

RESOLUTIONS – 2012

Following the List of 2012 Resolutions in Chronological Order, Each Resolution Can Be Viewed in its Entirety

- R12-01-01 Resolution Seeking Amendments to the NC General Statute concerning Property Tax Exemptions for Certain Homeowner Association Property (Jan 17, 2012)
- R12-01-02 Resolution Authorizing the Application of an NCDOT CTP Grant for FY2013 (Jan 17, 2012)
- R12-01-03 Resolution Authorizing the Application of an NCDOT 5310 Grant for FY2013 (Jan 17, 2012)
- R12-02-04 Authorizing the Financing of Equipment (Feb 06, 2012)
- R12-02-05 Opposing United Nations Agenda 21 (Feb 20, 2012)
- R12-02-06 Authorizing Building Reuse & Restoration Grants Program, Gunboat Building Restoration Project (Feb 20, 2012)
- R12-03-07 Supporting Town of Nags Head Request to Appoint Review Officers for Local Plat Compliance (Mar 19, 2012)
- R12-04-08 Animal Control Officer Appreciation Week (Apr 02, 2012)
- R12-04-09 Preliminary Assessment Resolution, Kiddy Lane Water Distribution Expansion Project (Apr 02, 2012)
- R12-04-10 Enacting a Moratorium on Borrow Pits in the East Lake Tax District Until October 2, 2013 (Apr 02, 2012)
- R12-04-11 Enacting & Adopting a Supplement to the Dare County Code of Ordinances (April 16, 2012)
- R12-04-12 Ordinance Prohibiting Tobacco Use In All Dare County Facilities, Property, and Vehicles (April 16, 2012)
- R12-05-13 Public Trust Rights Pertaining to Local Government Regulation of Ocean Beaches (May 7, 2012)
- R12-05-14 Supporting NC Elections Board Request for Release of HAVA Funds (May 7, 2012)
- R12-05-15 Supporting the Dedication of the Colington Road Second Bridge in Honor of Sgt. Earl Murray (May 21, 2012)
- R12-05-16 Expressing Gratitude to Congressman Rob Bishop (May 21, 2012)
- R12-05-17 Supporting a Sightseeing Fee at Jennette's Pier (May 21, 2012)

- R12-06-18 Accepting and Endorsing the 2012 Solid Waste Management Plan (June 18, 2012)
- R12-07-19 Opposing Dominion North Carolina Power Increase (July 16, 2012)
- R12-07-20 Enacting a Moratorium on Electronic Gaming Operations (July 16, 2012)
- R12-07-21 Designating July as Parks and Recreation Month (July 16, 2012)
- R12-07-22 Honoring the Life and Legacy of Andy Griffith (July 16, 2012)
- R12-07-23 Authorizing the Sole Source Purchase of EMS Helicopter (July 16, 2012)

The original Resolution was readopted on August 20, 2012 to reflect changes in amount and date (Aug 20, 2012)
- R12-07-24 Reimbursement Resolution for Helicopter and Cardiac Monitoring Equipment (July 16, 2012)
- R12-07-25 Resolution for the Acquisition of Helicopter and Equipment and Refunding (July 16, 2012)
- R12-07-26 Reimbursement Resolution FY 2012-2013 Vehicle and Equipment Financing Project (July 16, 2012)
- R12-08-27 Approving an Installment Financing Contract (Aug 20, 2012)
- R12-08-28 Designation of Applicant's Agent for FEMA Elevation Project (Aug 20, 2012)
- R12-09-29 Bid Acceptance & Award to Hatchell Concrete for Roanoke Island Pedestrian Trail (Sep 04, 2012)
- R12-09-30 Supporting Construction of a Boat Launch Ramp by NCDOT at the Wanchese Seafood Industrial Park (Sep 17, 2012)
- R12-09-31 Authorizing Dare County as a Local Government Pass Through for a Rural Center Grant (Sep 17, 2012)
- R12-10-32 Opposing a Proposed Rate Increase for Homeowners Insurance (Oct 15, 2012)
- R12-11-33 Opposing Wind Projects in Low-Level Military Flight Training Areas (Nov 05, 2012)
- R12-12-34 Amending Chapter 92 of the Dare County Code of Ordinances (Dec 03, 2012)

FOLLOWING ARE THE 2012 RESOLUTIONS

The **most recently adopted** item **appears first** in sequence

Scroll down to view all 2012 Resolutions

DARE COUNTY BOARD OF COMMISSIONERS

RESOLUTION

AMENDING CHAPTER 92 OF THE DARE COUNTY CODE OF ORDINANCES

WHEREAS, Dare County is at risk of threats to public health, safety and welfare, injury and loss of life, damage to real and personal property, and economic harm, resulting from natural and manmade emergencies and

WHEREAS, the Dare County Board of Commissioners determines that it is in the best interest of the health, safety, and welfare of residents of and visitors to Dare County to be in a constant state of readiness to respond to such emergencies, and has devoted significant resources toward the preparation for, response to, and recovery from such emergencies; and

WHEREAS, to this end, the Dare County Board of Commissioners further determines that revising and updating the County's Emergency Management Ordinance supports and furthers the County's efforts in ensuring maximum readiness for and response to such emergencies.

NOW THEREFORE, BE IT RESOLVED that, pursuant to its authority under Chapter 153A and Chapter 166A of the North Carolina General Statutes, the Dare County Board of Commissioners adopts the following revisions to Chapter 92 of the Dare County Code of Ordinances:

"Chapter 92: Emergency Management"

SECTIONS

- 92.01 Short Title
- 92.02 Intent and Purpose
- 92.03 Definitions
- 92.04 Powers and Duties of County
- 92.05 Declaration of State of Emergency
- 92.06 Emergency Management Department Established; Appointment of Director
- 92.07 Duties and Responsibilities of Director
- 92.08 Emergency Management Plan
- 92.09 No Governmental or Private Liability
- 92.10 Violations; Penalties
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- 92.13 Applicability Extensions
- 92.14 Effective Date

§ 92.01. Short Title

This Chapter shall be known and may be cited and referred to as the “Dare County Emergency Management Ordinance.”

§ 92.02. Intent and Purpose.

(1) It is the intent and purpose of this Chapter to set forth the authority and responsibility of the County of Dare, its officers, departments, and employees in the prevention of, preparation and planning for, response to and recovery from natural or man-made emergencies including natural or man-made accidental, military, paramilitary, weather-related, or riot-related causes. It is further the intent and purpose of this Chapter to establish an office that will insure the complete and efficient utilization of all of the County of Dare’s resources to prepare and plan for, respond to, recover from, and mitigate against emergencies.

(2) This Ordinance shall not relieve any Municipal or County Department of the legal responsibilities or authority given to it in the Municipal or County Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in emergencies.

(3) This ordinance is adopted pursuant to G.S, §166A-19.31. To the extent not specifically enumerated herein, all authorities and powers conferred on the County pursuant to Chapter 166A of the North Carolina General Statutes, and all similar provisions of state and federal law, are incorporated herein by reference.

§ 92.03. Definitions.

The following definitions shall apply to this Chapter:

- (a) “Chairman” – The chairman of the Dare County Board of Commissioners, the chairman’s designee, or, in the case of the absence or disability of the chairman and the chairman’s designee, the person authorized to act in the chairman’s stead.
- (b) “Emergency” – An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, or paramilitary cause, weather-related, or riot-related cause.

- (c) “Emergency area” – the geographical area covered by a state of emergency.
- (d) “Emergency Management” – those measures taken by the public and governmental units operating within Dare County to minimize the adverse effect of any type of emergency, including the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, response, and recovery. This term shall not, however, include any activity, maneuvers, operations, or exercises that are the primary responsibility of the military forces of the United States.
- (e) “Emergency Management Personnel” – all employees of Dare County and municipal governments within Dare County, their departments, boards, institutions, and councils, agents, representatives, contractors and subcontractors who are participating in emergency management activities. Where possible, duties assigned to Municipal or County departments shall be the same as or similar to the normal duties of the department.
- (f) “State of Emergency” – the condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, and which constitutes a significant threat to public health, safety and welfare whether actual or imminent as authorized pursuant to G.S. § 166A-19.3(19).
- (g) “Volunteers” – all volunteer personnel and agencies offering emergency management service to, and accepted by municipalities and the County.

§ 92.04. Powers and Duties of County.

(1) Pursuant to G.S § 166A-19.15, Dare County is responsible for emergency management within the geographical limits of the County. All emergency management efforts within the County, including activities of the municipalities within the County, shall be coordinated by the County.

(2) The County is authorized to take the following actions in furtherance of coordinating emergency management efforts:

- (a) Establish and maintain an emergency management agency.
- (b) Appoint a Director of the county emergency management agency who will have the direct responsibility for the organization, administration, and operation of the County's emergency management program.
- (c) Appropriate and expend funds, execute contracts, enter into mutual aid agreements with other units of federal, state, and local government and other non-profit organizations and agencies, obtain and distribute equipment, materials, and supplies for emergency management purposes, and provide for the health and safety of persons and property, including emergency assistance.
- (d) Develop, coordinate, and implement an emergency management plan consistent with policies and standards established by the State of North Carolina.
- (e) Assign and make available resources for emergency management purposes for service within or outside of the geographical limits of the County.
- (f) Delegate powers in a declared state of emergency to an appropriate official.
- (g) Coordinate with municipalities within Dare County and other units of local, state, and federal government, and other non-profit, emergency management, and affected organizations in the development and implementation of an emergency management plan and response to disasters.

§ 92.05. Declaration of State of Emergency.

(1) Pursuant to G.S. § 1661-19.22, a state of emergency shall be declared when it is determined that circumstances and conditions exist which create a real or imminent threat of a public crisis, disaster, rioting, catastrophe, or similar public emergency within Dare County in response to which public safety authorities are unable to maintain public order or afford adequate protection for lives and property and which pose significant threats to public health and safety.

(2) The Dare County Board of Commissioners hereby delegates to the Chairman of the Board of Commissioners, or the Chairman's designee, who shall also be a member of the Board of Commissioners, the authority to determine and declare the existence of a state of emergency within Dare County, to order the evacuation of some or all portions of the County, to authorize the reentry of persons into the County following evacuation, and to impose, during that state of emergency, prohibitions and restrictions deemed necessary to protect public health, safety and welfare and minimize damage to property:

- (a) On movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area;
- (b) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
- (c) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages;
- (d) With the exception of lawfully possessed firearms (defined pursuant to G.S. § 166A-19.31(b)(4) as a handguns, rifles, or shotguns), upon possession, storage, and use of dangerous weapons and substances, and combustible fuels;
- (e) Upon other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

(3) A state of emergency declared pursuant to this Chapter, and all prohibitions and restrictions imposed as a result of the declaration, shall be established by written declaration duly executed by the Chairman or the Chairman's designee, and shall remain in effect until such time as the declaration is amended or rescinded in the same manner. The declaration shall include a listing of all restrictions and prohibitions imposed and, where applicable, the date and time on which such restrictions and prohibitions become effective.

(4) At such time as a state of emergency is declared, the Dare County Emergency Management Plan, all standard operating procedures adopted pursuant to the

Plan, and all applicable mutual aid agreements and other similar agreements and compacts shall be activated.

(5) Any declaration of a state of emergency, and all restrictions and prohibitions imposed as a result of the declaration, shall apply in all unincorporated areas of Dare County unless otherwise specified in the declaration.

§ 92.06. Emergency Management Department Established: Appointment of Director

(1) The Dare County Emergency Management Department is hereby established, and shall serve as the coordinating agency for all activity in connection with emergency management within Dare County. The Department shall be the agency through which the Dare County Board of Commissioners exercise the authority and discharges the responsibilities vested in it during emergencies. The Department shall also be the coordinating agency for all activity connected with emergency management, including activities within municipalities.

(2) The Dare County Board of Commissioners shall appoint a Director of the Dare County Emergency Management Department who shall be a person well-versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of an emergency.

(3) The Director shall designate and appoint Deputy Directors to assume the duties of the Director during an emergency in the event of his absence or inability to fulfill these duties.

§ 92.07. Duties and Responsibilities of the Director.

(1) The Director shall be responsible to the Dare County Board of Commissioners with regard to all phases of emergency management activity. The Director shall be responsible for the planning, coordination and operation of all emergency management activities in Dare County. The Director shall maintain liaison with State and Federal authorities and the authorities of nearby political subdivisions to maximize effective operation of emergency management plans. The Director's duties shall include, but are not limited to, the following:

- (a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of Dare County for emergency management purposes.

- (b) Developing, coordinating and implementing a comprehensive Emergency Management Plan for the County, including plans for the immediate use of all facilities, equipment, manpower and other resources of the County for the purpose of minimizing or preventing damage to persons and property, and protecting and restoring to operational status those governmental services and public utilities necessary for the public health, safety, and welfare.
- (c) Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for emergency management purposes, and identifying suitable buildings as public shelters.
- (d) Through public informational programs, educating the public as to actions necessary and required for the protection of their persons and property in case of an emergency.
- (e) Conducting proactive public alerts to ensure the efficient operation of emergency management personnel and procedures, and to familiarize residents and businesses with emergency management regulations, procedures and operations.
- (f) Coordinating the activities of all other public and private agencies engaged in emergency management operations, including planning, organizing, staffing, equipping, training, testing, and activation of emergency management plans and programs.
- (g) Developing and maintaining a system of damage assessment to determine the level of post-emergency damage to public and private property.
- (h) Entering into mutual aid agreements with other units of federal, state, and local government, and other organizations as may be necessary, for the mutual sharing and coordination of resources needed to respond to and recover from a disaster.
- (i) Coordinating the development of Standard Operating Procedures to provide for the implementation of the Emergency Management Plan.

§ 92.08. Emergency Management Plan.

(1) The Emergency Management Director shall develop a comprehensive Emergency Management Plan which shall be adopted and maintained by resolution of the Dare County Board of Commissioners. The Emergency Management Plan shall identify all possible threats of an emergency to the County, and proscribe procedures to respond to and mitigate the consequences of disasters. It is intended that the Emergency Management Plan be consistent with all applicable state and federal emergency management and incident response guidelines. It is further intended that the services, equipment, facilities, and personnel of all departments and agencies of County and municipal government be utilized to the fullest extent in the Plan. When approved, it shall be the duty of the Emergency Management Director to coordinate and maintain the Plan, and of all departments and agencies to perform the functions assigned under the Plan, and maintain their areas of responsibility in a current state of readiness at all times. All provisions of the Plan shall have the effect of law whenever a state of emergency has been declared.

(2) The Director shall prescribe in the Plan those positions within the emergency management organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Director a current list of three (3) persons as successors to his position. The list will be in order of succession and will nearly as possible designate persons best capable of carrying out of all assigned duties and functions.

(3) Each service chief and department head assigned responsibility in the Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and, where needed, volunteers. Each chief shall formulate a Standard Operating Procedure to implement the specific plans for carrying out his assigned area of responsibility.

(4) Amendments to the Plans shall be submitted to the Director. If approved, the Director will then submit the amendments to the Dare County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.

(5) When personnel requiring specialized competency or skill for an emergency function are not available within government, the Director is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of an emergency. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as Emergency Management volunteers.

(6) The Plan shall provide for the establishment of the Dare County Control Group, who shall work collectively to make timely decisions regarding implementation of the Plan in response to actual or imminent emergencies. The membership of the Control Group shall include the Chairman of the Dare County Board of Commissioners or the Chairman's designee, the Mayors, or their designees, or all incorporated municipalities within Dare County, the Dare County Sheriff, and the Superintendent of the National Park Service Outer Banks Group. The Plan shall provide for specific functions, duties, and authorities of the Control Group. All proclamations issued by the Control Group, or by the Chairman of the Control Group, shall have the same force and effect of law as other provisions of this Chapter.

§ 92.09. No Governmental or Private Liability.

(1) This Chapter is adopted by the County of Dare as an exercise of its police powers for the protection or the public peace, health, and safety as authorized by state and federal law, and all functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the County of Dare, nor its agents, representatives, or any volunteer, emergency management personnel, individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents therefore acting in good faith and without gross negligence or willful misconduct while carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Chapter or any applicable provision of state and federal law, shall be liable for any injury or damage sustained to persons or property as the result of said activity.

(2) Any person, firm, or corporation, together with any successors in interest, if any, owning or legally controlling real or personal property who voluntarily or involuntarily, knowingly or unknowingly, with or without compensation grants a license, privilege, or otherwise permits or allows the County of Dare and its agents, representatives, contractors, and subcontractors the right to inspect, designate and use the whole or any part or parts of such real or personal property for the purpose, activities, or functions relating to emergency management as provided for in this Chapter or within the North Carolina General Statutes shall not be civilly liable for the death of, or injury to, any persons, or the loss of or damage to the property of any persons where such death, injury, loss or damage resulted from, through or because of the use of the said real or personal property for any of the above purposes provided that the use of said property is subject to the order or control or pursuant to a request of Dare County, the State of North Carolina, or any political subdivision thereof.

§ 92.10. Violations; Penalties.

Unless otherwise provided for by law, it shall be a Class 2 misdemeanor for any person to violate any of the provisions of this Chapter, or any proclamations, provisions or any Emergency Management Plans, or provisions or any Standard Operating Procedures adopted or issued pursuant to the authority contained herein, or to willfully obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement or the provisions or this Chapter or any proclamations, provisions or any Emergency Management Plans, or provisions of any Standard Operating Procedures adopted or issued thereunder.

§92.11. Severability.

Should any provisions of this Chapter, or the application thereof to any person or circumstances be declared invalid for any reason, such declaration shall not affect the validity or any other provisions of this Chapter, it being the legislative intent that the provisions of this Chapter shall be severable and remain valid notwithstanding such declaration.

§ 92.12. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules, and regulations made and promulgated pursuant to this Chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

§ 92.13. Applicability Extensions.

The Municipalities within Dare County may ratify this Chapter and adopt it as their own, including all forms and conditions specified herein.

§ 92.14. Effective Date.

This Chapter shall be effective on the date adopted by the Dare County Board of Commissioners.

Adopted this the 3rd day of December, 2012.

DARE COUNTY BOARD OF COMMISSIOERS



Warren C. Judge

Warren Judge, Chairman

ATTEST:

Gary Gross

Gary Gross, Clerk to the Board



12-11-33

**RESOLUTION OPPOSING WIND PROJECTS IN
LOW-LEVEL MILITARY FLIGHT TRAINING AREAS**

WHEREAS, a wind energy project is planned for coastal North Carolina in Beaufort County, which would involve the construction of 49 wind turbines at a height of 505 feet above the ground; and

WHEREAS, the proposed wind energy project is directly in the most frequently used low-level training route used by Seymour Johnson Air Force Base F-15E aircrew en route to the Dare County Bombing Range.

WHEREAS, this vital training route is the only one in the nation for the highly-critical mission of providing low-altitude training using unique terrain-following technique at only 500 feet of altitude.

WHEREAS, Frequent use of the Dare County Bombing Range and specific air training routes and operating areas over North Carolina is critical to maintaining combat readiness and providing military personnel the opportunity to train as they would fight.

NOW, THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners supports efforts to maintain combat readiness through intensive training on the ground and in the air, and opposes the planned energy project as an incompatible land use that would negatively impact military preparedness in a crucial air corridor that connects military pilots with training ranges in Dare County.

Adopted this the 5th day of November, 2012.




Warren C. Judge, Chairman


Gary Gross, Clerk to the Board



COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

Warren Judge
Chairman

Allen Burrus
Vice-Chairman

Virginia Tillett
Mike Johnson
Richard Johnson
Max Dutton
Jack Shea

(252) 475-5700
Fax (252) 473-6312

Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-10-32

RESOLUTION OPPOSING THE PROPOSED INCREASE FOR HOMEOWNERS INSURANCE

WHEREAS, the North Carolina Rate Bureau is recommending to the North Carolina Department of Insurance a drastic homeowners insurance rate increase, which would severely hurt the people of Dare County and other coastal communities; and

WHEREAS, the proposed increase unfairly targets coastal communities and would cause them to endure rates that are five times higher than other areas of North Carolina; and

WHEREAS, historical losses do not justify the statewide rate disparity, and in many cases communities in central and western North Carolina have had more losses per premium dollars paid than coastal counties; and

WHEREAS, since 1993 the Dare County insurance base rate has exploded subjecting its hard-working people to the second highest rate in the entire State of North Carolina; and

WHEREAS, the proposed increase would cause Dare County property owners to suffer a 30% increase with a rate of \$1,793 for every \$75,000 of insurance, resulting in a Base Rate premium of \$3,817 for a median house; and

WHEREAS, this harsh and unjust rate increase would subject Dare County homeowners to an unprecedented increase during an already challenging economic time; and

WHEREAS, given the inequity of the rate-to-risk burden born by Dare County and the coastal communities and the severe negative impact the proposed increase will have on homeowners, the North Carolina Department of Insurance should not approve yet another inequitable rate increase.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners strongly opposes the rate increase requested by the insurance industry as unjustified, unfair, and unnecessary and calls upon the North Carolina Department of Insurance to use historical data as the significant factor in determining rates and not place a disproportionate burden on Dare County and its coastal neighbors.

This 15th day of October 2012

DARE COUNTY BOARD OF COMMISSIONERS



BY: Warren C. Judge
Warren C. Judge, Chairman

ATTEST: Gary Gross
Gary Gross, Clerk to the Board



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Clerk to the Board

Robert L. Outten
County Manager/Attorney

RESOLUTION

AUTHORIZING DARE COUNTY TO SERVE AS A LOCAL GOVERNMENT PASS THROUGH FOR A RURAL CENTER GRANT TO REFURBISH AND RESTORE USE OF THE OLD RED AND WHITE IN WANCHESE

WHEREAS, the old Red and White location in Wanchese has been acquired by Wanchese Marina LLC; and

WHEREAS, Wanchese Marina LLC has asked the County to obtain a Rural Center Grant to refurbish and restore use of this facility; and

WHEREAS, the revitalization of the old Red and White location is in the public interest and will serve to further help promote community economic development and employment opportunities.

WHEREAS, Dare County has been asked by Wanchese Marina LLC to serve as the local government pass through entity for the Rural Center grant; and

WHEREAS, any matching funds, or other expenses, related to this project will come from Wanchese Marina LLC and North Carolina's Northeast Commission.

NOW, THEREFORE, BE IT RESOLVED that the County is in full support of the application and the project, That the County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and

That Bobby Outten, County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Rural Center.

This 17th day of September 2012.

DARE COUNTY BOARD OF COMMISSIONERS

BY: Warren C. Judge
Warren C. Judge, Chairman

ATTEST: Gary Gross
Gary Gross, Clerk to the Board





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Fax (252) 473-6312

Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-09-30

RESOLUTION SUPPORTING THE CONSTRUCTION OF A BOAT LAUNCH RAMP BY NCDOT AT THE WANCHESE SEAFOOD INDUSTRIAL PARK

WHEREAS, the North Carolina Department of Transportation (NCDOT) proposes to construct a new boat launch ramp within the Wanchese Seafood Industrial Park; and

WHEREAS, the boat launch ramp will accommodate the new Gunboat facility, and others, which will add approximately 70 jobs for production of a new line of boats; and

WHEREAS, NCDOT's plans call for construction of a 40 foot by 100 foot concrete ramp with a 100 foot bulkhead along each side of the ramp, and a 4 foot by 120 foot staging/launching area;

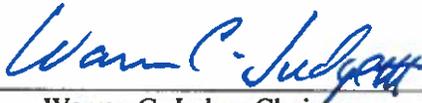
WHEREAS, the new boat launch ramp will be constructed with State contingency funds on State owned property as part of the Wanchese Seafood Industrial Park and will assist the Seafood Park in growth and economic development; and

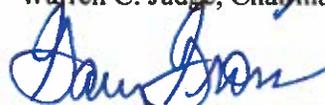
WHEREAS, the Wanchese Seafood Industrial Park is a vital part of Dare County's economy and the addition of this boat launch ramp at the facility will serve to further promote economic development and employment opportunities.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners supports the NCDOT boat launch ramp project using State contingency funds in the creation of this infrastructure improvement to the Wanchese Seafood Industrial Park.

This 17th day of September 2012.

DARE COUNTY BOARD OF COMMISSIONERS

BY: 
Warren C. Judge, Chairman

ATTEST: 
Gary Gross, Clerk to the Board





12-09-29

**RESOLUTION FOR BID ACCEPTANCE OF THE
DARE COUNTY PEDESTRIAN TRAIL**

**RESOLUTION AWARDING THE DARE COUNTY
PEDESTRIAN TRAIL PROJECT TO HATCHELL CONCRETE INC.**

WHEREAS, Dare County followed all proper bid procedure as outlined in NCGS 143-131 Public Contracts; and

WHEREAS, Dare County intends to follow all NCDOT guidelines to ensure compliance with all construction and grant documentation requirements;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Dare, North Carolina that the County of Dare awards the bid to Hatchell Concrete Inc. The final engineers estimate for the base bid was \$234,135.75. The low base bid was submitted by Hatchell Concrete Inc. in the amount of \$210,157.40. This base bid was 10.2% lower than our final engineer's estimate. Although the basis of award of the contract is the base bid, Dare County plans to include Add Alternate #1 (\$42,897.26), Add Alternate #2 (\$29,600.64) and Deduct Alternate #3 (-\$8,822.79) for a total contract amount of \$273,832.51, pending concurrence with award by the North Carolina Department of Transportation.

ADOPTED this 4th day of September, 2012.



Warren C. Judge, Chairman
Dare County Board of Commissioners

ATTEST:

Gary Gross, Clerk to the Board

R# 12-08-28

RESOLUTION DESIGNATION OF APPLICANT'S AGENT North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization):	
Disaster Number:	
County of Dare	
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
North Carolina Department of Crime Control and Public Safety	
Applicant's Fiscal Year (FY) Start	
Month:	Day:
July	1st
Applicant's Federal Employer's Identification Number:	
56-6000293	
Applicant's Federal Information Processing Standards (FIPS) Number: 37095	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name	Agent's Name
Jenny Gray Jones	Robert L. Outten
Organization	Organization
County of Dare	County of Dare
Official Position	Official Position
Grants & Waterways Administrator & Project Manager	County Manager
Mailing Address	Mailing Address
PO Box 1000	PO Box 1000
City, State, Zip	City, State, Zip
Manteo, NC 27954	Manteo, NC 27954
Daytime Telephone	Daytime Telephone
252-475-5628	252-475-5800
Facsimile Number	Facsimile Number
252-473-3042	252-473-1817
Pager or Cellular Number	Pager or Cellular Number
252-475-0798	252-202-9540
<p>BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.</p>	
PASSED AND APPROVED this <u>20th</u> day of <u>August</u> , 2012.	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title	Name
COUNTY OF DARE	X <u>Warren C. Judge</u>
Name and Title	Official Position
WARREN C. JUDGE, CHAIRMAN	CHAIRMAN, BOARD OF COMMISSIONERS
Name and Title	Daytime Telephone
	(252) 475-5700
CERTIFICATION	
I, <u>GARY GROSS</u> (Name) duly appointed and <u>CLERK</u> (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of <u>DARE COUNTY BOARD OF COMMISSIONERS</u> (Organization) on the <u>20th</u> day of <u>August</u> , 2012.	
Date: <u>8/20/12</u>	Signature: <u>[Signature]</u>



EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the County of Dare, North Carolina, was duly held on August 20, 2012 at 5:00 p.m. in the County Board of Commissioners' Meeting Room, 954 Marshall C. Collins Drive, Manteo, North Carolina. Chairman Warren C. Judge presiding.

The following members were present: Chairman Warren Judge, Vice-Chairman Allen Burrus, Commissioners Virginia Tillet, Richard Johnson, Max Dutton, Mike Johnson, and Jack Shea

The following members were absent: None

* * * * *

Commissioner Shea moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT WITH THE DARE COUNTY PUBLIC FACILITIES CORPORATION AND RELATED MATTERS

WHEREAS, the County of Dare, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the County previously entered into an Installment Financing Contract dated as of August 1, 2004 (the "*2004 Contract*"), the proceeds of which were used to finance the capital costs of (a) acquiring, constructing, equipping and furnishing Manteo Middle ("*Manteo Middle School*"), (b) acquiring, constructing, equipping and furnishing of Nags Head Elementary School ("*Nags Head Elementary School*") and together with Manteo Middle School, the "*Schools*"), and (c) acquiring, constructing and renovating certain other school facilities, including Manteo Elementary School, Kitty

Hawk Elementary School, Hatteras Secondary School and Manteo High School (together with the acquisition, construction, equipping and furnishing of the Schools, the "2004 Projects");

WHEREAS, the County also previously entered into an Installment Financing Contract dated November 12, 2008 (the "2008 Contract," and together with the 2004 Contract, the "Prior Contracts") between the County and RBC Bank (USA), the successor to which is PNC Bank, National Association, the proceeds of which were used to finance the capital costs of (a) constructing, equipping and furnishing a County Senior Center, (b) constructing and improving the College of the Albemarle, Roanoke Island Campus (previously part of Dare County Campus) (the "Community College Project") and (c) acquiring land for public beach access (collectively, the "2008 Projects," and together with the 2004 Projects, the "Prior Projects");

WHEREAS, the Board of Commissioners of the County of Dare, North Carolina (the "Board"), has previously determined to proceed with the acquisition of a helicopter and cardiac monitoring equipment for use by the County's Emergency Medical Services (each of the projects described above to be financed with the proceeds of the Contract are referred to herein as the "2012 Projects," and together with the Prior Projects, the "Projects");

WHEREAS, the Board has determined that it is in the best interest of the County to enter into (a) an Installment Financing Contract (the "Contract") with the Dare County Public Facilities Corporation, a North Carolina nonprofit corporation (the "Corporation"), in order to (1) finance the costs of the 2012 Projects, (2) to refinance the County's installment payment obligations under the 2004 Contract, (3) to refinance the County's installment payment obligations under the 2008 Contract, (4) to pay termination payments with respect to interest rate swap agreements (the "Swaps") related to the County's installment payment obligations under the 2004 Contract and (5) to pay the costs related to the execution and delivery of the Contract and (b) to provide, in connection with the Contract, as grantor, a Deed of Trust, Security Agreement and Fixture Filing (the "Deed of Trust") related to the County's fee simple interest in as much of the sites of Manteo Middle School, Nags Head Elementary School and the Community College Project and the improvements thereon, and any of the 2012 Projects as may be required to secure the County's obligations under the Contract (collectively, the "Mortgaged Property");

WHEREAS, in order to assist the County in the financing described above, the Corporation will execute and deliver Limited Obligation Bonds Evidencing Proportionate Undivided Interests in Rights to Receive Certain Revenues Pursuant to the Contract (the "Bonds") in one or more series;

WHEREAS, in connection with the sale of the Bonds by the Corporation to Southwest Securities, Inc. and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, the "Underwriters"), the County desires to make certain representations and warranties to the Underwriters in the form of the County's Letter of Representations to the Underwriters (the "Letter of Representations");

WHEREAS, there has been described to the Board the following documents (collectively, the "Instruments"), copies of which have been made available to the Board, which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment purchase financing:

- (1) the form of the Contract;
- (2) the form of the Deed of Trust;
- (3) the form of the Escrow Agreement (the "Escrow Agreement") between the County and The Bank of New York Mellon Trust Company, N.A., as escrow agent, related to the refunding of the 2004 Contract; and

(4) the form of the Letter of Representations;

WHEREAS, to make an offering and sale of the Bonds, there will be prepared a Preliminary Official Statement (the "*Preliminary Official Statement*"), a draft thereof having been presented to the Board, and a final Official Statement (the "*Final Official Statement*" and, collectively with the Preliminary Official Statement, the "*Official Statement*") with respect to the Bonds, which Official Statement will contain certain information regarding the County;

WHEREAS, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the Board conducted a public hearing on August 20, 2012 to receive public comment on the proposed Contract;

WHEREAS, the County has filed an application to the LGC for approval of the Contract;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, as follows:

Section 1. Ratification of Action. That all actions of the County Manager, the Finance Director, the Clerk to the Board and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. Authorization of the County's Information in the Official Statement. That the information with respect to the County contained in the Preliminary Official Statement and the Final Official Statement is in all respects authorized, approved and confirmed and the use of the Preliminary Official Statement and the Final Official Statement by the Underwriters in connection with the offering and sale of the Bonds is hereby in all respects authorized, approved and confirmed.

Section 3. Authorization to Execute the Contract. That the County approves the financing and refinancing of the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the Contract shall be and the same hereby are in all respects authorized, approved and confirmed, and the County Manager, the Finance Director and the Clerk to the Board and their respective designees, individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the Board, and that from and after the execution and delivery of the Contract, the County Manager, the Finance Director and the Clerk to the Board, individually or collectively, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 4. Deed of Trust. That the form and content of the Deed of Trust shall be and the same hereby are in all respects authorized, approved and confirmed, and the County Manager, the Finance Director and the Clerk to the Board and their respective designees, individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content presented to the Board, but with

such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the Board, and that from and after the execution and delivery of the Deed of Trust, the County Manager, the Finance Director and the Clerk to the Board, individually or collectively, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 5. Authorization to Execute the Escrow Agreement. That the Escrow Agreement will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the Escrow Agreement shall be and the same hereby is in all respects authorized, approved and confirmed, and the County Manager, the Finance Director and the Clerk to the Board and their respective designees, individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver the Escrow Agreement, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, its execution thereof to constitute conclusive evidence of their approval of any and all changes, modifications, additions or deletions therein from the form and content of the Escrow Agreement presented to the Board, and that from and after the execution and delivery of the Escrow Agreement, the County Manager, the Finance Director and the Clerk to the Board, individually or collectively, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Escrow Agreement as executed.

Section 6. Letter of Representations. That the form and content of the Letter of Representations shall be and the same hereby is in all respects approved and confirmed, and the County Manager, the Finance Director and their respective designees, individually or collectively, be and they hereby are authorized, empowered and directed to execute and deliver the Letter of Representations for and on behalf of the County, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as shall to him seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his approval of any and all changes, modifications, additions or deletions therein from the form and content of the Letter of Representations presented to the Board, and that from and after the execution and delivery of the Letters of Representations, the County Manager and the Finance Director, individually or collectively, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Letters of Representation as executed.

Section 7. County Representatives. That the County Manager and Finance Director of the County, individually or collectively, are hereby designated as the County's Representatives to act on behalf of the County in connection with the transaction contemplated by the Instruments and the Preliminary Official Statement, and the County's Representatives are authorized to proceed with the Projects in accordance with the Instruments and to seek opinions as to matters of law from the County Attorney, which the County Attorney is hereby authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The County's Representatives and/or designee or designees are in all respects authorized on behalf of the County to supply all information pertaining to the County as purchaser under the Contract for use in the Preliminary Official Statement and the transaction contemplated by the Instruments and the Preliminary Official Statement. The County Manager, the Clerk to the Board and the Finance Director of the County or their respective designees, individually or collectively, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the

Preliminary Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution, including the post-issuance on-going administration thereof.

Section 8. Interest Rate Swap Agreements. The Board of Commissioners authorizes and directs the County Manager and the Finance Director to evaluate the risks and benefits of terminating the Swaps in conjunction with the execution and delivery of the Contract and the issuance of the Bonds. Based on such evaluation, the County Manager and the Finance Director, individually or collectively, are authorized and directed to terminate or modify all or any portion of the Swaps that they, in their sole discretion, determine to be in the County's best interest. The Swaps may be terminated or modified either in whole or in part before, contemporaneously with or after the issuance of the Bonds as the County Manager and the Finance Director of the County determines and each are authorized to enter into termination agreements, modifications or amendments with the Swap counterparty in connection therewith.

Section 9. Severability. That if any section, phrase or provision of this Resolution shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 10. Repealer. That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 11. Effective Date. That this Resolution shall become effective on the date of its adoption.

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE) SS:

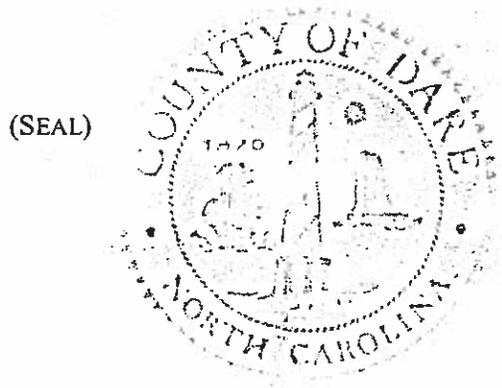
I, Gary L. Gross, Clerk to the Board of Commissioners of the County of Dare, North Carolina, *DO HEREBY CERTIFY*, as follows:

1. A regular meeting of the Board of Commissioners of the County of Dare, a political subdivision of the State of North Carolina, was duly held on August 20, 2012, proper notice of such meeting having been given as required by North Carolina statute, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of said Board of Commissioners.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said County, this 20th day of August, 2012.





GARY L. GROSS
Clerk to the Board of Commissioners
County of Dare, North Carolina

REIMBURSEMENT RESOLUTION – FISCAL YEAR 2012-2013 VEHICLE AND EQUIPMENT FINANCING PROJECT

WHEREAS, the County Manager and the Finance Officer have described to the Board of Commissioners the desirability of adopting a resolution, as provided under federal tax law, to facilitate the County's use of financing proceeds to restore County funds when the County makes capital expenditures prior to closing on a bond issue or other financing;

BE IT HEREBY RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

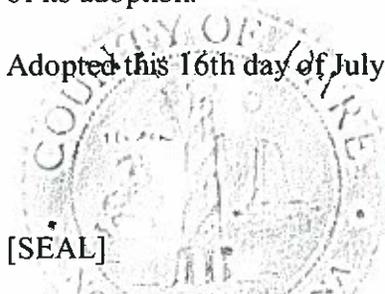
Section 1. The project is the financing of the acquisition of vehicles and equipment as identified in the fiscal year 2012-2013 budget.

Section 2. The project is to be financed. The currently expected type of financing (which is subject to change) is an installment purchase contract. The currently expected maximum amount to be contracted for the project is \$1,723,933.

Section 3. The County presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the County from the General Fund and Sanitation I Fund within 60 days of adoption of this Resolution from a portion of the financing proceeds.

Section 4. This Resolution shall become effective immediately upon the date of its adoption.

Adopted this 16th day of July, 2012.




Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA


Clerk to the Board

A regular meeting of the Board of Commissioners of the County of Dare, North Carolina, was duly held on July 16, 2012 at 5:00 p.m. in the County Board of Commissioners' Meeting Room, 954 Marshall C. Collins Drive, Manteo, North Carolina. Chairman Warren C. Judge presiding.

The following members were present: Chairman Warren Judge, Vice-Chairman Allen Burrus, Commissioners Virginia Tillett, Richard Johnson, Max Dutton, Mike Johnson, and Jack Shea.

The following members were absent: None

* * * * *

Commissioner Jack Shea moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the County of Dare, North Carolina (the "County") is a validly existing political subdivision, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the County previously entered into an Installment Finance Contract dated as of August 1, 2004 (the "2004 Contract"), the proceeds of which were used to finance the capital costs of (a) acquiring, constructing, equipping and furnishing Manteo Middle ("Manteo Middle School"), (b) acquiring, constructing, equipping and furnishing of Nags Head Elementary School ("Nags Head Elementary School" and together with Manteo Middle School, the "Schools"), and (c) acquiring, constructing and renovating certain other school facilities, including Manteo Elementary School, Kitty Hawk Elementary School, Hatteras Secondary School and Manteo High School (together with the acquisition, construction, equipping and furnishing of the Schools, the "2004 Projects");

WHEREAS, the County also previously entered into an Installment Financing Contract dated November 12, 2008 (the "2008 Contract," and together with the 2004 Contract, the "Prior Contracts") between the County and RBC Bank (USA), the successor to which is PNC Bank, National Association,

the proceeds of which were used to finance the capital costs of (a) constructing, equipping and furnishing a County Senior Center, (b) constructing and improving the College of the Albemarle, Roanoke Island Campus (previously part of Dare County Campus) (the "*Community College Project*") and (c) acquiring land for public beach access (collectively, the "*2008 Projects*," and together with the 2004 Projects, the "*Prior Projects*");

WHEREAS, the Board of Commissioners of the County (the "*Board*"), determines that it is in the best interest of the County to enter into (a) an installment financing contract (the "*Contract*") with the Dare County Public Facilities Corporation, a North Carolina nonprofit corporation (the "*Corporation*"), in order (1) to pay the capital costs of the acquisition of a helicopter and cardiac monitoring equipment for use by the County's Emergency Medical Services (each of the projects described above to be financed with the proceeds of the Contract are referred to herein as the "*2012 Projects*," and together with the Prior Projects, the "*Projects*"), (2) to refinance the County's installment payment obligations under the 2004 Contract, (3) to refinance the County's installment payment obligations under the 2008 Contract, (4) to pay termination payments with respect to interest rate swap agreements (the "*Swaps*") related to the County's installment payment obligations under the 2004 Contract and (5) to pay the costs related to the execution and delivery of the Contract and (b) a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") related to the County's fee simple interest in as much of the sites of Manteo Middle School, Nags Head Elementary School and the Community College Project (collectively, the "*Sites*") and the improvements thereon, and any of the 2012 Projects as may be required to secure the County's obligations under the Contract;

WHEREAS, the County hereby determines that the Projects are essential to the County's proper, efficient and economic operation and to the general health and welfare of its citizens; that the financing and refinancing of the Projects will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and the Deed of Trust are necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the Contract allows the County to purchase the 2012 Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of the 2012 Projects and of refinancing the Prior Projects is an amount not to exceed \$57,135,000 and that such cost of the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the 2012 Projects and refinancing the Prior Projects pursuant to the Contract is expected to exceed the cost of financing the Projects and refinancing the Prior Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the 2012 Projects and refinancing the Prior Projects pursuant to the Contract and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Projects; and (3) revenues produced by the Projects are insufficient to permit a revenue bond financing;

WHEREAS, the County has determined and hereby determines that the estimated cost of financing the 2012 Projects and refinancing the Prior Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a general obligation bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the County does not anticipate a property tax increase to pay installment payments falling due under the Contract, but will, to the extent required, increase property taxes if necessary to pay installment payments falling due under the Contract in any fiscal year during the term of the Contract;

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel, will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

WHEREAS, past audit reports of the County indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received; and

WHEREAS, the County hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the Deed of Trust, the financing of the 2012 Projects and the refinancing of the Prior Projects.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AS FOLLOWS:

Section 1. *Authorization to Negotiate Contract.* That the Finance Director, with advice from the County Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County the Contract for a principal amount not to exceed \$57,135,000, for the financing of the 2012 Projects and the refinancing of the Prior Projects, to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County's obligations thereunder, the Deed of Trust conveying a lien and interest in the Sites and the improvements thereon, as may be required by the entity, or its assigns, providing the funds to the County under the Contract.

Section 2. *Application to LGC.* That the Finance Director or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions

contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

Section 3. **Public Hearing.** That a public hearing (the "*Public Hearing*") shall be conducted by the Board on August 20, 2012 at or about 5:30 p.m. in the County Board of Commissioners' Meeting Room, 954 Marshall C. Collins Drive, Manteo, North Carolina, concerning the Contract, the Deed of Trust, the proposed financing and refinancing of the Projects and any other transactions contemplated therein and associated therewith.

Section 4. **Notice of Public Hearing.** That the Clerk to the Board is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the County no fewer than 10 days prior to the Public Hearing.

Section 5. **Direction to Retain Professionals.** That the Finance Director is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, Charlotte, North Carolina, as bond counsel; DEC Associates, Inc., Charlotte, North Carolina, as financial advisor; Southwest Securities, Inc., Charlotte, North Carolina and such co-managing underwriters as the Finance Director may deem advisable, as underwriters; Pope Zeigler, LLC, Charlotte, North Carolina, as underwriters' counsel; and The Bank of New York Mellon Trust Company, N.A., Jacksonville, Florida, as trustee and escrow agent.

Section 6. **Repealer.** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 7. **Effective Date.** That this Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE) SS:

I, Gary L. Gross, Clerk to the Board of Commissioners of the County of Dare, North Carolina,
DO HEREBY CERTIFY, as follows:

1. A regular meeting of the Board of Commissioners of the County of Dare, a political subdivision of the State of North Carolina, was duly held on July 16, 2012, proper notice of such meeting having been given as required by North Carolina statute, and minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of said Board of Commissioners.

2. I have compared the attached extract with said minutes so recorded and said extract is a true copy of said minutes and of the whole thereof insofar as said minutes relate to matters referred to in said extract.

3. Said minutes correctly state the time when said meeting was convened and the place where such meeting was held and the members of said Board who attended said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of said County, this 16th day of July, 2012.

(SEAL)



A handwritten signature in blue ink, appearing to read "Gary L. Gross", is written over a horizontal line.

GARY L. GROSS
Clerk to the Board of Commissioners
County of Dare, North Carolina

EXHIBIT A
NOTICE OF PUBLIC HEARING

At its July 16, 2012 meeting, the Board of Commissioners (the "*Board*") of the County of Dare, North Carolina (the "*County*") adopted a resolution which:

1. Authorized the County to proceed (1) to pay the capital costs of the acquisition of a helicopter and cardiac monitoring equipment for use by the County's Emergency Medical Services (the "*2012 Projects*"), (2) to refinance the County's installment payment obligations under an Installment Finance Contract dated as of August 1, 2004 (the "*2004 Contract*"), the proceeds of which were used to finance the capital costs of (a) acquiring, constructing, equipping and furnishing Manteo Middle ("*Manteo Middle School*"), (b) acquiring, constructing, equipping and furnishing Nags Head Elementary School ("*Nags Head Elementary School*" and together with Manteo Middle School, the "*Schools*"), and (c) acquiring, constructing and renovating certain other school facilities, including Manteo Elementary School, Kitty Hawk Elementary School, Hatteras Secondary School and Manteo High School (together with the acquisition, construction, equipping and furnishing of the Schools, the "*2004 Projects*"), (3) to refinance the County's installment payment obligations under an Installment Financing Contract dated November 12, 2008 (the "*2008 Contract*," and together with the 2004 Contract, the "*Prior Contracts*") between the County and RBC Bank (USA), the successor to which is PNC Bank, National Association, the proceeds of which were used to finance the capital costs of (a) constructing, equipping and furnishing a County Senior Center, (b) constructing and improving the College of the Albemarle, Roanoke Island Campus (the "*Community College Project*") and (c) acquiring land for public beach access (collectively, the "*2008 Projects*," and together with the 2004 Projects, the "*Prior Projects*"), and (4) to pay termination payments with respect to interest rate swap agreements (the "*Swaps*") related to the 2004 Contract, and (5) to pay the costs related to the execution and delivery of the Contract, pursuant to an installment financing contract (the "*Contract*"), in a principal amount not to exceed \$57,135,000 under which the County will make certain installment payments, in order to make the Prior Projects and the 2012 Projects (collectively, the "*Projects*") available to the County;

2. Authorized the County to proceed to provide, in connection with the Contract, as grantor, a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") under which the County's fee simple interest in as much of the sites of Manteo Middle School, Nags Head Elementary School and the Community College Project (collectively, the "*Mortgaged Property*") and the improvements thereon, and any of the 2012 Projects as may be required to secure the County's obligations under the Contract, will be mortgaged by the County to create a lien thereon for the benefit of the entity, or its assigns, providing the funds to the County under the Contract. The Community College Project is located at 204 S. U.S. Highway 64 South Business, Manteo, North Carolina 27954. Manteo Middle School is located at 1000 N. U.S. Highway 64, Manteo, North Carolina 27954. Nags Head Elementary School is located at 3100 South Wrightsville Avenue, Manteo, North Carolina 27959.

On payment by the County of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the County's title to the Mortgaged Property will be unencumbered.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on August 20, 2012 at or about 5:30 p.m. in the County Board of Commissioners' Meeting Room, 954 Marshall C. Collins Drive, Manteo, North Carolina, a public hearing will be conducted concerning the approval of the execution and delivery of the Contract and the Deed of Trust and the County's financing and refinancing of the Projects. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Contract and the Projects to be financed and refinanced thereby.

/s/ GARY L. GROSS

Clerk to the Board of Commissioners
County of Dare, North Carolina

Published: August 2, 2012

EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS

A regular meeting of the Board of Commissioners of the County of Dare, North Carolina, was duly held on July 16, 2012 at 5:00 p.m. in the County Board of Commissioners' Meeting Room, 954 Marshall C. Collins Drive, Manteo, North Carolina. Chairman Warren Judge presiding.

The following members were present: Chairman Warren Judge, Vice-Chairman Allen Burrus, Commissioners Virginia Tillett, Richard Johnson, Max Dutton, Mike Johnson, and Jack Shea

The following members were absent: None

* * * * *

Commissioner Burrus moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

**RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA
DECLARING THE INTENT OF THE COUNTY OF DARE, NORTH
CAROLINA TO REIMBURSE ITSELF FOR CAPITAL
EXPENDITURES INCURRED IN CONNECTION WITH THE
ACQUISITION OF A HELICOPTER AND CARDIAC MONITORING
EQUIPMENT FOR USE BY THE COUNTY'S EMERGENCY
MEDICAL SERVICES DEPARTMENT FROM THE PROCEEDS OF
CERTAIN TAX-EXEMPT OBLIGATIONS.**

WHEREAS, the Board of Commissioners of the County of Dare, North Carolina ("*County*") has determined that it is in the best interests of County to acquire a helicopter and cardiac monitoring equipment for use by the County's Emergency Medical Services department (the "*Project*");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to cause to be executed and delivered tax-exempt obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina as follows:

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Projects is approximately \$8,300,000.

Section 2. ***Compliance with Regulations.*** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution shall become effective immediately upon the date of its adoption.

12-07-23 Re-Adopted with Date + Amount Revisions on 8/20/12

RESOLUTION AUTHORIZING THE PURCHASE OF EMERGENCY MEDICAL HELICOPTER FROM AMERICAN EUROCOPTER THROUGH SOLE SOURCE PURCHASE

WHEREAS, the County of Dare, North Carolina desires to purchase a replacement Emergency Medical Services helicopter; and

WHEREAS, the purchase of a replacement Emergency Medical Helicopter is critical for emergency medical services and for public safety and welfare; and

WHEREAS, N.C. General Statute 143-129(e)(6) authorizes a unit of government to purchase from a sole source when a needed product is available from only one source of supply; and

WHEREAS, the County of Dare Emergency Medical Services Department has performed an evaluation of six helicopter models made by three different manufacturers as to each model's features, capabilities, and operating requirements and have vetted how each of those factors will co-ordinate with the County's air-medical helicopter on-going mission and basis of operation; and

WHEREAS, operational compatibility with the County of Dare Emergency Medical Services Department air-medical service is the overriding consideration; and

WHEREAS, the County of Dare Emergency Medical Services Department has determined that the American Eurocopter EC145T2 is the make and model to provide that operational capability.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina that:

1. The County of Dare is authorized to enter into a contract in the amount of \$7,794,800 with American Eurocopter for the sole source purchase of an American Eurocopter EC145T2 emergency medical helicopter.
2. The County Manager is authorized to execute the agreement with American Eurocopter and is directed to all steps necessary to place the aircraft on order prior to ~~August 1, 2012.~~ ^{Sept. 7}
3. This Resolution shall be effective upon its adoption.

This the 20th day of August 2012.

Dare County Board of Commissioners

BY: Warren C. Judge
Warren C. Judge, Chairman

ATTEST: Gary Gross
Gary Gross, Clerk to the Board



RESOLUTION AUTHORIZING THE PURCHASE OF EMERGENCY MEDICAL HELICOPTER FROM AMERICAN EUROCOPTER THROUGH SOLE SOURCE PURCHASE

WHEREAS, the County of Dare, North Carolina desires to purchase a replacement Emergency Medical Services helicopter; and

WHEREAS, the purchase of a replacement Emergency Medical Helicopter is critical for emergency medical services and for public safety and welfare; and

WHEREAS, N.C. General Statute 143-129(e)(6) authorizes a unit of government to purchase from a sole source when a needed product is available from only one source of supply; and

WHEREAS, the County of Dare Emergency Medical Services Department has performed an evaluation of six helicopter models made by three different manufacturers as to each model's features, capabilities, and operating requirements and have vetted how each of those factors will co-ordinate with the County's air-medical helicopter on-going mission and basis of operation; and

WHEREAS, operational compatibility with the County of Dare Emergency Medical Services Department air-medical service is the overriding consideration; and

WHEREAS, the County of Dare Emergency Medical Services Department has determined that the American Eurocopter EC145T2 is the make and model to provide that operational capability.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the County of Dare, North Carolina that:

1. The County of Dare is authorized to enter into a contract in the amount of \$6,800,000 with American Eurocopter for the sole source purchase of an American Eurocopter EC145T2 emergency medical helicopter.
2. The County Manager is authorized to execute the agreement with American Eurocopter and is directed to all steps necessary to place the aircraft on order prior to August 1, 2012.
3. This Resolution shall be effective upon its adoption.

This the 16th day of July 2012.

Dare County Board of Commissioners

BY:



Warren C. Judge, Chairman

ATTEST:



Gary Gross, Clerk to the Board





COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

Warren Judge
Chairman

Allen Burrus
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Virginia Tillet
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Fax (252) 473-6312

Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-07-22

RESOLUTION HONORING THE LIFE AND LEGACY OF ANDY GRIFFITH

WHEREAS, Dare County fondly remembers Andy Griffith and honors him as a Favorite Son who early in his career performed at the “Lost Colony” on Roanoke Island, a place that would forever capture his heart and later become his permanent home; and

WHEREAS, the distinguished career of Andy Griffith will long be remembered for his popular role as the lovable Sheriff Andy Taylor on the “Andy Griffith Show” and for the grace and style he portrayed as a resourceful country lawyer on the “Matlock” television series; and

WHEREAS, Andy Griffith will also be remembered for his highly acclaimed work in live theater that took him from Dare County’s “Lost Colony” to New York’s Broadway stages where he earned Tony nominations for “No Time for Sergeants” and “Destry Rides Again;” and

WHEREAS, acting was only one of Andy Griffith’s many talents having achieved a Grammy Award for his album, “I Love to Tell the Story – 25 Timeless Hymns” and was inducted into the Christian Music Hall of Fame and Museum; and

WHEREAS, Andy Griffith brought joy to millions of Americans of all ages through his storytelling, music, and acting for which he was honored by President George W. Bush with the Presidential Medal of Freedom; and

WHEREAS, the arts, music, and cultural communities both in Dare County and in his Mount Airy, North Carolina birthplace have been deeply enriched by Andy Griffith’s example, nurturing, mentoring, and support; and

WHEREAS, the memory of Andy Griffith will forever be enshrined in the hearts of people around the world who loved, cherished, and respected this Dare County Favorite Son.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners does hereby ask all citizens of Dare County to join in the expression of heartfelt condolences to his wife Cindi and daughter Dixie and does hereby remember and memorialize the life and legacy of a true American icon, Andy Griffith.

This the 16th day of July, 2012

Dare County Board of Commissioners



BY:


Warren C. Judge, Chairman

ATTEST:


Gary Gross, Clerk to the Board



Resolution # 12-07-21

RESOLUTION DESIGNATING JULY AS PARKS AND RECREATION MONTH

WHEREAS, Dare County Parks and Recreation programs are an integral part of life throughout the County of Dare; and

WHEREAS, Dare County Parks and Recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, Dare County Parks and Recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, Dare County Parks and Recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, Dare County Parks and Recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

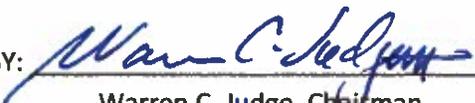
WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

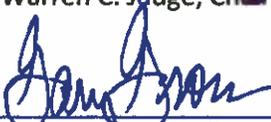
WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month, and Dare County recognizes the benefits derived from its Parks and Recreation resources.

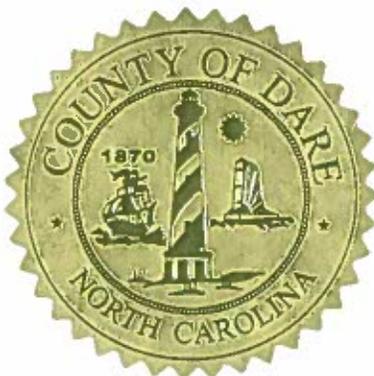
NOW THEREFORE, BE IT RESOLVED by the County of Dare that July is recognized as Parks and Recreation Month throughout Dare County North Carolina.

This the 16th day of July, 2012

Dare County Board of Commissioners

BY: 
Warren C. Judge, Chairman

ATTEST: 
Gary Gross, Clerk to the Board



**A RESOLUTION ENACTING A MORATORIUM ON
ELECTRONIC GAMING OPERATIONS IN
UNINCORPORATED DARE COUNTY**

WHEREAS, electronic gaming operations are defined as any for-profit business enterprise, whether principal or accessory, where persons utilize electronic machines or devices, including but not limited to, computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds; and

WHEREAS, during the discussion of electronic gaming operations by the Board of Commissioners at its June 18, 2012 meeting, the Board reviewed articles written by the UNC School of Government concerning electronic gaming and the Board expressed its concerns that about the negative impacts of electronic gaming upon the community; and

WHEREAS, the Dare County Code of Ordinances currently does not permit electronic gaming in any of its zones and does not include any provisions to address the impacts of electronic gaming operations in unincorporated Dare County; and

WHEREAS, electronic gaming regulations are necessary to comply with recent court rulings and to address the impacts associated with these land uses; and

WHEREAS, on June 18, 2012, the Dare County Board of Commissioners instructed staff to begin the process of drafting and implementing regulations on electronic gaming operations for unincorporated Dare County, and

WHEREAS, in order to allow time for Dare County staff to draft an appropriate set of regulations, seek Planning Board review, receive public input and submit proposed regulations to the Board, without electronic gaming operations opening and creating the negative impacts the proposed regulations are attempting to prevent, a moratorium on electronic gaming operations is necessary; and

WHEREAS, the Dare County Board of Commissioners finds that unregulated electronic gaming operations have the potential to create multiple negative impacts to the community including, but not limited to, noise, traffic, illegal gambling activities, corruption, increased crime, prey upon the poor and have secondary impacts that have been linked to those associated with night clubs, adult establishments and casinos.

WHEREAS, the Dare County Board of Commissioners further finds, that in order to minimize or abate such negative impacts, Dare County needs time to prepare appropriate regulations and to seek citizen input; and

WHEREAS, the Dare County Board of Commissioners further finds that a moratorium will prohibit the opening of electronic gaming operations during the term of the moratorium and

will allow sufficient time for public input and the adoption of appropriate regulations to protect the public's interest; and

WHEREAS, the Dare County Board of Commissioners further finds that a moratorium on electronic gaming operations that will remain in effect until November 12, 2012 or until such time as appropriate electronic gaming regulations are adopted, whichever is sooner, is a sufficient period of time in which to allow Planning Board and public input and to implement appropriate regulations; and

WHEREAS, the Dare County Board of Commissioners further finds that staff has prepared draft electronic gaming regulations and presented such regulations to the Board for comment and Board discussion and the Board has directed staff to present the draft electronic gaming regulations to the Planning Board for their input and discussion, to modify as appropriate based on Planning Board input, to set a public hearing for such regulations as soon as possible after Planning Board review but not later than the Sept 17, 2012 Board meeting.

NOW THEREFORE BE IT RESOLVED that a moratorium on the review, approval and permitting of electronic gaming operations in all portions of unincorporated Dare County, both zoned and unzoned, is enacted until the adoption of electronic gaming operations by the Board or November 12, 2012, whichever event occurs first.

BY: Warren C. Judge
Warren Judge, Chairman
Dare County Board of Commissioners

DATE: July 16, 2012

ATTEST: Gary Gross
Gary Gross
Clerk to the Board

(SEAL)





COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

Warren Judge
Chairman

Allen Burrus
Vice-Chairman

Virginia Tillet
Mike Johnson
Richard Johnson
Max Dutton
Jack Shea

(252) 475-5700
Fax (252) 473-6312

Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-07-19

RESOLUTION

OPPOSING GENERAL RATE INCREASE REQUESTED BY DOMINION NORTH CAROLINA POWER

WHEREAS, the people and businesses in Dare County and northeastern North Carolina served by Dominion North Carolina Power have been experiencing protracted economic hardship; and

WHEREAS, electrical service is one of the basic necessities required by all residents regardless of economic condition in order to live a safe and healthy life; and

WHEREAS, the proposed general rate increase and changes to the base fuel rates will exacerbate the economic hardship already felt by the residents and businesses who receive electrical service from Dominion North Carolina Power and place an undue burden on them; and

WHEREAS, the hardships that will be imposed by the intended estimated 20% rate increase, which for an average \$150 monthly electric bill means an increase of \$30 per month, will worsen the economic hardship already felt by many Dare County residents and businesses served by Dominion North Carolina Power; and

WHEREAS, from time to time, all providers are faced with meeting changes and challenges in the demands of service provision requiring assessment of revenue needs for which sensible increases in charges for service may be expected; and

WHEREAS, a 20% increase in rates is neither sensible nor realistic given current economic challenges facing Dominion North Carolina Power customers in Dare County and northeastern North Carolina.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners strongly opposes the rate increase as requested by Dominion North Carolina Power, and urges the North Carolina Utilities Commission to deny Dominion's request; and

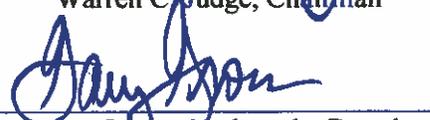
BE IT FURTHER RESOLVED, that the Dare County Board of Commissioners respectfully requests that North Carolina Attorney General Roy Cooper and the Consumer Protection Division intervene on behalf of Dominion's Northeast North Carolina customer base to find an equitable solution that will help Dominion North Carolina Power meet its needs and not impose such a weighted liability on the citizens of our region.

This 16th day of July 2012.

DARE COUNTY BOARD OF COMMISSIONERS



BY: 
Warren C. Judge, Chairman

ATTEST: 
Gary Gross, Clerk to the Board



#12-06-18

RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2012 FOR DARE COUNTY

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Dare County recognizes its role in the encouragement of recycling markets by purchasing recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

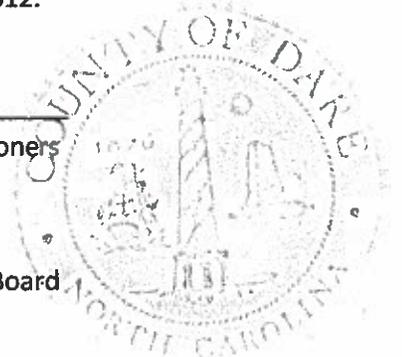
WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Dare County Solid Waste Management Department and Citizens Solid Waste Advisory Council have undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF Dare County that Dare County's 2012 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed on file with Clerk to the Board on this day, June 18, 2012.

SIGNATURE: Warren C. Judgers
Warren Judge, Chairman of the Dare County Board of Commissioners

ATTEST: [Signature] Clerk to the Board





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Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-05-17

RESOLUTION

IN SUPPORT OF A SIGHTSEEING FEE AT JENNETTE'S PIER

WHEREAS, Dare County supported and participated in the acquisition of Jennette's Pier with assurances from the State of North Carolina that the pier would operate in a fair and competitive manner as regards fees and services; and

WHEREAS, the State of North Carolina has declined to levy a fee for sightseeing on Jennette's Pier in spite of the impact on private piers and repeated requests from the Jennette's Pier Advisory Committee; and

WHEREAS, revenue from a sightseeing fee would contribute significantly to the operating revenues of Jennette's Pier.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners joins the request from the Jennette's Pier Advisory Committee that the North Carolina General Assembly honor the commitments made to the local community that supported the acquisition of Jennette's Pier by adopting legislation establishing a fee for sightseeing on Jennette's Pier that is competitive with fees at private piers and that will generate substantial revenue to support pier operations.

This the 21st day of May, 2012

Dare County Board of Commissioners



BY: Warren C. Judge
Warren C. Judge, Chairman

ATTEST: Gary Gross
Gary Gross, Clerk to the Board



COUNTY OF DARE

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Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-05-16

RESOLUTION EXPRESSING GRATITUDE TO CONGRESSMAN ROB BISHOP

WHEREAS, Congressman Rob Bishop from the First District of Utah, has been a devoted public servant during his five distinguished terms in the United States House of Representatives; and

WHEREAS, he has honorably served all Americans by serving on the Natural Resources Committee, which oversees the use, management and funding for all federal lands; and as the Chairman of the Subcommittee responsible for all matters related to the National Park system; and

WHEREAS, Congressman Bishop, as Chairman of the Subcommittee on National Parks, Forests and Public Lands, has demonstrated insightful leadership in expanding and protecting opportunities for Americans to enjoy public lands and ensure that they are available for recreational opportunities and economic development necessary to support communities and businesses; and

WHEREAS, the Subcommittee on National Parks, Forests and Public Lands, under the leadership of Chairman Bishop, conducted a hearing on April 27, 2012 on behalf of H.R. 4094 to reinstate the Interim Management Plan at the Cape Hatteras National Seashore Recreational Area, and

WHEREAS, H.R. 4094 is of vital interest to the residents of Dare County and the millions who depend upon reasonable recreation access to America's first National Seashore, and represents crucial legislation to sustain the tourism economy of Dare County; and

WHEREAS, Chairman Bishop, has proven to be a principled champion of responsible recreational access and has helped communities and small businesses throughout America, including the Outer Banks of North Carolina, which provide the tourism infrastructure that supports National Park visitation.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners does hereby officially express its respect and appreciation for the efforts of Chairman Rob Bishop on behalf of the people of Dare County, and asks all residents and visitors to join in expressing their sincere thanks and gratitude for his leadership and outstanding public service.

This the 21st day of May, 2012

Dare County Board of Commissioners



BY:

Warren C. Judge, Chairman

ATTEST:

Gary Gross, Clerk to the Board



12-05-15

**RESOLUTION SUPPORTING THE DEDICATION OF THE COLINGTON ROAD SECOND BRIDGE
IN HONOR OF SGT. EARL MURRAY**

WHEREAS, Earl Murray moved to Dare County in 1983 to begin his law enforcement career; and

WHEREAS, he was employed with the Kill Devil Hills Police Department, Dare County Sheriff's Office, then with the Nags Head Police Department; and

WHEREAS, he received numerous awards for being an outstanding Officer to include, but not limited to: Kill Devil Hills Police Department Performance Award 1988, Advance Law Enforcement Certificate 1994, Nags Head Police Department Commendation Award (three times), Nags Head Police Department Employee of the Year 2009, and Town of Nags Head Employee of the Year Award 2009; and

WHEREAS, he lost his life in a motor vehicle accident while responding to an emergency call for service on May 15, 2009; and

WHEREAS, he is remembered as a compassionate, dedicated, inspirational, and motivational Officer, employee, husband, father, and friend to many.

NOW THEREFORE BE IT RESOLVED that the County of Dare recognizes Earl Murray as being an asset to the county and community, and paid the ULTIMATE sacrifice to serve the community he loved.

BE IT FURTHER RESOLVED that the Dare County Board of Commissioners, upon approval of this Resolution, urges the appropriate State Leaders to Honor Fallen Sergeant Earl Murray by dedicating that bridge structure some 2.6 miles from US 158 on State Road 1217, otherwise known as Colington Road; this being the bridge known to the community as "The Second Bridge," by erecting an NCDOT sign naming the bridge, "SGT. EARL MURRAY MEMORIAL BRIDGE."

Warren Judge, Chairman

Date

Gary Gross, Clerk to the Board





12-05-14

RESOLUTION

SUPPORTING THE ELECTION BOARDS ASSOCIATION OF NORTH CAROLINA REQUEST FOR THE RELEASE OF HELP AMERICA VOTE ACT (HAVA) FUNDS

WHEREAS, the members of the Election Boards Association of North Carolina met on April 4, 2012, and approved a resolution requesting that an appropriation be included in the Governor's budget and in the General Assembly's budget to meet the "maintenance of effort" requirements for the release of HAVA funds; and

WHEREAS, the HAVA funds are vital to county budgets to administer elections; and,

WHEREAS, the HAVA funds are needed to maintain voting equipment; and,

WHEREAS, the HAVA funds are needed to be used as operational funds to operate absentee voting; and,

NOW, THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners in support of the Election Boards Association of North Carolina resolution hereby requests that the HAVA funds be included in this year's State budgets and that said funds be provided to the State Board of Elections for the counties to improve the elections process.

Adopted this the 7th day of May, 2012, in Dare County, North Carolina.

ATTEST:



DARE COUNTY BOARD OF COMMISSIONERS


Warren C. Judge, Chairman


Gary Gross, Clerk to the Board



12-05-13

A RESOLUTION THAT THERE EXISTS SIGNIFICANT PUBLIC INTEREST IN THE NATURE AND EXTENT OF PUBLIC TRUST RIGHTS UNDER NORTH CAROLINA LAW AND THE NATURE AND EXTENT OF LOCAL GOVERNMENT REGULATION OF OCEAN BEACHES WITHIN THEIR JURISDICTIONS

WHEREAS, within the County of Dare there are municipalities that have areas of ocean beach or other public trust land and waters located within or adjacent to their jurisdiction; and

WHEREAS, the economy of Dare County and the municipalities is driven by tourism; and

WHEREAS, a safe, clean, unobstructed ocean beach is essential to attract visitors and others to these beaches; and

WHEREAS, historically citizens and visitors have used the full breadth of the ocean beach from the dune/vegetation line to the ocean waters for access to, travel along and general use of the beach for recreational and commercial endeavors; and

WHEREAS, the County of Dare has historically taken action to support public access to the beaches of the Cape Hatteras National Seashore Recreational Area and as a local sponsor of the Northern Dare Beaches Shoreline Protection and Erosion Abatement Project; and

WHEREAS, the County of Dare acknowledges that municipalities have historically used the full breadth of the ocean beach within its jurisdiction for the purposes of providing lifesaving, emergency and other public works services; and

WHEREAS, the municipalities have taken these actions of their own accord often without the assistance of North Carolina state agencies that have historically not had the budget, manpower or interest in taking these actions; and

WHEREAS, the County of Dare agrees with the following findings of the North Carolina General Assembly, regarding the importance of the State's ocean beaches and the uses thereof:

- (1) North Carolina has 320 miles of ocean beach, including some of the most pristine and attractive beaches in the country.
- (2) The Balance between economic development and quality of life in North Carolina has made our coast one of the most desirable along the Atlantic Seaboard.
- (3) North Carolina's beaches are vital to the State's tourism industry.
- (4) North Carolina's beaches belong to all the State's citizens and provide recreational and economic benefits to our residents statewide.

Ordinance Prohibiting Tobacco Use In All
Dare County Facilities, Property and Vehicles.

WHEREAS, according to the Centers for Disease Control and Prevention, (CDC) tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and,

WHEREAS, according to the CDC, Smoking increases the risk of heart disease by 2 to 4 times, the risk of stroke by 2 to 4 times, the risk of lung cancer by 23 times and the risk of other lung disease by 12 to 13 times; and

WHEREAS, according to the CDC, smoking causes leukemia, bladder cancer, cervical cancer, esophageal cancer, kidney cancer, larynx cancer, lung cancer, oral cancer, throat cancer, stomach cancer, uterine cancer, stillbirths and sudden infant death syndrome (SIDS); and

WHEREAS, according to the CDC, on in every five deaths in the United States is attributable to smoking, more than drugs, alcohol, HIV, motor vehicle accidents, suicides, and murders combined; and

WHEREAS, according to the CDC, 20.6% of adults smoke resulting in annual health care costs related to smoking of \$96 billion dollars and annual lost productivity costs related to smoking of \$97 billion dollars; and

WHEREAS, according to the North Carolina Central Cancer registry (NCCCR) 22.9% of adult North Carolinians smoke which the North Carolina Health Alliance (NCHA) resulting in \$2.46 billion dollars annually in health care costs and \$3.3 billion dollars annually in lost productivity costs,

WHEREAS, according to the CDC, the cost to employers of tobacco use by employees is \$1,400 per smoking employee per year in increased medical costs and \$2,000 per smoking employee per year in lost productivity costs, for a total of \$3,400 per smoking employee per year in excess employer costs; and

WHEREAS, Dare County employees approximately 750 employees, of which, according to the statistics above, 22.9 % or 171 smoke, costing Dare County \$239,000 per year in increased medical costs and \$342,000 in lost productivity costs for a total cost to Dare County of \$581,000 per year; and

WHEREAS, the Surgeon General's report found that there is no risk free level of exposure to secondhand smoke; and

WHEREAS secondhand smoke exposure causes the death of more than 1,600 North Carolinians each year and costs North Carolinians \$288 million dollars annually in health care costs; and

WHEREAS, smoking caused fires resulted in losses of more than \$500 million dollars per year nationwide and resulted in extra cleaning, maintenance and litter costs in excess of \$4 billion dollars nationwide; and

WHEREAS, on May 19, 2009, the State of North Carolina passed "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment" S.L. 2009-27, amending Chapter 130A of the General Statutes and thereby authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;"

WHEREAS, Dare County recognizes the health risks of tobacco use and secondhand smoke for non-smokers and the need to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public, and y is committed to providing a safe and healthy workplace and environment in all Dare County facilities and grounds for its employees, citizens and the visiting public and to reducing the economic costs of tobacco use to Dare County and its citizens;

WHEREAS, and seeks to in those facilities and grounds controlled by Dare County;

WHEREAS, this Board of County Commissioners is of the opinion that it is in the best interests of the citizens and residents of Dare County to amend its ordinances to prohibit smoking in certain facilities, grounds and vehicles owned, leased, operated and/or occupied by Dare County.

NOW, THEREFORE, BE IT RESOLVED by the Dare County Board of Commissioners as follows:

The Code of Ordinances for Dare County, North Carolina is hereby revised as follows:

Section 1. Definitions

The following definitions, taken directly from Section 130A-492 and 14-313 (a) of the General Statutes and to be amended by any amendments to Section 130A-492 or 14-313(a), apply to this ordinance:

(a) "Employee." A person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer with or without compensation.

(b) "Grounds." An unenclosed area owned, leased, or occupied by local government.

(c) "Local government building". A building owned, leased as Lessor, or the area leased as lessee and occupied by a local government.

(d) "Local vehicle". A passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

(e) "Smoking". The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

(f) "Tobacco products". Any product that contains tobacco and is intended for human consumption, and any other items containing or reasonably resembling tobacco or tobacco products.

Section 2. Areas in Which Smoking and Tobacco Use are Prohibited

Smoking and the use of tobacco products is prohibited:

Section 2(a) of the smoking ordinance.

(a) in any local government building, except in areas designated by the County Manager at local government buildings that are not: (a) operated by or occupied by the Dare County Health Department or are within 50 feet of such Health Department building(s); or (b) buildings operated by or occupied by the Dare County Parks and Recreation Department;

(b) in any local government building in which smoking is prohibited as of the date of the adoption of this ordinance.

(c) in any local vehicle owned, leased, or operated by Dare County and

(d) on any grounds that are owned, leased, occupied, or operated by Dare County except specific areas upon grounds which may be designated by the County Manager, adjoining a local government building, to serve as the smoking area for those buildings in which smoking may be permitted under the provisions of Paragraph (a) above;.

Section 3. Implementation

(a) Persons in charge of a building, vehicles and grounds or his or her designee shall post signs that meet all the requirements in Section 4 of this ordinance.

(b) The person in charge of a building and grounds or his or her designee shall remove all ashtrays and other smoking receptacles.

(c) The person in charge of a building, vehicle or grounds or his or her designee who sees an individual using a tobacco product who is in violation of this ordinance must ask that individual to stop using the tobacco product.

Section 4. Signage

The signs required by Section 3 must:

- (a) state that tobacco use is prohibited and the sign must include the international “No Smoking and Smokeless Tobacco” symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it),
- (b) in areas where smoking may be permitted, the sign must include the language “No Smoking and Smokeless Tobacco Except In Designated Areas” and the international no smoking symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it) and ,
- (c) be posted at each building entrance and on the grounds at a height and location easily seen,
- (d) be in legible font type.

Persons in charge of vehicles identified in Section 2 or his or her designee shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs but the placement of the signs must not interfere with the safe operation of the vehicle

Nothing in this ordinance prohibits a person in charge of buildings, grounds and vehicles from posting additional signs in areas where smoking is prohibited. For example, signs may be posted in other areas where people are likely to want to use tobacco products, such as in bathrooms or in dining areas.

The person in charge of buildings, grounds and vehicles must determine whether signs should be posted in languages other than English.

Section 5. Enforcement and Penalties

- (a) *Violations by employees.* Employees who violate this ordinance shall be subject to sanctions consistent with Dare County human resources policies.

(b) *Violations by other persons.* Any person who, following oral or written notice by the person in charge of the area or the person's designee, continues to smoke or to use tobacco products in an area where smoking or tobacco use is prohibited by Section 2 commits an infraction. Pursuant to Section 130A-498(c1) of the General Statutes, the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00) and may not be assessed court costs. Conviction of an infraction under this section has no consequence other than payment of a penalty.

(c) Any amendments to the enforcement or penalty provisions listed in G.S. 130A-498(c1) apply to this ordinance.

Section 6. Effective Date.

This ordinance shall be effective January 1, 2013.

Adopted this 16th day of April, 2012.



12-04-11

RESOLUTION ENACTING AND ADOPTING A SUPPLEMENT
TO THE DARE COUNTY CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2012 S-5 supplement to the County of Dare Code of Ordinances, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the County of Dare Code of Ordinances; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the North Carolina General Statutes; and

WHEREAS, it is the intent of the Dare County Board of Commissioners to accept these updated sections in accordance with the changes in the law of the State of North Carolina; and

WHEREAS, it is necessary to provide for the usual daily operation of Dare County and for the immediate preservation of the public peace, health, safety, and general welfare of the Dare County that this ordinance take effect at an early date;

NOW THEREFORE BE IT ORDAINED BY THE DARE COUNTY BOARD OF COMMISSIONERS

1. that the 2012 S-5 supplement to the County of Dare Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and attached hereto, be and the same is hereby adopted by reference as if set out in its entirety,
2. Such supplement shall be deemed published as of the day of its adoption and approval by the Dare County Board of Commissioners and such supplement shall be inserted into the Code of Ordinances kept on file in the Office of the Clerk.


Warren Judge, Chairman


Gary Gross, Clerk to the Board

4/16/12
Date:

SEAL:





COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

Warren Judge
Chairman

Allen Burrus
Vice-Chairman

Virginia Tillett
Mike Johnson
Richard Johnson
Max Dutton
Jack Shea

(252) 475-5700
Fax (252) 473-6312

Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

12-04-10

A RESOLUTION ENACTING A MORATORIUM ON BORROW PITS IN THE UNZONED PORTIONS OF UNINCORPORATED DARE COUNTY

WHEREAS, on March 19, 2012 a petition signed by residents and property owners of East Lake was submitted to the Dare County Board of Commissioners identifying concerns about the noxious and intrusive effects of mining activities associated with borrow pits in their community; and

WHEREAS, a borrow pit is defined as an area from which soil or other unconsolidated materials are removed in manner that results in a pit or pond with the removed materials used for some other purpose; and

WHEREAS, in discussing the concerns of the East Lake community, the Board of Commissioners considered the incompatible nature of borrow pits on the surrounding community and concluded that action to preclude borrow pits was appropriate and reasonable; and

WHEREAS, the East Lake tax district is the only remaining unzoned area in unincorporated Dare County; and

WHEREAS, the 2009 Dare County Land Use Plan that was certified by the State of North Carolina on February 24, 2011 includes an implementation strategy to work with East Lake residents to review zoning alternatives for East Lake; and

WHEREAS, a moratorium on the permitting and operation of borrow pits is in the best interest of public health, safety, and welfare pending the establishment of zoning regulations for East Lake; and

WHEREAS, the enactment of a moratorium will allow for the development of zoning regulations by Dare County in a timely and prudent manner that identifies the type of land uses and development patterns that are appropriate for the East Lake community based on the necessary citizen input associated with the development of land use regulations for areas previously not subject to development restrictions; and

WHEREAS, the establishment of zoning regulations for areas currently unzoned requires interaction with the community by the Dare County Planning Department officials, Planning Board, and Board of Commissioners through community meetings, map development

workshops, and public hearings involving an extensive and careful review of the existing land use patterns, future development trends, infrastructure proposals and how these factors must be integrated into any zoning regulations developed for the community;

NOW THEREFORE BE IT RESOLVED that a moratorium on the development, construction and operation of borrow pits for the unzoned portions of the East Lake tax district is enacted until October 2, 2013.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby instructs the Planning Department staff and Planning Board to initiate work on the development of zoning regulations for the East Lake tax district.

BY:


Warren Judge, Chairman
Dare County Board of Commissioners

DATE: April 2, 2012

ATTEST:


Gary Gross
Clerk to the Board



**DARE COUNTY KIDDY LANE WATER DISTRIBUTION
EXPANSION PROJECT ASSESSMENT RESOLUTION
(Pursuant to NCGS 153A-185 et seq)**

WHEREAS, the County of Dare, intends to expand its water distribution system along Kiddy Lane in the Village of Avon, Dare County, North Carolina; and

WHEREAS, the provisions of NCGS 153A-185 et seq authorize the County of Dare to make special assessments against benefitted property within the project area for all or a part of the cost of the water distribution project; and

WHEREAS, the County of Dare has determined that a special assessment by the County of Dare pursuant to the terms set forth below is the fair and appropriate method to fund the expansion of the water distribution system project; and

WHEREAS, the provisions of NCGS 153A-190 require that a Preliminary Assessment Resolution setting forth information contained herein be adopted prior to the imposition of such assessment.

NOW, THEREFORE, the Dare County Board of Commissioners, at their April 2, 2012 meeting, has adopted this Preliminary Assessment Resolution setting forth the following:

1. It is the intention of the Dare County Board of Commissioners to undertake the construction of the Kiddy Lane Water Distribution Expansion Project.

2. A general description of the nature of the project and its location is: Expansion of the existing Dare County water distribution system to include all of Kiddy Lane, Avon, North Carolina.

3. The proposed basis for assessment is the number of lots served, or subject to be served, by the project as the project involves the extension of an existing system.

4. The total assessment to be levied is \$2356.26 per lot which is 100 percent of the total project cost.

5. The County does not intend to hold any amount of the assessment in abeyance.

6. The proposed method for payment of the assessment is: The assessments may be paid in full or in ten equal annual payments of principal without interest.

7. There shall be a public hearing on all matters covered by this Preliminary Assessment Resolution on the 7th day of May 2012, at 10:00 o'clock a.m., at the Dare County Board of Commissioners Meeting Room, 954 Marshall Collins Dr., Manteo, NC.

This Preliminary Assessment Resolution adopted this the 2nd day of April, 2012.

Dare County Board of Commissioners



Warren C. Judge, Chairman

Attest:



Gary L. Gross, Clerk





COUNTY OF DARE

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P.O. Box 1000, Manteo, North Carolina 27954

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(252) 475-5700
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Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-04-08

RESOLUTION RECOGNIZING APRIL 8-14, 2012 AS DARE COUNTY ANIMAL CONTROL OFFICER APPRECIATION WEEK

WHEREAS, the National Animal Control Association has designated the second Week of April each year as **Animal Control Officer Appreciation Week**; and

WHEREAS, the various Federal, State, and Local Government Officials throughout the Country take this time to recognize, thank, and commend all Animal Control Officers for the dedicated service they provide to the citizens, various Public Safety, Public Service Agencies and Departments through the Country; and

WHEREAS, the Dare County Board of Commissioners would like to express its sincere thanks and appreciation for the outstanding service the Outer Banks SPCA, Dare County Animal Care and Control provide on a daily basis to the citizens of the County and to the various Public Safety, Public Service Agencies and Departments; and

WHEREAS, the Dare County Board of Commissioners recognizes and commends the Animal Control Officers for the many dedicated and long hours of service they perform in serving this community, and for fulfilling the Animal Control Officers Department's commitment to providing the highest and most efficient level of customer service, and

WHEREAS, the Dare County Board of Commissioners wishes to commend each and every Animal Control Officer for their service, which is in keeping with the long and distinguished tradition of the Animal Control Profession.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners does hereby officially recognize the week of **April 8-14, 2012 as Dare County Animal Control Officer Appreciation Week**, and respectfully asks all citizens, Public Safety, Health, and Public Service Personnel alike to join in expressing their sincere thanks, gratitude and appreciation for the many long hours of outstanding service and quality performance these outstanding individuals provide throughout the year to assure the safety and welfare of all.

This the 2nd day of April, 2012

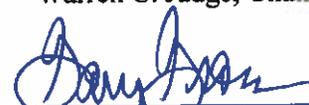
Dare County Board of Commissioners



BY:


Warren C. Judge, Chairman

ATTEST:


Gary Gross, Clerk to the Board



COUNTY OF DARE

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Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-03-07

RESOLUTION APPOINTING REVIEW OFFICERS

WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new GS47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, GS47-30.2 allows for local municipalities to request their respective County governments to be allowed to appoint local Review Officers to review local plats for compliance to GS47-30.2; and

WHEREAS, it is the desire of Dare County, and Town of Nags Head Board of Commissioners to ensure an expeditious review of all maps and plats as required by GS47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners in support of the request from the Town of Nags Head appoints Elizabeth Teague, Planning and Development Director; Kelly Wyatt, Zoning Administrator; and Dabni Gray, Zoning Administrator, of the Nags Head Planning and Development Department to perform all responsibilities as required for Review Officer for the Town of Nags Head under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED that a copy of this Resolution designating the local Review Officers be recorded in the Dare County Register of Deeds Office and indexed in the name of the Review Officer.

This the 19th day of March, 2012

Dare County Board of Commissioners



BY: Warren C. Judge
Warren C. Judge, Chairman

ATTEST: Gary Gross
Gary Gross, Clerk to the Board

AUTHORIZING RESOLUTION BY DARE COUNTY

for the

North Carolina Rural Center

Building Reuse and Restoration Grants Program

“The Gunboat Building Restoration Project”

WHEREAS, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

WHEREAS, the County has need for and intends to assist in the renovation of a vacant building in a project described as the “The Bayliss Boatworks Building Restoration Project”; and

WHEREAS, the County intends to request funding assistance from the Building Reuse and Restoration Grants Program for the project;

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

That the County is in full support of the application and the project, if funding is received, and

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

That Bobby Outten, County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Rural Center.

Adopted this the 20th day of February 2011 in Manteo, North Carolina.

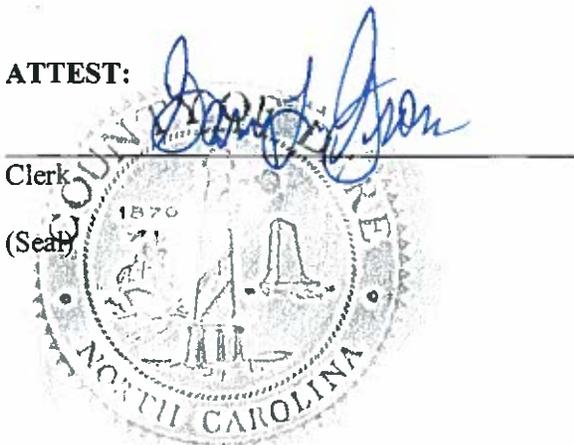


Warren Judge, Chairman

ATTEST:

Clerk

(Seal)





COUNTY OF DARE

Office of the Board of Commissioners
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Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-02-05

RESOLUTION OPPOSING UNITED NATIONS AGENDA 21

WHEREAS, Dare County was founded on the basic American principle of private property ownership and the right of local governments to develop communities in ways that are beneficial for its citizens; and

WHEREAS, these uniquely American principles are threatened by Agenda 21 initiated at the United Nations Conference on Environment and Development (UNCED) held in 1992 at Rio de Janeiro which represents a comprehensive plan of extreme environmentalism, social engineering, and global political control; and

WHEREAS, Agenda 21 is being covertly pushed into local communities throughout the United States by the International Council of Local Environmental Initiatives (ICLEI) in the form of local "sustainable development" policies such as Smart Growth, Wildlands Project, Resilient Cities, Regional Visioning Projects, and other "Green" or "Alternative" projects; and

WHEREAS, this United Nations Agenda 21 plan of radical so-called "sustainable development" views the American way of life of private property ownership, single family homes, private car ownership and individual travel choices, and privately owned farms; all as destructive to the environment; and

WHEREAS, Agenda 21 has determined that National sovereignty is deemed as social injustice, which according to their policy is described as the right and opportunity of all people to benefit equally from the resources afforded us by society and the environment which would be accomplished by a socialistic redistribution of wealth; and

WHEREAS, neither the United States government, or any state or local government, is legally bound by the United Nations Agenda 21 treaty as it has never been endorsed by the United States Senate.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners recognizes the destructive and insidious nature of United Nations Agenda 21 and does hereby expose to the public and public policy makers the dangerous intent of the plan and urges communities to reject the radical policies and destructive "sustainable development" strategies of United Nations Agenda 21.

This the 20th day of February, 2012

Dare County Board of Commissioners



BY:

Warren C. Judge, Chairman

ATTEST:

Gary Gross, Clerk to the Board

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$1,615,000.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the County of Dare, North Carolina (the "Unit"):

Section 1. The governing body of the Unit does hereby find and determine:

- a) The County of Dare proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");
- b) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c) Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d) RBC Bank (USA) ("RBC Bank (USA)") has proposed that RBC Bank (USA) enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Bank (USA) will lend the Unit the amount of \$1,615,000.00 (the "Contract") and a related Escrow Agreement between the Unit and RBC Bank (USA) (the "Escrow Agreement").

Section 2. The governing body of the Unit hereby authorizes and directs the County Manager and Finance Director to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County of Dare to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not

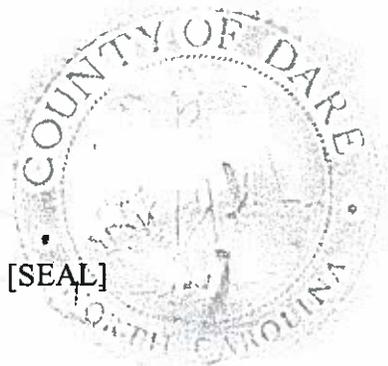
and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Bank (USA) in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Bank (USA).

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate more than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2012. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "non-bank qualified tax-exempt obligation" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 6th day of February, 2012.



Walter C. Judgett

Chairman, Board of County Commissioners

COUNTY OF DARE, NORTH CAROLINA

Amy Ann

Clerk to the Board

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of the Section 5310 program is to provide financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of elderly individuals and individuals with disabilities in all areas—urbanized, small urban, and rural; and

WHEREAS, the purpose of the Section 5316 program is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities; and

WHEREAS, the purpose of the Section 5317 program is to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the ADA of 1990 by providing funding assistance that supports new public transportation services and/or new public transportation alternatives beyond those required by the ADA; and

WHEREAS, NCDOT has been designated as the State agency with principal authority and responsibility for administering the Section 5310 program for all areas—urbanized, small urban, and rural; and

WHEREAS, NCDOT has been designated as the State agency with principal authority and responsibility for administering the Section 5316 and 5317 programs for small urban and rural areas; and

WHEREAS, (Legal Name of Applicant) _____ hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)* WARREN JUDGE, Chairman of (Name of Applicant's Governing Body) DARE COUNTY BOARD OF COMMISSIONERS is hereby authorized to submit a grant application for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide public transportation services.

I (Certifying Official's Name)* Gary Grass (Certifying Official's Title) Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) DARE COUNTY BOARD OF COMMISSIONERS duly held on the 17th day of JANUARY 2012.

Gary Grass
Signature of Certifying Official

Gary Grass, Clerk to the Board

Warren C. Judge
Signature of Authorized Official

Warren C. JUDGE, Chairman (Authorized Official)

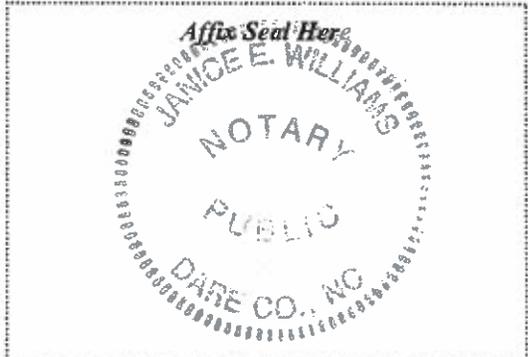
*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (date) January 17, 2012

Janice E. Williams
Notary Public*

Janice E. Williams
Manteo NC 27954
Printed Name and Address

My commission expires (date) 11-27-13



COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

**Section 5311
FY 2013 RESOLUTION**

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (Board Member's Name) _____ and seconded by (Board Member's Name or N/A, if not required) _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, (Legal Name of Applicant) Dare County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (WARREN JUDGE, CHAIRMAN) (Authorized Official's Title)* _____ Of (Name of Applicant's Governing Body) Dare County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (GARY GROSS) (Certifying Official's Name)* _____ (Clerk to the Board) (Certifying Official's Title) _____ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (DARE County Board of Commissioners) (Name of Applicant's Governing Board) _____ duly held on the 17th day of JANUARY 2012.

[Handwritten Signature: Gary Gross]

Signature of Certifying Official Gary Gross, Clerk to the Board

[Handwritten Signature: Warren C. Judge]

WARREN C. JUDGE, CHAIRMAN (Authorized Official)

*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (date) January 17, 2012

[Handwritten Signature: Janice E. Williams]
Notary Public *

Janice E. Williams
Manteo, NC 27954
Printed Name and Address

My commission expires (date) 11-27-13





COUNTY OF DARE

Office of the Board of Commissioners
P.O. Box 1000, Manteo, North Carolina 27954

Warren Judge
Chairman

Allen Burrus
Vice-Chairman

Virginia Tillet
Mike Johnson
Richard Johnson
Max Dutton
Jack Shea

(252) 475-5700
Fax (252) 473-6312

Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

R12-01-01

RESOLUTION SEEKING AMENDMENTS TO THE NC GENERAL STATUTE CONCERNING PROPERTY TAX EXEMPTIONS FOR CERTAIN HOMEOWNER ASSOCIATION PROPERTY

WHEREAS, it has come to the attention of the County of Dare that North Carolina General Statute 105-277.8 concerning property taxation of non-profit homeowners associations creates inequities and unfairness in the assessment and administration of the local property tax system; and

WHEREAS, certain property could be located in a local taxing jurisdiction, but owned by a nonprofit homeowners' associations outside the jurisdiction and escape taxation by the entity due to the strict application of NCGS 105-277.8; and

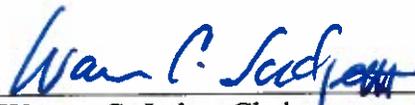
WHEREAS, the County of Dare seeks remedies to the unfairness brought about the NCGS 105-277.8 when applied to nonprofit homeowners associations located outside the taxing jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Dare County Board of Commissioners that they seek changes to NCGS 105-277.8 for property owned by nonprofit homeowners' associations where the association membership's property is outside the local taxing jurisdiction so as to apply the local property tax system equally and fairly so long as legislative change does not result in the double taxation of any property owned by a non-profit homeowners association; and that the County of Dare requests its members representatives to the North Carolina General Assembly introduce legislation correcting this inequity and unfairness in the property tax system; and that other local governments and agencies take similar action in support of this issue of fairness.

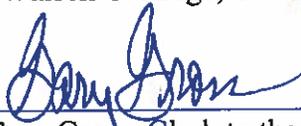
This the 17th day of January, 2012

Dare County Board of Commissioners

BY: _____


Warren C. Judge, Chairman

ATTEST: _____


Gary Gross, Clerk to the Board

