

PUBLIC HEARING

HYDE COUNTY BOARD OF COMMISSIONERS'

MONDAY, MARCH 5, 2018 – 5:00 PM

On Monday, March 5, 2018 beginning at 5:00p.m. (prior to its regularly scheduled meeting at 6:00p.m.) the Hyde County Board of Commissioners will conduct public hearing on the **Draft Proposed Program (DPP) for the Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024** at the Hyde County Government Center, Multi-Use Room, 30 Oyster Creek Rd, Swan Quarter, NC and the Ocracoke Community Center using electronic conferencing equipment.

Citizens will be given the opportunity to provide oral and written comment on Offshore drilling and seismic testing at the public hearing. All interested citizens are encouraged to attend.

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

Meeting Date: March 5, 2018
Presenter: Assistant County Manager Kris Noble
Attachment: Yes

ITEM TITLE: PUBLIC HEARING-OFFSHORE OIL DRILLING

SUMMARY: On Monday, March 5, 2018 beginning at 5:00 pm (prior to its regularly scheduled meeting at 6:00 pm) the Hyde County Board of Commissioners will conduct a public hearing on the Draft Proposed Program (DPP) for the Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024 at the Hyde County Government Center, Multi-Use Room, 30 Oyster Creek Road, Swan Quarter, NC and the Ocracoke Community Center using electronic conferencing equipment.

Citizens will be given the opportunity to provide oral and written comment on offshore drilling and seismic testing at the public hearing. All interested citizens are encouraged to attend.

RECOMMEND: CONDUCT PUBLIC HEARING

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

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

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

COUNTY OF HYDE

Board of Commissioners

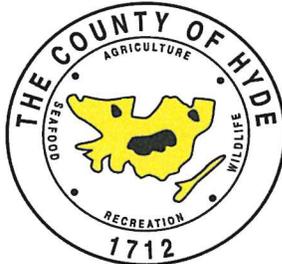
Earl Pugh, Jr., Chair
Barry Swindell, Vice-chair
Ben Simmons, III
Dick Tunnell
Tom Pahl

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fraz Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board of Commissioners



February 22, 2018

Notice of Public Hearing

On Monday, March 5, 2018 beginning at 5:00p.m. (prior to its regularly scheduled meeting at 6:00p.m.) the Hyde County Board of Commissioners will conduct public hearing on the **Draft Proposed Program (DPP) for the Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024** at the Hyde County Government Center, Multi-Use Room, 30 Oyster Creek Rd, Swan Quarter, NC and the Ocracoke Community Center using electronic conferencing equipment.

Citizens will be given the opportunity to provide oral and written comment on Offshore drilling and seismic testing at the public hearing. All interested citizens are encouraged to attend.

Lois Stotesberry, CMC, NCCCC
Clerk to the Board of Commissioners

###

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

Meeting Date: March 5, 2018
Presenter: Chairman Earl Pugh, Jr.
Attachment: No

ITEM TITLE: OPENING

SUMMARY: Call to Order
Opening Prayer
Pledge of Allegiance

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

Meeting Date: March 5, 2018
Presenter: Chairman Earl Pugh, Jr.
Attachment: Yes

ITEM TITLE: CONSIDERATION OF AGENDA

SUMMARY: Attached is the proposed Agenda for the March 5, 2018 Regular Meeting of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

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

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

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

AGENDA
HYDE COUNTY BOARD OF COMMISSIONERS'

REGULAR MEETING
MONDAY, MARCH 5, 2018 – 6:00 PM

CALL TO ORDER

CONSIDERATION OF AGENDA

CONSIDERATION OF MINUTES

- 1) February 5, 2018 – Joint Board of Education/ Board of Commissioners Meeting Minutes
- 2) February 5, 2018 – Regular Meeting Minutes

PUBLIC HEARINGS

- 1) Close-out FY2016-2017 CDBG- Commerce Fellows Grant Kris Noble

PRESENTATIONS

- 1) 2017 Outer Banks NPS Year In Review Superintendent Dave Hallac, NPS
- 2) Dates for 2018 Board of Equalization & Review Linda Basnight

INTRODUCTION

- 1) Allison Mulligan, S&W District Resource Specialist Debbie Cahoon

EMPLOYEE RECOGNITION

PUBLIC COMMENTS

Public Comments are a time for the public to make comments to the County Commissioners. Comments should be kept to three (3) minutes or less and comments should be directed to the entire Board and not to individual members, the staff or to other members of the public. Comments requesting assistance will typically be referred to the County Manager for follow-up or for Board action at a future meeting.

ITEMS OF CONSIDERATION

1) Resolution-Ordinance-Proclamation

- a. Resolution Naming Passenger Ferry Bill Rich
- b. Resolution Naming New Ferry Bill Rich
- c. Resolution Creating Ocracoke Township Tourism Development AuthorityKris Noble
- d. Resolution In Opposition of Offshore Oil Drilling Kris Noble

2) Appointment

- a. Juevenile Crime Prevention Council Kris Noble
- b. Mainland Occupancy Tax Board Kris Noble

3) Water Line Relocation for Sladesville-Credle Road Bridge Clint Berry

- Green Engineering
- NCDOT Preliminary
- NCDOT Construction

4) Revolving Loans Bill Rich

- Sea Breeze of Ocracoke, Inc.
- Ryan’s Garage
- Woccocon Oyster Company

5) Mainland Occupancy Tax Funding Recommendation Kris Noble

BUDGET MATTERS

- **Aviation** – Fuel
- **DSS** – Social Security Received
– LIEAP
- **Health** – BR-19-18 – Ocracoke Clinic Expenses
- **Soil & Water** - Cell Phone
- Equipment

MANAGEMENT REPORTS

The Commissioners and County Manager will share with the public their various activities and ideas for continuous improvement of government services to the citizens.

PUBLIC COMMENTS

The public is invited to use this time to make comments to the County Commissioners on items discussed during this meeting and/or matters not discussed earlier in the meeting.

CLOSED SESSION (discussion and possible action if required)

ADJOURN

SUPPLEMENTAL INFORMATION

Department Reports

- 1) **Tax Department (requires signature)**
- 2) Inspections
- 3) **Human Resources**
- 4) IT Department
- 5) **Health Department**
- 6) **Department of Social Services**
- 7) **Senior Center**
- 8) **Soil & Water**
- 9) **Cooperative Extension**
- 10) **Airport**

Informational Items

- 1) CAC Annual Report
- 2) Public Notice – Want to Live & Work in Ocracoke?
- 3) Dare Co. – Resolution Expressing Opposition to Offshore Drilling and Seismic Testing
- 4) Craven Co. – Resolution Opposing Any Change In The Definition of a Commercial Fishing Operation
- 5) Onslow County – Resolution to Encourage Legislation to Allow for Local Tax Payment Deadlines to Be Extended In The Event of *Force Majeure* Closures of County Tax Offices
- 6) Carteret County
 - Resolution Opposing Any Change In The Definition of a Commercial Fishing Operation
 - Resolution Requesting the North Carolina General Assembly to Expand the Scope and Funding for the Roadside Clean-up Program
 - Resolution In Support of the Wildwood Community
 - Letter to Governor Cooper
 - K-3 Class Size Reduction Implementation
- 7) Orange Co. – Resolution in Opposition to Offshore Exploration, Drilling Activities and Seismic Blast Activities Off The Coast of North Carolina
- 8) North Carolina Commissioners White House Conference
- 9) Work Authorization 2702-1701 PAPI System Rehab and Runway 11-29 Rehab

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

Meeting Date: March 5, 2018
Presenter: Lois Stotesberry, Clerk
Attachment: Yes

ITEM TITLE: CONSIDERATION OF MINUTES

SUMMARY: Attached are the February 5, 2018 Joint Board of Education/ Board of Commissioners Meeting Minutes and the February 5, 2018 Regular Meeting Minutes of the Hyde County Board of Commissioners.

RECOMMEND: Review, Amend and Approve.

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

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

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

Joint Meeting Minutes

**Board of County Commissioners
and
Board of Education
Hyde County**

Monday, February 5, 2018

After opening prayer Chairman Earl Pugh, Jr. called the Joint Meeting of the Hyde County Board of Commissioners and Hyde County Board of Education to order at 4:00p.m. on Monday, February 5, 2018, at Ocracoke School.

The following Board of Commissioners members were present on Ocracoke: Chairman Earl Pugh, Jr.; Commissioners Tom Pahl and Dick Tunnell; and, County Manager Bill Rich.

Superintendent Dr. Randolph Latimore represented the Board of Education.

Items of Discussion:

After a tour of Ocracoke School facilities the group had dinner at Gaffers.

Adjourn

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

The meeting adjourned at 5:00p.m.

Respectfully submitted:

Minutes approved on the 5th day of March, 2018.

Attest:

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

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

Attachments: (none)

1 **Regular Meeting Minutes**

2
3 **Board of County Commissioners**
4 **Hyde County**

5
6 **Monday, February 5, 2018**

7 After opening prayer by Commissioner Tunnell and Pledge of Allegiance, Chairman Earl Pugh, Jr. called the Regular
8 Meeting of the Hyde County Board of Commissioners to order on Monday, February 5, 2018, in the Hyde County
9 Government Center, Multi-Use Room, and the Ocracoke Community Center using electronic conferencing
10 equipment.

11 The following members were present on the mainland: Vice-chairman Barry Swindell; Commissioner Ben Simmons;
12 Assistant County Manager Kris Noble; Attorney Franz Holscher; Clerk to the Board Lois Stotesberry; Deputy Clerk
13 Justin Gibbs; and, members of the public.

14
15 Finance Officer Kenneth Chilcoat represented the Hyde County Board of Education on the mainland.

16
17 The following members were present on Ocracoke: Chairman Earl Pugh, Jr.; Commissioners Tom Pahl and Dick
18 Tunnell; County Manager Bill Rich; Public Information Officer Donnie Shumate; and, members of the public.

19 Superintendent Dr. Randolph Latimore represented the Hyde County Board of Education on Ocracoke.

20 **Consideration of Agenda:**

21 Commissioner Pahl moved to approve the February 5, 2018 Board of Commissioners Regular Meeting Agenda as
22 presented by the Clerk with addition of Presentation No. 2 – Hyde County Substance Awareness Task Force Report
23 by Luana Gibbs and Budget Revisions BR17-18 and BR18-18. Mr. Swindell seconded the motion. The motion
24 passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not
25 voting – None.

26 **Consideration of Minutes:**

27 **January 9, 2018 – Regular Meeting**

28 Commissioner Pahl moved to approve the January 9, 2018 Hyde County Board of Commissioners Regular Meeting
29 Minutes as presented by the Clerk with clarification of tower lot sizes on page 2 – *one of the towers will be on a 3.5-*
30 *acre parcel located on the east side of the intersection of US Hwy 264 and Rose Bay Turnpike. The second tower will*
31 *be on a 60 ft. x 60 ft. fenced compound on .24 of an acre 10,552 sq. ft. located at 4711 NC 45 N, Pantego, NC.* Mr.
32 Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell and Tunnell
33 Simmons; Nays – None; Absent or not voting – none.

34 **Presentations:**

35 **Trillium Health Resources Annual Report Hyde County**

36 Dave Peterson, MA, Regional Director, Trillium Health Resources, reported Trillium's mission is to transform lives
37 of people in need by providing ready access to quality care. Mr. Peterson discussed recurring budget cuts from the
38 state and federal governments and proposed Medicaid reform. Trillium is working with two other MCO's in an effort
39 to secure its position in Managed Care in North Carolina. Alliance Behavioral Health (central) and Vaya Health
40 (western) have partnered with Trillium (eastern) to form a new coalition known as Advancing NC Whole Health to
41 maximize its impact while preparing for Medicaid Reform.

1 North Carolina has received \$31 million over the next two years to address the opioid crisis through the Cures Act.
 2 Trillium’s allocation for the first year is \$1.2 million. The funding is designated for new individuals seeking opioid
 3 treatment for the first time or individuals who have been out of treatment and are ready to seek treatment again.

4
 5 **Hyde County Substance Awareness Task Force Report as of 01/31/2018**

6 Luana Gibbs, Interim Health Director, presented update on the Hyde County Substance Awareness Task Force.

Accomplishments to Date	Plans/Goals for future
Task Force created	Writing Kate B Reynolds grant for Licensed Clinic Social Worker and Navigator to develop Telemedicine Mental Health/Substance Abuse Program. Grant app is for \$112,500 requesting county to share cost of \$37,500 for a max \$150,000. Not budgeted until FY 2018-19 Grant due 2/14/18
Leadership Forum held in July	Write NC Blue Cross Blue Shield grant as ancillary to the KBR grant.
List of Treatment Resources developed - August	“Operation Prevention” being implemented in Hyde County School system – curriculum for grades 3 – 12 for remainder of this year. Next school year to address K-12

7

Community Forums held – September & October	Media Campaign – social media, mailers by any county department, PSAs
Partnership developed with Hyde County Schools	Host a “mock bedroom” presentation @ school on “report card day.”
Medication Take Back Events (Mainland & Ocracoke) - October	Offer County owned buildings for recreational outlets for adults (gyms for basketball)
2017-2018 Injury-Free NC Academy - Opioid Overdose Prevention – October & February	Implement a Needle exchange program <ul style="list-style-type: none"> • Health Department • EMS services pilot program including Naloxone distribution
Substance Awareness/Drug Free Hyde website is in production	Form Social support groups through churches for providing positive environment for people in recovery
Met with Kate B Reynolds representative Adam Linker regarding grant funding	Continue distribution of Naloxone
	Solicit resources from Trillium, our LME

8 **Recognition:**

9 Bill Rich, County Manager, commended Luana Gibbs, Interim Health Director, for her efforts on the Hyde County
 10 Substance Awareness Task Force. Luana spun the “Wheel of Thanks” and received a gift certificate to R. S. Spencer
 11 True Value in Engelhard, NC.

12 **Public Comments:**

13 Janie Jacoby, Ocracoke – reported due to limited access to newspapers on the Island she is concerned about missing
 14 reports on offshore drilling. Ms. Jacoby also reported standing water and potholes at the Ocracoke Post Office and
 15 the convenience site need to be repaired.

16 Manager Rich reported David’s Trash is bringing in concrete shell to help with the drainage issues on the Island.

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

1 **Items of Consideration:**

2 **Resolution Acknowledging The Execution And Delivery By The Hyde County Board Of Education**
3 **Of A Guaranteed Energy Savings Contract**

4 From the mainland, Hyde County Board of Education Finance Officer Ken Chilcoat and Robert Williams of Snyder
5 Energy Services presented “Resolution Acknowledging The Execution And Delivery By The Hyde County Board Of
6 Education Of A Guaranteed Energy Savings Contract”. Superintendent Dr. Randolph Latimore attended on Ocracoke.

7 The Hyde County Board of Education plans to enter into a not-to-exceed \$2,000,000.00 guaranteed energy savings
8 contract pursuant to G.S. 143-64.17 et. seq. for the purpose of providing certain energy conservation measures
9 authorized thereby so as to reduce energy consumption and/or energy-related operating costs. The Hyde County
10 Board of Education requested approval of a resolution by the Hyde County Board of Commissioners acknowledging
11 the execution and delivery of the guaranteed energy savings contract.

12 Commissioner Swindell moved to adopt “Resolution Acknowledging the Execution and Delivery By The Hyde
13 County Board of Education of A Guaranteed Energy Savings Contract”. Mr. Simmons seconded the motion. The
14 motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or
15 not voting – None.

16 *Clerk’s Note: A copy of “Resolution Acknowledging The Execution And Delivery By The Hyde County Board Of*
17 *Education Of A Guaranteed Energy Savings Contract” is attached herewith as Exhibit A and incorporated herein by*
18 *reference.*

19 **Resolution Opposing Proposed Change Of The Definition of Commercial Fisherman As It Applies To**
20 **Commercial Licenses**

21 Kris Noble, Assistant County Manager, presented a resolution in opposition of a proposal by the NC Division of
22 Marine Fisheries to change the definition of commercial fisherman as a means of reducing the number of standard
23 commercial fishing licenses and other commercial licenses.

24 Commissioner Pahl moved to adopt “Resolution Opposing Proposed Change of The Definition of Commercial
25 Fisherman As It Applies to Commercial Licenses”. Mr. Tunnell seconded the motion. The motion passed on the
26 following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – None.

27 *Clerk’s Note: A copy of “Resolution Opposing Proposed Change of The Definition of Commercial Fisherman As It*
28 *Applies to Commercial Licenses” is attached herewith as Exhibit B and incorporated herein by reference.*

29
30 **Resolution In Support of Liberty Home Care, VII, LLC’s Certificate of Need Application To Develop A Hospice Home**
31 **Health Agency**

32 Bill Rich, County Manager, reported in accordance with the North Carolina Certificate of Need (CON) Section
33 Liberty Home Care VII, LLC has petitioned the NC State Health Coordinating Committee for a special need
34 determination for one hospice home health agency to be established in Hyde County.

35 Commissioner Pahl moved to adopt “Resolution In Support of Liberty Home Care, VII, LLC’s Certificate of Need
36 Application To Develop a Hospice Home Health Agency” and, endorse Liberty Home Care VII, LLC’s Certificate of
37 Need Application for a hospice home health agency, and to recommend approval by the NC Certificate of Need
38 Section. Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell,
39 Tunnell and Simmons; Nays – None; Absent or not voting – None.

40

1 *Clerk's Note: A copy of "Resolution In Support of Liberty Home Care, VII, LLC's Certificate of Need Application to*
2 *Develop a Hospice Home Health Agency" is attached herewith as Exhibit C and incorporated herein by reference.*

3 **Project Budget Ordinance – North Carolina Department of Agriculture & Consumer Services Through The**
4 **Agricultural Development & Farmland Preservation Trust Fund Program Grant Cycle X**

5 Daren Hubers, Vice-Chairman, Hyde Soil & Water Conservation Board, reported a grant application was made
6 through the Hyde Soil & Water Conservation District on behalf of landowners J.W. & Kathy G. Spencer to place 210
7 acres of farmland in a Farmland Preservation Conservation Easement. This farm will remain an agriculture producing
8 farm in perpetuity.

9 Commissioner Simmons moved to approve "Project Budget Ordinance – North Carolina Department of Agriculture &
10 Consumer Services Through The Agricultural Development & Farmland Preservation Trust Fund Program Grant Cycle X".
11 Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell
12 and Simmons; Nays – None; Absent or not voting – None.

13 *Clerk's Note: A copy of "Project Budget Ordinance – North Carolina Department of Agriculture & Consumer Services*
14 *Through The Agricultural Development & Farmland Preservation Trust Fund Program Grant Cycle X" is attached*
15 *herewith as Exhibit D and incorporated herein by reference.*

16 **Resolution In Favor of The Proposed Changes To The NC Black Bear Hunting Regulations**

17 Bill Rich, County Manager, reported the North Carolina Wildlife Resources Commission has proposed creating new
18 bear hunting zones and corresponding seasons encompassing all of Hyde, Dare and Tyrrell Counties (known as
19 CBMU Zone 1). The NCWRC is proposing an additional week of bear hunting season in CBMU Zone 1. The
20 proposed week would open the first Monday in November and close on the third Sunday in November so that the
21 overlap between waterfowl season and bear season is eliminated.

22 Commissioner Pahl moved to adopt "Resolution In Favor of The Proposed Changes To The NC Black Bear Hunting
23 Regulations". Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl,
24 Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – None.

25 *Clerk's Note: A copy of "Resolution In Favor of The Proposed Changes To The NC Black Bear Hunting Regulations"*
26 *is attached herewith as Exhibit E and incorporated herein by reference.*

27
28 **Resolution Opposing a Proposal To Reduce Ferry Runs and Increase Fares On Tolled Ferries**

29 Bill Rich, County Manager, reported the proposal to reduce the number of ferry trips on currently tolled ferries
30 traveling to and from Ocracoke Island and increase fares on tolled ferries is a result of a review of the ferry system by
31 the Joint Legislative Program Evaluation Oversight Committee of the North Carolina General Assembly. These
32 changes will affect local residents and merchants on Ocracoke Island and most importantly visitors to the island.

33 Commissioner Swindell moved to adopt "Resolution Opposing A Proposal To Reduce Ferry Runs and Increase Fares On
34 Tolled Ferries". Mr. Tunnell seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl,
35 Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – None.

36 *Clerk's Note: A copy of "Resolution Opposing A Proposal To Reduce Ferry Runs and Increase Fares On Tolled*
37 *Ferries" is attached herewith as Exhibit F and incorporated herein by reference.*

38
39 **Letter of Support For DOT Survey of Hatteras Inlet**

40 Commissioner Pahl presented a letter written to NCDOT Ferry Division Director Harold Thomas for Board approval

1 and Chairman Pugh’s signature. The purpose of this letter is to urge the Ferry Division with the expertise and
2 financial backing of the NCDOT to take whatever steps may be required to conduct a full survey of Hatteras Inlet.

3 The recently formed Ocracoke Waterways Commission is charged with the task of pro-actively addressing issues
4 that affect the navigable waterways in and around Ocracoke Island. Chief among several topics the Commission is
5 addressing is exploring ways to shorten what is commonly referred to as “the long route”, that is the horseshoe route
6 that is now used by the Ferry Division to transit between Hatteras and Ocracoke. That same route is also used by
7 Hatteras’ fishing fleet and recreational boaters as a channel through Hatteras Inlet to offshore waters. The long route
8 (adopted in 2014) has since had significant negative impact on every entity that depends on access between the
9 islands and through the inlet.

10 The purpose of this letter is to urge the Ferry Division, with the expertise and financial backing of the NCDOT to
11 take whatever steps may be required to conduct a full survey of Hatteras Inlet. That survey would support a study of
12 options to shorten the existing long route and ultimately, the establishment of a shorter channel that is sustainable in
13 the long run, and that provides safe passage between Hatteras and Ocracoke and provides safe transit through
14 Hatteras Inlet.

15 In addition to the Ocracoke Waterways Commission, the purpose of this letter is endorsed by the Hyde County Board
16 of Commissioners, the Dare County Board of Commissioners and by the Dare County Waterways Commission.

17 Commissioner Pahl moved to approve a letter to urge the Ferry Division to take whatever steps may be required to
18 conduct a full survey of Hatteras Inlet and to authorize Chairman Earl Pugh, Jr. to sign the letter to NCDOT Ferry
19 Division Director Harold Thomas. Mr. Tunnell seconded the motion. The motion passed on the following vote:
20 Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – None.

21 **Appointment to the Hyde County Airport Advisory Board**

22 Jane Hodges, Permit Technician/Airport Manager, requested appointment of Jo Ann Spencer to serve the remainder
23 of a three year term currently held by Mr. Billy Williams; and, requested all serving Board members be reappointed
24 to their positions and terms.

25 Commissioner Swindell moved to appoint Jo Ann Spencer to complete the three year term of Mr. Billy Williams and
26 to re-appoint all serving Board members as submitted until the Board changes its by-laws addressing terms to make
27 all positions three year terms. Mr. Simmons seconded the motion. The motion passed on the following vote: Ayes –
28 Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – None.

29
30 Note: On November 4, 2013 the Board of Commissioners approved changing the Airport Advisory Committee Bylaws
31 as recommended by the committee stating that upon expiration of terms appointed on 11-04-2013 all member’s terms
32 will be 3 year terms. Therefore all member’s terms are now re-appointed at three years and will expire:

- 33
34 February 3, 2019 – Wilson Daughtry, Art Keeney, Jo Ann Spencer
35 February 3, 2020 – Gregg Gibbs
36 February 3, 2021 – Tim Whitfield
37 February 3, 2022 – Earl Pugh, Jr., Sharon Spencer

38
39 **Hyde County Airport Farm Lease**

40 Jane Hodges, Permit Technician/Airport Manager, reported the Hyde County Airport Advisory Board sent out 41 bid
41 proposals to farmers in Hyde County. The Board received 5 bid proposals.

42

1	Don Nixon	\$ 67,500.00 per year	\$ 225.00 X 300 acres
2	Richard Mann	\$ 65,025.00 per year	\$ 216.75 X 300 acres
3	J. W. Spencer	\$ 64,950.00 per year	\$ 216.50 X 300 acres
4	Wilson Daughtry	\$ 65,250.00 per year	\$ 217.50 X 300 acres
5	Charles Williford	\$ 80,550.00 per year	\$ 268.50 X 300 acres

6 Commissioner Simmons moved to award the Hyde County Airport Farm Lease to Mr. Charles Williford for a sum of
7 \$268.50 x 300 acres as stated in the Lease Agreement for a total 4 years payment of \$322,200.00. Mr. Swindell
8 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and
9 Simmons; Nays – None; Absent or not voting – None.

10
11 **FY 2018-2019 Budget Calendar**

12 Corrinne Gibbs, Finance Officer presented the fiscal year 18/19 Budget Calendar for Board approval.

13
14 Commissioner Swindell moved to approve the FY 2018-2019 Hyde County Budget Calendar as presented. Mr. Pahl
15 seconded the motion. The motion passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and
16 Simmons; Nays – None; Absent or not voting – None.

17
18 **Project Budget Ordinance Community Development Block Grant (CDBG) Disaster Recovery Program (DR)**
19 **Grant CDBG-DR 17R-3014**

20 Kris Noble, Assistant County Manager, presented the project budget ordinance and grant agreement contract for a
21 \$500,000.00 CDBG-DR grant awarded to Hyde County on November 20, 2017, to be effective February 1, 2018 and
22 expiring February 1, 2021. The grant award will be used to fund repairs to the Davis Center roof.

23 Commissioner Swindell moved to approve Project Budget Ordinance Community Development Block Grant
24 (CDBG) Disaster Recovery Program (DR) Grant CDBG-DR 17-R-3014. Mr. Pahl seconded the motion. The motion
25 passed on the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not
26 voting – None.

27 *Clerk's Note: A copy of "Project Budget Ordinance Community Development Block Grant (CDBG) Disaster Recovery
Program (DR) Grant CDBG-DR 17R-3014" is attached herewith as Exhibit G and incorporated herein by reference.*

28
29 **Approval of Pungo River VFD Fire Protection Contract**

30 Justin Gibbs, Director, Emergency Management, reported in accordance with NCGS 153A-233 Hyde County desires
31 to enter into a one year contract with Pungo River Volunteer Fire Department for related services such as vehicle
32 extrication, landing zones, initial hazardous materials response, mutual aid, etc. As prescribed in the Hyde County
33 Emergency Operations Plan.

34
35 Commissioner Swindell moved to enter into contract with Pungo River Volunteer Fire Department to provide mutual
36 aid in Hyde County for fire department related services. Mr. Simmons seconded the motion. The motion passed on
37 the following vote: Ayes – Pugh, Pahl, Swindell, Tunnell and Simmons; Nays – None; Absent or not voting – None.

38
39 **Budget Transfers:**

40 Bill Rich, County Manager, presented the following budget transfers for Board of Commissioner approval.

41 **Administration**

42 Telephone \$ 5,000.00

1 **Emergency Management**
2 Expenses for the remainder of the Fiscal Year \$11,000.00

3 **Health Department**
4 BR16-18 – Health – Child Health..... \$ 250.00
5 BR17-18 – Health – Environmental Health \$ 1,930.00
6 BR18-18 – Health – Breastfeeding Peer \$ 300.00

7 **Legal**
8 Cost of Delinquent Tax Collection \$ 5,000.00

9 **Register of Deeds**
10 Longevity Overage \$ 200.00

11 **Social Services**
12 LIEAP \$ 2,872.00
13

14 **Solid Waste**
15 Monies received from Republic Services \$30,000.00

16 **Soil & Water**
17 Educational Grant \$ 1,384.00

18 Commissioner Pahl moved to approve departmental budget transfers as presented. Mr. Simmons seconded the
19 motion. The motion passed on the following vote: Ayes – Pahl, Pugh, Simmons, Tunnell and Swindell; Nays –
20 None; Absent or not voting – none.

21 **Management Reports:**

22 **Chairman Earl Pugh, Jr.** – attended the Ocracoke School tour, airport meeting and the passenger ferry meeting
23 in Manteo.

24 **Vice-chair Barry Swindell** – thanked Luana Gibbs for work done on the Substance Awareness Task Force. He has
25 also been attending the county’s youth sports program.

26 **Commissioner Ben Simmons** – recommends a local ordinance be requested by the Engelhard Development
27 Corporation to control drinking on the Engelhard Boardwalk. Other issues of concern include county jurisdictional
28 waters, changes related to commercial fishing and duck hunting regulations. He asked that county employees treat tax
29 payers and visitors to all Government offices with respect.

30 **Commissioner Tom Pahl** – attended the passenger ferry meeting and attended a Planning Board and Waterways
31 Commission meeting where adopting an ordinance to control the use of Silver Lake Harbor and abandoned boats was
32 discussed. Mr. Pahl will prepare a draft ordinance to be discussed at the next commissioners meeting in March. He
33 discussed offshore oil drilling concerns and protection of county beaches and discussed the future of the Ocracoke
34 Island Inn.

35 **Commissioner Dick Tunnell** – attended the NC Farm Bureau meeting in Raleigh, the Mid-East Housing Authority
36 meeting and the Ocracoke School tour.

1 **Assistant County Manager Kris Noble** – reported February 13 is Hotline Wear Orange Day and announced Phillip
2 Holloway of NEWDB will be working to make Hyde County a work-ready community. She commented the Youth
3 Program is positive for Hyde County.

4 **County Manager Bill Rich** – reported he attended Golden LEAF initiative in Williamston, NC City and County
5 Manager’s meeting in Winston Salem and the Mattamuskeet Watershed meeting at Swan Quarter Wildlife Refuge.
6 He reminded commissioners of the Mattamuskeet Lake Watershed Study Public Hearing on Tuesday, February 6.

7 **Public Comments:**

8 There being no comment from the public, Chairman Pugh continued the meeting.

9 **Closed Session** (none)

10 **Adjourn**

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

13 The meeting adjourned at 8:35p.m.

14 Respectfully submitted:

15 Minutes approved on the 5th day of March, 2018.

16 Attest:

17
18
19
20
21
22
23
24 _____
25 Lois Stotesberry, CMC, NCCCC
26 Clerk, Hyde County Board of Commissioners

24 _____
25 Earl Pugh, Jr.
26 Chair, Hyde County Board of Commissioners

27 Attachments:

28 **Exhibit A:** *“Resolution Acknowledging The Execution And Delivery By The Hyde County Board Of Education Of A*
29 *Guaranteed Energy Savings Contract”*

30 **Exhibit B:** *“Resolution Opposing Proposed Change of The Definition of Commercial Fisherman As It Applies to*
31 *Commercial Licenses”*

32 **Exhibit C:** *“Resolution In Support of Liberty Home Care, VII, LLC’s Certificate of Need Application To Develop A Hospice*
33 *Home Health Agency”*

34 **Exhibit D:** *“Project Budget Ordinance – North Carolina Department of Agriculture & Consumer Services Through The*
35 *Agricultural Development & Farmland Preservation Trust Fund Program Grant Cycle X”*

36 **Exhibit E:** *“Resolution In Favor of The Proposed Changes To The NC Black Bear Hunting Regulations”*

37 **Exhibit F:** *“Resolution Opposing A Proposal To Reduce Ferry Runs and Increase Fares On Tolloed Ferries”*

38 **Exhibit G:** *“Project Budget Ordinance Community Development Block Grant (CDBG) Disaster Recovery Program (DR)*
39 *Grant CDBG-DR 17-R-3014”*
40

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

Meeting Date: March 5, 2018
Presenter: Assistant County Manager Kris Noble
Attachment: Public Hearing – Closeout of Hyde County
FY2016-2017 CDBG Commerce Fellows Grant

ITEM TITLE: PUBLIC HEARING –CLOSEOUT OF HYDE COUNTY FY 2016-2017
CDBG COMMERCE FELLOWS GRANT

SUMMARY: On July 25, 2016, Hyde County was awarded a CDBG Commerce Fellows Grant in the amount of \$50,000.00. The primary purpose of the Commerce Fellows Program is to provide funding to local governments to provide holistic community development training opportunities for local government administrators. Six management representatives from Hyde participated in courses through the UNC School of Government using the funding provided by the CDBG grant. As of this report, all training is complete and CDBG funds have been exhausted. We are requesting close-out of the FY2016-2017 CDBG Commerce Fellows Grant.

Citizens will be given the opportunity to provide oral and written comment on the county’s use of CDBG funds.

RECOMMEND: HOLD PUBLIC HEARING AND CLOSEOUT FY2016-2017 COMMERCE
FELLOWS GRANT

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

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

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

NOTICE OF CLOSE-OUT PUBLIC HEARING
HYDE COUNTY
FY2016-2017 CDBG-COMMERCE FELLOWS GRANT

Notice is hereby given that the Hyde County Board of Commissioners will hold a close-out public hearing on Monday, March 5, at 6:00 p.m., or as soon thereafter as the agenda will allow, at the Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, NC. The purpose of the close-out public hearing is to review the budget and activities that have been accomplished through the Hyde County FY16-17 CDBG Commerce Fellows Grant. Program activities have been completed and Hyde County is in the process of closing out the program. The \$50,000 CDBG grant, of which \$50,000 was expended, allowed county employees to participate in training offered by the UNC School of Government which enhanced their knowledge and capacity to service low to moderate income individuals through various activities.

Citizens will also be given the opportunity to provide oral and written comment on the county's use of CDBG funds. All interested citizens are encouraged to attend. For additional information or to submit written comments, send to County Manager Bill Rich, Hyde County, 30 Oyster Creek Road, PO Box 188, Swan Quarter, NC 27885, phone 252/926-4400. Comments should be postmarked by Friday, March 2, 2018.

If you plan to attend and require special accommodations because of a disability or physical impairment, please contact Lois Stotesberry, Clerk to the Board of Commissioners, at 252-926-4187 or lstotesberry@hydecountync.gov by Friday, March 2, 2018.

This information is available in Spanish or any other language upon request. Please contact Lois Stotesberry, Clerk, at 252/926-4187, or at the Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, NC for accommodations for this request.

Esta información está disponible en español o en cualquier otro idioma bajo petición. Por favor, póngase en contacto con Lois Stotesberry, Clerk, al 252/926-4187, o en Hyde County Government Center, 30 Oyster Creek Road, Swan Quarter, NC, de alojamiento para esta solicitud.

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

Meeting Date: March 5, 2018
Presenter: Dave Hallac
Attachment: No

ITEM TITLE: 2017 OUTER BANKS NATIONAL PARK SERVICE YEAR IN REVIEW

SUMMARY: Dave Hallac with the National Park Service will present and discuss a review of the activities of the National Park Service in 2017.

RECOMMEND: RECEIVE REPORT

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

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

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

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

Meeting Date: March 5, 2018
Presenter: Linda M. Basnight, Tax Administrator
Attachment: No

ITEM TITLE: Date(s) for 2018 Board of Equalization and Review

SUMMARY: Each year the Board is required to hold Board of Equalization and Review. In accordance with GS 105-322(e) the first meeting cannot be held before the first Monday in April or later than the first Monday in May and must adjourn on or before the third Monday following the first meeting.

RECOMMEND: Set Board of E&R meeting dates.

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

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

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

Hyde County Board of Commissioners
AGENDA ITEM SUMMARY SHEET

Meeting Date: March 5, 2018
Presenter: Debbie Cahoon
Attachment: Yes

ITEM TITLE: District Resource Specialist for Hyde Soil & Water Conservation District - Allison Stewart Mulligan (Allie)

SUMMARY: On behalf of the Hyde District Board of Supervisors and Staff, It is my pleasure to introduce to the Board of Commissioners and other guests our new District Resource Specialist. Allie Mulligan comes to the District with a BS in Fisheries, Wildlife and Conservation Biology with a minor in Plant Biology from North Carolina State University, College of Natural Resources. She is expected to graduate in the fall with a PhD in Coastal Resources Management from East Carolina University.

Allie is married to Justin Mulligan who serves Mattamuskeet, Swan Quarter and Cedar Island refuge's as their Federal Wildlife Officer. They live in Scranton, North Carolina and enjoy fishing and hunting during their leisure time.

RECOMMEND: Please join us in welcoming Allie to our District and County. Allie is here to assist the District in putting conservation on the ground and assist the County of Hyde in addressing their resource concerns.

Motion Made By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Motion Seconded By: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Vote: Barry Swindell
 Dick Tunnell
 Ben Simmons
 John Fletcher
 Earl Pugh, Jr.

Hyde SWCD Supervisors

J. W. Spencer, Chairman

Darren Armstrong, Vice-Chairman

Earl O'Neal, Secretary/Treasurer

Daren Hubers, Member

Chad Spencer, Member



Hyde Government Center, Suite #131, Swan Quarter, NC 27885

252-926-4195

Hyde SWCD & NRCS Staff

Debbie Cahoon, District Administrator

Allie Mulligan, District Resource Specialist

Amy Halker, NRCS, Acting Supervisory Soil

Conservationist

Anthony Hester, NRCS Soils Technician

CONSERVATION NEWS

Promoting the wise use of our natural resources through implementing best management practices

March 2018

Hyde SWCD hires District Resource Specialist

The Hyde District Board of Supervisors and Staff are pleased to welcome Allison Mulligan (Allie) as our District Resource Specialist. Allie comes to the District with a Bachelor of Science Degree from NCSU College of Natural Resources in Fisheries, Wildlife & Conservation Biology with a minor in Plant Biology. She is currently a PhD Candidate in Coastal Resources Management Program and Coastal Estuarine Ecology with East Carolina University. Her husband, Justin is the Federal Wildlife Officer for Mattamuskeet, Swan Quarter & Cedar Island Refuges.

Allie and her husband currently reside in Scranton, North Carolina and are enjoying living on the road less traveled. Please welcome Allie to our Soil and Water Conservation family. Her contact information is as follows:

Allie Mulligan amulligan@hydecountync.gov 252-926-5291 Hyde SWCD

Hyde Gov't Center Suite #131

Swan Quarter, North Carolina 27885



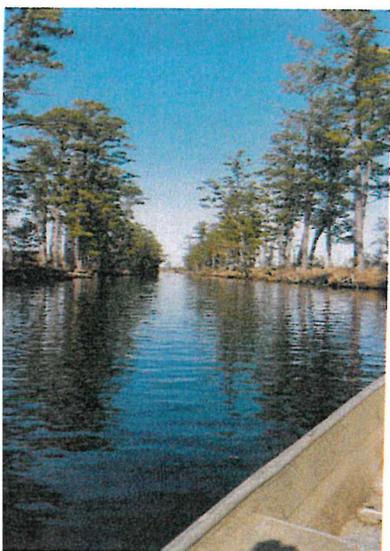
Allie Mulligan

Hyde District Resource Specialist

Stream Debris Update

Work Completed to date:

- ◆ Outfall Canal
- ◆ Williams Ditch 1 & 2
- ◆ Rose Bay Canal
- ◆ Tiny Oak/Farrow Road
- ◆ Juniper Canal
- ◆ Hydeland Canal (pictured left)




Currently all the Hyde District Cost Share funds have been encumbered for the year. 2018/2019 funds will be available beginning August 2018.

Quality is not an act, it is a habit.

ARSUS

© Rainier

Conservation is a cause that has no end. There is no point at which we say our work is finished.

Rachel Carson

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

Meeting Date: March 5, 2018
Presenter: County Manager Bill Rich
Attachment: No

ITEM TITLE: EMPLOYEE/VOLUNTEER/FRIEND OF THE MONTH

SUMMARY: Manager Bill Rich will announce the Employee, Volunteer and/or Friend of the County.

RECOMMEND: Congratulations.

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

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

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

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

Meeting Date: March 5, 2018
Presenter: Citizens
Attachment: No

ITEM TITLE: PUBLIC COMMENTS

SUMMARY: Citizens are afforded an opportunity at this time to comment on issues they feel may be of importance to the Commissioners and to their fellow citizens.

Comments should be kept to (3) minutes and directed to the entire Board, not just one individual Commissioner, staff member or to a member of the audience.

Time for one person cannot be used by another person.

Comments that reflect the need for additional assistance will be directed to the County Manager or referred to a future meeting agenda.

RECOMMEND: Receive comments.

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

Meeting Date: March 5, 2018
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: RESOLUTION REQUESTING NC FERRY BE NAMED THE
OCRACOKE EXPRESS

SUMMARY: Manager Rich requests approval of a resolution that requests that one of the two passenger ferries that will transport passengers between Hatteras and Ocracoke Island be named the "Ocracoke Express"

RECOMMEND: APPROVE RESOLUTION

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

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

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

Board of Commissioners

Earl Pugh, Jr., Chair
Barry Swindell, Vice-Chair
Benjamin Simmons, III
Tom Pahl
Dick Tunnell

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCCC
Clerk to the Board



A RESOLUTION REQUESTING THAT A NORTH CAROLINA FERRY BE NAMED THE "OCRACOKE EXPRESS"

WHEREAS, the County of Hyde is within the North Carolina Department of Transportation (NCDOT) Division1; and

WHEREAS, the County of Hyde supports the NCDOT effort to provide passenger ferry service between Hatteras and Ocracoke; and

WHEREAS, the Hyde County Board of Commissioners supports the tradition of naming NC Ferries after towns and regions of coastal North Carolina.

NOW THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners requests that the said passenger ferry be named the "Ocracoke Express".

ADOPTED this 5th day of March, 2018.

Earl Pugh, Jr. Chairman

Attest:

Lois Stotesberry, Clerk to the Board

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

Meeting Date: March 5, 2018
Presenter: County Manager Bill Rich
Attachment: Yes

ITEM TITLE: RESOLUTION REQUESTING NC FERRY BE NAMED RODANTHE

SUMMARY: Manager Rich requests approval of a resolution that requests that one of the two passenger ferries that will transport passengers between Hatteras and Ocracoke Island be named "Rodanthe".

RECOMMEND: APPROVE RESOLUTION

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

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

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

Board of Commissioners

Earl Pugh, Jr., Chair
Barry Swindell, Vice-Chair
Benjamin Simmons, III
Tom Pahl
Dick Tunnell

COUNTY OF HYDE

30 Oyster Creek Road
PO Box 188
SWAN QUARTER, NORTH CAROLINA 27885
252-926-4400
252-926-3701 Fax

Bill Rich
County Manager

Fred Holscher
County Attorney

Lois Stotesberry, CMC, NCCC
Clerk to the Board



A RESOLUTION REQUESTING THAT A NORTH CAROLINA FERRY BE NAMED THE "RODANTHE"

WHEREAS, the County of Hyde is within the North Carolina Department of Transportation (NCDOT) Division1; and

WHEREAS, the County of Hyde supports the NC Ferry "Baum" replacement through STI; and

WHEREAS, the Hyde County Board of Commissioners supports the tradition of naming NC Ferries after towns and regions of coastal North Carolina.

NOW THEREFORE BE IT RESOLVED that the Hyde County Board of Commissioners requests that the said ferry to replace the MV Baum be named the "Rodanthe".

ADOPTED this 5th day of March, 2018.

Earl Pugh, Jr. Chairman

Attest:

Lois Stotesberry, Clerk to the Board

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

Meeting Date: March 5, 2017
Presenter: Kris Noble
Attachment: Yes - RESOLUTION OPPOSING OFFSHORE OIL DRILLING

ITEM TITLE: RESOLUTION OPPOSING OFFSHORE OIL DRILLING

SUMMARY:

On February 20, 2018, North Carolina Secretary of Environmental Quality, Michael Regan, met with citizens of Hyde County in Swan Quarter at the Government Center and simultaneously in Ocracoke at the Community Center via telecommunications equipment in an effort to receive public comment on the Draft Proposed Program for the Outer Continental Shelf Oil and Gas Leasing Program for 2019-2014.

The Hyde County Board of Commissioners is in opposition to offshore drilling, including exploratory drilling and seismic testing.

RECOMMEND: ADOPT

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

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

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



**RESOLUTION EXPRESSING THE HYDE COUNTY BOARD OF COMMISSIONERS'
CONTINUED OPPOSITION TO OFFSHORE DRILLING AND SEISMIC TESTING**

WHEREAS, it has not been proven that offshore drilling and testing can safely be done without risking harm to the environment, the North Carolina coastline, our property, our businesses, our livelihood, or our quality of life; and

WHEREAS, the potential damage to North Carolina's beaches and coastline should a spill occur would be devastating to our natural resources and irrevocably harm Hyde County's tourism based economy; and

WHEREAS, it is vital that local and state officials throughout North Carolina and its neighboring states take a unified stand in opposition to offshore drilling because a mishap in one jurisdiction could negatively impact the coastal environment and economy of adjacent areas, and

WHEREAS, other coastal communities and their neighbors have suffered dreadful consequences as the result of offshore energy exploration including the Prince William Sound, victimized by the Exxon Valdez, and countless Gulf Coast communities harmed by the Deepwater Horizon Oil Spill; and

WHEREAS, the documented dangers that are associated with offshore drilling and testing would needlessly put our environment, coastline, beaches, fishing, and tourism industry at risk and threaten our way of life in Hyde County, North Carolina; and

WHEREAS, the risks associated with offshore drilling and testing were fervently conveyed by Ocracoke island residents during a February 20, 2018 meeting with North Carolina Secretary of Environmental Quality Michael Regan.

NOW, THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners is in opposition to offshore drilling, including exploratory drilling and seismic testing, and urges North Carolina, our neighboring states, and all federal agencies to take no action that would put our coastline. This the 5th day of March, 2018.

Earl Pugh, Jr, Chairman

Attested by: Lois Stotesberry, Clerk to the Board

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

Meeting Date: March 5, 2017
Presenter: Kris Noble
Attachment: Yes - Resolution Creating TDA; Session Law 2006-128/House Bill 882

ITEM TITLE: RESOLUTION CREATING OCRACOCKE TOWNSHIP TOURISM DEVELOPMENT AUTHORITY

SUMMARY:

The attached resolution retroactively creates the Ocracoke Township Tourism Development Authority pursuant to General Assembly of North Carolina Session 2005; Session Law 2006-128/House Bill 882. The Hyde County Board of Commissioners voted to enact an additional 2% occupancy tax and create the Ocracoke Township Tourism Development Authority in October 2018. The State Treasurer requires a formal resolution and thus creates the need for adoption of this attached resolution.

RECOMMEND: REVIEW, DISCUSS, ADOPT RESOLUTION

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

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

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



RESOLUTION TO LEVY AN ADDITIONAL 2% OCCUPANCY TAX AND CREATE THE OCRACOKE TOWNSHIP TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the General Assembly of North Carolina Session 2005 Session Law 2006-128 House Bill 882 “An Act Creating a Taxing District in Ocracoke Township For The Purpose of Authorizing The Levy Of A Room Occupancy And Tourism Development Tax”; and

WHEREAS, pursuant to local legislation, Session Law 2006-128 and House Bill 882, the Hyde County Board of Commissioners is authorized to levy an additional two percent (2%) room occupancy tax in Ocracoke Township and create the Ocracoke Township Tourism Development Authority; and

WHEREAS, the governing body of Ocracoke Township Taxing District may levy a room occupancy tax of up to two percent (2%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3); and

WHEREAS, a tax levied under this act shall be levied administered, collected, and repealed as provided in G.S. 153A-155, as if it were a county; and

WHEREAS, Ocracoke Township Taxing District shall, on a quarterly basis, distribute the net proceeds of the occupancy tax to the Ocracoke Township Tourism Development Authority created; and

WHEREAS, the Authority shall use at least two-thirds of the proceeds distributed to it to promote travel and tourism in the district and shall use the remainder for tourism-related expenditures in the district; and in accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of Ocracoke Township; and

WHEREAS, the Board of Commissioners of Hyde County adopts this resolution creating the Ocracoke Township Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act; and

WHEREAS, The Tourism Development Authority shall have five members in addition to the Finance Officer and at least one-third of the members must be individuals affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals currently active in the promotion of travel and tourism in the district; and

WHEREAS, the Hyde County Board of Commissioners shall appoint three (3) of the five members to three (3) year terms and appoint two (2) of the five members for two (2) year terms initially; and subsequently thereafter all terms shall be three year terms; the Hyde County Board of Commissioners shall fill any expired or unexpired terms thereafter; and the Hyde County Board of Commissioners shall appoint a Chair to the Ocracoke Township Tourism Development Authority; and

WHEREAS, the Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings; and the Finance Officer for Hyde County shall be the ex officio finance officer of the Authority; and

WHEREAS, the Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in the above named act; and the Authority shall promote travel and tourism in the district and make tourism-related expenditures in the district;

NOW, THEREFORE, BE IT RESOLVED, that the Hyde County Board of Commissioners hereby levies an additional two percent (2%) occupancy tax of the gross receipts derived from the rental of any room, lodging or accommodation furnished by a hotel, motel, inn, tourist camp or similar place within the Ocracoke Township, that is subject to sales tax imposed by the state under North Carolina General Statute 105-164.4(a)(3) for the uses and purposes hereinabove set forth; and the Ocracoke Township Tourism Development Authority is established and shall be composed of a five (5) member Authority as outlined in this resolution, and shall become retroactively become effective October 2, 2017 when the Hyde County Board of Commissioners took an official and affirmative vote to create the Ocracoke Township Tourism Development Authority and appointed all Authority board members. This the 5th day of March, 2018.

Earl Pugh, Jr, Chairman

Attested by: Lois Stotesberry, Clerk to the Board

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2006-128
HOUSE BILL 882**

**AN ACT CREATING A TAXING DISTRICT IN OCRACOKE TOWNSHIP FOR
THE PURPOSE OF AUTHORIZING THE LEVY OF A ROOM OCCUPANCY
AND TOURISM DEVELOPMENT TAX.**

The General Assembly of North Carolina enacts:

SECTION 1. Occupancy Tax. – The Ocracoke Township Taxing District is created. It is coterminous with Ocracoke Township in Hyde County. The Ocracoke Township Taxing District is a body politic and corporate and has the power to carry out the provisions of this act. The Hyde County Board of Commissioners shall serve ex officio as the governing body of the district, and the officers of the county shall serve as the officers of the governing body of the district. A simple majority of the governing body constitutes a quorum, and approval by a majority of those present is sufficient to determine any matter before the governing body, if a quorum is present.

SECTION 2. Authorization and Scope. – The governing body of Ocracoke Township Taxing District may levy a room occupancy tax of up to two percent (2%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the district that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales or room occupancy tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations when furnished in furtherance of their nonprofit purpose.

SECTION 3. Administration. – A tax levied under this act shall be levied, administered, collected, and repealed as provided in G.S. 153A-155, as if it were a county. The penalties provided in G.S. 153A-155 apply to a tax levied under this act.

SECTION 4. Distribution and Use of Tax Revenue. – Ocracoke Township Taxing District shall, on a quarterly basis, distribute the net proceeds of the occupancy tax to the Ocracoke Township Tourism Development Authority created pursuant to Section 5 of this act. The Authority shall use at least two-thirds of the proceeds distributed to it to promote travel and tourism in the district and shall use the remainder for tourism-related expenditures in the district. In accordance with the North Carolina Constitution and the United States Constitution, the tax proceeds may be used only for the direct benefit of Ocracoke Township. None of the proceeds may be used to promote travel or tourism in areas within Hyde County that are outside of the district or for tourism-related expenditures in the county that are outside of the district.

The following definitions apply in this act:

- (1) Net proceeds. – Gross proceeds less the cost to the district of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a district or to attract tourists or business travelers to the district. The term includes tourism-related capital expenditures.

SECTION 5.(a) Ocracoke Township Tourism Development Authority. – Appointment and Membership. – The Board of Commissioners of Hyde County shall adopt a resolution creating the Ocracoke Township Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The Tourism Development Authority shall have five members in addition to the Finance Officer. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filling of vacancies on the Authority. At least one-third of the members must be individuals affiliated with businesses that collect the tax in the district, and at least one-half of the members must be individuals currently active in the promotion of travel and tourism in the district. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Hyde County shall be the ex officio finance officer of the Authority.

SECTION 5.(b) Duties. – The Authority shall expend the net proceeds of the tax levied under this act for the purposes provided in Section 4 of this act. The Authority shall promote travel and tourism in the district and make tourism-related expenditures in the district.

SECTION 5.(c) Reports. – The Authority shall report quarterly and at the close of the fiscal year to the Hyde County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

SECTION 6. G.S. 153A-215(g) reads as rewritten:

"(g) This section applies only to Alleghany, Anson, Brunswick, Buncombe, Cabarrus, Camden, Carteret, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Franklin, Granville, Halifax, Madison, Montgomery, Nash, New Hanover, Pasquotank, Pender, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Transylvania, Tyrrell, Vance, and Washington Counties, to Watauga County

District U, and to the Township of Averasboro in Harnett ~~County~~County and the Ocracoke Township Taxing District."

SECTION 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives



NORTH CAROLINA
DEPARTMENT OF STATE TREASURER
STATE AND LOCAL GOVERNMENT FINANCE DIVISION
AND THE LOCAL GOVERNMENT COMMISSION

JANET COWELL
TREASURER

T. VANCE HOLLOMAN
DEPUTY TREASURER

Memorandum #2014-08

TO: Local Government Officials and their Independent Auditors
FROM: Sharon Edmundson, Director, Fiscal Management
SUBJECT: Operation of and Accounting for Discretely Presented Component Units, Including Tourism Development Authorities
DATE: September 30, 2013

There have been many questions raised in recent months about the accounting for, the audit presentation of, and the administration of component units, particularly those formed by the primary government such as tourism development authorities (the TDA). The purpose of this memorandum is to clarify what can be a confusing topic, and put forth in writing the policies of the State and Local Government Finance Division. The discussion points in this memorandum apply to all discretely presented component units but we are going to use a TDA as an example. TDAs are rapidly becoming the most numerous of the discretely presented component units, second only to ABC Boards, and are often the type of unit about which we are questioned.

Forming a Tourism Development Authority

The authorization to levy an occupancy tax on the gross receipts from the rental of any room, lodging or other accommodation furnished by hotels, motels, inns and similar establishments is generally coupled with the requirement to create a tourism development authority and is established by the enabling act, a local act or Session Law. There is no general law authority to levy occupancy taxes or to create a TDA. The text of Session Laws is available from the website of the [North Carolina General Assembly](#). Once a Session Law has been passed by the General Assembly granting permission to levy an occupancy tax and to establish a TDA, the county or municipality's board may adopt resolutions to levy an occupancy tax and create a TDA. The county or municipality (the Primary Government) should provide a copy of the resolutions to the Fiscal Management Section of State and Local Government Finance Division (the SLGFD) of the Department of State Treasurer to provide notice of the creation of the TDA. In fact, the SLGFD should be notified any time a new authority or other governmental entity is formed.

It is important to note that while the Session Laws authorizing tourism development authorities are generally similar to the structure described in this memorandum, there are occasional but often important differences in the legislation that authorizes any given TDA. The governing bodies and finance officer of both the Primary Government and the TDA must be familiar with the provisions of the particular legislation authorizing the specific TDA and related occupancy tax.

Session Laws authorizing the levy of an occupancy tax and the establishment of a TDA generally, but not always, include the following provisions:

“When the [county’s or municipality’s] governing body adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the unit’s tourism development authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act.”

“The finance officer for the [county or municipality] shall be the ex officio finance officer of the Authority.”

The impact of the first of these provisions is that the TDA is a public authority and is a separate legal entity distinct from the Primary Government creating it. The second provision appoints the finance officer. An “ex officio finance officer” has the exact same duties and responsibilities under The Local Government Budget and Fiscal Control Act (LGBFCA) as any other finance officer – the only distinction is the method of appointment. (Wearing Several Hats: Multiple and Ex Officio Office-Holding, Fleming Bell, canons.sog.unc.edu/?p=2273, April 20, 2010.) Again, however, it should be noted that there is some variety in the Session Laws creating TDAs and one should carefully review the specific Session Law and any amendments, the related governing board resolutions, and any other documents establishing the TDA.

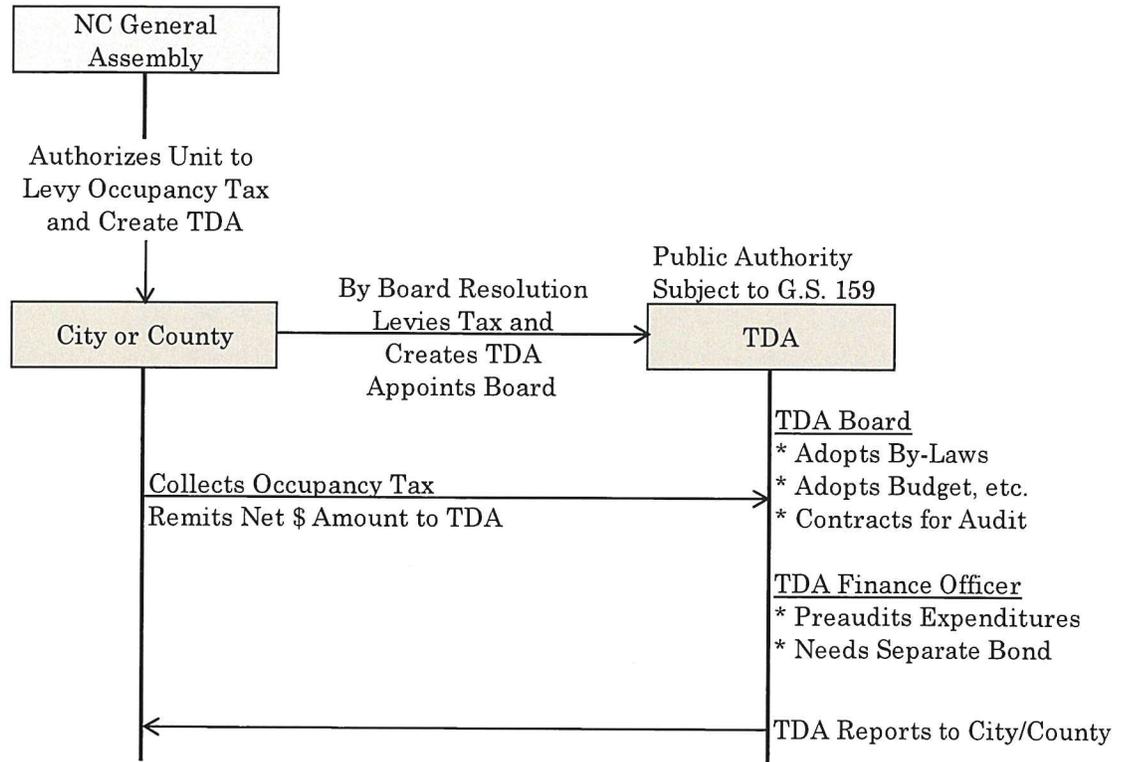
Because of the TDA’s status as a separate legal entity, the TDA’s governing board has the responsibility to adopt a budget that complies with the provisions of *Part 1 – Budgets* of the LGBFCA (G.S. 159-7 through G.S. 159-17.1), to adopt appropriate bylaws and resolutions, to execute a contract for an audit of the TDA’s financial statements, etc. The Primary Government’s (the county or municipality) board and the TDA’s board must be careful to assure that ordinances and resolutions are adopted by and contracts approved by the proper governing body.

Similarly, the finance officer has all the responsibilities imposed by G.S. 159-25. Additionally, the finance officer is subject to fidelity bond requirements of G.S. 159-29. In regard to the fidelity bond requirement, the finance officer should have a separate individual bond to protect the TDA and that names the TDA as obligee or beneficiary of the bond. This bond will be in addition to the bond on the finance officer that names the county or municipality as obligee. (Finance Officer Fidelity Bonds: When Are Multiple Bonds Required?, Kara Millonzi, canons.sog.unc.edu/?p=6126, January 12, 2012.)

TDAs are subject to G.S. 159-33 and must complete the semiannual Report on Deposits and Investments on Form LGC 203. In addition, TDAs must file the annual Notification of Public Deposits on Form INV 91 with their official depository and the Department of State Treasurer. The SLGFD staff is aware that some Primary Governments co-mingle cash and investments of the TDA with that of the Primary Government, which is not an issue as long as the accounting records can accurately identify the amount of cash and investments that belong to the TDA. However, the accounting records must be such that the assets, liabilities, revenues, expenditures and fund balance of the TDA can be distinguished from the Primary Government at any given time.

The following chart illustrates the establishment and organization of a TDA as created using the most common structure found in forming the vast majority of TDAs:

Establishment and Structure



Financial Reporting Requirements

Component Unit Status

Tourism Development Authorities will almost always qualify under GASB Statement No. 14, as amended by GASB Statement No. 39 and GASB Statement No. 61, as a component unit that should be discretely presented.

The analysis of the requirements to support this conclusion is as follows:

- The TDA is legally separate from the Primary Government because the enabling act provides that the Primary Government "...shall also adopt a resolution creating the unit's Tourism Development Authority, which shall be a public authority..." The TDA is authorized to promote travel and tourism in its area and to make tourism-related expenditures defined as "expenditures that, in the judgment of the Tourism Development Authority, are designed to increase the use of lodging facilities ... or to attract tourists or business travelers..."
- The Primary Government appoints a majority of the TDA's board as the enabling act provides that the Primary Government board's resolution creating authority shall "...provide for membership of the Authority, including members' terms of office, and for the filling of vacancies..."

- The Primary Government is able to impose its will on the TDA because it has the ability to modify the rate affecting revenue as it is authorized to "...levy a room occupancy tax of up to..." a specified percentage of the gross receipts. Additionally, the enabling act requires the TDA to report quarterly to the governing body of Primary Government on its receipts and disbursements "in such detail" as they may require.
- Comparison of the two boards will generally lead to the determination that they are not substantially the same. This is because the enabling act usually requires that "At least one-third [or other proportion] of the members must be individuals affiliated with businesses that collect the tax in the county or municipality, and at least one-half [or other proportion] of the members must be individuals currently active in the promotion of travel and tourism in the county or municipality." However, if the two units have substantially the same governing body and you have either (1) a financial benefit or burden relationship or (2) management of the Primary Government has operational responsibility for the component unit, the TDA would be a component unit but with the financial presentation blended with the Primary Government, not discretely presented.
- The TDA does not provide services entirely or almost entirely to the Primary Government. It provides services to the citizens of the Primary Government.

It is important to note that each county or municipality should conduct its own analysis of its TDA or other component unit and, along with the independent auditor, draw its conclusions based on the guidance provided by GASB.

Financial Statements

As a separate legal entity from the Primary Government, a TDA is subject to the audit requirements in the LGBFCA. Separate audited financial statements must be prepared for discretely presented component units. The separately issued financial statements are a very simple and straightforward way to communicate the financial position and changes in financial position to the TDA's board so they can fulfill their stewardship and oversight obligations.

However, component units have the option of presenting those statements as part of the Primary Government audit rather than publishing a separate financial report. If the TDA makes the decision to present its financial statements only as a part of the Primary Government's report, all relevant and material note disclosures, as well as a schedule showing a modified accrual balance sheet and budget to actual revenue and expenditures, must be included in the Primary Government's report. In other words, all the significant information that would normally be in a separately issued report must be in the Primary Government's report if that is the reporting option the TDA chooses. Discussion of component unit(s) in the primary government's MD&A is not required but should be considered based on the individual component unit's significance and its relationship to the primary government. In rare instances, it may be appropriate to discuss component units in the aggregate in the MD&A. See GASB Statement 34, paragraph 10 for a complete discussion on this issue.

It is recommended that the TDA have separately issued financial statements and a separate audit contract since it is an entity legally separate from the Primary Government.

When the TDA issues stand-alone financial statements, they are no different from those of other governmental units with only one governmental fund and will be presented in accordance with generally accepted accounting principles. The following points should be considered:

- A separate audit contract executed by the Chairman of the TDA's board must be approved by the SLGFD staff. The standard procedures for filing the audit report should be followed.
- The auditor's report, an MD&A, the basic financial statements, notes to the financial statements and any additional statements or schedules are required.
- A budget to actual statement for the TDA is presented as part of its basic financial statements with no budget to actual presentation for the TDA required in the Primary Government's report.
- Notes to the financial statements disclose for the TDA any stewardship violations, cash and investments with related policy information, risk management information specifying the amount of TDA finance officer's individual bond, and other required information.
- A related party transactions disclosure is included since the TDA pays the Primary Government a fee to collect the occupancy tax and the county or municipality may also provide office space, staff services, etc., to the TDA.
- A TDA will often qualify as a single-program government and as such is permitted to present its financial statements in the format described in GASB Statement No. 34, paragraphs 136 and 137.

When the TDA does not issue a separate financial statement and elects to present its financial statements as part of the financial statements of the Primary Government rather than publishing a separate financial report, the following guidelines apply:

- Audit Contract – A combined audit contract for the Primary Government and the TDA must be executed by both the Chairman for the Primary Government and the Chairman of the TDA and approved by the SLGFD staff. The standard procedures for filing the audit report should be followed.
- Audit Opinion – With the TDA audited by the same auditor as the Primary Government, the opinion for the Primary Government must reference the TDA. The first paragraph identifying the entities audited should identify and include the TDA. The opinion paragraph should include the language related to "budgetary comparison" for both the Primary Government and the TDA.
- Government-Wide Statements – Assuming discrete presentation, the statement of net assets and changes in net assets for the TDA must be in a separate column on the government-wide statements, or if there are multiple discretely presented component units, there may be one combined column on the government-wide statements, with combining statements with a column for each component unit presented with the supplemental statements and schedules. This presentation is required whether or not the TDA issues a stand-alone report
- Fund Statements – When the TDA is included in the Primary Government's report, and does not issue its own report, a modified accrual balance sheet and budget to actual statement for the TDA subject the audit must be included in the supplemental statements and schedules of the Primary Government.

- Notes to Financial Statements – The TDA, as a component unit, should be described in the Reporting Entity note with an explanation of how it is presented in the financial statements. There also will be Related Party Transactions disclosure since the TDA pays the Primary Government a fee to collect the occupancy tax and the county or municipality may also provide office space, staff services, etc. to the TDA. If the TDA is issuing a stand-alone report, this is generally the extent of the note disclosures in the Primary Government's report regarding the TDA. These same types of notes, written from the TDA's perspective, would appear in the stand-alone report of the TDA as well.

Since the TDA is not issuing a stand-alone report, the significant note disclosures that would have appeared in that stand-alone report must be included in the Primary Government's report. These include but are not limited to:

- Any stewardship violations of the TDA should be separately disclosed, e.g. budget over-expenditures, improper bonding, etc.
 - Cash and investments for the TDA should be separately stated in the cash and investments note as well as any policy matters, e.g. custodial credit risk, etc. for the TDA disclosed.
 - A capital assets note for the TDA should be included if it has capital assets material to the TDA.
 - The risk management note should specify that the TDA's finance officer has an individual bond, the amount of the bond, describe any other insurance coverage obtained by the TDA, or if there is no other insurance coverage for the TDA, so indicate.
 - All entities should be aware of any specific reporting requirements for certain types of component units that are dictated by oversight boards or other agencies. For example, ABC Boards are discretely presented component units but are required to issue separate financial reports by the State.
- Financial Oversight – Since the governing board of the TDA is not receiving separate financial statements, the TDA's finance officer must make sure they receive the necessary information to fulfill their oversight responsibilities.

Blended Presentation

In the case, which is expected to be rare, where the board of the Primary Government and the board of the TDA are substantially the same, a blended presentation in the financial statements may be appropriate. All cash, investments, capital assets, and liabilities are reported and disclosed as if they are part of the Primary Government. There is no requirement to issue separate financial statements for a blended TDA but the entity may choose to do so.

Operational Considerations

Regardless of the method of presentation of the financial statements, when the TDA is a public authority and a separate legal entity from the county or municipality certain legal and operational formalities must be observed.

The TDA's governing board, not the governing board of the county or municipality creating it, must adopt the budget for the TDA in compliance with provisions of the LGBFCA. The TDA's governing board should receive regular and timely financial reports presenting the fund balance, the change in fund balance and a budget to actual comparison for the TDA. When necessary, the TDA's governing board should promptly adopt amendments to the budget ordinance. The actions of the TDA's governing board should be reflected in its minutes.

The TDA should have a tax identification number and a bank account in its name in an official depository. Monies held by the county or municipality on behalf of the TDA should be held and accounted for in an agency fund. The TDA should file the Form LGC 203 and the Form INV 91 in its own name.

The Session Law authorizing the creation of the TDA generally requires it to report quarterly and at the close of the fiscal year to the governing board of the county or municipality on its receipts and expenditures for the preceding quarter and for the year in such detail as the Primary Government may require.

Provisions Regarding Room Occupancy Taxes

The provisions of the specific Session Law authorizing the room occupancy tax as well as [G.S. 153A-155](#) (counties) and [G.S. 160A-215](#) (municipalities) govern the levy, collection, use, and other matters related to room occupancy taxes. The following provides a brief summary of the provisions of these statutes. One should be familiar with and refer directly to the language of the relevant statutes when questions arise regarding room occupancy taxes.

Levy

A room occupancy tax may be levied by the county or municipality only by resolution with not less than 10 days' public notice and after a public hearing. A room occupancy tax becomes effective on the date specified in the resolution levying the tax which must be the first day of a calendar month. However, the effective date may not be earlier than the first day of the second month after the date the resolution is adopted.

Use of the Net Proceeds

The net proceeds of the room occupancy tax levied shall be used for the purposes specified in the authorizing legislation. It is incumbent on the TDA's governing board and its finance officer to fully understand the purposes for which the net proceeds from the occupancy tax may be expended. Subject to reference to the specific authorizing legislation, TDAs generally have the authority to promote travel, tourism, and conventions; sponsor tourist-related events and activities; and finance tourist-related capital projects in the unit. To promote travel and tourism is to advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to an area; and includes administrative expenses incurred in engaging in these activities. Tourism-related expenditures are expenditures that, in the judgment of the Authority, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities or to attract tourists or business travelers to the unit and include tourism-related capital expenditures.

G.S. 153A-155(f1) and G.S. 160A-215(f1) limit the use of the room occupancy tax proceeds in that the proceeds of a room occupancy tax shall not be used for development or construction of a hotel or other transient lodging facility.

Collection and Administration

The taxing county or municipality administers the room occupancy tax it levies and shall design and furnish to all appropriate businesses and persons the necessary forms for filing returns and instructions to ensure the full collection of the tax. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied. An operator of a business who collects a room occupancy tax may deduct from the amount remitted to the taxing county or municipality a discount equal to the discount the State allows the retailer for State sales and use tax. The governing board of the taxing county or municipality has the same authority to waive the penalties for a room occupancy tax that the Secretary of Revenue has to waive the penalties for State sales and use taxes.

A room occupancy tax return filed with the finance officer of the taxing county or municipality is not a public record and may not be disclosed except in accordance with [G.S. 153A-148.1](#) or [G.S. 160A-208.1](#).

Should you have questions or need assistance, please contact Jones Norris at (919) 807-2386 or via email at jones.norris@nctreasurer.com.

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

Meeting Date: March 5, 2017
Presenter: Kris Noble
Attachment: Yes - Meeting Minutes from Mainland Occupancy Tax Board Meeting

ITEM TITLE: Appointment to Mainland Occupancy Tax Board

SUMMARY:

On February 27, 2018, the Hyde County Mainland Occupancy Tax Board met. See attached minutes. The members of the board voted to recommend Brooke Dunbar of the Currituck Township to the Mainland Occupancy Tax Board. Brooke and her husband Chuck own and operate the Riverside Campground in Ponzer.

RECOMMEND: REVIEW, DISCUSS, APPOINT

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

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

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

Occupancy Tax Board Meeting

February 27, 2018

In Attendance: Lamar Spencer, Elizabeth Gurganus, Karen Meekins , Corrine Gibbs

Guest attendees: Sharon Gibbs , Sharon Sadler, Chris Nobles

Sharon Gibbs presented a presentation on the future brochure and map for the county. Hopefully they will be printed soon. The brochures are funded by Tideland EMC for 2500 printed. Sharon had a suggestion of a billboard on Hwy. 64 going East near Columbia, price would be about \$8000 startup and for first year rental. Then about 600 -650 per month after. Also the Chamber is going to put up a welcome sign at Leechville bridge.

Chris Nobles read a letter from Octogon House asking for some funds to help in the restoration. She also presented a print out of the ordinances pertaining to occupancy tax. The board would like the commissioners to follow up on businesses that are not collecting the tax.

Corrine said we collected for 2017 \$9143.00. There is \$12000 remaining.

Motion was made by Lamar to give chamber the earmark remaining of \$10000 to chamber to buy more brochures when printed. Earmark approximately \$3800, second by Karen motion passed.

The board decided that the bill board was not sustainable so we passed on that request.

The Mattie Art Center requested some money for brochures racks and signage. We decided to table this also until they get with chamber to clarify on the brochures.

Motion made by Lamar to give Octogon House \$2000 for help on restoration second by Elizabeth motion passed.

Elizabeth made a motion to not deplete the tax funds to less than \$5000 seconded by Karen motion passed.

Karen made a phone call to Brooke Dunbar to see if she would like to serve on the board and she accepted but has to be approved by Commissioners.

Meeting adjourned at 4:22 pm

Karen Meekins , secretary

A handwritten signature in cursive script that reads "Karen Meekins". The signature is written in black ink and is positioned below the typed name of the secretary.

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

Meeting Date: March 5, 2018
Presenter: Assistant County Manager Kris Noble
Attachment: No

ITEM TITLE: APPOINTMENTS TO JCPC

SUMMARY: Superintendent Dr. Randolph Latimore requests appointment of Ms. Nancy Leach, Assistant Director of Student Services for Hyde County Schools and Mrs. Ramona Armstrong, Principal of Mattamuskeet Early College High School (MECHS) to the Juvenile Crime Prevention Council (JCPC).

Members to be removed are Major D. Coleman and Dr. Linda Mayo Willis.

RECOMMEND: Appoint.

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

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

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

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

Meeting Date: March 5, 2018
Presenter: Clint Berry
Attachment: Yes

ITEM TITLE: Water line relocation for bridge replacement #35 on Sladesville-Credle Rd.

SUMMARY: The NCDOT will be replacing the bridge known as bridge #35 on Sladesville-Credle Rd. There is a conflict with the existing water line that crosses the canal. The NCDOT will need the water line to be relocated and will pay for all expenses. The project will be paid by the county and then reimburse from NCDOT. Attached are three contracts 1) From Green Engineering for the design and permitting, 2) From NCDOT for the Preliminary Engineering, 3) From NCDOT for the construction.

RECOMMEND: RECOMMEND TO APPROVE

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

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

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



CONTRACT

Name of Client: Hyde County **W.O.** 18-006
Address: 1059 Main Street
Swan Quarter, North Carolina 27885
Project Name: Water Main Relocation Project **Date Required:** April 2018
NCDOT TIP Hyde Co. Bridge #35
Project Rep: Clint Berry **Phone:** 252-926-4268
Project Location: Hyde County, North Carolina **Ordered By:** Clint Berry
Date Ordered: February 2018 **Order Taken By:** Leo Green, III

Narrative Description of Services: Provide Engineering Services for the complete design, permitting, administration and observation of the relocation of an existing 6-inch diameter PVC/HDPE potable water main that is in conflict with the bridge replacement project over Slade Creek on Sladesville-Credle Road (SR 1143) in Hyde County. The project will include the installation of ±480 linear feet of 6-inch diameter PVC and HDPE (directional bore) water mains and associated appurtenances.

UNITS:	COMPONENT	*BASIS	UNIT COST	TOTAL AMOUNT
Water Main Relocate	Design	LS	\$11,900.00	\$11,900.00
	Administration / Observation	LS	\$9,446.00	\$9,446.00

***(H)**Hourly \$ _____ ***(LS)**Lump Sum \$ 21,346.00 ***(O)**Other \$ _____

The General Conditions on the reverse side are incorporated into and made a part of this contract. The signatures below authorize Green Engineering, P.L.L.C. to proceed with the services as described above.

Client: Hyde County
 Print Name of Firm or Corporation

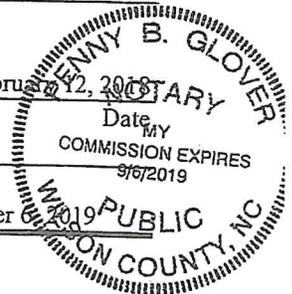
 Signature of Authorized Representative Date
Bill Rich, County Manager
 Print Name and Title

Attest: _____
 Signature Date

 Print Name and Title

Green Engineering, P.L.L.C.
E. Leo Green February 12, 2018
 Signature of Authorized Representative Date
E. Leo Green, III - Managing Member
 Print Name and Title

Attest: Penny B. Glover February 12, 2018
 Signature Date
Penny B. Glover - Notary
 Print Name and Title
 My Commission Expires: September 30, 2019



All local government clients are required to complete this section.

Finance Officer Certification:
 This contract has been pre-audited in accordance with the Local Government Budget and Fiscal Control Act.

 Signature of Finance Officer Date

UTILITY PRELIMINARY ENGINEERING AGREEMENT

WBS ELEMENT: 17BP.1.R.83

TRANSPORTATION IMPROVEMENT PROGRAM NO.: Hyde Co. Bridge #35

COUNTY: Hyde

This agreement made this 14 day of February , 2018, by and

between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT, and Hyde County, NC

hereinafter referred to as the COMPANY:

W I T N E S S E T H:

THAT WHEREAS, the DEPARTMENT will submit a project for construction as follows:

The relocation of an existing 6" dia. PVC/HDPE potable water main that is in conflict with the bridge replacement project over Slade Creek on Sladesville-Credle Road (SR 1143) in Hyde County. The project will include the installation of +480 linear feet of 6" dia. PVC and HDPE (directional bore) water mains and associated appurtenances.

known as route Sr 1143 in Hyde County, North Carolina to be designated as N.C. State Highway Project and/or WBS Element 17BP.1.R.83 and,

WHEREAS, the construction of said project will require certain engineering of plans for adjustments to be made to the existing facilities of the COMPANY;

NOW, THEREFORE, in order to facilitate the orderly and expeditious relocation of the said facilities of COMPANY, the DEPARTMENT and the COMPANY have agreed as follows:

1. That the DEPARTMENT has agreed to reimburse the COMPANY for preliminary engineering charges associated with certain adjustments to be made to the existing facilities of the COMPANY.

2. That any work performed under this agreement shall comply with DEPARTMENT's "POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS OF WAY" dated January 1, 1975, and such amendments thereto as may be in effect at the date of this agreement. The work to be performed by the COMPANY shall conform with Federal Highway Administration's Federal-Aid Policy Guide, Subchapter G, Part 645, Subpart A hereinafter referred to as FAPG dated December 9, 1991, and such amendments

thereto as may be in effect at the date of this agreement. The provisions of said FAPG and amendments thereto are incorporated in this agreement by reference as fully as if herein set out. Any work performed under this agreement not in compliance with FAPG shall constitute unauthorized work and the DEPARTMENT shall be relieved of participating in the costs of such unauthorized work unless such work is done pursuant to a supplemental agreement attached to and made a part hereof.

3. That the COMPANY or COMPANY Engineering firm will prepare an estimate, broken down as to estimated cost of preliminary engineering, overhead rate, job classification pay rate, indirect cost rates, cost of capital rate and estimated man-day hours all in sufficient detail to provide the DEPARTMENT a reasonable basis for analysis. The before mentioned estimate is attached hereto and made a part hereof. The DEPARTMENT will not reimburse the COMPANY for any preliminary engineering not necessitated by the construction of the highway project, nor for changes made solely for the benefit or convenience of the COMPANY.

4. That payment for all work done hereunder shall be made in accordance with the requirements of FAPG unless payment is being made pursuant to a supplemental agreement attached to and made a part of this agreement.

5. That the preliminary engineering work provided for in this agreement will be performed by the method or methods as specified below:

BY COMPANY'S REGULAR FORCE: The COMPANY proposes to use its regular personnel at its standard schedule of wages and working hours in accordance with the terms of its agreement with such employees.

BY EXISTING WRITTEN CONTINUING CONTRACT: The COMPANY proposes to use an existing written continuing contract under which certain work as shown by the COMPANY's estimate is regularly performed for the COMPANY and under which the lowest available costs are developed. The COMPANY shall submit a copy of the continuing contract (including rates) to the DEPARTMENT for review and approval.

BY CONTRACT: The COMPANY does not have adequate staff to perform the necessary engineering design with its own forces. The COMPANY submits to DEPARTMENT a draft advertisement for review and approval, and in accordance with NC General Statute 143-64.31 and 23 CFR 172, will select firms qualified to provide such service on the basis of demonstrated competence and qualification for the type of professional services and to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. The COMPANY shall submit overhead rates to the DEPARTMENT for review and approval in accordance with DEPARTMENT audit requirements. Refer to DEPARTMENT requirements at the following site:

<https://connect.ncdot.gov/projects/Roadway/Private%20Engineering%20Firm%20Resources/NC DOT%20Audit%20Requirements%20Fiscal%20Form.pdf>

6. a. It is contemplated by the parties hereto that the construction of this State Highway Project will begin on or about the October 2018

b. Based on the best information available at the present time to the COMPANY, indicate applicable paragraph below:

- Preliminary Engineering will be complete allowing adequate time for materials and completion of certain adjustments prior to highway construction.
- Preliminary Engineering will be complete prior to highway construction; however, certain adjustments are not expected to be complete prior to highway construction.
- Other (Specify)

7. Indicate if (a) or (b) is applicable:

- a. That preliminary engineering is for the adjustments of existing facilities in conflict with said project.
- b. That the preliminary engineering involves COMPANY's request for new facilities in addition to adjustments of existing facilities in conflict with said project.

8. That the total estimated cost of the preliminary engineering proposed herein, including all cost to the DEPARTMENT and COMPANY, is estimated to be----- \$ 11,900.00

The estimated preliminary engineering cost to the DEPARTMENT, including all cost less any preliminary engineering for new facilities requested by the COMPANY.----- \$ 11,900.00

The estimated cost to the COMPANY for any additional preliminary engineering charges for new facilities requested by the COMPANY will be----- \$ 0

(The above costs shall be supported by attached estimate)

9. That in the event it is determined there are changes in the scope of work, extra work, or major changes from the statement of work covered by this agreement, reimbursement shall be limited to costs covered by a modification of this agreement or a written change or extra work order approved by the DEPARTMENT.

10. Periodic progress billings of incurred costs may be made by COMPANY to the DEPARTMENT not to exceed monthly intervals; however, total progress billing payments shall not exceed 95% of the approved non-betterment estimate. Progress billing forms may be obtained from the Area Utility Agent. One final and detailed complete billing of all costs shall be made by COMPANY to the DEPARTMENT at the earliest practicable date after completion of work and in any event within 6 months after completion of work. The statement of final billing shall

follow as closely as possible the order of the items in the estimate portion of this agreement.

11. That the DEPARTMENT shall have the right to inspect all books, records, accounts and other documents of the COMPANY pertaining to the work performed by it under this agreement at any time after work begins and for a period of 3 years from the date final payment has been received by the COMPANY.

12. That in the future, it becomes necessary due to highway construction or improvement to adjust or relocate utilities covered under this agreement, the DEPARTMENT does not obligate itself to participate in future payments for preliminary engineering.

IN WITNESS WHEREOF, the parties hereby have affixed their names by their duly authorized officers the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
Division Utility Coordinator

ATTEST OR WITNESS

(TITLE)

(NAME OF COMPANY)

BY: _____

TITLE: _____

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

UTILITY RELOCATION AGREEMENT

NCDOT HIGHWAY WBS ELEMENT NO. 17BP.1.R.83

TRANSPORTATION IMPROVEMENT PROGRAM NO. Bridge #35

COUNTY Hyde

This agreement made this 14 day of February, 2018, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT, and Hyde County _____ Inc. hereinafter referred to as the COMPANY:

WITNESSETH:

THAT WHEREAS, the DEPARTMENT will submit a project for construction as follows:

The relocation of an existing 6" dia. PVC/HDPE potable water main that is in conflict with the bridge replacement project over Slade Creek on Sladesville-Credle Road (SR 1143) in Hyde County. The project will include the installment of +480 linear feet of 6" dia. PVC and HDPE (directional bore) water mains and associated appurtenances.

known as route SR 1143 in Hyde County, North Carolina to be designated as N.C. State Highway Project and/or WBS Element 17BP.1.R.83 and, WHEREAS, the construction of said project will require certain adjustments to be made to the existing facilities of the COMPANY;

NOW, THEREFORE, in order to facilitate the orderly and expeditious relocation of the said facilities of COMPANY, the DEPARTMENT and the COMPANY have agreed as follows:

1. That the scope, description, and location of work to be undertaken by the COMPANY are as follows

Relocation of existing Hyde County water main which is in conflict with the bridge replacement project over Slade Creek on Sladesville-Credle Road (SR 1143).

2. That any work performed under this agreement shall comply with DEPARTMENT's "POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS OF WAY" dated January 1, 1975, and such amendments thereto as may be in effect at the date of this agreement. The work to be performed by the COMPANY shall conform with Federal Highway Administration's Federal-Aid Policy Guide, Subchapter G, Part 645, Subpart A hereinafter referred to as FAPG dated December 9, 1991, and such amendments thereto as may be in effect at the date of this agreement. The provisions of said FAPG and amendments thereto are incorporated in this agreement by reference as fully as if herein set out. Any work performed under this agreement not in compliance with FAPG shall constitute unauthorized work and the DEPARTMENT shall be relieved of participating in the costs of such unauthorized work unless such work is done pursuant to a supplemental agreement attached to and made a part hereof.

3. That the COMPANY will prepare an estimate, broken down as to estimated cost of labor, construction overhead, materials and supplies, handling charges, transportation and equipment, rights of way, preliminary engineering and construction engineering, including an itemization of appropriate credits for salvage and betterments, and accrued depreciation all in sufficient detail to provide the DEPARTMENT a reasonable basis for analysis. Unit costs, such as broad gauge units of property, may be used for estimating purposes where the COMPANY uses such units in its own operations. The COMPANY will also prepare plans, sketches or drawings showing their existing facilities, temporary and permanent changes to be made with reference to the DEPARTMENT's new right of way using appropriate nomenclature, symbols, legend, notes, color coding or the like. The before mentioned estimate and plans are attached hereto and made a part hereof. The DEPARTMENT will not reimburse the COMPANY for any utility relocations or changes not necessitated by the construction of the highway project, nor for changes made solely for the benefit or convenience of the COMPANY, its contractor, or a highway contractor.

4. That the DEPARTMENT's authority, obligation, or liability to pay for relocations as set forth in this agreement is based on the COMPANY having a right of occupancy in its existing location by reason of the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain.

5. That payment for all work done hereunder shall be made in accordance with the requirements of FAPG unless payment is being made pursuant to a supplemental agreement attached to and made a part of this agreement.

6. That the construction work provided for in this agreement will be performed by the method or methods as specified below:

BY COMPANY'S REGULAR FORCE: The COMPANY proposes to use its regular construction or maintenance crews and personnel at its standard schedule of wages and working hours in accordance with the terms of its agreement with such employees.

BY EXISTING WRITTEN CONTINUING CONTRACT: The COMPANY proposes to use an existing written continuing contract under which certain work as shown by the COMPANY's estimate is regularly performed for the COMPANY and under which the lowest available costs are developed.

BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. The COMPANY proposes to award a contract to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed as set forth in an appropriate solicitation for bids.

7. a. It is contemplated by the parties hereto that the construction of this State Highway Project will begin on or about the 15 day of October, 2018.

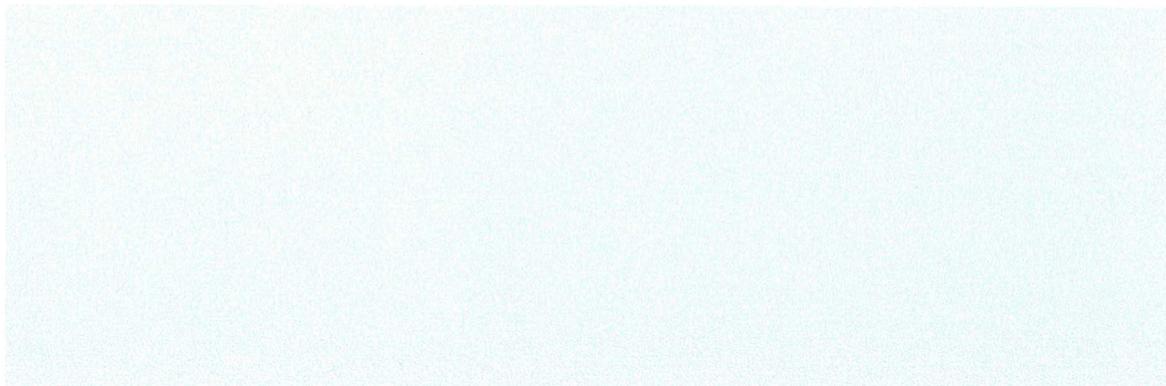
b. Based on the best information available at the present time to the COMPANY, indicate applicable paragraph below:

Materials are available and it is expected that work will be complete prior to highway construction.

All work will take place during highway construction and arrangements for said work will be coordinated with highway construction operations at preconstruction conference.

Work will begin promptly upon notification by DEPARTMENT; however, it is not expected to be complete prior to highway construction. Any remaining work will be coordinated with highway construction operations at preconstruction conference.

Other (Specify)



8. That the method used by the COMPANY in developing the relocation costs shall be as indicated by Paragraph (a), (b), or (c) as follows:

- a. Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.
- b. Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by the DEPARTMENT.
- c. On a lump-sum basis where the estimated cost to the DEPARTMENT does not exceed \$100,000.00. Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size, and rate; materials and supplies by items and price; and payroll additives and other overhead factors.

9. Indicate if (a) or (b) is applicable:

- a. That the replacement facility is not of greater functional capacity or capability than the one it replaces, and includes no COMPANY betterments.
- b. That the replacement facility involves COMPANY betterments, or is of greater functional capacity or capability than the one it replaces.

10. That the total estimated cost of the work proposed herein, including all cost to the DEPARTMENT and COMPANY less any credit for salvage, is estimated to be ----- \$ 137,728

The estimated non-betterment cost to the DEPARTMENT, including all cost less any credits for salvage, betterments, accrued depreciation and additional work done by the COMPANY will be ----- \$ 137,728

The estimated cost to the COMPANY including betterments, and any additional work done by the COMPANY will be ----- \$ 0

(The above costs shall be supported by attached estimate and plans)

11. That in the event it is determined there are changes in the scope of work, extra work, or major changes from the statement of work covered by this agreement, reimbursement shall be limited to costs covered by a modification of this agreement or a written change or extra work order approved by the DEPARTMENT.

12. Periodic progress billings of incurred costs may be made by COMPANY to the DEPARTMENT not to exceed monthly intervals; however, total progress billing payments shall not exceed 95% of the approved non-betterment estimate. Progress billing forms may be obtained from the Area Utility Agent.

13. One final and detailed complete billing of all cost shall be made by COMPANY to the DEPARTMENT at the earliest practicable date after completion of work and in any event within six months after completion of work. The statement of final billing shall follow as closely as possible the order of the items in the estimate portion of this agreement.

14. That the DEPARTMENT shall have the right to inspect all books, records, accounts and other documents of the COMPANY pertaining to the work performed by it under this agreement at any time after work begins and for a period of 3 years from the date final payment has been received by the COMPANY.

15. That the COMPANY obligates itself to erect, service and maintain the facilities to be retained and installed over and along the highway within the DEPARTMENT right of way limits in accordance with the mandate of the Statute and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

16. That if, in the future, it becomes necessary due to highway construction or improvement to adjust or relocate utilities covered in this agreement being relocated at DEPARTMENT expense that are crossing or otherwise occupying highway right of way, the non-betterment cost of same will be that of the DEPARTMENT.

17. That if, at any time, the DEPARTMENT shall require the relocation of or changes in the location of the encroaching facilities covered in this agreement being relocated at COMPANY expense, the COMPANY binds itself, its successors and assigns, to promptly relocate or alter the facilities, in order to conform to the said requirements, without any cost to the DEPARTMENT.

18. That the COMPANY agrees to relinquish their rights in that portion of right of way vacated by their existing facilities now absorbed within DEPARTMENT right of way.

19. Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with all local, State and Federal regulations.

20. The COMPANY agrees to comply with the environmental rules and regulations of the State of North Carolina. Violation to the NC Sedimentation Pollution Control Act, Clean Water Act, NC Coastal Management Act, or other environmental commitment outlined in the project permits may result in work stoppage, penalties and/or construction delays.

21. The COMPANY agrees to comply with Buy America. United States Codes (USC) 313 and Code of Federal Regulations 23 CFR 635.410: Requires the use of domestic steel and iron in all federally funded construction projects.