior Center Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Albemarle Commission.....	\$ 9000.00
Bldg Rent – Senior Center.....	400.00
Appropriation from General Fund .....	85,591.80
Grants.....	6,189.00
Fund Raisers.....	<u>750.00</u>
	\$ 101,930.80

**ARTICLE XVIII. ENGELHARD SANITARY DISTRICT FUND**

For purposes of summary only as the actual figures are contained in the Budget Resolution, the following amounts are hereby appropriated in the Engelhard Sanitary District Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Expenditures \$ 130,000.00

For purposes of summary only as the actual figures are contained in the Budget Resolution, it is estimated that the following revenues will be available in the Engelhard Sanitary District Fund for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Collections 130,000.00

**ARTICLE XVIII. SCHOOL APPROPRIATIONS**

**SECTION 1** – The appropriations to the Board of Education, first, shall be made from any such funds which are dedicated to the use of the schools, and secondly, shall be made from the general county fund revenues to the extent necessary to meet the approved appropriation.

**SECTION 2** – For purposes of summary only as the actual figures are contained in the Budget Resolution, the total appropriation for Current Expense from the General Fund is \$1,199,568.00.

**SECTION 3** – Except as otherwise provided in this Budget Ordinance or the Budget Resolution, this Budget Ordinance hereby incorporates by reference in its entirety the “PROPOSED BUDGET OF THE HYDE COUNTY BOARD OF EDUCATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 and ENDING JUNE 30, 2014” as presented to the Board of Commissioners and all language in said Proposed Budget is incorporated into this Ordinance as if it were included within the body of this Ordinance. Said Proposed Budget may hereafter be referred to as the “School Budget”.

## **ARTICLE XIX. OTHER PROVISIONS**

**SECTION 1** – The Hyde County Manager in his capacity as Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- (a) He may transfer amounts between objects of expenditure within a department, except salary amounts, without limitations.
- (b) He may transfer amounts up to \$10,000 between departments of the same fund with an official report on such transfers at the next regular meeting of the Board of Commissioners.
- (c) He may not transfer any amounts between funds nor from any contingency appropriation within any fund.
- (d) He will assign legal costs to departments based upon the legal issue involved.

**SECTION 2** - All legal outstanding encumbrances at June 30, 2013 are hereby carried forward and re-appropriated as an amendment to the budget for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

**SECTION 3** - Upon acceptance the annual audit for the fiscal year 2012-13 by the County Commissioners so long as such acceptance prior to June 30, 2013, the County Manager shall direct that fifty percent (50%) of the total cash revenue received in the General Fund that is in excess of the total expenses and current liabilities (excluding debt with a maturity on or after July 1, 2012) be transferred from the Unappropriated Reserve in the General Fund to the Capital Reserve Fund. The County Manager shall give a report to the Commissioners of the

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amount transferred at the next Regular meeting of the Board following the date of such transfer.

**ARTICLE XX. TAX LEVY**

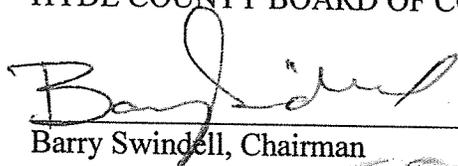
**SECTION 1** – There is hereby levied at the rate of \$0.64 per One Hundred Dollar (\$100) valuation of property listed for taxes as of January 1, 2014, for the purpose of raising the revenue listed in the General Fund, Article II., Section 2, of this Ordinance.

**SECTION 2** – The rate of tax as shown in Sections 1 above is based upon a total valuation of property for the purpose of taxation of \$1,078,937,063 and vehicles of \$28,204,008 and an estimated collection rate of 94.42% for real property and 78.48% for vehicles.

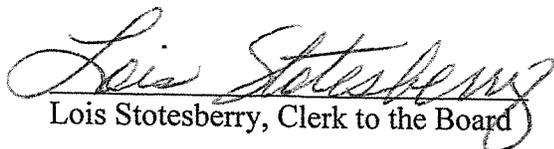
A public hearing on this Budget Ordinance was held on June 3, 2013.

This Budget Ordinance was adopted on the 3rd day of June, 2013.

HYDE COUNTY BOARD OF COMMISSIONERS

  
Barry Swindell, Chairman

ATTEST:

  
Lois Stotesberry, Clerk to the Board





## Amendment to the Ocracoke Development Ordinance

### Sec. 36-185 Regulation of Outdoor Sales

(a) The intent and purpose of this section is to establish minimal regulations and restrictions intended to ensure that outdoor sales; do not interfere with the orderly and safe movement of pedestrian and vehicular traffic; do not interfere with the proper maintenance of parking and yard areas; do not cause congestion in the streets or public rights-of-way; are conducted within structures safe for public occupancy when structures are used.

At the same time, these regulations intend to recognize the tradition of outdoor sales as a part of Ocracoke's economy and also recognize and encourage the responsible development of outdoor sales establishments as an entrepreneurial incubator.

(b) **Definitions:** For the purpose of this section the following definitions shall apply:

(1) **Outdoor Sales:** The display and/or sale of any merchandise, commodities or product where primary transactions are conducted a) in the open air; b) within a temporary structure, or: c) within a kiosk or similar structure.

(2) **Temporary Structure:** an enclosure or covering which is readily dismantled or readily moved, including, but not limited to tents, canopies, tarps, trailers, food trucks, lean-tos, pre-fabricated sheds, sheds and similar structures. This definition shall apply to any of these and similar structures even if, at a later date, the structure is modified, strengthened or made more permanent.

(3) **Permanent Installation:** a structure attached to the ground by in-ground piers, pilings or posts, at least 3 ½" in cross section, and set such that they are not removable without the use of digging tools or equipment.

(4) **Kiosk:** a small, free-standing non-residential structure which is primarily intended as a place for the conduct of sales, rentals, information exchange, self-service, etc. Also referred to as a booth, portico, pavilion, venting station, etc.

(c) **Grandfathered Uses:** Outdoor sales establishments in existence on the approval date of this amendment shall be exempt from sections of this amendment as follows:

(1) Permanent installations in existence on the approval date of this amendment including certain signs, displays, kiosks, booths, etc. may remain in their existing locations without regard to the setback requirements in this amendment.

(2) Outdoor sales establishments in existence on the approval date of this amendment shall not be subject to the section of this regulation titled "(i) Parking".

(3) Except as (1) and (2) above, existing outdoor sales establishments shall be subject to the provisions of this amendment.

(d) **Exceptions:** The following categories of outdoor sales are not subject to the regulations in this section of the ODO: temporary yard and rummage sales and the like; the outdoor seating portion of a restaurant which is otherwise not an outdoor sales establishment; sales organized and operated by anyone under the age of 16; vending machines and self-service sales taking no more than none square feet; sales as a part of a short-term festival, parade, non-profit fundraising event and the like.

All other outdoor sales shall be considered regulated outdoor sales establishments. The following regulations shall apply to regulated outdoor sales and shall be enforceable by the ODO Enforcement Officer.

(e) **Permit Required:** All regulated outdoor sales establishments shall be required to apply for an ODO permit by the regular ODO permit application. Approval of that application shall constitute approval to conduct an outdoor sales establishment under these regulations. Where a single owner operates more than one outdoor sales establishment, a separate permit must be acquired for each location. Where more than one point of sale may exist on a single lot, each establishment must acquire its own permit.

(f) **Location:** Regulated outdoor sales may take place anywhere within the Village of Ocracoke as long as the owner of the outdoor sales establishment is either the owner of the land it sits on, or has the expressed written permission of the owner of the land it sits on. At the order of ODO Enforcement Officer the owner of the outdoor sales establishment shall provide any documentation necessary to establish compliance with these regulations.

(g) **Setbacks:** All structures, signage, displays, etc. associated with outdoor sales shall be subject to the following minimum setback requirements: from any paved public street – ten feet from the edge of the asphalt pavement; from any unpaved public street – four feet from the road edge; from side and rear property lines – eight feet; from any structures, signage, displays, etc. associated with another outdoor sales establishment – eight feet.

(h) **Safe Passage:** In addition to the minimum setback requirements above, all structures, displays, merchandise, products, signage, flags, banners, etc. Shall be arranged such that no portion shall block or hinder established public pedestrian and bicycler passageways or obstruct reasonable sight-lines required for safe vehicle passage at driveways and intersections. The application of this paragraph to a particular site shall be at the order of the ODO Enforcement

Officer. On request of the affected business owner, the order of the ODO Enforcement Officer may be subject to additional review, in consultation with the ODO Enforcement Officer, the Hyde County Sheriff's Office and the business owner. Final determination shall be by the ODO Enforcement Officer. All rights and processes for appeal, as outlined in the ODO shall remain in effect.

(i) **Parking:** All regulated outdoor sales establishments shall designate at least two readily accessible parking places. Both designated parking places shall be kept available for customer parking during hours of operation. Such designated parking places shall not reduce the available parking of another business or residence such that it may fall below its parking requirements as set out in the ODO. If the designated parking spaces are on land which does not belong to the owner of the outdoor sales establishment, a letter of agreement from the land owner shall verify the designation.

(j) **Off-site Impacts:** regulated outdoor sales establishments shall minimize off-site impacts. No lighting shall shine directly onto an adjacent residence. Trash and garbage, associated with the business, which is not contained, whether on-site or off, shall be the responsibility of the business to clean up daily. Aggressive hawking, noise, music, signage, flags, etc. shall not create a nuisance.

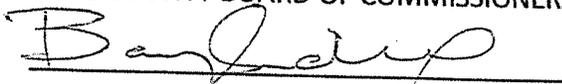
(k) **Related Sections of the ODO:** Outdoor sales regulated under this section shall not be subject to the provisions of Section 36-182 nor Section 36-177 of the ODO.

(l) **Other Codes:** The ODO Enforcement Officer shall call for the enforcement of all existing building, electrical, fire, health department codes and the codes and regulations of other jurisdictions as may apply to any portion of a regulated outdoor sales establishment.

A Public Hearing on this Amendment to the Ocracoke Development Ordinance was held on June 3, 2013.

This Amendment to the Ocracoke Development Ordinance was adopted on the 3<sup>rd</sup> day of June, 2013.

HYDE COUNTY BOARD OF COMMISSIONERS

  
Barry Swindell, Chairman

ATTEST:

  
Lois Stotesberry, Clerk to the Board



~~Wanchese Seafood Industrial Park~~  
 Engelhard Marine Industrial Park  
 Project Ordinance 2012-05-01

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 grant project ordinance is hereby adopted:

Section 1. The project authorized is the ~~Wanchese Seafood Industrial Park~~ Engelhard Marine Industrial Park between Hyde County and through the Golden Leaf Foundation's Community Initiative Program for Hyde County with cooperation and project support through NC Seafood Industrial Park Authority

Section 2. Hyde County staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Golden Leaf Grant and the budget contained herein.

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

<u>Wanchese Seafood Industrial Park</u>	<u>Previous</u>	<u>Adjusted</u>
Golden Leaf Foundation Grant	\$265,800.00	\$265,800.00
<del>NC Seafood Industrial Park Authority</del>	<del>30,367.76</del>	<del>0.00</del>
Total Project Resources	\$296,167.76	\$265,800.00

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

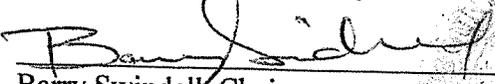
<u>Wanchese Seafood Industrial Park</u>		
Expansion of Water Service & Sewer to Site	\$ 18,200.00	
<del>Roadway Improvement</del>	<del>\$ 0</del>	
<del>Stormwater BMP</del>	<del>\$ 0</del>	
Grading, Excavation, Site Work, Geotechnical	\$ 71,760.00	
Building Construction	\$ 142,986.25	
Electrical	\$ 22,100.00	\$25,389.53
<del>Wetland Delineation and Engineering Fees</del>	<del>\$ 30,367.76</del>	
<u>Contingency</u>	<u>\$ 10,753.75</u>	<u>\$7,335.56</u>
Total Project Expenses	\$ 265,800.00	\$265,671.34

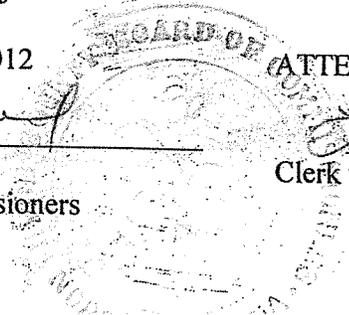
Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the Golden Leaf Foundation required by the grant agreement(s) and federal and state regulations, as they apply.

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

Section 7. Copies of this grant project ordinance shall be made available to the Grant Finance Officer for direction in carrying out this project.

Adopted this 7th day of May, 2012

  
 Barry Swindell, Chair  
 Hyde County Board of Commissioners



ATTEST  
  
 Clerk to the Board  
 16-03-2013  
 SEAL