

RESOLUTIONS – 2020

***Following the List of 2020 Resolutions in Chronological Order,
Each Resolution Can Be Viewed in its Entirety***

- 20-01-01 Resolution Approving Lease Agreement Between Dare County and Matt Respass (Jan. 6, 2020)
- 20-01-02 Resolution Approving Lease Agreement Between Dare County and Monarch Beach Club of Dare (Jan. 6, 2020)
- 20-02-03 Resolution in Support of Alligator River Bridge Improvements (Feb 4, 2020)
- 20-02-04 Resolution in Support of The Constitution of the United States (Feb 4, 2020) – 2nd Amendment emphasis
- 20-02-05 Resolution in Support of Southern Dare County Channel Maintenance Project (Feb 4, 2020)
- 20-02-06 Resolution in Support of Central Dare County Channel Maintenance Project (Feb 4, 2020)
- 20-03-07 Resolution Census Week (Mar 16, 2020)
- 20-05-08 Resolution Requesting Payroll Protection Program Modification (May 5, 2020)
- 20-05-09 Resolution Enacting & Adopting a Supplement to the Dare County Code of Ordinances (May 5, 2020)
- 20-05-10 Resolution Adopting Outer Banks Regional Hazard Mitigation Plan (May 18, 2020)
- 20-06-11 Resolution Adopting the OPEB and LEOSA Master Trust Agreement (June 15, 2020)
- 20-07-12 Resolution Opposing Herbert C. Bonner Bridge Debris Disposal Permit Modification (July 6, 2020)
- 20-07-13 Resolution Supporting 20/21 Hatteras Inlet Maintenance (July 20, 2020)
- 20-07-14 Resolution 20/21 Oregon Inlet Permit Modifications (July 20, 2020)
- 20-07-15 Resolution Requesting that the U.S. Army Corps of Engineers Amend the Existing Federal Authorization to Meet the Original Intent of the Authorization of Safe Navigation from Hatteras to the Hatteras Inlet (July 20, 2020)
- 20-07-16 Resolution Reimbursement Fiscal Year 20-21 Vehicle and Equipment Financing Project (July 20, 2020)

- 20-07-17 Resolution North Carolina Governor's Safety Program (July 20, 2020)
- 20-07-18 Resolution Adopting the 2020 Update of the Dare County Program for Public Information (July 20, 2020)
- 20-08-19 Resolution Celebrating the 100th Anniversary of the Ratification of the 19th Amendment (August 17, 2020)
- 20-09-20 Resolution Authorizing the Dare county Board of Commissioners to Declare Real Property as Surplus Pursuant to G.S. 160A-269 - Brix LLC (Sept 8, 2020)
- 20-09-21 Resolution Authorizing the Dare County Board of Commissioners to Declare Real Property as Surplus Pursuant to G.S. 160A-269 – Buxton Harbor parcel (Sept. 21, 2020)
- 20-09-22 Resolution Adopting the 2020 Update of the Dare County Repetitive Loss Area Analysis (Sept. 21, 2020)
- 20-09-23 Resolution of the County of Dare, North Carolina Declaring the Intent of the County of Dare, North Carolina to Reimburse Itself for Capital Expenditures from the proceeds of Certain Tax-Exempt Obligations [Manteo High School Roof Project] (Sept. 21, 2020)
- 20-09-24 Resolution Supporting Terminal Groins and Jetties [Oregon Inlet] Sept. 21, 2020)
- 20-11-25 Public Transportation Program Resolution FY22 (Nov. 2, 2020)
- 20-11-26 NC Dept. of Transportation Request for East Midgett Lane for Addition to State Maintained Secondary Road System (Nov. 2, 2020)
- 20-11-27 Resolution Mini-Brooks Act Exemption (Nov. 16, 2020)
- 20-11-28 Resolution for Manteo Shallowbag Bay Dredging Grant (Nov. 16, 2020)
- 20-11-29 Resolution Requesting Release of Triangle Parcel from LOBs (Nov. 16, 2020)
- 20-11-30 Resolution Authorizing the Negotiation of an Installment Financing Contract, Directing the Publication of Notice with Respect Thereto and Providing for Certain Other Related Matters Thereto (Nov 16, 2020)
- 20-12-31 Resolution Requesting a SOE and Action for Oregon Inlet (Dec. 7, 2020)
- 20-12-32 Resolution Authoring Declaration of Real Property as Surplus – Buxton Harbor (Dec. 7, 2020)

20-12-33 Resolution Approving Installment Financing Contract for Certain Facilities and Equipment (Dec. 21, 2020)

FOLLOWING ARE THE 2020 RESOLUTIONS

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

Scroll down to view all 2020 Resolutions

RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR THE FINANCING OF CERTAIN COUNTY FACILITIES AND EQUIPMENT

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) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the County has previously determined that it is in the best interest of the County to execute and deliver an Installment Financing Contract dated as of February 1, 2021 (the "*Contract*") with the Dare County Public Facilities Corporation (the "*Corporation*"), the proceeds of which will be used to (1) finance the acquisition, construction, equipping, and renovation of various school and County facilities and equipment, including (a) constructing and equipping a new academic building on the College of the Albemarle's campus in the County, (b) expanding and remodeling the County's Department of Health & Human Services complex (the "*DHHS Complex*"), (c) constructing and equipping a new animal shelter, (d) installing a replacement roof over portions of Manteo High School, (e) acquiring and renovating land and buildings located in the County, and (f) purchasing EMS mobile data computers and EMS cardiac monitors (collectively, the "*Projects*") and (2) pay certain costs incurred in connection with the execution and delivery of the Projects;

WHEREAS, to secure its obligations under the Contract, the County will execute and deliver a Deed of Trust, Security Agreement and Fixture Filing dated as of February 1, 2021 (the "*Deed of Trust*"), granting a lien on the County's fee simple interest in the real property on which the DHHS Complex is located, together with the improvements thereon;

WHEREAS, the Corporation will execute and deliver an aggregate principal amount not to exceed \$34,250,000 of its Limited Obligation Bonds (collectively, the "*Bonds*"), each evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract;

WHEREAS, in connection with the sale of the Bonds to Piper Sandler & Co. and PNC Capital Markets LLC (collectively, the "*Underwriters*"), the Corporation will enter into a Contract of Purchase to be dated on or about January 22, 2021 (the "*Purchase Contract*") between the Corporation and the Underwriters relating to the Bonds, and the County will execute a Letter of Representation to the Underwriters (the "*Letter of Representation*");

WHEREAS, there have been described to the Board of Commissioners of the County (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 Contract;
- (2) the Deed of Trust;

(3) an Indenture of Trust dated as of February 1, 2021 (the “*Indenture*”) between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee; and

(3) the Purchase Contract and the Letter of Representation.

WHEREAS, to make an offering and sale of the Bonds, there will be prepared a Preliminary Official Statement with respect to the Bonds (the “*Preliminary Official Statement*”), a draft thereof is available to the Board, and a final Official Statement relating to the Preliminary Official Statement (together with the Preliminary Official Statement, the “*Official Statement*”), which Official Statement will contain certain information regarding the County;

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

WHEREAS, the Board conducted a public hearing to receive public comment on the proposed Contract and the transactions contemplated thereby on December 7, 2020 after publication of a notice with respect to such public hearing; and

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

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

Section 1. *Ratification of Instruments.* All actions of the Chairman of the Board, the Clerk to the Board, the County Manager, the Deputy County Manager/Finance Director and their respective designees (individually and collectively, 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 of the Official Statement.* 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 of the final Official Statement by the Underwriters in connection with the sale of the Bonds is hereby in all respects authorized, approved and confirmed. The Authorized Officers are each hereby authorized and directed, individually and collectively, to deliver, on behalf of the County, the Official Statement in substantially such form, with such changes, insertions and omissions as each may approve.

Section 3. *Authorization to Execute the Contract.* The County approves the financing of the Projects as contemplated by the terms of the Instruments in an aggregate principal amount not to exceed \$34,250,000, 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 Contract are hereby in all respects authorized, approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County’s approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the Board. From and after the execution and delivery of the Contract, the Authorized Officers 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.

Section 4. *Authorization to Execute the Deed of Trust.* The County approves the form and content of the Deed of Trust, and the Deed of Trust is in all respects authorized, approved and confirmed. The Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content of the Deed of Trust presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem 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 Deed of Trust presented to the Board. From and after the execution and delivery of the Deed of Trust, the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 5. *Purchase Contract and Letter of Representation.* The form and content of the Purchase Contract are hereby approved in all respects, and the County Manager or the Deputy County Manager/Finance Director is authorized to execute the Letter of Representation for the purposes stated therein. The County Manager and the Deputy County Manager/Finance Director and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Letter of Representation, including necessary counterparts, in substantially the form and content of the Letter of Representation presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem 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 Letter of Representation presented to the Board. From and after the execution and delivery of the Letter of Representation, the County Manager and the Deputy County Manager/Finance Director are hereby authorized, empowered and directed, individually and collectively, 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 Letter of Representation as executed.

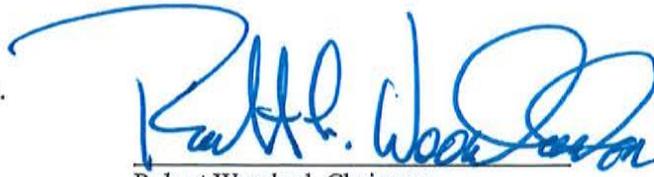
Section 6. *County Representative.* Each of the Authorized Officers are hereby designated as the County's Representative to act on behalf of the County in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the Authorized Officers are authorized to proceed with financing 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 by this Resolution as required by law. The Authorized Representatives are in all respects authorized on behalf of the County to supply all information pertaining to the County for use in the Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The County's representatives or their respective designees are hereby authorized, empowered and directed, individually and collectively, to do any and all other acts and to execute any and all other documents which they, in their discretion, deem necessary or appropriate to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement and the administration thereof after the execution and delivery of the Bonds or as they deem necessary and appropriate to implement and carry out the intent and purposes of this Resolution and the ongoing administration of the Instruments.

Section 7. *Severability.* 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 8. *Repealer.* All motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 9. *Effective Date.* This Resolution is effective on the date of its adoption.

Adopted this the 21st day of December, 2020.



Robert Woodard, Chairman

Attest:



Cheryl C. Anby, Clerk to the Board

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

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of the resolution entitled "RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA APPROVING AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE FINANCING OF CERTAIN COUNTY FACILITIES AND EQUIPMENT" duly adopted by the Board of Commissioners of the County of Dare, North Carolina, at a meeting held on the 21st day of December, 2020.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 21st day of December, 2020.

[Seal]



Cheryl C. Anby
Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina



**RESOLUTION AUTHORIZING THE DARE COUNTY BOARD OF COMMISSIONERS TO
DECLARE REAL PROPERTY AS SURPLUS
PURSUANT TO G.S. 160A-269**

WHEREAS, Dare County owns certain property, parcel #026511000, containing ±6,800 square feet, with the majority of the site compromised of a water channel and boat basin; and

WHEREAS, G.S. 160-269 allows the Dare County Board of Commissioners to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$20,000, submitted by C. DANIEL BURRUS.

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

1. The County authorizes sale of the property described above through the upset bid procedure of N.C.G.S 160A-269.
2. The Purchasing Agent shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the purchasing agent within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the purchasing agent shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the purchasing agent shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the higher bidder at closing.
7. The terms of the final sale are that
 - The Board must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - The Buyer must pay in full at the time of the closing.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to C. DANIEL BURRUS.
10. If a qualifying offer is received, the Board shall move forward with the higher offer.

This the 7th day of December, 2020.



A handwritten signature in blue ink, appearing to read "Robert Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board



Resolution Requesting a State of Emergency Declaration and Action for Oregon Inlet

WHEREAS, the federal specification for the Oregon Inlet Channel is fourteen feet deep by 400 feet wide, and

WHEREAS, this specification has rarely been achieved for extended periods over the last 20 years, and

WHEREAS, this depth is crucial and mandatory for commercial fishing trawlers, and

WHEREAS, based upon the Moffat & Nichol study of 2014, commercial fishing and related seafood packing and processing would account for a yearly economic impact in the millions of dollars given a fully opened and stabilized inlet, and

WHEREAS, literally millions of dollars of seafood are being taken to out-of-state docks, depriving North Carolina of revenue, employment and socio/economic security, and subsequently reducing the year-over-year quotas for North Carolina based fishermen, and

WHEREAS, due to the continuing pressures and regulation of the estuarine fishery, ocean-caught species take on an additional significance in the seafood industry making Oregon Inlet access even more critical, and

WHEREAS, there were once nine fish houses in Wanchese to process the catch from commercial vessels providing employment to hundreds of workers, and because of the inability to keep Oregon Inlet open to the trawler fleet there are now only four fish houses with barely enough product to sustain themselves due to the condition of the inlet, and

WHEREAS, increased shoaling has led to navigation buoys being off station creating unsafe conditions especially for those mariners who are unfamiliar with the inlet, and

WHEREAS, despite the stellar work of the Corps of Engineers' dredges to maintain access to the inlet to federal specifications, this has proven to be a Sisyphean effort due to the unstable and dynamic nature of the inlet, and the limited number of dredges available to the Corps to do the work due to the Jones Act, and

WHEREAS, until Oregon Inlet has jetties that will serve to stabilize it to the point of requiring only maintenance dredging, and

WHEREAS, a fully open and fully functioning Inlet with complete access by all commercial vessels will provide employment, income, and socio/economic security for working families in Dare and surrounding counties.

THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners formally requests that Oregon Inlet be declared to be in a state of emergency and that immediate actions be taken to provide continued and ongoing dredging by federal or private means as required to maintain full access by all commercial vessels.

BE IT FURTHER RESOLVED, that the Dare County Board of Commissioners requests an immediate suspension of the Corps' bid requirement for one year to allow for the timely contracting of any private dredge required when a Corps dredge is unavailable, and that any private dredge be allowed to operate under the Corps of Engineers' dredging permits for Oregon Inlet.

BE IT FURTHER RESOLVED, that the Dare County Board of Commissioners requests the elimination of the antiquated Jones Act which will allow the Corps of Engineers to build the additional dredges necessary to timely and effectively complete their assignments in all federal and approved non-federal waters as funding allows.

BE IT FURTHER AND FINALLY RESOLVED, that with regard to these actions, time is of the essence.

This the 7th day of December, 2020.




Robert Woodard, Sr., Chairman

Attest: 
Cheryl C. Anby, Clerk to the Board

PARKER POE 11/16/2020

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

WHEREAS, the County of Dare, North Carolina (the "*County*") is a validly existing political subdivision 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) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board hereby determines that it is in the best interest of the County to (1) enter into an Installment Financing Contract (the "*Contract*") with Dare County Public Facilities Corporation (the "*Corporation*") in order to (1) finance the acquisition, construction, equipping, and renovation of various school and County facilities and equipment, including (a) constructing and equipping a new academic building on the College of the Albemarle's campus in the County, (b) expanding and remodeling the County's Department of Health & Human Services complex (the "*DHHS Complex*"), (c) constructing and equipping a new animal shelter, (d) installing a replacement roof over portions of Manteo High School, (e) acquiring and renovating land and buildings located in the County, and (f) purchasing EMS mobile data computers and EMS cardiac monitors (collectively, the "*Projects*"), and (2) enter into a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") related to the County's fee simple interest in certain real property on which the DHHS Complex is located (the "*Site*"), that will provide security for the County's obligations under the Contract;

WHEREAS, the Corporation will assist the County by the issuance of Limited Obligation Bonds (the "*Bonds*") to finance the Projects;

WHEREAS, the County hereby determines that the Projects are essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects will provide an essential use and will 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 is 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 finance the Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of financing the Projects is an amount not to exceed \$34,250,000, and that such cost of the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Projects pursuant to the Contract is expected to exceed the cost of financing the Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the Projects pursuant to the Contract and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing

accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County's obligations thereunder, a Deed of Trust conveying a lien and interest in the Site, including the improvements thereon, as may be required by the entity, or its assigns, providing the funds to the County under the Contract.

Section 2. **Application to LGC.** That the Deputy County Manager/Finance Director, or his designee, is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

Section 3. **Direction to Retain Professionals.** That the Deputy County Manager/Finance Director is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, as bond counsel; DEC Associates, Inc., as financial advisor; The Bank of New York Mellon Trust Company, N.A., as trustee, and Piper Sandler & Co., as underwriter. The Deputy County Manager/Finance Director is hereby authorized to retain such other professionals as he deems necessary in his judgment to carry out the transaction contemplated in this Resolution.

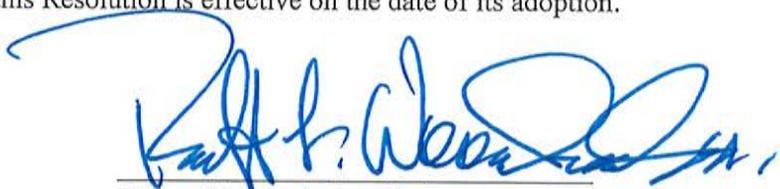
Section 4. **Public Hearing.** That a public hearing (the "Public Hearing") shall be conducted by the Board of Commissioners on December 7, 2020 at 9:30 a.m. in the Board of Commissioners' Meeting Room, Dare County Administration Building, 954 Marshall C. Collins Drive, Manteo, North Carolina 27954, concerning the Contract, the Deed of Trust, the proposed Projects and any other transactions contemplated therein and associated therewith.

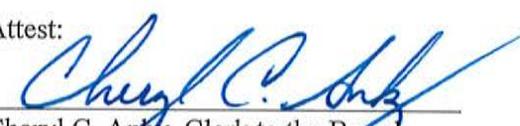
Section 5. **Notice of Public Hearing.** That the Clerk to the Board is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the County no fewer than 10 days prior to the Public Hearing.

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

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

Adopted this the 16th day of November, 2020.


Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Andy, Clerk to the Board

STATE OF NORTH CAROLINA)
)
COUNTY OF DARE)

SS:

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO”** duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 16th day of November, 2020.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 16th day of November, 2020.



A handwritten signature in blue ink, reading "Cheryl C. Anby", is written over a horizontal line.

Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina

EXHIBIT A
NOTICE OF PUBLIC HEARING

At its November 16, 2020 meeting, the Board of Commissioners (the "*Board of Commissioners*") of the County of Dare, North Carolina (the "*County*") adopted a resolution which:

1. Authorized the County to proceed to (1) finance the acquisition, construction, equipping, and renovation of various school and County facilities and equipment, including (a) constructing and equipping a new academic building on the College of the Albemarle's campus in the County, (b) expanding and remodeling the County's Department of Health & Human Services complex (the "*DHHS Complex*"), (c) constructing and equipping a new animal shelter, (d) installing a replacement roof over portions of Manteo High School, (e) acquiring and renovating land and buildings located in the County, and (f) purchasing EMS mobile data computers and EMS cardiac monitors (collectively, the "*Projects*"), pursuant to an installment financing contract (the "*Contract*"), in a principal amount not to exceed \$[Amount] under which the County will make certain installment payments in order to make the Projects available to the County;

2. Authorized the County to proceed to provide, in connection with the Contract, as grantor, a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") under which the real property on which the DHHS Complex is located, as set forth below (the "*Mortgaged Property*"), will be mortgaged by the County to create a lien thereon for the benefit of the entity, or its assigns, providing the funds to the County under the Contract.

The DHHS Complex is located at 107 Exeter St., Manteo, NC 27954. The Mortgaged Property will be subject to the mortgage provided in the Deed of Trust. The Contract and the Deed of Trust permit the County to enter into amendments to finance additional projects and refinance projects using the Mortgaged Property as collateral and the County may or may not grant additional collateral in connection with such amendments.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on December 7, 2020 at 9:30 a.m. in the Board of Commissioners' Meeting Room, Dare County Administration Building, 954 Marshall C. Collins Drive, Manteo, North Carolina 27954, a public hearing will be conducted concerning the approval of the execution and delivery of the Contract and the County's financing of the Projects. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Contract and the Projects to be financed thereby. Any person wishing to comment in writing should do so between the date of publication of this notice and the start of the public hearing by submitting comments to the County of Dare, Dare County Administration Building, 954 Marshall C. Collins Drive, Manteo, North Carolina 27954, Attention: Clerk to the Board of Commissioners, or cheryl.anby@darenc.com.

/s/ Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina

Published: November 16, 2020

**RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA REQUESTING THE
RELEASE OF CERTAIN PREMISES RELATED TO LIMITED OBLIGATION BONDS**

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

WHEREAS, the County has previously executed and delivered an Installment Financing Contract dated as of September 1, 2012 (the "*2012C/D Contract*"), between the Dare County Public Facilities Corporation (the "*Corporation*") and the County, and Amendment Number One to the Installment Financing Contract dated as of May 1, 2020, (the "*First Contract Amendment*" and together with the 2012C/D Contract, the "*Contract*") between the Corporation and the County, in order to finance and refinance various County and school project (the "*Projects*");

WHEREAS, under an Indenture of Trust dated as of September 1, 2012 (the "*2012 Indenture*") between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*"), as supplemented and amended by Supplemental Indenture, Number 1 dated as of May 1, 2020 (the "*First Supplemental Indenture*" and together with the 2012C/D Indenture, the "*Indenture*"), between the Corporation and the Trustee, the Corporation executed and delivered Limited Obligation Bonds, Series 2012C, Refunding Limited Obligation Bonds, Series 2012D and Taxable Refunding Limited Obligation Bond, Series 2020A, each evidencing proportionate undivided interests in rights to receive certain revenues pursuant to the Contract, to assist the County in financing and refinancing the Projects;

WHEREAS, to secure its obligations under the Contract, the County executed and delivered a Deed of Trust, Security Agreement and Fixture Filing dated as of September 1, 2012 (the "*Deed of Trust*") related to the County's fee simple interest in the sites of Manteo Middle School, Nags Head Elementary School and the College of the Albemarle, Roanoke Island Campus and the improvements thereon;

WHEREAS, the County has determined to sell a small corner of the property of the College of the Albemarle, Roanoke Island Campus to the adjoining property owner for their use and therefore the County requests The Bank of New York Mellon Trust Company, N.A., as Trustee and assignee of the beneficiary under the Deed of Trust to release the property described in the appendix to this Resolution;

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

Section 1. Request for Release of Premises. That the County hereby requests that the Trustee, as the assignee of the beneficiary under the Deed of Trust, release in accordance with Section 1.14 of the Deed of Trust a portion of the site of the College of the Albemarle, Roanoke Island Campus described in the appendix to this Resolution from the lien created by the Deed of Trust to allow the County to sell such property to the adjoining property owner. The legal description of the property to be released will be contained in the Deed of Partial Release, to be presented to the Trustee for its execution, and to be executed by the Deed of Trust trustee and recorded in the Dare County Register of Deeds office.

Section 2. Actions by the County. That the Chairman of the Board of Commissioners, the Clerk to the Board of Commissioners, the County Manager, the Assistant County Manager/Finance Officer, the County Attorney and their respective designees, are hereby designated to act on behalf of the County to effectuate the release of property from the Deed of Trust as described in this Resolution, and all actions of

such officers on behalf of the County with respect to such release, whether previously or hereinafter taken, are hereby approved, ratified and authorized.

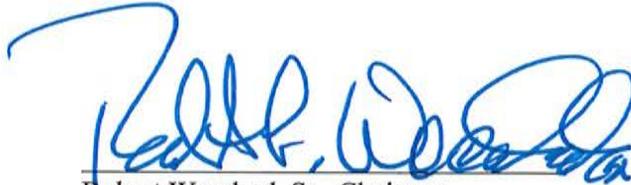
Section 3. Severability. That if any section, phrase or provision of this Resolution shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 4. Repealer. That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 5. Effective Date. That this Resolution shall become effective on the date of its adoption.

Adopted this the 16th day of November, 2020.




Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board

Appendix – Description of Property to be Released

All that lot or parcel of land located in the Town of Manteo, Dare County, North Carolina and more particularly described as follows:

BEGINNING at iron pipe in the eastern margin of the right of way of US Hwy 64/264, said iron pipe being the following courses and distances from NGS “Agona” (NC GRID NAD 83 (2011) N: 801,148.69 sFT; E: 2,984,760.63 sFT): South 36 deg 37 min 55 sec East 252.05 feet to a point in the intersection of the southern margin of the right of way of Fernando Street with the eastern margin of the right of way US Hwy 64/264; thence South 32 deg 57 min 10 sec East 110.62 feet to an iron pipe , said iron pipe being the point and place of beginning; THENCE FROM THE POINT OF BEGINNING South 32 deg 57 min 10 sec East 14.62 feet along the eastern margin of the right of way of US Hwy 64/264 to an iron rod; thence North 73 deg 04 min 23 sec East 162.73 feet to a point; thence North 33 deg 02 min 12 sec West 46.33 feet to a point; thence South 61 deg 52 min 39 sec West 156.89 feet to an iron pipe being the point and place of BEGINNING. Containing 4,764 square feet.

Said parcel of land is more particularly described and shown on that map or plat entitled, “Boundary Overlap Exhibit Map for BRIX, LLC,” dated October 5, 2020, and prepared by Jason A. Mizelle, PLS.

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

I, *Cheryl C. Anby*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of the resolution entitled “**RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA REQUESTING THE RELEASE OF CERTAIN PREMISES RELATED TO LIMITED OBLIGATION BONDS**” duly adopted by the Board of Commissioners of the County of Dare, North Carolina, at a meeting held on the 2nd day of November, 2020.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 16th day of November, 2020.



Cheryl C. Anby

Cheryl C. Anby
Clerk to the Board of Commissioners
County of Dare, North Carolina



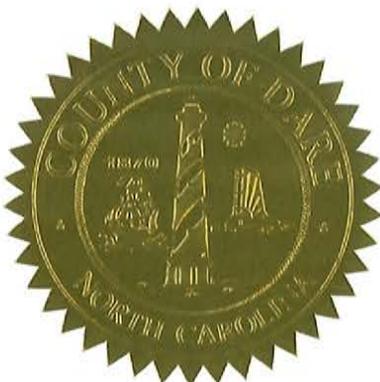
**RESOLUTION
MANTEO/SHALLOWBAG BAY RANGE 5
DREDGING CONSTRUCTION SERVICES**

WHEREAS, Dare County desires to sponsor, Manteo/Shallowbag Bay Range 5, to provide dredging construction services associated to dredge Range 5 of the Manteo/Shallowbag Bay Interior navigation project.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina to provide financial assistance to Dare County to dredge Range 5 of the Manteo/Shallowbag Bay Interior project in the amount of \$85,206.25.
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County 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) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

Adopted this the 16th day of November, 2020.





 Robert Woodard, Sr., Chairman

Attest: 

 Cheryl C. Anby, Clerk to the Board

20-11-27

**RESOLUTION AUTHORIZING THE DARE COUNTY BOARD OF COMMISSIONERS
TO EXEMPT THE COUNTY FROM THE MINI-BROOKS ACT
PURSUANT TO G.S. 143-64.32**

WHEREAS, North Carolina General Statute 143-64.31 (often referred to as the "Mini-Brooks Act") requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and,

WHEREAS, Dare County proposes to enter into one or more contracts for engineering and surveying services in conjunction with the Development Finance Initiative (DFI) to aid in the design of essential housing within Dare County; and,

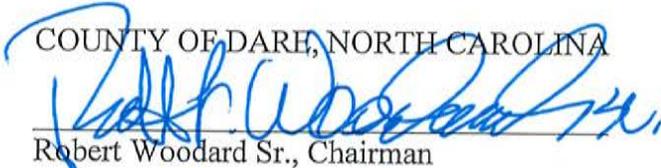
WHEREAS, North Carolina General Statute 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of North Carolina General Statute 143-64.31 if the estimated fee for any such service is less than \$50,000; and,

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

The above-described project is hereby made exempt from the provisions of North Carolina General Statute 143-64.31

This the 16th day of November, 2020.

COUNTY OF DARE, NORTH CAROLINA


Robert Woodard Sr., Chairman


Cheryl Anby, Clerk to the Board



20-11-26

North Carolina Department of Transportation
Division of Highways
Request for Addition to State Maintained Secondary Road System

North Carolina

County: Dare

Road Description: East Midgett Way, in Clarence Midgett Jr/Beach Lake Subdivision, Waves, NC
0.16 miles in length

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Dare requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Dare that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Dare at a meeting on the 2nd day of November, 2020.

WITNESS my hand and official seal this the 2nd day of November, 2020.



Cheryl C. Aubrey
Clerk, Board of Commissioners
County: Dare

PLEASE NOTE:

Forward direct with request to the Division Engineer, Division of Highways

20-11-25

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2022 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public 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 Steve House and seconded by Vice-Chairman Wally Overman 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, small urban, and urban public transportation services consistent with the policy requirements of each funding source 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, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital budget Section 5310 program.

WHEREAS, 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(s), 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.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the Dare County Transportation Supervisor is hereby authorized by the Dare County Board of Commissioners to submit grant application(s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

Robert Woodard, Chairman
Dare County Board of Commissioners

I, Cheryl Anby, Clerk to the Board of Commissioners, 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 2nd day of November, 2020.

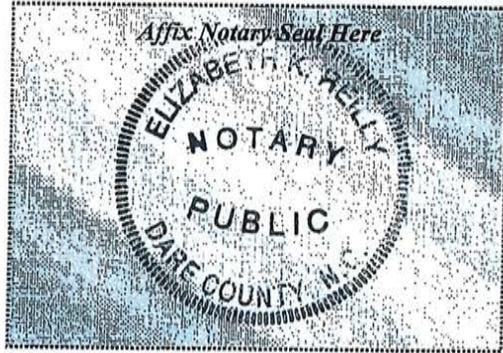
Signature of Certifying Official

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

Subscribed and sworn to me
(date) 11/2/2020

Elizabeth K. Kelly
Notary Public

2617 S. Pilot Lane
Nags Head NC 27959
Printed Name and Address



My commission expires 4/29/2024



RESOLUTION

SUPPORTING TERMINAL GROINS AND JETTIES

WHEREAS, the State of North Carolina has 320 miles of coastline and 19 inlets that are both a public trust and a significant economic resource; and

WHEREAS, coastal erosion of the oceanfront shoreline is one of the most serious challenges facing North Carolina's coastal communities, which jeopardizes public safety and puts at risk millions of dollars of public and private infrastructure thereby threatening the tax base that is the life blood of coastal local governments and represents a significant part of the State's economy; and

WHEREAS, Oregon Inlet in Dare County on the Outer Banks of North Carolina serves as a vital outlet to the Atlantic Ocean and functions as a channel for the drainage of storm waters from the vast Albemarle-Pamlico estuarine system, thereby facilitating the maintenance of water quality throughout that system and reducing the impact of soundside flooding on people, property, and infrastructure; and

WHEREAS, it is uncontroverted that Oregon Inlet, at the end of a barrier island, is rapidly narrowing from the north; and

WHEREAS, any condition which impedes the outward flow of water jeopardizes lives and threatens property and public infrastructure, particularly during severe storms, by causing flood level waters on soundside properties, which increases the potential of opening one or more new and unwanted channels; and

WHEREAS, rapidly narrowing and unstable inlets represent a major risk to public safety by creating navigational hazards that jeopardize lives and livelihoods for North Carolina's commercial fishermen, charter boat captains, recreational anglers, and all others who use the inlet; and

WHEREAS, the problem of erosion at the end of barrier islands is unique to those areas and continues to pose a genuine threat to public beach access, public and private property, businesses and infrastructure, creating the risk of significant reconstruction costs and lost tax revenue; and

WHEREAS, a study conducted by the North Carolina Coastal Resources Commission determined that terminal groins, in combination with beach nourishment, can be effective at controlling erosion at the end of barrier islands and offered a slate of recommendations for environmental and ecological safeguards that emphasize the responsible use of terminal groins as a tool to control erosion at the end of barrier islands; and

WHEREAS, the State of North Carolina has in the past constructed terminal groins as an inlet management tool while ensuring proper consideration of environmental issues; and

WHEREAS, millions of dollars are spent each year on dredge operations to keep the inlet navigable which would be significantly reduced with a jettied and stabilized inlet; and

WHEREAS, the United States Congress in 1970 expressed the intent of that body through a specific legislative authorization that Oregon Inlet be stabilized with a dual jetty system.

WHEREAS, the Dare County Board of Commissioners has long advocated for inlet stabilization through terminal groins and jetties having adopted a series of seven resolutions over the span of decades urging state and federal officials to allow these structures as a way of safeguarding public safety and protecting North Carolina's vital coastal infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners continues to support protecting the shorelines of North Carolina with terminal groin and jetty projects by variance or by rulemaking and asks our state and federal representatives to support the construction of terminal groin and jetty projects along the entire coast of North Carolina.

BE IT FURTHER RESOLVED that the Dare County Board of Commissioners calls on our legislative delegation in Raleigh and Washington, D.C. as a matter of public safety and economic necessity to work collaboratively to introduce legislation that will provide for the long-term stabilization that is so desperately needed at Oregon Inlet including, but not limited to, the transfer of property from the National Park Service required to anchor the jetty systems.

This the 21st day of September, 2020





Robert Woodard, Sr., Chairman

Attest: 

Cheryl C. Anby, Clerk to the Board



**RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA
DECLARING THE INTENT OF THE COUNTY OF DARE, NORTH
CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES
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 the County to proceed with a roof replacement at Manteo High 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 some or all of 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 \$1,000,000.

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 bond 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.

Adopted this the 21st day of September, 2020.



A handwritten signature in blue ink, appearing to read "R. Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board



**Resolution
Adopting the 2020 Update of the
Dare County Repetitive Loss Area Analysis**

WHEREAS, Dare County participates in the Community Rating System (CRS) program and has implemented outreach activities and regulatory initiatives as part of the program; and

WHEREAS, the CRS program requires Dare County to identify and map repetitive loss areas based on information provided to Dare County by the NFIP and to implement outreach activities for these repetitive loss areas; and

WHEREAS, Dare County developed and adopted a Repetitive Loss Area Analysis in 2015 as part of the five-year recertification of our CRS program participation; and

WHEREAS, the 2020 five-year recertification CRS process is scheduled for September 2020 and as part of that process, the Repetitive Loss Area Analysis must be updated and adopted by Dare County, and

WHEREAS, the Dare County Planning Department has updated the RLAA as required and completed the necessary outreach activities.

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners does hereby adopt the 2020 update of the Dare County Repetitive Loss Area Analysis, as prepared by the Dare County Planning Department.

This the 21st day of September, 2020.

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board





**RESOLUTION AUTHORIZING THE DARE COUNTY BOARD OF COMMISSIONERS TO
DECLARE REAL PROPERTY AS SURPLUS
PURSUANT TO G.S. 160A-269**

WHEREAS, Dare County owns certain property, parcel #026511000, with the majority of the site compromised of a water channel and boat basin; and

WHEREAS, G.S. 160-269 allows the Dare County Board of Commissioners to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase a portion of the subject parcel, containing 28,640 sq. feet, in the amount of \$20,000, submitted by C. DANIEL BURRUS.

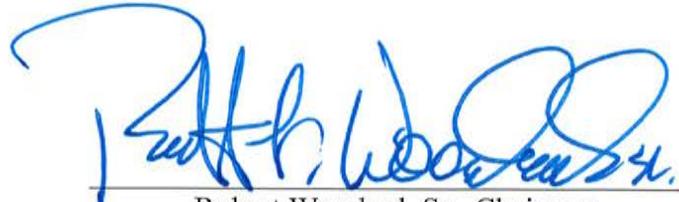
NOW, THEREFORE BE IT RESOLVED, by the Dare County Board of Commissioners that:

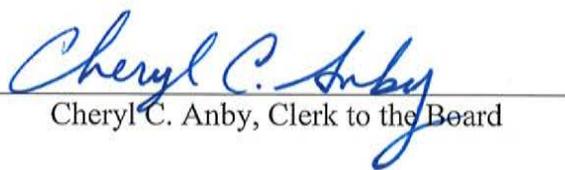
1. The County authorizes sale of the property described above through the upset bid procedure of N.C.G.S 160A-269.
2. The Purchasing Agent shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the purchasing agent within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the purchasing agent shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the purchasing agent shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the higher bidder at closing.
7. The terms of the final sale are that
 - The Board must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - The Buyer must pay in full at the time of the closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to C. DANIEL BURRUS.

This the 21st day of September, 2020.




Robert Woodard, Sr., Chairman

Attest: 
Cheryl C. Anby, Clerk to the Board



**RESOLUTION AUTHORIZING THE DARE COUNTY BOARD OF COMMISSIONERS TO
DECLARE REAL PROPERTY AS SURPLUS
PURSUANT TO G.S. 160A-269**

WHEREAS, Dare County owns certain property, a small triangular parcel of land lying between Brix, LLC and other lands belonging to the County bearing parcel #025550001; and

WHEREAS, G.S. 160-269 allows the Dare County Board of Commissioners to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$15,000, submitted by BRIX, LLC.

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

1. The County authorizes sale of the property described above through the upset bid procedure of N.C.G.S 160A-269.
2. The Purchasing Agent shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the purchasing agent within ten (10) days after the notice of sale is published. At the conclusion of the 10-day period, the purchasing agent shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the purchasing agent shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the higher bidder at closing.

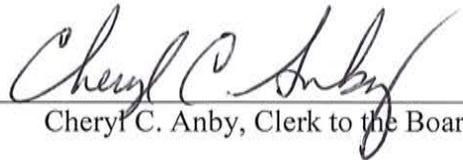
7. The terms of the final sale are that:
 - The Board must approve the final high offer before the sale is closed, which it will do within thirty (30) days after the final upset bid period has passed, and
 - The Buyer must pay in full at the time of the closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to BRIX, LLC.

This the 8th day of September, 2020.





Robert Woodard, Sr., Chairman

Attest: 

Cheryl C. Anby, Clerk to the Board

20-08-19



**Resolution
Celebrating the 100th Anniversary
of the Ratification of the 19th Amendment**

WHEREAS, an organized movement to enfranchise women began on July, 1848, at a convention in Seneca Falls, New York; and

WHEREAS, after more than seven decades of the continued efforts of brave and courageous women, referred to as suffragists and suffragettes, who sacrificed family, their personal lives and financial resources to gain equal rights for women, especially the right to vote, the women's suffrage movement led to the passage of the 19th Amendment to the Constitution of the United States in 1919, with ratification by the states by August 18, 1920; and

WHEREAS, the National Woman's Suffrage Association dissolved in 1920 to create the League of Women Voters of the United States to register voters and educate all voters; and

WHEREAS, women today constituting a majority of voters in our state and the nation are running for office in higher numbers and are more active in the election process than ever before in history; and

WHEREAS, voting rights are core to our democracy and the promotion of equal access to all voting citizens in the County ensures the promise for a better future;

NOW THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners recognizes and celebrates the 100th anniversary of women gaining the right to vote and the historic impact and citizen engagement and accomplishment for the civic life of the community, the state and the nation.

Adopted this the 17th day of August, 2020.



A handwritten signature in blue ink, reading "Robert Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, reading "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board

20-07-18

A RESOLUTION ADOPTING THE 2020 UPDATE OF THE DARE COUNTY
PROGRAM FOR PUBLIC INFORMATION

WHEREAS, Dare County participates in the Community Rating System (CRS) program to ensure property owners in unincorporated Dare County qualify for discounted flood insurance premiums as a result of our participation; and

WHEREAS, the Community Rating System (CRS) program continued participation in the CRS program is of primary importance to Dare County and;

WHEREAS, the CRS manual outlines a process for the adoption of a Program for Public Information (PPI) which formalizes all outreach activities to be implemented in conjunction with the CRS program; and

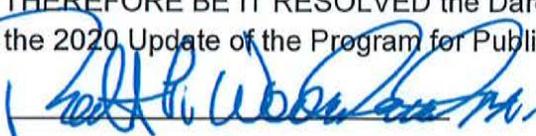
WHEREAS, in 2015 Dare County and the Town of Manteo, in conjunction with a stakeholders committee, developed a Program for Public Information that identified goals, target audiences, and outreach activities to increase awareness of the importance of flood insurance, property protection measures, and hurricane preparedness; and

WHEREAS, the PPI also includes an assessment of flood insurance coverage, insurance coverage analysis, and coverage improvement strategies for credit under Section 370 of the CRS manual; and

WHEREAS, as part of the five-year CRS cycle review, the 2015 Program for Public Information must be reviewed and updated to ensure the goals, target audiences and outreach activities remain relevant; and

WHEREAS, the PPI stakeholder committee reviewed the final draft of the PPI update on July 8, 2020 and voted unanimously to adopt the update and recommended its adoption by the local elected boards of Dare County and the Town of Manteo.

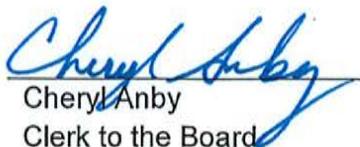
NOW THEREFORE BE IT RESOLVED the Dare County Board of Commissioners does hereby adopt the 2020 Update of the Program for Public Information as presented on July 20, 2020.

BY: 

DATE: July 20, 2020

Robert L. Woodard, Chairman
Dare County Board of Commissioners

ATTEST:


Cheryl Anby
Clerk to the Board



Resolution No. 20-07-16

REIMBURSEMENT RESOLUTION – FISCAL YEAR 2020-2021 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;

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 \$528,559.

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 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.

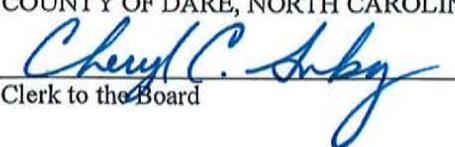
Section 4. *Effective Date.* This resolution shall become effective immediately upon the date of its adoption.

Adopted this 20th day of July, 2020.


Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA


Clerk to the Board



20-07-15



**A RESOLUTION
REQUESTING THAT THE U.S. ARMY CORPS OF ENGINEERS AMEND THE
EXISTING FEDERAL AUTHORIZATION TO MEET THE ORIGINAL INTENT OF
THE AUTHORIZATION OF SAFE NAVIGATION FROM HATTERAS TO THE
HATTERAS INLET**

WHEREAS, the waterway between Hatteras Island and Ocracoke Island, known as Hatteras Inlet and also known as Rollinson Channel, is a unique area in that it provides the only way for local watermen to get direct access to the Atlantic Ocean and for NCDOT to transport millions of people each year between Hatteras and Ocracoke Islands who, because there is no bridge, must travel between the two islands on ferry vessels; and

WHEREAS, the Hatteras Inlet waterway not only provides a direct channel to the Atlantic Ocean for commercial and recreational fishing vessels, it is the means of access for the United States Coast Guard to use when responding to potentially lifesaving ocean rescue missions; and

WHEREAS, Hatteras Inlet is subject to constantly shifting shoals and sandbars posing a clear and present danger for safe navigation between Hatteras and Ocracoke Islands and through the channel to the Atlantic Ocean that is known as the Hatteras Inlet Gorge; and

WHEREAS, the dangerous shoaling at Hatteras Inlet not only threatens the lives and property of commercial and recreational vessels, it also jeopardizes the economy of the region by causing irreparable harm to charter boat operators, commercial fishing operations, seafood processing houses, marine repair facilities, and other local businesses on both Hatteras and Ocracoke Islands that depend on the Hatteras Inlet waterway; and

WHEREAS, because the most direct navigational route between Hatteras and Ocracoke Islands, known as the Connecting Route and also known as the old Ferry Route, cannot be used due to shoaling, local vessels and NCDOT ferries are forced to take the only alternative route from Hatteras to the Hatteras Inlet Gorge; and

WHEREAS, the original intent of the 1940's federal authorization was to provide a route from Hatteras to the Hatteras Inlet Gorge to provide access to the Atlantic for all mariners with the understanding that the route was sustainable because it was protected by Hatteras and Ocracoke Island; and

WHEREAS, an increase in the number of storms has changed the dynamic inlet by exposing what used to be the direct route due to the erosion of Hatteras Island and Ocracoke Island going from a .25-mile-wide inlet in 1993 to a 2.3-mile-wide inlet in 2020; and

WHEREAS, the Dare County Board of Commissioners has been funding proactive dredging to secure reliable and cost effective navigational access to enable our working watermen, recreational mariners and the United States Coast Guard to get to the Atlantic Ocean and for our visitors to safely travel between Hatteras and Ocracoke Islands, both of which are vital to public safety and to sustain the economy of the region; and

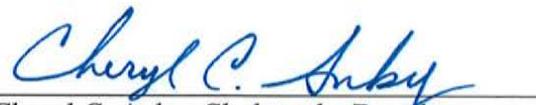
WHEREAS, if the existing Federal Authorization were amended to include the entire Connecting Route from Hatteras to the Hatteras Inlet Gorge, to include Barney Slough, Sloop Channel and South Ferry Channel, it would provide the necessary authorization to allow dredging to be done in a comprehensive way that would encompass the entire area that is needed for our local watermen, the NCDOT Ferry Division and the United States Coast Guard.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners supports the request to modify the existing Federal Authorization per the U.S. Army Corps of Engineers Section 7001 of WRRDA 2014 to allow the channel to follow best or deep water.

This the 20th day of July, 2020.




Robert Woodard, Sr., Chairman

Attest: 
Cheryl C. Anby, Clerk to the Board

20-07-14



**Resolution
2020-2021 Oregon Inlet Permit Modifications**

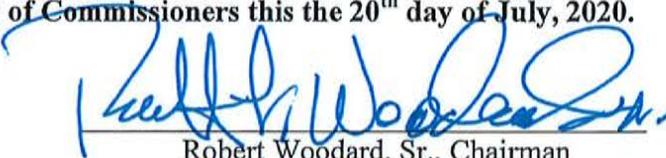
WHEREAS, Dare County desires to sponsor, 2020-2021 Oregon Inlet Permit Modifications, to provide construction administrative services associated to modify the Oregon Inlet dredge permit.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina to provide financial assistance to Dare County for 2020-2021 Oregon Inlet Permit Modification in the amount of \$7,434.37.
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County 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) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Dare County Board of Commissioners this the 20th day of July, 2020.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board

20-07-13



**Resolution
Supporting 2020-2021 Hatteras Inlet Maintenance**

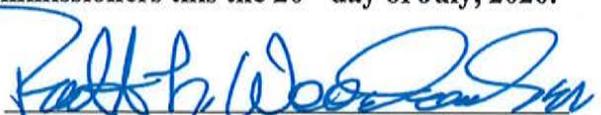
WHEREAS, Dare County desires to sponsor, 2020-2021 Hatteras Inlet Maintenance Contract, to provide construction administrative services associated with maintaining Hatteras Inlet Navigation Channels.

NOW, THEREFORE, BE IT RESOLVED THAT:

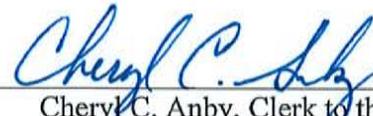
- 1) Dare County requests the State of North Carolina to provide financial assistance to Dare County for 2020-2021 Hatteras Inlet Maintenance in the amount of \$19,950.
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County 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) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Dare County Board of Commissioners this the 20th day of July, 2020.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board



Resolution

Opposing Herbert C. Bonner Bridge Debris Disposal Permit Modification

WHEREAS, Herbert C. Bonner (May 16, 1891 – November 7, 1965) was a U.S. Congressman from North Carolina between 1940 and 1965; and

WHEREAS, Congressman Bonner was instrumental in changing the name of Cape Hatteras National Seashore by the U.S. Congress to *Cape Hatteras National Seashore Recreational Area*, to accommodate hunting and fishing interests, which at that time was unique for National Park Service managed entities; and

WHEREAS, Congressman Bonner considered the Bonner Bridge and its importance to the citizens of Dare County and Hatteras Island to be one of the biggest achievements of his lengthy career in Congress.; and

WHEREAS, the *Herbert C. Bonner Bridge* is being dismantled after the *Marc Basnight Bridge* was opened for traffic spanning Oregon Inlet; and

WHEREAS, the demolition permit, agreed upon by all parties, required the *Bonner Bridge* demolition material to be shipped to four offshore reef sites near Oregon Inlet, that were designated as disposal sites for all acceptable demolition debris; and

WHEREAS, the artificial reef designated as Reef No. 160, located south of Oregon Inlet, will receive 55 percent of the material and each of the remaining three reefs near Oregon Inlet, designated as Reef Nos. 130, 140 and 145, all northeast of the Oregon Inlet, will each receive 15 percent of the material; and

WHEREAS, maintenance of the only four artificial reefs off Dare County shores has been lacking for many years; and

WHEREAS, artificial reefs provide necessary and vital structure, critical to the recreational and commercial fishing industries in Dare County, North Carolina; and

WHEREAS, North Carolina Department of Transportation (NCDOT) has requested a modification of the disposal permit to include approximately 29,000 tons of the *Bonner Bridge* debris to artificial reef sites in Carteret County, notwithstanding the longstanding need for reef material on the reefs near Oregon Inlet and to the detriment of recreational and commercial fishing off Oregon Inlet.

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners strongly oppose the permit modification to allow the placement of Bonner Bridge demolition materials in areas other than those designated in the original permit.

This the 6th day of July, 2020.





Robert Woodard, Sr., Chairman

Attest: 

Cheryl C. Anby, Clerk to the Board



A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING A LAW ENFORCEMENT OFFICERS' SPECIAL SEPARATION ALLOWANCE (LEOSSA) TRUST FUND AND THE RESTATEMENT OF THE OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST AGREEMENT AS A MASTER TRUST FOR LEOSSA AND OPEB; APPOINTMENT OF TRUSTEES FOR MASTER TRUST.

WHEREAS, the County of Dare, North Carolina (the "County") provides certain benefits for its eligible retirees that constitute what are known as other post-employment benefits ("OPEB");

WHEREAS, the County is required to account for OPEB pursuant to the Governmental Accounting Standards Board Statement No. 45;

WHEREAS, the County also provides that certain law enforcement officers' special separation allowance ("LEOSSA") pursuant to Article 12D of Chapter 143 North Carolina General Statutes;

WHEREAS, the County is required to account for LEOSSA pursuant to the Governmental Accounting Standards Board Statement No. 73;

WHEREAS, the County previously entered into a trust agreement (the "OPEB Trust Agreement") and created a trust fund (the "OPEB Trust Fund") into which it deposits regular contributions by the County in order to fund the County's OPEB obligations;

WHEREAS, such deposits into the OPEB Trust Fund are irrevocable, not subject to the claims of creditors and may only be withdrawn by the County to provide other post-employment benefits to individuals who are former employees or beneficiaries of former employees of the County and who are entitled to other post-employment benefits payable by the County; and

WHEREAS, in furtherance of the County's funding of its LEOSSA and the required accounting therefore, the County now desires to create a LEOSSA trust fund (the "LEOSSA Trust Fund") and to amend and restate the OPEB Trust and adopt a master trust (the "Master Trust") for both OPEB and LEOSSA so that any and all deposits by the County for purposes of funding its OPEB and LEOSSA obligations shall be subject to the same terms and conditions as set forth in such Master Trust;

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. *Creation of LEOSSA Trust Fund; Execution of Trust Agreement.* The County Manager and the Finance Director of the County are each hereby authorized and directed to take such action as may be necessary to create a LEOSSA Trust Fund to which regular contributions can be made by the County to fund the County's LEOSSA obligation. The County Manager and the Finance Director of the County are each hereby authorized, empowered, and directed to execute and deliver a Master Trust Agreement substantially in the form attached hereto, but with such changes, modifications, additions or deletions as to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein. The County Manager and the Finance Director of the County are each also hereby authorized to take any other actions deemed necessary or appropriate to consummate the transactions provided for in the Master Trust Agreement and to take all such other actions as they may deem necessary or appropriate to give effect to the Master Trust Agreement.

Section 2. **Appointment of Trustees.** The Board of Commissioners hereby appoints Robert L. Outten, County Manager, John David Clawson, Jr., Finance Director of the County and Elizabeth K. Reilly, Human Resources Director of the County, to serve as initial trustee under the Master Trust Agreement and grants each the authority necessary to perform all duties and obligations thereof.

Section 3. **Other Actions.** That all actions heretofore taken by the County Manager and the Finance Director of the County acting on behalf of the County with respect to the creation of the LEOSSA Trust Fund and the Master Trust are hereby ratified, adopted, approved and confirmed in all respects. The County Manager and the Finance Director of the County are authorized to execute and deliver for and on behalf of the County any and all documents or other papers and perform all other acts as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. **Effective Date.** This Resolution is effective on the date of its adoption.

On motion of Vice-Chairman Overman, seconded by Commissioner Bateman, the foregoing resolution titled "A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING A LAW ENFORCEMENT OFFICERS' SPECIAL SEPARATION ALLOWANCE (LEOSSA) TRUST FUND AND THE RESTATEMENT OF THE OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST AGREEMENT AS A MASTER TRUST FOR LEOSSA AND OPEB; APPOINTMENT OF TRUSTEES FOR MASTER TRUST" was duly adopted by an unanimous vote this 15th day of June, 2020.



A handwritten signature in blue ink, appearing to read "R. Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board

RESOLUTION OF ADOPTION

DARE COUNTY

Outer Banks Regional Hazard Mitigation Plan

WHEREAS, Dare County is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the Dare County desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Dare County Board of Commissioners to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

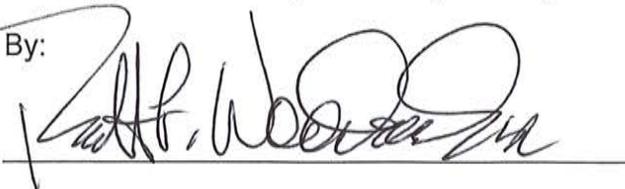
WHEREAS, it is also the intent of the Dare County Board of Commissioners to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Dare County; and

WHEREAS, Dare County in coordination with Currituck County, and the Towns of Duck, Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores has prepared a regional hazard mitigation plan with input from the appropriate local and state officials;

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Outer Banks Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners hereby adopts the Outer Banks Regional Hazard Mitigation Plan and agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

By:



May 18, 2020

Date:

Robert L. Woodard, Sr. Chairman

Attest:


Cheryl Anby, 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 2020 S-12 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

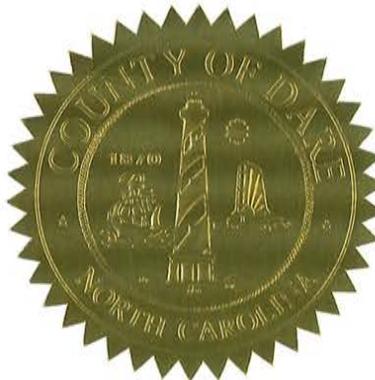
1. That the 2020 S-12 supplement to the County of Dare Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and attached hereto is hereby adopted by reference as if set out in its entirety,
2. Such supplement shall be deemed published as of the day of its adoption 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.

Robert L. Woodard, Sr. Chairman

May 5, 2020

Date:

SEAL:

Cheryl Anby, Clerk to the Board

20-05-08



Resolution
Requesting Payroll Protection Program Modification

WHEREAS, the tourism economy of Dare County annually generates over \$109 million in state and local tax revenue each year; and

WHEREAS, the sustainability of Dare County's tourism economy is dependent on small businesses providing services for the tourism industry including hotels, motels, property managers, restaurants, retail shops, attractions, outdoor recreation, grocers, fishing charters, equipment rentals, housekeeping services, and other service providers; and

WHEREAS, many of these small businesses have benefited from the opportunity to participate in the Payroll Protection Program and have received an approved loan, with the opportunity for forgiveness given appropriate use of funds within eight weeks of the first disbursement; and

WHEREAS, restrictions remain in place limiting travel except for essential purposes and preventing the opening of certain businesses until May 8, 2020 under Governor Cooper's Executive Order 135; and

WHEREAS, many of the businesses who participated in the Payroll Protection Program cannot hire to full capacity and meet the loan forgiveness requirements until restrictions are lifted or eased and nonessential travel resumes;

NOW THEREFORE BE IT RESOLVED, the Dare County Board of Commissioners requests the Payroll Protection Program be modified to allow banking and loan institutions to accept an alternative 8-week measurement period. If a business cannot fully open within one week of the first disbursement of funds, the 8-week measurement period should begin on the date the Governor allows businesses to reopen or when visitors are allowed into the area, whichever date is later.

This the 5th day of May, 2020.



A handwritten signature in blue ink, appearing to read "Robert Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board



**RESOLUTION DECLARING
MARCH 29 TO APRIL 4, 2020
DARE COUNTS WEEK**

WHEREAS, census data is used for congressional apportionment, transportation forecasting, and funding allocation for educational and healthcare needs; and

WHEREAS, in September 2019 the Dare County Board of Commissioners appointed the Dare County Complete Count Committee to disseminate information about the 2020 census and encourage Dare County citizens to participate in the 2020 census; and

WHEREAS, the Complete Count Committee has been meeting since August 2019 and has identified outreach activities and locations for the dissemination of census information; and

WHEREAS, official census information will be mailed to Dare County citizens in mid-March with detailed instructions on how to respond to the 2020 census either online, by phone or by mail; and

WHEREAS, April 1, 2020 is Census Day nationwide and every home in Dare County will have received a census response invitation for citizens to respond to the census; and

WHEREAS, it is important for Dare County to ensure that all our citizens are counted accurately and in the right place for the 2020 census.

NOW THEREFORE BE IT RESOLVED that the week of March 29 to April 4, 2020 is designated as “**DARE COUNTS**” week and all citizens in Dare County are strongly encouraged to respond to the census once they receive their census invitation.

This the 16th day of March, 2020.



Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



RESOLUTION IN SUPPORT OF CENTRAL DARE COUNTY CHANNEL MAINTENANCE PROJECT

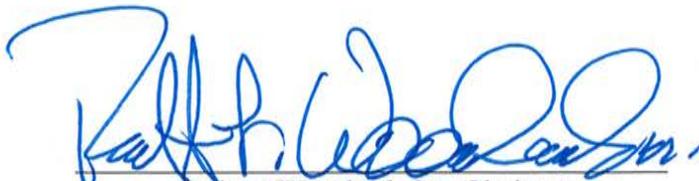
WHEREAS, Dare County desires to sponsor, Central Dare County Channel Maintenance Project, to provide suitable and sustainable dredge spoil management in preparation for the U.S. Army Corps of Engineers dredging project in Fiscal Year 2022.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina to provide financial assistance to Dare County for the Central Dare County Channel Maintenance Project in the amount of \$116,317.82 or 66.67 percent of project construction cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County 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) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 4th day of February, 2020.




 Robert Woodard, Sr., Chairman

Attest:


 Cheryl C. Anby, Clerk to the Board



**RESOLUTION IN SUPPORT OF SOUTHERN DARE COUNTY
CHANNEL MAINTENANCE PROJECT**

WHEREAS, Dare County desires to sponsor, Southern Dare County Channel Maintenance Project, to provide suitable and sustainable dredge spoil management in preparation for the U.S. Army Corps of Engineers dredging project in Fiscal Year 2022.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina to provide financial assistance to Dare County for the Southern Dare County Channel Maintenance Project in the amount of \$113,820.88 or 66.67 percent of project construction cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County 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) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions (if on public property);
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 4th day of February, 2020.





 Robert Woodard, Sr., Chairman

Attest: 

 Cheryl C. Anby, Clerk to the Board



**RESOLUTION IN SUPPORT OF THE CONSTITUTION OF THE
UNITED STATES OF AMERICA**

WHEREAS, the Constitution of the United States of America is the foundation upon which our nation was created; and

WHEREAS, all amendments therein exist co-equally in importance and stature as originally written by the founders; and

WHEREAS, the Second Amendment is one of the vital protectors of these freedoms.

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners opposes any and all attempts to infringe upon these rights and freedoms, including the right to keep and bear arms, as defined in the Second Amendment.

This the 4th day of February, 2020.

A handwritten signature in blue ink, appearing to read "Robert Woodard, Sr.", written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

A handwritten signature in blue ink, appearing to read "Cheryl C. Anby", written over a horizontal line.

Cheryl C. Anby, Clerk to the Board





RESOLUTION IN SUPPORT OF ALLIGATOR RIVER BRIDGE IMPROVEMENTS

WHEREAS, the Lindsey C. Warren Bridge which crosses the Alligator River was constructed in 1960 and serves as the main transportation link along Highway 64 from areas west of Dare County; and

WHEREAS, the draw-bridge infrastructure of the bridge is obsolete and was closed for repairs in 2017 and 2019 resulting in lengthy detours for residents, visitors, and commerce to Dare County, Currituck County, Hyde County and Tyrrell County; and

WHEREAS, the Alligator River is part of the Intercoastal Waterway and is used by numerous commercial shipping vessels and recreational boats on an annual basis, often creating delays and back-ups; and

WHEREAS, the Lindsey C. Warren Bridge is an essential component of the hurricane evacuation route for residents of Dare County, Currituck County, and Hyde County and thousands of Outer Banks visitors each year and the continuous functionality of the Warren Bridge is imperative to ensure the safety of our residents and visitors; and

WHEREAS, the need for a new bridge and/or a replacement bridge across the Alligator River has been identified by the NC Department of Transportation but has not been funded as part of the State's Transportation Improvement Plan despite the age, obscurity and continued operational issues of the bridge; and

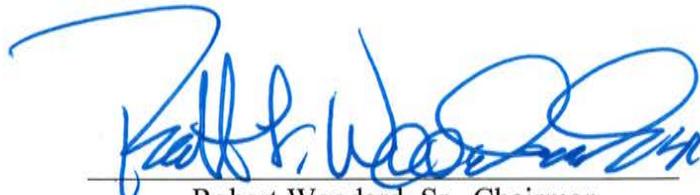
WHEREAS, the methodology for STIP funding does not allow a new or replacement Alligator River Bridge to compete effectively against other transportation improvements in more urban areas of the State, thus contributing to the continued delay in construction of a new or replacement bridge; and

WHEREAS, the NC Department of Transportation is soliciting comments on transportation improvements for inclusion in the ten-year transportation plan for 2023-2032:

NOW THEREFORE BE IT RESOLVED the Dare County Board of Commissioners requests a new or replacement bridge for the Alligator River be included in the 2023-2032 State Transportation Improvement Plan in recognition of the vital role this bridge plays in the transportation and commerce needs of Dare County and Eastern North Carolina. Be it further resolved that other funding sources for such improvements should be identified by the State of North Carolina if STIP methodology used for funding is not suitable and practicable for this project.

This the 4th day of February, 2020.




Robert Woodard, Sr., Chairman

Attest:


Cheryl C. Anby, Clerk to the Board



RESOLUTION APPROVING LEASE AGREEMENT BETWEEN DARE COUNTY AND MONARCH BEACH CLUB OF DARE

WHEREAS, the County of Dare owns 715 N. Highway 64/264, Manteo, NC;

WHEREAS, the County of Dare and the Monarch Beach Club of Dare have agreed upon a lease under which the Monarch Beach Club of Dare will lease of portion of that certain building located at 715 N. Hwy 64/264, Manteo, NC 27954, commonly known as “the Old Kellogg Supply building”, containing approximately 3,600 square feet, together with adjacent parking and signage, for a term of three years beginning on the date of execution of the lease, for the purpose of a day activity program for adults with intellectual and developmental disabilities; 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, BE IT RESOLVED, that the Dare County Board of Commissioners approves lease of the county property described above to the Monarch Beach Club of Dare for three years, and directs the County Manager to execute any instruments necessary to the lease.

Adopted this the 6th day of January, 2020.

Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

Attest:

Clerk to the Board





**RESOLUTION APPROVING LEASE AGREEMENT BETWEEN DARE
COUNTY AND MATT RESPASS**

WHEREAS, the County of Dare owns farm land consisting of approximately 348.98 acres located at 1603 Cub Road, Manns Harbor, NC;

WHEREAS, the County of Dare and Matt Respass have agreed upon a lease under which Matt Respass will lease the acreage, more particularly described as "Net Acres" in that certain lease agreement, located at 1603 Cub Road, Manns Harbor, NC, as shown on First Colony Farm Inc's Unit Planning Map for District 1, Creef Unit, for a term of three years beginning on the date of execution of the lease, for the purpose of cultivation exclusive of farm roads, canals, "V" ditches and windrows; 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, BE IT RESOLVED, that the Dare County Board of Commissioners approves lease of the county property described above to Matt Respass for three years, and directs the County Manager to execute any instruments necessary to the lease.

Adopted this the 6th day of January, 2020.





Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

Attest:



Clerk to the Board