

## RESOLUTIONS – 2013

### ***Following the List of 2013 Resolutions in Chronological Order, Each Resolution Can Be Viewed in its Entirety***

- R13-01-01 Approving an Amendment to the Installment Purchase Contract with the Dare County Public Facilities Corporation and Related Matters (Jan 07)
- R13-01-02 Approval of Fire Insurance District for Southern Shores (Jan 07)
- R13-01-03 Authorizing Conveyance of Property, 1998 Fire Safety House (Jan 07)
- R13-01-04 Supporting Formation of a North Carolina Coastal Caucus (Jan 07)
- R13-01-05 Calling for Immediate Funding for the Dredging of Oregon Inlet (Jan 07)
- R13-01-06 Expressing Gratitude to the NCDOT Ferry Division (Jan 22)
- R13-01-07 Supporting Funding for Clean Water Management Trust Fund (Jan 22)
- R13-01-08 Supporting the Mid-Currituck Bridge (Jan 22)
- R13-01-09 Awarding Construction Contract for Building Sidewalks in Avon (Jan 22)
- R13-01-10 Awarding Construction Contract for Building Sidewalks in Rodanthe, Waves, Salvo (Jan 22)
- R13-02-11 Supporting NCACC Legislative Goals (Feb 04, 2013)
- R13-02-12 Second Resolution Awarding Construction Contract for Building Sidewalks in Rodanthe, Waves, Salvo [see R13-01-10] (Feb 18, 2013)
- R13-02-13 Authorizing Master Lease Agreement Related to the Award of FY2012-2013 Vehicle and Equipment Financing (Feb 18, 2013)
- R13-03-14 Approving Water Shortage Response Plan (Mar 04, 2013)
- R13-03-15 Supporting H.R. 819 Preserving Access to the Cape Hatteras National Seashore Recreational Area Act (Mar 04, 2013)
- R13-03-16 Concerning Appointment of Board Members to the LME Board for East Carolina Behavioral Health (Mar 04, 2013)
- R13-04-17 Removing and Appointing Review Officers (Apr 01, 2013)
- R13-04-18 Opposing the Subsurface Injection of Fracking Waste in Eastern North Carolina (Apr 01, 2013)
- R13-04-19 Opposing NC Senate Bill 224 That Would Permit Sunday Hunting (Apr 01, 2013)

- R13-04-20 To Maintain Funding for the Parks & Recreation Trust Fund (PARTF) (Apr 15, 2013)
- R13-04-21 Authorizing Purchase of EMS Cardiac Monitors Through Sole Source Purchase (Apr 15, 2013)
- R13-05-22 Supporting Continued State Funding for Museum of the Albemarle (May 06, 2013)
- R13-05-23 Requesting State Financial Assistance for Maintenance Dredging of Colington Harbour (May 06, 2013)
- R13-05-24 Opposing U.S. Fish & Wildlife Designation of Critical Habitat for Loggerhead Sea Turtles (May 06, 2013)
- R13-05-25 Supporting Senate Bill 352 – Black Bear Management (May 06, 2013)
- R13-05-26 Supporting Senate Bill 236 – School Property (May 20, 2013)
- R13-06-27 Supporting Continued State Funding for Roanoke Island Festival Park (Jun 03, 2013)
- R13-06-28 Repudiating Claim by State of Connecticut about Powered Flight by Gustave Whitehead (Jun 17, 2013)
- R13-07-29 Reimbursement FY2013-2014 Vehicle and Equipment Financing Project (Jul 15, 2013)
- R13-07-30 Authorizing Transportation Dept Application for NCDOT 5316 Grant (Jul 15, 2013)
- R13-07-31 Approving Refinancing by Salvo Volunteer Fire Department (Jul 15, 2013)
- R13-07-32 Adopting Supplement to the Dare County Code of Ordinances (Jul 15, 2013)
- R13-07-33 Implementing an Additional 1% Supplemental Occupancy Tax (Jul 15, 2013)
- R13-08-34 Governor’s Highway Safety Program grant for the Sheriff’s Office (Aug 19, 2013)
- R13-08-35 Reimbursement Resolution FY2013-14 Capital Improvements Plan Project Financing (Aug 19, 2013)
- R13-08-36 Reimbursement Resolution for addition to Manteo Elementary School (Aug 19, 2013)
- R13-08-37 Consolidating Health and Transportation Departments into the Dare County Consolidated Human Services Agency (Aug 19, 2013)

- R13-09-38 Declaring October 12, 2013 as Big Sweep Day (Sep 16, 2013)
- R13-09-39 Expressing gratitude to NCDOT for efforts related to the Bonner Bridge (Sep 16, 2013)
- R13-10-40 Authorizing Transportation Department Application for NCDOT CTP Grant (Oct 07, 2013)
- R13-10-41 Authorizing Transportation Department Application for NCDOT Human Service Transportation Funding (Oct 07, 2013)
- R13-10-42 Urging State of North Carolina to Petition the U.S. Government to reclaim Ownership of Oregon Inlet Fishing Center property (Oct 07, 2013)
- R13-10-43 Authorizing Transportation Department NCDOT 5310 Grant Application (October 21, 2013)
- R13-10-44 Adopting Northeast Regional Locally Coordinated Public Transportation Human Service Transportation Plan (October 21, 2013)
- R13-10-45 Supporting adoption of the Albemarle Regional Bicycle Plan (October 21, 2013)
- R13-11-46 Authorizing Transportation Dept NCDOT 5316 Grant Application (Nov 4, 2013)
- R13-11-47 Approving agreement with Outer Banks Dermatology for lease of County Owned property (Nov 4, 2013)
- R13-11-48 Consolidating Social Services into the Consolidated Human Services Agency (Nov 4, 2013)
- R13-12-49 Calling on the NC Department of Cultural Resources to stop all efforts to force Buzzy Lane residents from their homes (Dec 2, 2013)

### **FOLLOWING ARE THE 2013 RESOLUTIONS**

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

Scroll down to view all 2013 Resolutions



#13-12-49

**A RESOLUTION CALLING ON THE NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES  
TO STOP ALL EFFORTS TO FORCE THE RESIDENTS OF BUZZY LANE FROM THEIR HOMES**

**WHEREAS**, the Dare County Board of Commissioners is deeply concerned about the fate of families living on Buzzy Lane in Manteo, North Carolina who have homes located on property that is rented from the North Carolina Department of Cultural Resources; and

**WHEREAS**, these residents, have relied on promises made by the State of North Carolina that they could remain in their homes, until they chose to leave, or until their death; and

**WHEREAS**, the people on Buzzy Lane are retired senior citizens, including one over the age of 80, and others who suffer from chronic and debilitating illnesses; and

**WHEREAS**, the families living on Buzzy Lane have ordered their lives around a sacred and solemn promise made by the State of North Carolina that they could quietly and peacefully live out their retirement years peacefully without duress; and

**WHEREAS**, the North Carolina Department of Cultural Resources has informed residents that they must now vacate their family homes by March 1, 2014 in direct violation of the promises that have been made to these hard working North Carolinians; and

**WHEREAS**, these families do not have the resources to cover the expenses associated with obtaining a new residence or the ability to survive the consequences of having their lives needlessly uprooted by this cruel and heartless action of the North Carolina Department of Cultural Resources.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners stands unwaveringly with the residents of Buzzy Lane and calls on the Department of Cultural Resources to cease and desist from any and all threats, coercion, bullying, or eviction of these valued senior citizens from their homes.

**BE IT FURTHER RESOLVED**, that the Dare County Board of Commissioners objects in the strongest possible terms to any effort by the North Carolina Department of Cultural Resources to run roughshod over these cherished people who deserve to live out the rest of their retirement lives in peace in keeping with the promises that were made to them by the State of North Carolina.

This the 2<sup>nd</sup> day of December, 2013

  
\_\_\_\_\_  
Warren C. Judge, Chairman

Attest:   
\_\_\_\_\_  
Gary Gross, Clerk to the Board





#13-11-48

**A RESOLUTION CONSOLIDATING THE DARE  
COUNTY DEPARTMENT OF SOCIAL SERVICES INTO THE  
DARE COUNTY CONSOLIDATED HUMAN SERVICES AGENCY**

**WHEREAS**, pursuant to the provisions of NCGS 153A-77 Dare County has previously consolidated its Health Department and its Transportation Department into the Dare County Consolidated Human Services Agency; and

**WHEREAS**, The Dare County Department of Social Services is a human services agency eligible for consolidation under the provisions of NCGS 153A-77; and

**WHEREAS**, the Dare County Department of Social Services Board, the Dare County Consolidated Human Services Agency Board and the Dare County Board of Commissioners find that consolidating the Dare County Department of Social Services into the Dare County Consolidated Human Services Agency is beneficial to the Dare County Department of Social Services and its staff, to the Dare County Consolidated Human Services Agency and its staff, to Dare County and to the citizens of Dare County; and

**WHEREAS**, the Dare County Department Social Services Board, the Dare County Consolidated Human Services Board and the Dare County Board of Commissioners, pursuant to the provisions of NCGS 153A-77, find that upon such consolidation it is in the best interest of the Dare County Department of Social Services and its staff, the Dare County Consolidated Human Services Agency and its staff, Dare County and the citizens of Dare County that the current members of the Dare County Department of Social Services Board be appointed to the Dare Consolidated Human Services Board; that the Dare Consolidated Human Services Agency Board shall serve as the policy making, rulemaking, and administrative board of the Dare County Consolidated Human Services Agency; and that the Dare County Consolidated Human Services Agency and its staff, including the staff of the Dare Department of Social Services, operate under the personnel policies of Dare County, subject to the nine principles of the Federal Merit System, and work at the direction of and under the supervision of the County Manager; and

**WHEREAS**, the Dare County Consolidated Human Services Agency Board and the Dare County Board of Commissioners find that it is in the best interest of the Dare County Department of Transportation and its staff, Dare County and the citizens of Dare County that the Dare County Department of Transportation be transferred from the supervision of the Dare County Consolidated Human Services Agency to the supervision of the Dare County Public Services Department.

**NOW THEREFORE BE IT RESOLVED** that the Dare County Board of Commissioners, pursuant to the provisions of NCGS 153A-77, effective the date hereof, does hereby:

1. Assume all powers, responsibilities, and duties of the Dare County Department of Social Services Board and delegate all of the powers and duties set forth under the provisions of NCGS 153A-77(d) to the Dare County Consolidated Human Services Agency Board;
2. Consolidate the Dare County Department of Social Services into the Dare County Consolidated Human Services Agency;
3. Appoint all current members of the Dare County Department of Social Services Board to serve on the Dare County Consolidated Human Services Agency Board;
4. Direct that all staff of the Dare County Department of Social Services operate under the personnel policies of Dare County, subject to the nine principles of the Federal Merit System, and work at the direction of and under the supervision of the County Manager.
5. Assign the Dare County Transportation Department to the supervision of the Dare County Public Services Department.

Adopted by the Dare County Board of Commissioners this the 4<sup>th</sup> day of November 2013.



Warren C. Judge, Chairman  
Dare County Board of Commissioners

ATTEST:



Gary Gross, Clerk to the Board





#13-11-47

**RESOLUTION APPROVING LEASE AGREEMENT BETWEEN  
OUTER BANKS DERMATOLOGY, P.A. AND  
DARE COUNTY FOR A PERIOD OF UP TO TEN YEARS**

WHEREAS, the County of Dare owns office space located at 2514 S. Croatan Highway, Nags Head in Dare County, North Carolina consisting of approximately 4674 square feet and has determined that the space shall not be needed by the county during the term of the lease set forth below; and

WHEREAS, the County of Dare and Outer Banks Dermatology, P.A. have agreed upon a lease under which Outer Banks Dermatology, P.A. will lease the county's office space for a term of three years beginning December 1, 2013, with the right to renew the lease for two additional terms of three years; and

WHEREAS, North Carolina General Statute 160A-272 authorizes the county to enter into leases of up to 10 years upon resolution of the county commissioners adopted at a regular meeting after 10 days' public notice; and

WHEREAS, the required notice has been published and the Dare County Board of Commissioners is convened in a regular meeting;

THEREFORE, THE DARE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

The Dare County Board of Commissioners approves lease of the county property described above to Outer Banks Dermatology, P.A. for three years, with the lessee holding a right to renew for two additional three year periods, and directs the County Manager to execute any instruments necessary to the lease.

Adopted the 4<sup>th</sup> day of November, 2013.



Warren Judge, Chairman, Dare County Board of Commissioners

Attest:

Gary Gross, Clerk to the Board

PUBLIC TRANSPORTATION PROGRAM RESOLUTION # 13-11-46

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Status 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 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 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 principle authority and responsibility for administering the Section 5316 and 5317 programs for small urban and rural areas; and

WHEREAS, (Legal Name of Applicant) Dare County hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all small 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 of the Dare County Board of Commissioners is hereby authorized to submit a grant 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 GROSS (Certifying Official's Title) Clark to the Board do hereby certify that the above is true and correct copy of an excerpt from the minutes of a meeting of the Dare County Board of Commissioners duly held on the 4th day of November, 2013.

[Signature]  
Signature of Certifying Official

11/4/13  
Date

[Signature]  
WARREN C. JUDGE, CHAIRMAN

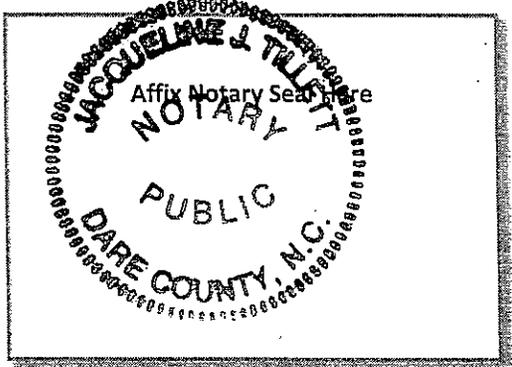
\*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (date) November 4, 2013

Notary Public Signature [Signature]

Jacqueline J. Tillett  
Printed Name and Address

My commission expires (date) 11/3/2018





#13-10-45

**A RESOLUTION SUPPORTING  
ADOPTION OF THE ALBEMARLE  
REGIONAL BICYCLE PLAN**

**WHEREAS**, the Albemarle Commission and Albemarle RPO, participating local governments, and its subcontractor Alta/Greenways, has prepared the Albemarle Regional Bicycle Plan (the Plan) and;

**WHEREAS**, the purpose of the Plan is to study the feasibility of establishing an interconnected network of off-road and on-road bicycle facilities throughout the entire Albemarle region and;

**WHEREAS**, the proposed bicycle network include lands located within the multiple counties and municipalities of the Albemarle Region including Dare County, and;

**WHEREAS**, the Plan process involved public participation, and;

**WHEREAS**, the Plan was financed by a North Carolina Department of Transportation grant.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Dare County Board of Commissioners that

The Plan and related materials are acceptable and;

- a. The Plan and related materials will be used to guide future bicycle transportation development, operations, and maintenance.



Warren C. Judge, Chairman



Date

SEAL:



ATTEST:



Gary Gross, Clerk to the Board

**RESOLUTION ADOPTING NORTHEAST REGIONAL LOCALLY COORDINATED PUBLIC  
TRANSPORTATION HUMAN SERVICE TRANSPORTATION PLAN**

A motion was made by <sup>COMMISSIONER JACK SHEA</sup> (Board Member's Name) \_\_\_\_\_ and seconded by <sup>COMMISSIONERS Max Dutton + Allen Burnis</sup> (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, the federal SAFETEA-LU transportation authorization passed by Congress in 2005 and the current transportation authorization, MAP-21 passed by Congress in 2012 requires a, 'locally developed, coordinated public transportation human services transportation plan' intended to improve the transportation services for person with disabilities, individuals who are elderly, and individuals with lower incomes; and

WHEREAS, the Albermarle, Mid-East and the Peanut Belt Rural Planning Organizations assumed the role of lead agency for coordinating and preparing the plan to ensure eligibility of funds that require adoption of said plan; and

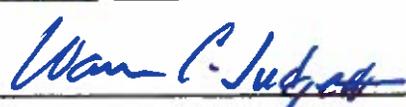
WHEREAS, Albermarle, Mid-East and the Peanut Belt Rural Planning Organizations held workshops on March 19<sup>th</sup>, June 4<sup>th</sup> & 5<sup>th</sup> 2013 that included representatives from human services providers and advocates, special transportation providers, and others concerned with transportation for Bertie, Dare, Halifax, Hertford and Northampton Counties

WHEREAS, Albermarle, Mid-East and the Peanut Belt Rural Planning Organizations has created summaries of special transportation needs, and the various existing transportation programs, services, and other assets for transportation disadvantaged groups necessary for development of the Coordinated Human Service Transportation Plan for Albemarle Regional Health Services;

NOW, THEREFORE, IT BE RESOLVED that the Dare County Governing Board hereby adopts the Northeast Regional Locally Coordinated Human Service Transportation Plan.

I (Certifying Official's Name)\* Gary Gross, 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 duly held on the 21<sup>st</sup> day of October, 2013.

  
Signature of Certifying Official Gary Gross, Clerk to the Board

  
WARREN C. JUDGES, CHAIRMAN

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

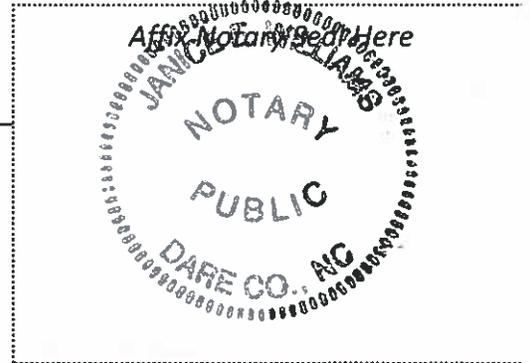
Seal Subscribed and sworn to me (date) 10/21/13

Janice E. Williams  
Notary Public \*

Janice E. Williams

Manteo NC  
Printed Name and Address

My commission expires (date) 11-27-18



**PUBLIC TRANSPORTATION PROGRAM RESOLUTION**

#13-10-43

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Status 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 improve mobility for seniors and individuals with disabilities throughout the country, by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all area.

WHEREAS, NCDOT has been designated as the State agency with principle authority and responsibility for administering the Section 5310 Program for small urbanized and rural areas; and

WHEREAS, (Legal Name of Applicant) Dare County hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all small 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)\* CHAIRMAN of (Name of Applicant's Governing Body) Dare County is hereby authorized to submit a grant 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 Gross (Certifying Official's Title)\* Clerk to the Board do hereby certify that the above is 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 21<sup>st</sup> day of October 2013

*[Handwritten Signature: Gary Gross]*

Signature of Certifying Official Gary Gross, Clerk to the Board

October 21, 2013

Date

*[Handwritten Signature: Warren C. Judge]*

Warren C. Judge, Chairman

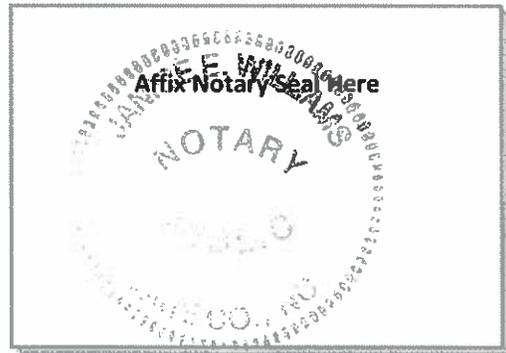
\*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (date) 10/21/13

Notary Public Signature Janice E. Williams

Printed Name and Address Janice E Williams Mankto NC

My commission expires (date) 11-27-18





#13-10-42

**A RESOLUTION URGING THE STATE OF NORTH CAROLINA TO PETITION  
THE UNITED STATES GOVERNMENT TO RECLAIM OWNERSHIP  
OF THE OREGON INLET FISHING CENTER PROPERTY**

**WHEREAS**, the Oregon Inlet Fishing Center serves as a hub of commerce that is vital to the economic health and stability of Dare County and northeastern North Carolina and represents a vital part of the area's tourism infrastructure; and

**WHEREAS**, Dare County's residents and visitors depend upon the Oregon Inlet Fishing Center to provide a safe and reliable location for charter boat operations, fishing, boating, and recreational supplies, head boat operations, and other much needed services; and

**WHEREAS**, in order to sustain recreational tourism, the services of the Oregon Inlet Fishing Center are needed on a reliable and predictable full time basis; and

**WHEREAS**, residents and visitors and the businesses that depend upon the Oregon Inlet Fishing Center suffer irreparable harm when the United States Government is unable to effectively manage the facility using National Park Service personnel; and

**WHEREAS**, the current instability of the Oregon Inlet Fishing Center severely disrupts the local business environment and causes boat owners, captains, and the general public to lose confidence in the facility as a viable and sustainable operation; and

**WHEREAS**, Dare County has the capability and willingness to competently manage the site and provide law enforcement and other operational services in a way that will provide confidence, bolster the regional economy, and assure a positive experience for all those who depend upon the Oregon Inlet Fishing Center.

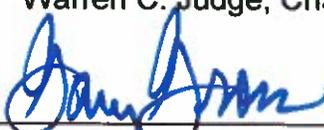
**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners strongly urges the State of North Carolina to petition the United States Government to reclaim ownership of the Oregon Inlet Fishing Center property, except for the Coast Guard station, as a way to assure the site's long term viability and economic success.

This the 7<sup>th</sup> day of October, 2013



Attest:

  
Warren C. Judge, Chairman

  
Gary Gross, Clerk to the Board

**HUMAN SERVICE AGENCY TRANSPORTATION RESOLUTION**

State Funds

13-10-41

**FY 2015 RESOLUTION**

Applicant seeking permission to apply for Human Service Transportation 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 COMMISSIONER SUGA (Board Member's Name) and seconded by COMMISSIONERS DUTTON AND OVERMAN (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 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; 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, and all administrative requirements related to the applications made to and grants received from the North Carolina Department of Transportation;

NOW, THEREFORE, be it resolved that the CHAIRMAN (Authorized Official's Title)\* the Dare County Board of Commissioners of (Name of Applicant's Governing Body) is hereby authorized to submit a grant application for 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 7<sup>th</sup> day of October, 2013.

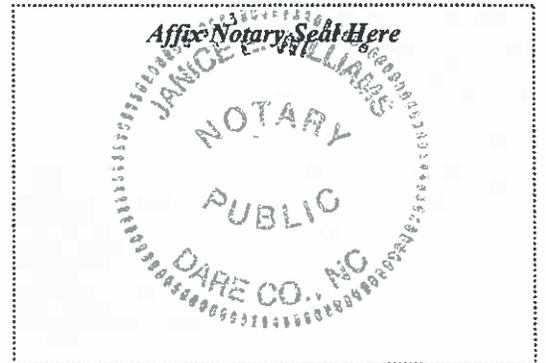
Gary Gross  
Signature of Certifying Official Gary Gross, Clerk to the Board

Warren C. Judge  
WARREN C. JUDGE, CHAIRMAN

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

Sea/ Subscribed and sworn to me (date) 10/7/13  
Janice E. Williams  
Notary Public\*  
Janice E. Williams  
Manteo NC. 27954  
Printed Name and Address

My commission expires (date) 11-27-18



**COMMUNITY TRANSPORTATION PROGRAM RESOLUTION**

**Section 5311  
FY 2015 RESOLUTION**

# 13-10-40

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 Commissioner SHEA and seconded by Commissioners DUTTON AND OVERTMAN 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 CHAIRMAN of 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 (*Certifying Official's Name*)\* GARY GROSS (*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 7<sup>th</sup> day of October, 2013.

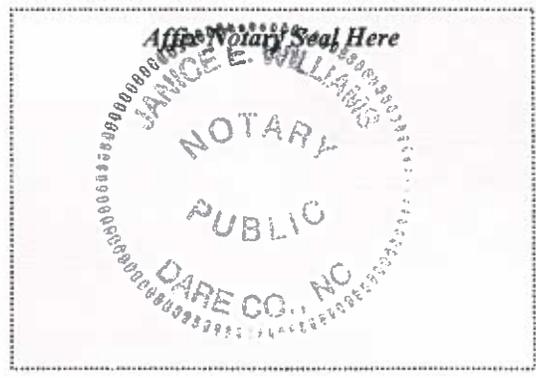
[Signature]  
Signature of Certifying Official: GARY GROSS, CLERK TO THE BOARD

[Signature]  
WARREN C. JUDGE, CHAIRMAN

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

Seal Subscribed and sworn to me (date) 10/7/13  
Janice E. Williams  
Notary Public\*  
Janice E Williams  
Manteo NC 27954  
Printed Name and Address

My commission expires (date) 11-27-18





13-09-39

**A RESOLUTION EXPRESSING GRATITUDE FOR THE EFFORTS OF NCDOT  
IN STEADFASTLY PURSUING REPLACEMENT  
OF THE HERBERT C. BONNER BRIDGE**

**WHEREAS**, the Herbert C. Bonner Bridge is a vital transportation link that connects Hatteras Island with the remainder of Dare County; and

**WHEREAS**, today's favorable court ruling clears a major legal hurdle faced by the North Carolina Department of Transportation (NCDOT) in their effort to begin construction on the long overdue replacement of the Herbert C. Bonner Bridge, and

**WHEREAS**, throughout the long struggle to replace the aging bridge, NCDOT's leadership has been a stalwart advocate on behalf of the residents and visitors of Dare County; and

**WHEREAS**, under the leadership of Governor Pat McCrory; NCDOT Secretary Tony Tata and Chief Deputy Secretary of Operations James Trogon have faithfully guided a dedicated staff of committed professionals including engineers, planners, and attorneys who have worked tirelessly in pursuing an expeditious replacement for the aging Herbert C. Bonner Bridge, and

**WHEREAS**, the diligence, professionalism, perseverance, and competence of the NCDOT staff has been demonstrated throughout the entire Bonner Bridge replacement process and witnessed most recently in its interaction with the United States District Court that led to today's ruling; and

**WHEREAS**, the praiseworthy efforts of NCDOT in working to establish a reliable land link with Hatteras Island have made a lasting contribution to the life, health, and welfare of every resident and visitor by improving public safety, increasing educational opportunities, and promoting employment and economic development.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners expresses its heartfelt gratitude for Governor McCrory, Secretary Tata, James Trogon, and the dedicated staff of NCDOT for their diligence and conscientious efforts on behalf of the residents and visitors of Dare County.

This the 16<sup>th</sup> day of September, 2013



Warren C. Judge, Chairman

Attest:

Gary Gross, Clerk to the Board



13-09-39

**A RESOLUTION EXPRESSING GRATITUDE FOR THE EFFORTS OF NCDOT  
IN STEADFASTLY PURSUING REPLACEMENT  
OF THE HERBERT C. BONNER BRIDGE**

**WHEREAS**, the Herbert C. Bonner Bridge is a vital transportation link that connects Hatteras Island with the remainder of Dare County; and

**WHEREAS**, today's favorable court ruling clears a major legal hurdle faced by the North Carolina Department of Transportation (NCDOT) in their effort to begin construction on the long overdue replacement of the Herbert C. Bonner Bridge, and

**WHEREAS**, throughout the long struggle to replace the aging bridge, NCDOT's leadership has been a stalwart advocate on behalf of the residents and visitors of Dare County; and

**WHEREAS**, under the leadership of Governor Pat McCrory; NCDOT Secretary Tony Tata and Chief Deputy Secretary of Operations James Trogon have faithfully guided a dedicated staff of committed professionals including engineers, planners, and attorneys who have worked tirelessly in pursuing an expeditious replacement for the aging Herbert C. Bonner Bridge, and

**WHEREAS**, the diligence, professionalism, perseverance, and competence of the NCDOT staff has been demonstrated throughout the entire Bonner Bridge replacement process and witnessed most recently in its interaction with the United States District Court that led to today's ruling; and

**WHEREAS**, the praiseworthy efforts of NCDOT in working to establish a reliable land link with Hatteras Island have made a lasting contribution to the life, health, and welfare of every resident and visitor by improving public safety, increasing educational opportunities, and promoting employment and economic development.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners expresses its heartfelt gratitude for Governor McCrory, Secretary Tata, James Trogon, and the dedicated staff of NCDOT for their diligence and conscientious efforts on behalf of the residents and visitors of Dare County.

This the 16<sup>th</sup> day of September, 2013



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

Richard Johnson  
Vice-Chairman

Allen Burrus  
Virginia Tillet  
Max Dutton  
Jack Shea  
Robert Woodard

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

Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

# 13-09-38

**A RESOLUTION  
OF THE DARE COUNTY BOARD OF COMMISSIONERS  
DECLARING OCTOBER 12, 2013 AS  
DARE COUNTY BIG SWEEP 2013 DAY**

**WHEREAS**, Dare County is rich in natural resources and beauty; and

**WHEREAS**, water is a basic and essential need for all life; and,

**WHEREAS**, trash fouls our waterways as well as our landscapes; and,

**WHEREAS**, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings;

**WHEREAS**, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes;

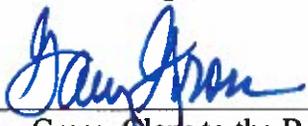
**WHEREAS**, during its first twenty five years, North Carolina Big Sweep volunteers have retrieved over 10 million pounds of debris from our environment, including tires, white goods and other solid waste;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Dare County, North Carolina, meeting on September 16, 2013, does hereby declare October 12, 2013 as DARE COUNTY BIG SWEEP 2013 DAY in Dare County, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our waterways by volunteering to participate in the annual Big Sweep event.

This the 16<sup>th</sup> day of September, 2013



  
Warren C. Judge, Chairman

Attest:   
Gary Gross, Clerk to the Board



#13-08-37

**A RESOLUTION CONSOLIDATING THE DARE  
COUNTY DEPARTMENT OF HEALTH AND THE DARE COUNTY  
TRANSPORTATION DEPARTMENT INTO THE DARE COUNTY  
CONSOLIDATED HUMAN SERVICES AGENCY**

WHEREAS; the Dare County Health Department and the Dare County Transportation Department are both human services agencies eligible for consolidation under the provisions of NCGS 153A-77; and

WHEREAS, the Dare County Board of Health and the Dare County Board of Commissioners find that consolidating the Dare County Health Department and the Dare County Transportation Department into a Consolidated Human Services Agency is beneficial to the Dare County Health Department and its staff, the Dare County Transportation Department and its staff and the citizens of Dare County; and

WHEREAS, the Dare County Board of Health and the Dare County Board of Commissioners pursuant to the provisions of NCGS 153A-77 find that upon such consolidation it is in the best interest of the Dare County Health Department and its staff, the Dare County Transportation Department and its staff and the citizens of Dare County that a Consolidated Human Services Board be created to serve as the policy making, rulemaking, and administrative board of the Consolidated Human Services Agency; and that the Consolidated Human Services Director and Health Department staff operate under the personnel policies of Dare County, subject to the nine principles of the Federal Merit System, and work at the direction of and under the supervision of the County Manager; and

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners, pursuant to the provisions of NCGS 153A-77, effective the date hereof, does hereby:

1. Assume all powers, responsibilities, and duties of the Dare County Board of Health, Consolidate the Dare County Health Department and the Dare County Transportation Department into the Dare County Consolidated Human Services Agency, and create the Dare County Consolidated Human Services Board.
2. Appoint a nominating committee comprised of members of the preconsolidation board of health, social services board and area mental health board to nominate members to serve on the Dare County Consolidated Human Services Board;
3. Upon appointment, delegate to the Consolidated Human Services Board all of the powers and duties set forth under the provisions of NCGS 153A-77(d);
4. Direct the County Manager to appoint a Consolidated Human Services Director to be supervised by the County Manager under the provisions of NCGS 153A-77(e)

5. Direct that the Dare County Health Department staff operate under the personnel policies of Dare County, subject to the nine principles of the Federal Merit System.

Adopted by the Dare County Board of Commissioners this the 19<sup>th</sup> day of August 2013.



Warren Judge, Chairman  
Dare County Board of Commissioners



ATTEST:

Gary Gross  
Clerk to the Board

(SEAL)



**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 19, 2013 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 Richard Johnson, Commissioners: Allen Burrus, Virginia Tillet, Max Dutton, Jack Shea, and Robert Woodard.

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  
ADDITION TO MANTEO ELEMENTARY SCHOOL 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 demolish the Old Alternative School on the site of Manteo Elementary School and construct, equip and furnish an addition to Manteo Elementary School (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 Project 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 Project is approximately \$3,015,000.

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.

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 19, 2013, 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 19th day of August, 2013.

(SEAL)



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

**REIMBURSEMENT RESOLUTION – FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENTS PLAN PROJECT FINANCING**

**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:

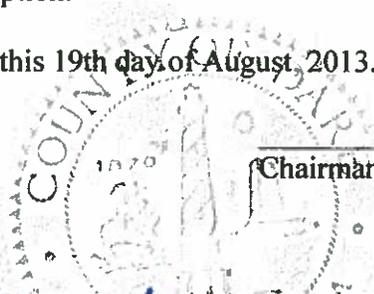
**Section 1.** The project is the financing of the acquisition of vehicles and equipment as identified in the fiscal year 2013-2014 Capital Improvements Plan.

**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 \$806,156.

**Section 3.** The County presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the County from the Capital Projects 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 19th day of August, 2013.



*Warr C. Judson*

Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA

*Sam Stone*

Clerk to the Board





#13-07-33

## A RESOLUTION IMPLEMENTING SUPPLEMENTAL OCCUPANCY TAX

**WHEREAS**, the General Assembly of North Carolina under the provisions of Senate Bill 1298, Session Law 2010-78, Section 7 has authorized the Dare County Board of Commissioners to levy an additional supplemental room occupancy tax of 1% of the gross receipts derived from the rental of any room, lodging, or similar accommodations subject to sales tax under G.S.105-164.4(a)(3) and campsites located in Dare County; and

**WHEREAS**, the net proceeds of the 1% tax are required to be used for beach nourishment; and

**WHEREAS**, the Dare County Board of Commissioners desires to levy the said additional 1% supplemental occupancy tax, such levy to become effective on the 1<sup>st</sup> day of January, 2014.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners at its July 15, 2013 regular meeting voted to levy the additional 1% supplemental occupancy tax described above, effective on the 1<sup>st</sup> day of January, 2014.

Adopted this the 15<sup>th</sup> day of July, 2013.



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

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

**Warren Judge**  
Chairman

#13-07-32

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

**Richard Johnson**  
Vice-Chairman

**Robert L. Outten**  
County Manager/Attorney

**Allen Burrus**  
**Virginia Tillett**  
**Max Dutton**  
**Jack Shea**  
**Robert Woodard**

**Gary Gross**  
Clerk to the Board

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2013 S-6 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

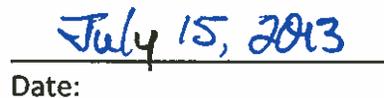
WHEREAS, it is the intent of the Dare County Board of Commissioners to accept these updated sections in accordance with the changes in the law of the State of North Carolina; and

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;

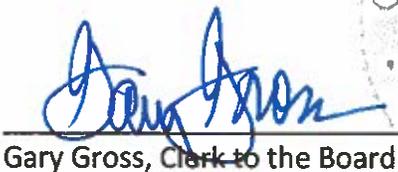
NOW THEREFORE BE IT ORDAINED BY THE DARE COUNTY BOARD OF COMMISSIONERS

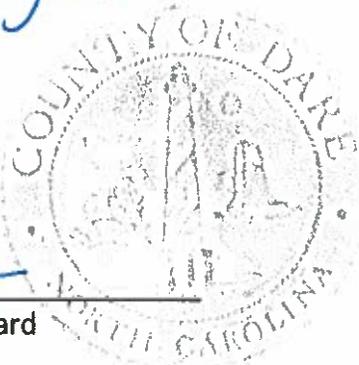
1. That the 2013 S-6 supplement to the County of Dare Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and attached hereto, be and the same is hereby adopted by reference as if set out in its entirety,
2. Such supplement shall be deemed published as of the 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

  
Date:

SEAL:

  
Gary Gross, Clerk to the Board



**Resolution Approving the Financing by Salvo Volunteer Fire Department, Inc. Of up to \$1,000,000 For the Re-Financing of it's Fire Station and Ladder Truck**

**WHEREAS:**

Salvo Volunteer Fire Department, Inc. has determined to finance an amount of up to \$1,000,000 for the refinancing of it's current loans on it's Fire Station and Pierce Ladder truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The Fire Department has held a public hearing on the financing after published notice, as required by the Code. The Fire Department has reported the proceedings of the hearing to this Board.

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

The County approves the Fire Department's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

\*\*\*\*\*

I hereby certify that the foregoing resolution was duly adopted at a meeting of the Dare County Board of Commissioners duly called and held on July 15, 2013, and that a quorum was present and acting throughout such meeting. Such resolution remains in full effect as of today.

Dated this 15<sup>th</sup> day of July, 2013.

[SEAL]



*[Signature]*  
Clerk, Board of Commissioners  
Dare County, North Carolina

**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) Dare County 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)\* 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 (GARY GROSS, Clerk to the Board) (Certifying Official's Name)\* (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 (Name of Applicant's Governing Board) Dare County Board of Commissioners duly held on the 15<sup>th</sup> day of July, 2013.

[Signature]  
Signature of Certifying Official GARY GROSS, Clerk to the Board

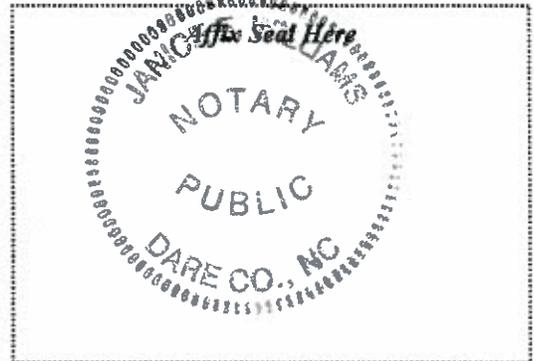
[Signature]  
WARREN C. JUDGE, CHAIRMAN

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

Seal Subscribed and sworn to me (date) July 16, 2013

[Signature]  
Notary Public \*  
Janice E Williams  
Manteo NC  
Printed Name and Address

My commission expires (date) 11-27-13



**Resolution No. 13-07-29**

**REIMBURSEMENT RESOLUTION – FISCAL YEAR 2013-2014 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 2013-2014 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 \$1,825,925.

**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.

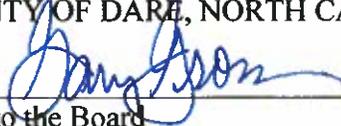
**Section 4.** This Resolution shall become effective immediately upon the date of its adoption.

Adopted this 15th day of July, 2013.

  
\_\_\_\_\_  
Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA

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





# COUNTY OF DARE

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

Warren Judge  
Chairman

Richard Johnson  
Vice-Chairman

Allen Burrus  
Virginia Tillett  
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Robert Woodard

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

Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-06-28

**A RESOLUTION REPUDIATING THE CLAIM BY THE STATE OF CONNECTICUT THAT GUSTAVE WHITEHEAD SUCCESSFULLY FLEW A POWERED, HEAVIER THAN AIR MACHINE OF HIS OWN DESIGN ON THE 14TH DAY OF AUGUST 1901, OR ON ANY OTHER DATE, AND INVITING THE PEOPLE OF CONNECTICUT TO LEARN THE TRUTH BY VISITING AMERICA'S NATIONAL HISTORICAL SITES IN NORTH CAROLINA AND OHIO, AND CONNECTICUT'S AEROSPACE INDUSTRY TO RELOCATE.**

**WHEREAS**, from time to time some individuals, publishers and lawmakers revive the claim that Gustave Whitehead (1874-1927), a Bavarian who immigrated to Connecticut, made a sustained, powered flight in a heavier-than-air machine at Bridgeport on August 14, 1901, two years before the Wright brothers of Dayton, Ohio flew on December 17, 1903 at Kitty Hawk, North Carolina; and

**WHEREAS**, the Connecticut Senate on June 5, 2013, approved House Bill 6671, "An Act Concerning Government Administration"; and

**WHEREAS**, the bill replaces the Wright brothers with Gustave Whitehead as the person to be honored for the first powered flight on Connecticut's Powered Flight Day each year; and

**WHEREAS**, Connecticut HB 6671 provides no evidence that Gustave Whitehead ever designed, built and flew a successful powered flying machine; and

**WHEREAS**, scholarly research by respected and academically credentialed historians over many decades have found no evidence to substantiate the Whitehead claims; and

**WHEREAS**, a recently publicized digital image, purported to be an enhanced copy of a photograph that shows Gustave Whitehead's 1901 machine in flight, reveals only a murky blob; and

**WHEREAS**, the North Carolina General Assembly previously repudiated a similar claim in 1985; and

**WHEREAS**, the states of North Carolina and Ohio share and cherish the legacy of the Wright brothers, who lived and built the airplane in Dayton and made their first powered flights on December 17, 1903 at Kitty Hawk; and

**WHEREAS**, America's National Park Service preserves the factual history of the invention of the airplane and the first powered flights in the Wright Brothers National Memorial at Kill Devil Hills, North Carolina and the Dayton Aviation Heritage National Historical Park and the National Aviation Heritage Area in southwestern Ohio; and

**WHEREAS**, Connecticut ranked sixth among U.S. states in aerospace and defense jobs in 2010, fourth in percentage of total state GDP contributed by aerospace and defense, and third in aerospace and defense exports, according to a 2012 Deloitte LLP study; and

**WHEREAS**, aerospace company executives, managers and workers who contribute so much to their state's economy deserve a government that respects their aviation heritage and does not attempt to legislate history:

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

Section 1. (a) Gustave Whitehead did not fly a powered, heavier than air machine of his own design on the 14th day of August 1901, or on any other date.

(b) The states of North Carolina and Ohio invite the citizens of Connecticut to learn the truth about the invention of the airplane and the first powered flights by visiting the Wright Brothers National Memorial in North Carolina and the Dayton Aviation Heritage National Historical Park and the National Aviation Heritage Area in Ohio.

(c) The states of North Carolina and Ohio invite the aerospace companies in Connecticut to relocate to either or both of our states, where we build on the legacy of the Wright brothers to create the future of aviation and aerospace.

This the 17<sup>th</sup> day of June 2013



  
Warren C. Judge, Chairman

Attest:   
Gary Gross, Clerk to the Board



#13-06-27

**A RESOLUTION SUPPORTING CONTINUED STATE FUNDING  
FOR ROANOKE ISLAND FESTIVAL PARK**

**WHEREAS**, Roanoke Island Festival Park, under the auspices of the Roanoke Island Commission, operates many of the key historical landmarks on the Outer Banks of North Carolina; and

**WHEREAS**, among the historical and cultural attractions at Roanoke Island Festival Park is the Elizabeth II, a 16<sup>th</sup> century representative ship that provides residents and visitors a unique opportunity to learn about the first English settlement in the brave new world; and

**WHEREAS**, Roanoke Island Festival Park through the Park's American Indian Town and Settlement Site furthers an appreciation for the early beginnings of North Carolina and how the first settlers interacted with Native Americans; and

**WHEREAS**, the dedicated and talented staff of the Roanoke Island Festival Park use period dress and dialect to create a unique visitor experience and cultivate an appreciation for North Carolina's culture, heritage, and history; and

**WHEREAS**, the Performing Arts Series at Roanoke Island Festival Park provides quality family entertainment to enrich the lives of residents and visitors through dance, drama, music, and programming especially designed for children.

**WHEREAS**, the Roanoke Island Festival Park is a regional resource center that features historically significant attractions providing unique opportunities for inquiry and learning in an efficient and cost effective way; and

**WHEREAS**, continued State funding is needed to preserve the many historic and cultural attractions at the Roanoke Island Festival Park, which have successfully promoted tourism development and economic benefit to North Carolina.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners supports continued State funding for the operation of the Roanoke Island Festival Park and requests the Governor and General Assembly to include full funding in the State's 2013-14 budget for the Roanoke Island Festival Park.

This the 3<sup>rd</sup> day of June, 2013



  
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

Richard Johnson  
Vice-Chairman

Allen Burrus  
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Robert Woodard

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Fax (252) 473-6312

Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

Resolution # 13-05-26

**RESOLUTION SUPPORTING SENATE BILL 236**  
**“AN ACT AUTHORIZING COUNTIES TO ASSUME RESPONSIBILITY FOR**  
**CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF**  
**PUBLIC SCHOOLS PROPERTY”**

**WHEREAS**, North Carolina Senate Bill 236 would serve the public interest by giving the County Board of Commissioners the option to manage school resources to meet current and future school needs, and

**WHEREAS**, Senate Bill 236 would give the Board of Commissioners an option, should the need arise, to assume responsibility for public school property at a cost savings to the taxpayer, and

**WHEREAS**, the option provided by Senate Bill 236 would allow Counties to take responsibility for school buildings, not the classroom curriculum, thereby allowing school board members to focus on their vital mission of educating students instead of real estate and construction, and

**WHEREAS**, the authority granted in Senate Bill 236 would be helpful to Dare County by giving Dare County additional options in managing taxpayer resources to meet current and future school needs.

**NOW THEREFORE BE IT RESOLVED**, that the Dare County Board of Commissioners supports Senate Bill 236 and requests that the North Carolina Senate add Dare County as one of the counties to which this bill will apply.

This the 20<sup>th</sup> day of May, 2013

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

Richard Johnson  
Vice-Chairman

Allen Burrus  
Virginia Tillet

Max Dutton

Jack Shea

Robert Woodard

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

Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-05-25

## Resolution

### Supporting Senate Bill 352 – Black Bear Management

**WHEREAS**, Senate Bill 352 – A BILL TO BE ENTITLED “AN ACT TO ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND TO AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT” sponsored by Senators Brown and Newton has been presented to the North Carolina General Assembly – Session 2013 for approval; and

**WHEREAS**, Section 2. G.S. 113-291.1(b) [Edition 1 - (2) lines 18 – 21] reads as rewritten: No black bear may be taken with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait, except as provided by the rules of the Wildlife Resources Commission; and

**WHEREAS**, Sections 1 and 4 of this act become effective July 1, 2014 and the remainder of this act is effective when it becomes law; and,

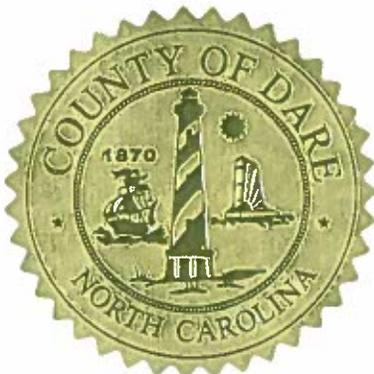
**WHEREAS**, recreational hunting is important to the economy of North Carolina; and

**WHEREAS**, the Dare County Board of Commissioners supports transfer of control of black bear hunting in the State to the North Carolina Wildlife Resources Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Dare County Board of Commissioners supports a Bill To Be Entitled “An Act To Establish A Black Bear Management Stamp That Must Be Procured Before Taking Bear Within The State And To Amend The Law Restricting The Taking Of Black Bear With Bait.”

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to the Honorable Pat McCrory, NC Governor and the Dare County Legislative Delegation to the North Carolina General Assembly.

Adopted this the 6<sup>th</sup> day of May, 2013,



  
Warren C. Judge, Chairman

Attest:

  
Gary Gross, Clerk to the Board



#13-05-24

**RESOLUTION OPPOSING THE UNITED STATES FISH & WILDLIFE SERVICE'S  
PROPOSED DESIGNATION OF CRITICAL HABITAT FOR THE NORTHWEST ATLANTIC OCEAN  
DISTINCT POPULATION SEGMENT OF THE LOGGERHEAD SEA TURTLE**

**WHEREAS**, On March 25, 2013 nearly thirty-five years after listing the loggerhead sea turtle as threatened, the United States Fish and Wildlife Service (USF&WS) proposed to designate 740 miles of shoreline in six states as critical habitat, including 96 miles in North Carolina and the entire shoreline of Bogue Banks, located in Carteret County, and

**WHEREAS**, designation of critical habitat would impact a wide variety of coastal projects involving federal action (activities or programs of any kind authorized, funded, or carried out, in whole or in part, by federal agencies), including, but not limited to, coastal and inlet management activities, such as dredging and beach renourishment permitted, funded or implemented by the United States Army Corps of Engineers and hurricane recovery activities funded by the Federal Emergency Management Agency (FEMA), and

**WHEREAS**, the USF&WS specifically disclosed that special management considerations will be necessitated to address the following 12 threats to critical habitat that are quoted as follows; recreational beach use, beach driving, predation, beach sand placement activities, in-water shoreline alterations, coastal development, artificial lighting, beach erosion, climate change, habitat obstructions, human-caused disasters, and military testing and training activities, and

**WHEREAS**, the special management considerations that will be required for the 12 threats identified by the USF&WS will likely include other federal actions such as the implementation of the National Flood Insurance Program, implementation of building codes, federal grants for public access and infrastructure improvements, and more, and

**WHEREAS**, these special management considerations therefore will unnecessarily and negatively impact the local, State, and federal economies; and the public's access and enjoyment of the beach, and

**WHEREAS**, despite these far reaching impacts on the federal, state, and local economy, the USF&WS failed to include an economic analysis at the time of its proposed designation as stipulated in the Endangered Species Act, and

**WHEREAS**, not only would designation of critical habitat for the loggerhead sea turtle result in more regulatory hurdles for federal coastal projects, the USF&WS ignored other successful measures already in place as coastal governments such as Carteret County have constructed and maintain active shore damage reduction projects, which not only provide protection of and benefits to public and private infrastructure, small businesses, the tourism industry, public recreation, and state and local tax bases; but also maintain and enhance habitat for loggerhead sea turtles, and

**WHEREAS**, these coastal storm damage reduction projects are conducted pursuant to stringent federal and state regulations that ensure habitat for threatened and endangered species, including the loggerhead sea turtle, is protected before, during and after these events, and

**WHEREAS**, local volunteers, in coordination with the North Carolina Wildlife Resources Commission, also conduct a sea turtle management program whereby sea turtle activity is monitored daily during nesting season, and volunteers assist in protecting nesting sites and during hatching and assist in tending to and collecting data with respect to stranded turtles, and

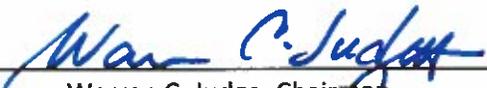
**WHEREAS**, if critical habitat is designated, some of these existing and successful programs will be burdened with additional and unnecessary regulations, and therefore will become more costly, which will increase the threat to the loggerhead sea turtle and its habitat.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners is strongly opposed to the USF&WS's proposed designation of loggerhead sea turtle critical habitat along the shorelines of Bogue Banks as set forth in Document Number 2013-06458 of the Federal Register and will work with State and federal resource officials and elected representatives to ensure the proposed designation is in no manner included in the final rule.

**BE IT FURTHER RESOLVED** the designation of critical habitat thirty-five years after the listing of the loggerhead sea turtle is the wrong management tool for the conservation of the species and Dare County will continue to support the protection and recovery of the loggerhead sea turtle by utilizing effective management guidelines and rules currently in place, while evaluating new practices as they develop.

This the 6<sup>th</sup> day of May, 2013



  
Warren C. Judge, Chairman

Attest:   
Gary Gross, Clerk to the Board

# RESOLUTION REQUESTING STATE FINANCIAL ASSISTANCE

for

Maintenance Dredging of the Colington Harbor Association, Inc  
harbor entrance

and

Replacement, Extension and Alignment of existing harbor entrance  
jetties

WHEREAS, the Dare County Board of Commissioners desire to sponsor the Colington Harbor Association, Inc in its efforts to acquire grant funds for the Colington Harbor Entrance maintenance dredging and the extension and alignment of the existing entrance jetties;

WHEREAS, this harbor provides permanent dockage for the Colington Volunteer Fire and Rescue vessel; the USCG Auxiliary vessels; has ingress and egress ramps that are frequently used by the NC Marine Fisheries, NC Wildlife Commission and numerous other federal and state agencies for rapid response to marine emergencies from the west side of the barrier island; allows entrance to interior canals through-out this large waterfront community for the many boats that are owned and operated by property owners, has numerous commercial fishing vessels that operate from inside this harbor and especially provides safe harbor for vessels that are underway in the sound systems (Roanoke, Albemarle, Croatan and Pamlico) that are to the west of this harbor. It serves as a safe harbor for many vessels that cannot be relocated to land bases during the times of hurricanes or unsafe weather conditions and;

WHEREAS, this entrance canal is dredged every year or so on an as need basis; and

WHEREAS, the need to remove this excess material will increase the water depths and allow safer passage for the boating public, and;

WHEREAS, the replacement, extension and alignment of the existing harbor entrance jetties should help to eliminate the re-occurring shoaling in the entrance channel;

WHEREAS, Dare County recognizes the need for the clearing of this excess sand and the need for continued maintenance of the Colington Harbor Association, Inc Harbor Entrance Maintenance Dredging Project for the benefit of the citizens of North Carolina and thereby requests that the Dare County Board of Commissioners adopt this resolution and sponsor channel maintenance and the existing entrance jetty repairs/replacement at the Colington Harbor Association, Inc. Harbor Entrance. This area is located in unincorporated Dare County;

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The Dare County Board of Commissioners requests the State of North Carolina to provide financial assistance to Dare County for the Colington Harbor Association, Inc. Harbor Entrance Maintenance Dredging / Jetty Maintenance/ Replacement Project in the amount of \$94,615.00 or 50% percent of the project cost, whichever is the lesser amount;
2. The Board assumes full obligation for payment of the balance of project costs;
3. The Colington Harbor Association, Inc will obtain all necessary State and Federal permits;
4. The Board and its Staff will comply with all applicable laws governing the award contracts and the expenditure of public funds by local governments;
5. The Board and its Staff will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
6. The Colington Harbor Association, Inc will obtain suitable spoil disposal areas as needed and all other easements or right-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
7. The Board will assume that the project is open for use by the public on an equal basis;
8. The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
9. The Board accepts responsibility for the operation and maintenance of the completed project.
10. The Colington Harbor Association, Inc. and its staff will assist Dare County staff in this project and will enter into an agreement with Dare County to be financial responsible for the non-state portion of this project.

Adopted by the Dare County Board of Commissioners this 6<sup>th</sup> day of May, 2013.

*Wan C. Judet*

Chairman,  
Dare County Board of Commissioners

*Amy Iron*

Clerk to the Board





#13-05-22

**A RESOLUTION SUPPORTING CONTINUED STATE FUNDING FOR MUSEUM OF THE ALBEMARLE**

**WHEREAS**, Museum of the Albemarle serves a 13 county area that spans Northeastern North Carolina and is one of six divisional museums of the North Carolina Museum of History; and

**WHEREAS**, Museum of the Albemarle opened its first museum on May 29, 1967 in the old Highway Patrol building south of Elizabeth City; and

**WHEREAS**, by 1987 the museum's collection was overflowing and there was a critical need for a larger facility that would allow for the proper housing and display of the region's precious collections and a decision was made to seek a larger facility; and

**WHEREAS**, property was donated for a site and following a fundraising campaign and delays due to state budget shortfalls, a new 50,000 square foot museum was constructed using local and state resources; and

**WHEREAS**, the new Museum of the Albemarle opened on April 8, 2006 and is a wonderful facility that includes large public gathering areas, meeting and conference rooms, a 200 seat auditorium, 11,000 square feet of lobby and galleries, and 3,500 square feet of collection storage; and

**WHEREAS**, the museum is a regional resource center that houses historically significant regional artifacts and state-of-the-art displays that provide rare opportunities for inquiry and learning; and

**WHEREAS**, some of the current exhibits which are quite significant for our area include "Our Story: Life in the Albemarle", "Out of the Blue: Coast Guard Aviation", "Under Both Flags: Civil War in the Albemarle"; and

**WHEREAS**, over the past 45 years, Museum of the Albemarle has shown hundreds of exhibits, collected, displayed and cared for thousands of regional artifacts, conducted hundreds of educational programs, given general tours to thousands of regional school children, and educated, entertained and showed off the amazing history of the Albemarle Area; and

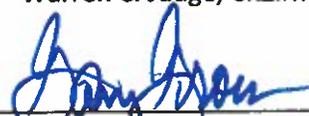
**WHEREAS**, Museum of the Albemarle has become a vital resource for our area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners supports funding for continued operation of Museum of the Albemarle and requests the Governor and General Assembly to include full funding in the State's 2013-14 budget for Museum of the Albemarle.

This the 6<sup>th</sup> day of May, 2013



  
Warren C. Judge, Chairman

Attest:   
Gary Gross, Clerk to the Board

**RESOLUTION AUTHORIZING THE PURCHASE OF EMERGENCY MEDICAL SERVICES  
MONITORS/DEFIBRILLATORS FROM PHYSIO CONTROL, INC. THROUGH SOLE  
SOURCE PURCHASE**

**WHEREAS**, the County of Dare, North Carolina desires to purchase replacement Emergency Medical Services monitors/defibrillators; and

**WHEREAS**, the purchase of replacement Emergency Medical Services monitors/defibrillators 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 and the Dare County Medical Director for EMS have performed an evaluation of monitor/defibrillator manufacturers' and models' features, capabilities, and operating requirements and have vetted how each of those factors will coordinate with the County's on-going Emergency Medical Services mission and basis of operation, and that of local and regional hospitals; and

**WHEREAS**, operational compatibility with the County of Dare Emergency Medical Services Department and with the "LifeNet" software and hardware system being installed in the region by a collaborative of The Outer Banks Hospital, Sentara Norfolk General Hospital, Sentara Heart Hospital, Sentara Virginia Beach General Hospital, Chesapeake Regional Medical Center, and Albemarle Hospital, is the overriding consideration; and

**WHEREAS**, the County of Dare Emergency Medical Services Department and the Dare County Medical Director for EMS has determined that the Physio Control Inc. LifePak 15 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 \$ 776,450.38 with Physio Control, Inc. for the sole source purchase of 25 units of the LifePak 15.
2. The County Manager is authorized to execute the agreement with Physio Control Inc.
3. This Resolution shall be effective upon its adoption.

This the 15<sup>th</sup> day of April 2013.

Dare County Board of Commissioners



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

ATTEST: Gary Gross  
Gary Gross, Clerk to the Board



#13-04-20

**A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING  
FOR THE PARKS AND RECREATION TRUST FUND (PARTF)**

**WHEREAS**, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

**WHEREAS**, The Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

**WHEREAS**, since its inception The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

**WHEREAS**, North Carolina's population has grown to make it the 10<sup>th</sup> most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

**WHEREAS**, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

**WHEREAS**, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

**WHEREAS**, The Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

**WHEREAS**, The Parks & Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

**WHEREAS**, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study.

**WHEREAS**, a portion of The Parks & Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

**WHEREAS**, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

**WHEREAS**, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

**WHEREAS**, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

**WHEREAS**, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

**NOW, THEREFORE, BE IT RESOLVED**, that the County of Dare does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of County of Dare and the North Carolina Recreation and Park Association.

This the 15<sup>th</sup> day of April, 2013



Attest:

A handwritten signature in blue ink, appearing to read "Warren C. Judge".

Warren C. Judge, Chairman

A handwritten signature in blue ink, appearing to read "Gary Gross".

Gary Gross, Clerk to the Board



# COUNTY OF DARE

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Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-04-19

## Resolution Opposing North Carolina Senate Bill 224 That Would Permit Sunday Hunting

**WHEREAS**, North Carolina General Statute GS 103-2 currently prohibits hunting on Sundays with a shotgun, rifle or pistol; and

**WHEREAS**, Senate Bill 224 of the 2013 Session of the North Carolina General Assembly would remove the current prohibition by permitting Sunday hunting on private lands; and

**WHEREAS**, a 2006 survey by Virginia Tech for a cost of \$143,000 commissioned by the North Carolina Resources Commission released the following information: 65% of the general population opposes legalized hunting on Sunday and only 25% of the general population supported Sunday hunting.

**WHEREAS**, there have been no studies that would determine the effect on the resources of adding another hunting day to the week; and

**WHEREAS**, Sunday hunting compromises this safe enjoyment of many outdoor recreational activities; and

**WHEREAS**, the current ban protects rural churches from disruptions that would be caused by Sunday hunting; and

**WHEREAS**, no hunting on Sunday serves as a lay day for the conservation of North Carolina's wildlife resources and their habitats; and

**WHEREAS**, the addition of Sunday waterfowl hunting will reduce the season up to nine days.

**NOW, THEREFORE BE IT RESOLVED**, that the Dare County Board of Commissioners opposes Senate Bill 224 of the 2013 Session of the North Carolina General Assembly.

This 1<sup>st</sup> day of April 2013

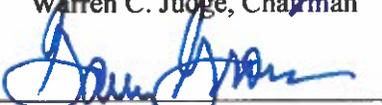
DARE COUNTY BOARD OF COMMISSIONERS



BY:

  
Warren C. Judge, Chairman

ATTEST:

  
Gary Gross, Clerk to the Board



#13-04-18

**RESOLUTION  
OPPOSING THE SUBSURFACE INJECTION OF FRACKING WASTE  
IN EASTERN NORTH CAROLINA**

**WHEREAS**, the protection of Dare County's source of future drinking water supplies is vital to the current and future residents of Dare County. The proposed Senate Bill 76 will authorize the Department of Environment and Natural Resources (DENR) to issue permits on or after March 1, 2015 for oil and gas exploration and development activities in the State. Part IV of the proposed legislation is an amendment to the existing statute governing subsurface fluid injection. Currently, the discharge of any wastes to the subsurface or groundwaters of the State by means of wells is prohibited; and

**WHEREAS**, the intent of Part IV of SB76 is to lift the ban on subsurface injection through adoption of the following specific language: *"The discharge of any wastes to the subsurface or groundwaters of the State by means of wells is prohibited. This section shall not be construed to prohibit (i) the operation of closed-loop groundwater remediation systems in accordance with G.S. 143-215.1A or (ii) injection of hydraulic fracturing fluid for the exploration or development of natural gas resources and water produced from subsurface geologic formations during the extraction of natural gas, condensate, or oil in North Carolina;"* and

**WHEREAS**, SB76 therefore provides for the termination of the current ban on injection of liquid wastes by means of wells into the groundwater system in North Carolina, and SB76 specifically addresses the disposal of fluids produced during the process of hydraulic fracturing associated with the development of natural gas resources. Although SB76 does not include language which specially identifies where waste disposal (via well injection) will be permitted, there has been a significant amount of public discussion about the disposal of fracturing fluids into the aquifer systems of the North Carolina Coastal Plain. One specific area that has been targeted is the saline part of our Coastal Plain aquifers. The introduction of contaminants via injection wells directly threatens the utilization of all aquifers as potable water sources; and

**WHEREAS**, the Coastal Plain province is blessed with thick and prolific aquifers that provide the bulk of water for municipal, agricultural, industrial and residential use within the region. Only three communities in the entire Coastal Plain rely partly or solely on surface water. In spite of the presence of these prolific aquifer systems, increasing demands for water resources in the Coastal Plain has required the implementation of stringent water resource management programs, including the Central Coastal Plain Capacity Use Area.

Dare County utilizes both the fresh water and salt water portions of our aquifers to meet our current and future water supply demands. One common misconception is that the saline portions of our coastal aquifer systems are unusable. Nothing could be further from the truth. Indeed, the saline portions of the system will become an increasingly important water source as population demands continue to increase; and

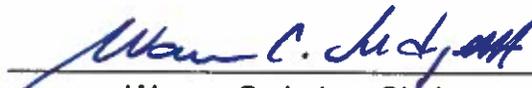
**WHEREAS**, the fresh and saline groundwater resources of the Coastal Plain of North Carolina are vital to the future of the region and the State of North Carolina as a whole. The protection of these vital resources cannot be compromised. We emphatically state our position that the North Carolina General Assembly not pass SB76, or any other legislation which effectively lifts the ban on injecting liquid wastes into the fresh or saline parts of the groundwater systems of North Carolina without first completing a thorough study of the potential effects of these actions. The coastal groundwater system is complex, and the injection of liquid wastes into this system would prove to be detrimental. There are essentially no unusable portions of the groundwater system in the Coastal Plain, and targeting the saline portions as waste disposal reservoirs is based on lack of understanding of the value of the resource to the current and future viability of the region.

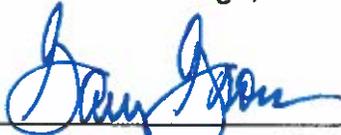
**NOW, THEREFORE BE IT RESOLVED**, that the Dare County Board of Commissioners urges the North Carolina General Assembly to maintain current laws in North Carolina that prevent disposal of hydraulic fracturing waste through underground injection or above ground storage in Eastern North Carolina and to take no action that would weaken these laws before a viable option for disposal of fracking waste is found that does not include Eastern North Carolina.

This 1<sup>st</sup> day of April, 2013.



ATTEST:

  
Warren C. Judge, Chairman

  
Gary Gross, Clerk to the Board



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Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-04-17

## RESOLUTION REMOVING AND APPOINTING REVIEW OFFICERS

**WHEREAS**, an Act to improve the procedures for recording maps and plats under Article 2 of North Carolina General Statute Chapter 47 "Probate and Registration," was ratified the 8<sup>th</sup> day of July, 1997 by the North Carolina General Assembly and Statute 47-30.2 was created at that time; and

**WHEREAS**, G.S. 47-30.2 requires the Board of Commissioners of each County to designate by name one or more persons who are experienced in mapping or land records management as a Review Officer for that County. A Review Officer shall, if reasonably feasible, be certified as a property mapper pursuant to G.S. 147-54.4. The Review Officer is to review each map or plat before it is submitted to the Register of Deeds for recording to ensure it complies with all statutory requirements for recordation; and

**WHEREAS**, a resolution designating a Review Officer shall be recorded in the County registry and indexed on the grantor index in the name of Review Officer.

**THEREFORE, BE IT RESOLVED** the Dare County Board of Commissioners hereby appoints Laurie A. Beacham, or her designee, to replace prior Review Officer, Edward Francis, who retired from the Dare County Land Records Department.

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

This 1<sup>st</sup> day of April 2013

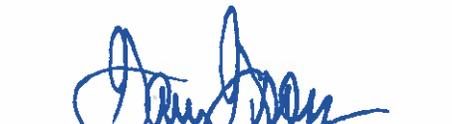
DARE COUNTY BOARD OF COMMISSIONERS



BY:

  
Warren C. Judge, Chairman

ATTEST:

  
Gary Gross, Clerk to the Board



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Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-03-16

## Resolution

### Urging Members of the North Carolina General Assembly and Governor McCrory

### Concerning the Appointment of Board Members to the LME Board

**WHEREAS**, Senate Bill 191 has been approved and passed into law in the waning hours of the 2012 session of General Assembly; and

**WHEREAS**, Dare County urges that the new membership rules for the Boards of Local Management Entities (LMEs) must include the designation of one County Commissioner from each of the nineteen (19) participating counties comprising the EAST CAROLINA BEHAVIORAL HEALTH; and

**WHEREAS**, these new requirements have to be implemented by October 2013; and

**WHEREAS**, the General Assembly has the authority to review and modify these requirements in the current Session, understanding that counties and the State have a vested interest and obligation to provide adequate mental health services and oversight to our citizens in a responsible and realistic way.

**NOW, THEREFORE, BE IT RESOLVED** that all counties in the EAST CAROLINA BEHAVIORAL HEALTH LME ensure that each county has the ability to appoint an elected County Commissioner to the LME Board, and that the LME Board not exceed 21 voting members.

**BE IT FURTHER RESOLVED** that copies of this resolution be sent to the Governor, the Secretary of the NC Department of Health and Human Services, the leadership of the North Carolina General Assembly, and the House and Senate Members of the General Assembly representing the EAST CAROLINA BEHAVIORAL HEALTH LME catchment area.

This the 4th day of March, 2013.



ATTEST:

  
Warren C. Judge, Chairman

  
Gary Gross, Clerk to the Board



#13-03-15

**RESOLUTION  
SUPPORTING H.R. 819 PRESERVING ACCESS TO THE  
CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA ACT**

**WHEREAS**, H.R. 819 introduced by Congressman Walter Jones (NC-3) to preserve access to the Cape Hatteras National Seashore Recreational Area, reintroduces a previous bill that passed the House of Representatives in the last Congress but failed it make it out of Senate committee; and

**WHEREAS**, H.R. 819 would restore balance and common sense to Park Service management by overturning a final rule implemented by the National Park Service in mid-February 2012, as well as the 2008 U.S. District court approved Consent Decree, both of which excessively restrict human access to the Recreational Area; and

**WHEREAS**, H.R. 819 would assure taxpayers the right to access the recreational areas they own by reinstating the Park Service's 2007 Interim Management Strategy, which was backed up by a 113-page Biological Opinion issued by the U.S. Fish and Wildlife Service finding that species of concern, including piping plover and sea turtles, would not be jeopardized; and

**WHEREAS**, the Cape Hatteras National Seashore Recreational Area (CHNSRA) was created by Congress in 1937 as America's first National Seashore with the promise that people would always have access for recreation; and

**WHEREAS**, a tourism based economy has been developed on Bodie Island, Hatteras Island and Ocracoke Island, where access to the beaches of this area has always been the defining element of the visitor's complete seashore experience and the foundation of the area's economic base upon which thousands of families depend for their livelihood; and

**NOW THEREFORE BE IT RESOLVED** that the Dare County Board of Commissioners supports open public access to the Cape Hatteras National Seashore Recreational Area consistent with the promises made in the enabling legislation and supports H.R. 819 as effective legislation that would balance resource management with recreational access for Dare County's residents and visitors.

This 4<sup>th</sup> day of March, 2013.



ATTEST:

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

Richard Johnson  
Vice-Chairman

Allen Burrus  
Virginia Tillet

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Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-03-14

## RESOLUTION APPROVING WATER SHORTAGE RESPONSE PLAN

**WHEREAS**, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the water systems managed by the Dare County Water Department, has been developed and submitted to the Dare County Board of Commissioners for approval; and

**WHEREAS**, the Dare County Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of the water supplies for the Dare County Water System, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners, of The County of Dare, that the Water Shortage Response Plan entitled, Water Shortage Response Plan, Dare County, NC dated March 4, 2011, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Dare County Water Department, intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 4th day of March, 2013.



Name: Warren C. Judge

Title: Chairman

Signature: Warren C. Judge

ATTEST:

Name: Gary Gross

Title: Clerk to the Board

Signature: Gary Gross

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the governing body of the **COUNTY OF DARE** ("Lessee") desires to obtain certain equipment (the "Equipment") described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease") with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** ("Lessor") and Lessee, the form of which has been available for review by the governing body of Lessee prior to this meeting; and

WHEREAS, the Equipment is essential for Lessee to perform its governmental functions; and Lessee has determined that it may lawfully pledge its full faith and credit and taxing powers to its obligations under the Lease; and

WHEREAS, the funds made available under the Lease will be deposited with **SUNTRUST BANK** (the "Escrow Agent") pursuant to an Escrow Agreement between Lessor, Lessee and Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has satisfied the legal requirements, including those relating to any applicable public bidding requirements, to arrange for the acquisition of the Equipment and the execution and delivery of the Lease and the Escrow Agreement; and

WHEREAS, Lessee proposes to enter into the Lease with **SUNTRUST EQUIPMENT FINANCE & LEASING CORP.** and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LESSEE AS FOLLOWS:**

Section 1. It is hereby found and determined that the terms of the Lease and the Escrow Agreement (collectively, the "Financing Documents") in substantially the forms presented to this meeting and incorporated in this resolution are in the best interests of Lessee for the acquisition of the Equipment.

Section 2. The Financing Documents and the acquisition and financing of the Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The County Manager and Finance Director of Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who execute the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The Clerk of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

Section 3. The proper officers of Lessee be, and each of them hereby is, 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 Financing Documents.

Section 4. This resolution shall take effect immediately.

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Lease and Escrow Agreement executed on behalf of Lessee are the same as presented at such meeting of the governing body of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

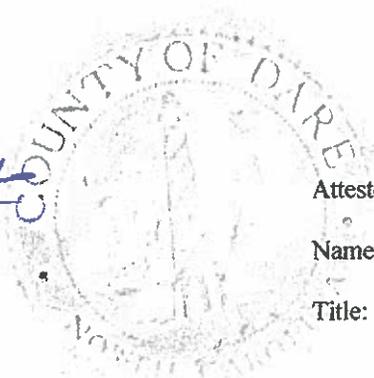
Date: February 18, 2013

**COUNTY OF DARE,**  
Lessee

By: Warren C. Judge

Name: Warren Judge

Title: Chairman, Board of Commissioners



Attested By: Gary Gross

Name: Gary Gross

Title: Clerk to the Board



# COUNTY OF DARE

Office of the Board of Commissioners  
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County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-02-12

## SECOND RESOLUTION AWARDING CONSTRUCTION CONTRACT FOR BUILDING SIDEWALKS IN RODANTHE, WAVES AND SALVO, DARE COUNTY PENDING LAPSE OF APPEAL PERIOD OR CONCLUSION OF APPEAL AND NCDOT CONCURRENCE

**WHEREAS**, Hatteras Island is an unincorporated area in the County of Dare, North Carolina; and

**WHEREAS**, Dare County applied for and received a 2010 National Scenic Byway discretionary grant for building sidewalks in Rodanthe, Waves, Salvo and Avon; and

**WHEREAS**, North Carolina's Board of Transportation accepted that grant from the Federal Highway Administration and the North Carolina Department of Transportation (NCDOT) assigned State Transportation Project No. S-5104 to the project; and

**WHEREAS**, Dare County with the concurrence of NCDOT entered a design contract with Albemarle and Associates, Ltd.; and

**WHEREAS**, after requisite state and federal permits were received and right-of-way certification was provided, the Federal Highway Administration through NCDOT granted construction authorization on Dec. 20, 2012; and

**WHEREAS**, on Dec. 23, 2012, an invitation to bid was published in a newspaper of local circulation and posted on various websites; and

**WHEREAS**, on Jan. 17, 2013, five bids were received for each of two projects associated with STIP No. S-5104; and

**WHEREAS**, after review of the bids for compliance, Albemarle and Associates Ltd., recommended to Dare County's Capital Improvements Planning Committee acceptance of the bid from Carolina Marine Structures, Inc., of \$1,030,569.50 as the lowest, responsible, responsive bid for building sidewalks in Rodanthe, Waves and Salvo, Dare County, North Carolina; and

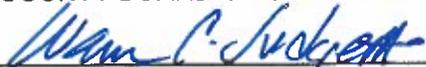
**WHEREAS**, on Jan. 22, 2013, Dare County's Capital Improvements Planning Committee accepted the recommendation from Albemarle and Associates Ltd., and recommended that Dare County's Board of Commissioners accept the bid from Carolina Marine Structures, Inc., pending NCDOT concurrence;

**WHEREAS**, on Feb. 13, 2013, Dare County was notified that NCDOT did not concur with the good faith effort as documented by Carolina Marine Structures, Inc., and Carolina Marine Structures, Inc. was so notified Feb. 14, 2013 by phone and electronic mail and a determination letter was sent via certified, return receipt requested mail on Feb. 14, 2013;

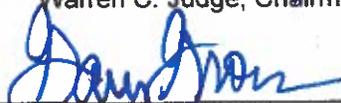
**NOW THEREFORE**, the Dare County Board of Commissioners hereby awards the construction contract for building STIP No. S-5104, Project 1, building sidewalks in Rodanthe, Waves and Salvo, to Hatchell Concrete, Inc., in the amount of \$1,043,413.20, pending lapse of appeal period or conclusion of appeal and pending NCDOT concurrence.

Adopted by the Dare Board of Commissioners, this 18<sup>th</sup> day of February, 2013.

DARE COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
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

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County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-02-11

**RESOLUTION  
IN SUPPORT OF LEGISLATIVE GOALS  
ADOPTED BY THE MEMBERSHIP OF THE  
NORTH CAROLINA ASSOCIATION  
OF COUNTY COMMISSIONERS**

**WHEREAS**, the North Carolina Association of County Commissioners was founded in 1908 as a membership organization to represent the interests of counties before the General Assembly;

**WHEREAS**, all 100 counties are voluntary members of the North Carolina Association of County Commissioners, making the NCACC the official voice of North Carolina counties;

**WHEREAS**, every two years, the membership of the NCACC develops and approves a package of legislative proposals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties;

**WHEREAS**, the process to generate this package of legislative goals is deliberate and inclusive and provides extensive opportunities for counties to be involved;

**WHEREAS**, Dare County is an active participant within the NCACC and participated in the process to develop these legislative proposals;

**WHEREAS**, more than 200 county officials representing 88 counties gathered in Durham County on Jan. 24-25, 2013, and debated and ultimately approved 60 proposals submitted by counties to be included in the legislative goals package;

**WHEREAS**, the attached proposals represent the collective wishes of all 100 counties;

**NOW, THEREFORE, BE IT RESOLVED** that the Dare County Board of Commissioners adopts this resolution in support of the legislative proposals adopted by the NCACC membership at its 2013 Legislative Goals Conference;

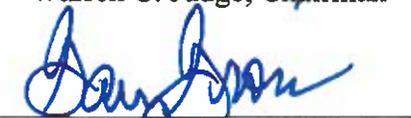
**FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to the members of the General Assembly representing Dare County to let them know of our support for these issues.

Adopted this the 4<sup>th</sup> day of February, 2013.



  
Warren C. Judge, Chairman

ATTEST:

  
Gary Gross, Clerk to the Board



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Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-01-10

## RESOLUTION AWARDING CONSTRUCTION CONTRACT FOR BUILDING SIDEWALKS IN RODANTHE, WAVES AND SALVO, DARE COUNTY PENDING NCDOT CONCURRENCE

WHEREAS, Hatteras Island is an unincorporated area in the County of Dare, North Carolina; and

WHEREAS, Dare County applied for and received a 2010 National Scenic Byway discretionary grant for building sidewalks in Rodanthe, Waves, Salvo and Avon; and

WHEREAS, North Carolina's Board of Transportation accepted that grant from the Federal Highway Administration and the North Carolina Department of Transportation (NCDOT) assigned State Transportation Project No. S-5104 to the project; and

WHEREAS, Dare County with the concurrence of NCDOT entered a design contract with Albemarle and Associates, Ltd.; and

WHEREAS, after requisite state and federal permits were received and right-of-way certification was provided, the Federal Highway Administration through NCDOT granted construction authorization on Dec. 20, 2012; and

WHEREAS, on Dec. 23, 2012, an invitation to bid was published in a newspaper of local circulation and posted on various websites; and

WHEREAS, on Jan. 17, 2013, five bids were received for each of two projects associated with STIP No. S-5104; and

WHEREAS, after review of the bids for compliance, Albemarle and Associates Ltd., recommended to Dare County's Capital Improvements Planning Committee acceptance of the bid from Carolina Marine Structures, Inc., of \$1,030,569.50 as the lowest, responsible, responsive bid for building sidewalks in Rodanthe, Waves and Salvo, Dare County, North Carolina; and

WHEREAS, on Jan. 22, 2013, Dare County's Capital Improvements Planning Committee accepted the recommendation from Albemarle and Associates Ltd., and recommended that Dare County's Board of Commissioners accept the bid from Carolina Marine Structures, Inc., pending NCDOT concurrence;

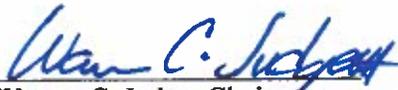
NOW THEREFORE, the Dare County Board of Commissioners hereby awards the construction contract for building STIP No. S-5104, Project 1, building sidewalks in Rodanthe, Waves and Salvo, to Carolina Marine Structures, Inc., in the amount of \$1,030,569.50, pending NCDOT concurrence.

Adopted by the Dare Board of Commissioners, this 22nd day of JANUARY, 2013.

DARE COUNTY BOARD OF COMMISSIONERS



ATTEST:

  
Warren C. Judge, Chairman

  
Gary Gross, Clerk to the Board



# COUNTY OF DARE

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County Manager/Attorney

Gary Gross  
Clerk to the Board

# 13-01-09

## RESOLUTION AWARDING CONSTRUCTION CONTRACT FOR BUILDING SIDEWALKS IN AVON, DARE COUNTY PENDING NCDOT CONCURRENCE

WHEREAS, Hatteras Island is an unincorporated area in the County of Dare, North Carolina; and

WHEREAS, Dare County applied for and received a 2010 National Scenic Byway discretionary grant for building sidewalks in Rodanthe, Waves, Salvo and Avon; and North Carolina's Board of Transportation accepted that grant from the Federal Highway Administration and the North Carolina Department of Transportation (NCDOT) assigned State Transportation Project No. S-5104 to the project; and

WHEREAS, Dare County with the concurrence of NCDOT entered a design contract with Albemarle and Associates, Ltd.; and

WHEREAS, after requisite state and federal permits were received and right-of-way certification was provided, the Federal Highway Administration through NCDOT granted construction authorization on Dec. 20, 2012; and, subsequently, on Dec. 23, 2012, an invitation to bid was published in a newspaper of local circulation and posted on various websites; and

WHEREAS, on Jan. 17, 2013, five bids were received for each of two projects associated with STIP No. S-5104; and

WHEREAS, after review of the bids for compliance, Albemarle and Associates Ltd., recommended to Dare County's Capital Improvements Planning Committee acceptance of the bid from Hatchell Concrete, Inc. of \$558,348.28 as the lowest, responsible, responsive bid for building sidewalks in Avon, Dare County, North Carolina; and

WHEREAS, on Jan. 22, 2013, Dare County's Capital Improvements Planning Committee accepted the recommendation from Albemarle and Associates Ltd., and recommended that Dare County's Board of Commissioners accept the bid from Hatchell Concrete, Inc., pending NCDOT concurrence;

NOW THEREFORE, the Dare County Board of Commissioners hereby awards the construction contract for STIP No. S-5104, Project 2, building sidewalks in Avon, to Hatchell Concrete, Inc., in the amount of \$558,348.28, pending NCDOT concurrence.

Adopted by the Dare Board of Commissioners, this 2nd day of JANUARY, 2013.

DARE COUNTY BOARD OF COMMISSIONERS

  
Warren C. Judge, Chairman

  
Gary Gross, Clerk to the Board

ATTEST:





# COUNTY OF DARE

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

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County Manager/Attorney

**Gary Gross**  
Clerk to the Board

13-01-08

## RESOLUTION SUPPORTING GAP FUNDING FOR THE MID CURRITUCK BRIDGE

WHEREAS, for over twenty years the Dare County Board of Commissioners has recognized that a Mid-Currituck Bridge across the Currituck Sound would serve a vital need for the residents and visitors of North Carolina's Outer Banks; and

WHEREAS, a Mid-Currituck Bridge would provide efficient beach access, reduce congestion, alleviate delays, promote economic development, and enhance public safety; and

WHEREAS, during hurricanes and other emergencies, the Mid-Currituck Bridge would provide an important evacuation route as an alternative to Highway 12, which is a narrow two-lane road that is already filled to capacity during emergencies; and

WHEREAS, a Mid-Currituck Bridge would not only improve public safety, but would increase access for students and an adequate labor force to help meet the ever increasing needs of the Outer Banks; and

WHEREAS, this bridge has been in the planning stages for more than twenty years and funding sources have been identified including "Gap Funding" that would not adversely harm the state's budget in providing this much needed transportation infrastructure.

NOW, THERE BE IT RESOLVED BY THE DARE COUNTY BOARD OF COMMISSIONERS THAT: the North Carolina General Assembly move forward with "Gap Funding" for the Mid-Currituck Bridge, which has been authorized and included in previous North Carolina budgets as a matter of economic development and public safety

ADOPTED this the 22<sup>nd</sup> day of January 2013



Warren C. Judge, Chairman

ATTEST:

Gary Gross, Clerk to the Board



# COUNTY OF DARE

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County Manager/Attorney

Gary Gross  
Clerk to the Board

13-01-07

## Resolution to Support the 2013-2015 Funding for Clean Water Management Trust Fund

Whereas, the 1996 General Assembly established the Clean Water Management Trust Fund (CWMTF) to provide an innovative and non-regulatory approach to the protection and restoration of the State's surface waters; and

Whereas, the CWMTF is a non-regulatory program established to help meet infrastructure needs of municipalities and counties, restore degraded surface water, protect watersheds, increase recreation, and enhance quality of life, all critical components for economic development; and

Whereas, the CWMTF has funded 452 infrastructure projects to assist NC communities balance infrastructure needs with environmental protection and to become self-reliant with future infrastructure needs; and

Whereas, infrastructure needs in NC addressing drinking water, wastewater, and stormwater are estimated at \$16.6 billion between 2005 and 2030; and

Whereas, the CWMTF has leveraged more than \$1 billion of private, local, and federal funds to support projects; and

Whereas, the General Assembly has reduced funding for the CWMTF by 78% since 2010; and

Whereas, limited funding for the CWMTF left 88% of 2012 critical local needs unmet; and

Whereas, our economic vitality, health, and ability to sustain ourselves and the natural environment all rely on clean water; and

Whereas, surface water must be protected to ensure sufficient drinking water supply for the state's growing industrial base and population; and

Whereas, CWMTF has provided numerous grants to small and large municipalities and counties in NC to protect, restore or enhance surface water quality for the benefit of the State's agriculture, military, recreation and tourism economies and to protect our natural heritage.

Now, Therefore, be it Resolved that the Dare County Board of Commissioners supports the CWMTF, and that the Fund receive an increase in recurring funding from the Governor and the NC General Assembly for the 2013-2015 biennial budget.

Adopted this the 22<sup>nd</sup> day of January 2013



Warren C. Judge, Chairman

ATTEST:

Gary Gross, Clerk to the Board



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Robert L. Outten  
County Manager/Attorney

Gary Gross  
Clerk to the Board

Resolution # 13-01-06

## RESOLUTION EXPRESSING GRATITUDE TO THE NCDOT FERRY DIVISION

**WHEREAS**, Dare County is vitally dependent on transportation access to and from Hatteras Island in order to provide the needed infrastructure to support life on the barrier island, sustain the local economy, promote tourism, and facilitate access to health care and educational opportunities; and

**WHEREAS**, when highway access to Hatteras Island has been interrupted by hurricanes, our community faced an immediate threat to the health, safety, and welfare of the residents and visitors on this barrier island on the Outer Banks of North Carolina; and

**WHEREAS**, the Ferry Division of the North Carolina Department of Transportation (NCDOT) has faithfully responded and helped us during our times of critical need by quickly establishing emergency ferry service from Stumpy Point to Rodanthe to ensure that residents and visitors had much needed transportation access to and from Hatteras Island; and

**WHEREAS**, while providing emergency ferry service, the men and women of the NCDOT Ferry Division worked tirelessly and endured long hours, adverse weather conditions, and navigational challenges in completing their mission.

**WHEREAS**, the residents and visitors of Dare County appreciate the responsiveness of the NCDOT Ferry Division and recognize its commendable staff for the safe, efficient, and admirable way they performed their duties in a manner that exemplifies the highest tradition of public service.

**NOW THEREFORE BE IT RESOLVED**, that the Dare County Board of Commissioners does hereby officially express its respect and appreciation for the NCDOT Ferry Division and asks all residents and visitors to join in conveying their thanks and gratitude to the conscientious Ferry Division staff for their hard work and dedication.

This the 22<sup>nd</sup> day of January, 2013

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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County Manager/Attorney

Gary Gross  
Clerk to the Board

Resolution # 13-01-05

## RESOLUTION CALLING FOR IMMEDIATE FUNDING FOR THE DREDGING OF OREGON INLET

**WHEREAS**, navigational access through Oregon Inlet is threatened by treacherous shoaling conditions that has resulted in a dangerous situation that threatens the lives and property of commercial and recreational vessels and jeopardizes the economy of the region; and

**WHEREAS**, many large vessels can no longer gain access to Wanchese Harbor because of the deplorable conditions at Oregon Inlet which have caused some marine related businesses to cease operations and forced commercial fishermen to land their catches at out of state markets, which increases their operating costs and deprives the State of North Carolina of valuable landing quotas in excess of \$1.9 million; and

**WHEREAS**, Oregon Inlet is a vital waterway that provides access to harbors of safety for commercial and recreational vessels on the North Carolina coast; and

**WHEREAS**, Oregon Inlet is crucial to the economy of Dare County and the surrounding region with an annual documented economic impact of over \$682 million and generates over \$88 million in federal, state and local tax revenue; and

**WHEREAS**, without navigational access through Oregon Inlet key Dare County industries will continue to suffer irreparable harm including commercial fishing operations, seafood processing houses, boat builders, recreational fishing and charter boat operators, marine repairs facilities, and other local businesses that vitally depend on Oregon Inlet; and

**WHEREAS**, in addition to the adverse economic impact caused by Oregon Inlet shoaling, public safety is at risk due to shoaling that has prevented United States Coast Guard vessels stationed at Oregon Inlet from being able to use the channel to render emergency assistance to ships in distress off the coast of North Carolina.

**NOW, THEREFORE, BE IT RESOLVED** that the Dare County Board of Commissioners strongly renews its request that State and Federal agencies immediately begin the work necessary to clear the channel at Oregon Inlet and to appropriate ongoing funding to maintain safe and reliable access as a matter of economic necessity and public safety.

This 7<sup>th</sup> day of January 2013

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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County Manager/Attorney

Gary Gross  
Clerk to the Board

#13-01-04

## RESOLUTION IN SUPPORT OF NORTH CAROLINA COASTAL CAUCUS

**WHEREAS**, representative governance for the State of North Carolina is primarily placed in the capable hands of the 170 Members of the Senate and House of Representatives of the North Carolina General Assembly, and;

**WHEREAS**, those Members are elected to the General Assembly from every corner of the Tar Heel State, America's 10<sup>th</sup> most populous state, taking with them to Raleigh the wishes, needs and concerns of those who elect them, for the public good of all our Citizens, and;

**WHEREAS**, the coastal areas of North Carolina are distinct from the other parts of our State in many of the environmental and developmental challenges we face, the types of industries that provide the impetus for our contribution to the North Carolina economy and the elements that make up the basis for our quality of life, for ourselves and our many visitors, and;

**WHEREAS**, the formation of like-minded groups of elected representatives, known as caucuses, is a long and respected tradition of the North Carolina General Assembly, having been created over time for a variety of purposes.

**NOW, THEREFORE, BE IT RESOLVED** that the Dare County Board of Commissioners supports and encourages the formation and aggressive engagement of a bi-partisan Coastal Caucus, which will include Members of both the Senate and House of Representatives of the North Carolina General Assembly, who will labor diligently and cooperatively to ensure that Coastal North Carolina continues to be an integral and vibrant component of "The blessed land, the best land, the Old North State."

Adopted this 7th day of January, 2013.



  
Warren C. Judge, Chairman

ATTEST:

  
Gary Gross, Clerk to the Board

**RESOLUTION AUTHORIZING THE CONVEYANCE OF PROPERTY  
PURSUANT TO G.S. 160A-279**

**WHEREAS**, the County of Dare owns a certain item of personal property that has become surplus for its current needs;

**WHEREAS**, North Carolina General Statute 160A-279 authorizes a county to convey, with or without consideration, personal property by private sale to a nonprofit corporation, if the county is authorized by law to appropriate money to the corporation;

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

1. Susan Beck, Dare County Purchasing Agent, is hereby authorized to convey, without consideration, to Dare County Association of Fire Officers, the following item of surplus personal property:

1998 Fire Safety House, VIN #1SSTT1PT6W11SS333

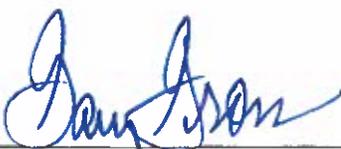
2. Said person is further authorized and directed to execute any documents, transfer title, and perform all necessary functions associated with this conveyance.
3. Said person shall publish a notice summarizing the contents of this resolution, and the property may be conveyed at any time after 10 days after publication of the notice.

This the 7<sup>th</sup> day of January, 2013.

COUNTY OF DARE, NORTH CAROLINA

  
Warren Judge, Chairman



  
Gary Gross, Clerk to the Board

# 13-01-02

# RESOLUTION

## For Approval of Insurance District Boundaries

NORTH CAROLINA

DARE COUNTY

Upon motion by Commissioner Shea,  
seconded by Commissioners Burrows and Dutton, RESOLVED that the  
Board of Commissioners of the County of Dare, approve the boundary lines of the  
SOUTHERN SHORES Insurance District in accordance with the maps and description  
filed this date with the Board of County Commissioners and recorded in the minutes of the  
meeting. Said SOUTHERN SHORES Fire Insurance District being described as follows:

SEE ATTACHED

NORTH CAROLINA

DARE COUNTY

This is to certify that the foregoing is a true and accurate copy of excerpt from the  
Minutes of the Board of County Commissioners of Dare County, adopted this the 7th  
day of JANUARY, 20 13.



A handwritten signature in blue ink, appearing to read "Amy Jones", is written over a horizontal line.

Clerk to the Board

**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 January 7, 2013 at 9:00 a.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 Judge, Vice-Chairman Johnson, and Commissioners Burrus, Tillett, Dutton, Shea, and Woodard.

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 AMENDMENT TO THE INSTALLMENT PURCHASE 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 has previously executed and delivered an Installment Purchase Contract dated as of December 1, 2005 (the "*2005 Contract*"), between the Dare County Public Facilities Corporation (the "*Corporation*") and the County, the proceeds of which were used to finance the construction, renovation, improvement, equipping and furnishing of various school facilities in the County (the "*Projects*");

*WHEREAS*, under an Indenture of Trust dated as of December 1, 2005 (the "*2005 Indenture*") between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*"), the Corporation executed and delivered \$57,140,000 Certificates of Participation, Series 2005 (the "*2005 Certificates*"), evidencing proportionate undivided interests in rights to receive certain Revenues pursuant to the 2005 Contract;

*WHEREAS*, the County staff has reported to the Board of County Commissioners (the "*Board*") that the County can achieve debt service savings by refinancing a portion of the County's installment

payment obligations under the 2005 Contract through the refunding of the 2005 Certificates maturing on and after June 1, 2016 (the "*Refunded Certificates*");

*WHEREAS*, based on the foregoing, the Board has determined that it would be in the best interest of the County to enter into Amendment Number One to the Installment Purchase Contract dated as of February 1, 2013, (the "*First Contract Amendment*" and together with the 2005 Contract, the "*Contract*") between the Corporation and the County, which will supplement and amend the 2005 Contract, to accomplish the refunding of the Refunded Certificates;

*WHEREAS*, the County's obligations under the Contract are secured by a Deed of Trust and Security Agreement dated as of December 1, 2005 from the County to the deed of trust trustee named therein for the benefit of the Corporation (the "*Deed of Trust*");

*WHEREAS*, the Corporation will issue Refunding Limited Obligation Bonds, Series 2013 (the "*2013 Bonds*"), evidencing a proportionate undivided interest in the right to receive Revenues pursuant to the Contract under the 2005 Indenture, as supplemented and amended by Supplemental Indenture, Number 1 dated as of February 1, 2013 (the "*First Supplemental Indenture*" and together with the 2005 Indenture, the "*Indenture*"), between the Corporation and the Trustee;

*WHEREAS*, the Board approves the use of Parker Poe Adams & Bernstein LLP as the County's bond counsel, DEC Associates, Inc. as the County's financial advisor and The Bank of New York Mellon Trust Company, N.A. as trustee and escrow agent, and retains Piper Jaffray & Co., Southwest Securities, Inc., and PNC Capital Markets, LLC. as the underwriters (collectively, the "*Underwriters*") for the 2013 Bonds (collectively, the "*Financing Team*");

*WHEREAS*, in connection with the sale of the 2013 Bonds by the Corporation to 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 have been described to the Board the forms of the following documents (collectively, the "*Instruments*"), copies of which have been made available to the Board, which the Board proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

- (1) the First Contract Amendment;
- (2) the First Supplemental Indenture;
- (3) the Escrow Agreement dated as of February 1, 2013 (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 Refunded 2005 Certificates;
- (4) the Letter of Representations; and
- (5) the Preliminary Official Statement related to the 2013 Bonds (the "*Preliminary Official Statement*") containing certain information about the County;

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

*WHEREAS*, the County has previously determined and hereby determines that the acquisition of the Projects was essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects provide an essential use and permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust was 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 refinance the Projects 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 refinancing the Projects is an amount not to exceed \$46,340,000 and that such cost of the refinancing 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 refinancing of the Projects pursuant to the Contract is expected to exceed the cost of refinancing the Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of refinancing the Projects pursuant to the Contract 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 refinancing the Projects; and (3) insufficient revenues are produced by the Projects so as to permit a revenue bond financing;

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

*WHEREAS*, the County does not anticipate a future property tax increase to pay installment payments falling due under the Contract;

*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, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

*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 2005 Contract and the Projects after publication of a notice with respect to such public hearing was held by the Board on October 17, 2005; and

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

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

*Section 1. Ratification of Instruments.* That all actions of the Chairman of the Board, the County Manager, the Finance Director, the Clerk to the Board and their respective designees (the "Authorized Officers"), 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 to Execute the First Contract Amendment, the Escrow Agreement and the Letter of Representations.* That the County approves the refinancing of the Projects as contemplated by the terms of the Instruments and 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 First Contract Amendment, the Escrow Agreement and the Letter of Representations shall be and the same hereby are in all respects authorized, approved and confirmed, and the Authorized Officers, either individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver the First Contract Amendment, the Escrow Agreement and the Letter of Representations, 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 the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the First Contract Amendment, the Escrow Agreement and Letter of Representations presented to the Board, and that from and after the execution and delivery of the First Contract Amendment, the Escrow Agreement and Letter of Representations, the Authorized Officers, either 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. The Authorized Officers, either individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver a modification to the Deed of Trust if required by the Underwriters in connection with the issuance of the 2013 Bonds.

*Section 3. Authorization of the Official Statement.* That (a) the form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and the final Official Statement related to the 2013 Bonds substantially in the form of the Preliminary Official Statement (the "Official Statement") by the Underwriters in connection with the sale of the 2013 Bonds is hereby in all respects authorized, approved and confirmed and (b) the Authorized Officers, either individually or collectively, are hereby authorized, empowered and directed to execute, if required, and deliver the Official Statement, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their delivery thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Preliminary Official Statement presented to the Board.

*Section 4. County Representative.* That each of the Authorized Officers are hereby designated as the County's Representative to act on behalf of the County in connection with the transactions contemplated by the Instruments, and they are authorized to proceed with the refinancing of the Projects in accordance with the Instruments and to seek opinions as to matters of law from attorneys as they deem appropriate for all documents contemplated hereby as required by law. The Authorized Officers, either 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 and the administration thereof after the issuance of the 2013 Bonds or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

*Section 5. Financing Team.* That the Financing Team for the 2013 Bonds is hereby approved.

*Section 6. Severability.* That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

*Section 7. Repealer.* That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

*Section 8. 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 January 7, 2013, 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 7th day of January, 2013.



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