

## RESOLUTIONS – 2022

***Following the List of 2022 Resolutions in Chronological Order,  
Each Resolution Can Be Viewed in its Entirety***

- 22-01-01 Resolution Requesting Rulemaking for the Extension of a No Wake Zone Located Adjacent to Mill Creek and Big Island in the Village of Avon (Jan. 03, 2022)
- 22-01-02 Resolution of the County of Dare, NC Declaring the Intent of the County of Dare, NC to Reimburse Itself for Capital Expenditures from the Proceeds of Certain Tax-Exempt Obligations [Buxton & Avon Beach Nourishment Projects] (Jan. 03, 2022)
- 22-01-03 Resolution of the Board of Commissioners of the County of Dare, NC, Authorizing the Negotiation of an Amendment to an Installment Financing Contract, Directing the Publication of Notice with Respect Thereto and Providing for Certain Other Related Matters Thereto [Duck, KDH, KH and SS Beach Nourishment Projects] (Jan. 03, 2022)
- 22-02-04 Approving Resolution – Dare County 2022 LOBs [Duck, KDH, KH and SS Beach Nourishment Projects] (Feb. 7, 2022)
- 22-02-05 Resolution Official Banking Depositories (Feb. 7, 2022)
- 22-03-06 Resolution Approving Financing Terms \$2,980,682 (Mar. 7, 2022)
- 22-03-07 Resolution Approving Financing Terms \$1,345,236 (Mar. 7, 2022)
- 22-03-08 Resolution NC Div. of Marnie Fisheries Striped Bass Fishery Management Plan Amendment 2, (Mar. 7, 2022) Recorded with April 4, 2022
- 22-03-09 Resolution Grant Application Island H Modifications (Mar. 21.2022)
- 22-04-10 Resolution Supporting the Creation of Frisco-Buxton Pathway District (April 4, 2022)
- 22-04-11 Resolution to Sponsor the South Ferry Channel Corridor Expansion (April 4, 2022)
- 22-04-12 Resolution Supporting Construction of the Mid-Currituck Bridge and its Continued Inclusion in the State Transportation Improvement Plan (April 4, 2022)
- 22-04-13 Resolution in Support of Lifting the Ban on Gill Net Use Above the Ferry Lines in the Neuse River and Tar-Pamlico River (April 4, 2022)

- 22-04-14 Resolution in Support of the Nursing and Allied Health Simulation Facility at College of the Albemarle (April 4, 2022)
- 22-04-15 Resolution Authorizing the Dare County Board of Commissioners to Exempt the County from the Mini-Brooks Act Pursuant to G.S. 143-64.32 (April 4, 2022)
- 22-04-16 Resolution Authorizing the Dare County Board of Commissioners to Declare Real Property as Surplus Pursuant to G.S. 160A-269 (April 4, 2022)
- 22-04-17 Resolution to Sponsor the Miss Katie – Oregon Inlet Dredging Project (April 20, 2022)
- 22-05-18 Resolution to Support a Wright Brothers Tribute Museum (May 2, 2022)
- 22-05-19 Resolution to Sponsor the Miss Katie – Hatteras Inlet Dredging Project (April 16, 2022)
- 22-06-20 Resolution to Sponsor the FY2023 Oregon Inlet Maintenance Project (June 20, 2022)
- 22-06-21 Resolution to Sponsor the FY2023 Hatteras Inlet Maintenance Project (June 20, 2022)
- 22-06-22 Resolution to Sponsor the Soundside Boardwalk Improvements Project (June 20, 2022)
- 22-06-23 Reimbursement Resolution – Fiscal Year 2022-2023 Vehicle and Equipment Financing Project (June 20, 2022)
- 22-06-24 Reimbursement Resolution – Fiscal Year 2022-2023 Public Works Equipment Financing Project (June 20, 2022)
- 22-07-25 Resolution Lease or Rental of County Property -authorizes County Manager to approve leases with terms under one year (July 18, 2022)
- 22-08-26 Resolution by the Dare County Board of Commissioners Declaring It's Intent to Permanently Close the Paved Portion of a Dare County Public Road Known as Seagull Street (Aug. 1, 2022)
- 22-08-27 Resolution for Dare County to Join the North Carolina Investment Pool (Aug. 1, 2022)
- 22-09-28 Resolution in Support of The Rogallo Museum to be Located at Jockey's Ridge State Park (Sept. 6, 2022)
- 22-09-29 Resolution to Request Addition to State Maintained Secondary Road System – Concord Court, Manteo (Sept. 6, 2022)

- 22-09-30 Local Governmental Resolution – (Sheriff-Liaison) (Sept. 6, 2022)
- 22-09-31 Local Governmental Resolution – (Sheriff-Equipment) (Sept. 6, 2022)
- 22-09-32 Resolution – Occupancy Tax Overpayments (Sept. 6, 2022)
- 22-10-33 Resolution of the County of Dare, NC Declaring the Intent of the County of Dare, NC to Reimburse Itself for Capital Expenditures from the Proceeds of Certain Tax-Exempt Obligations [\$37,133,000] (Oct. 5, 2022)
- 22-10-34 Resolution of the County of Dare, NC Declaring the Intent of the County of Dare, NC to Reimburse Itself for Capital Expenditures from the Proceeds of Certain Tax-Exempt Obligations [\$9,277,000] (Oct. 5, 2022)
- 22-10-35 Resolution Authorizing the Use of a Sole Source Purchase Pursuant to G.S. 143-129(e)(6) Motorola (Oct. 5, 2022)
- 22-10-36 Resolution to Sponsor the Miss Katie- FY23 Oregon Inlet Dredging Project (Oct. 5, 2022)

**FOLLOWING ARE THE 2022 RESOLUTIONS**

The most recently adopted item appears first in sequence

Scroll down to view all 2022 Resolutions



22-10-36

## Resolution to Sponsor the Miss Katie – FY23 Oregon Inlet Dredging Project

**WHEREAS**, Dare County desires to sponsor the Miss Katie – FY23 Oregon Inlet Dredging Project to provide funding for dredging in Oregon Inlet and nearby channels.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- FY23 Oregon Inlet Dredging Project in the amount of \$6,651,368.03 or 75% of project 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 5<sup>th</sup> day of October, 2022.



Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



22-10-35



**RESOLUTION AUTHORIZING THE USE OF A SOLE SOURCE PURCHASE PURSUANT TO G.S. 143-129(e)(6)**

**WHEREAS**, the County of Dare desires to purchase a replacement VHF Paging System for the Dare County Emergency Operations Center; and

**WHEREAS**, the purchase of a replacement VHF Paging System is critical for the daily operation of the Dare County Emergency Operations Center; and

**WHEREAS**, North Carolina General Statute 143-129(e)(6) authorizes a unit of local government to purchase from a sole source when a product is needed and standardization or compatibility is the overriding consideration; and


**WHEREAS**, the Dare County Communication Department has performed an evaluation and determined that a VHF Paging System, which will be built to specification, is needed.

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

1. The County of Dare is authorized to enter into a contract in the amount of \$418,044.00 with Motorola for the sole source purchase of a VHF Paging System for the Dare County Emergency Operations Center.
2. The County Manager is authorized to execute the agreement with Motorola and is directed to take all steps necessary to replace the existing paging system.
3. This Resolution shall be effective upon its adoption.

This the 5<sup>th</sup> day of October, 2022.



  
Robert Woodard, Sr., Chairman

Attest:

  
Cheryl C. Anby, Clerk to the Board

22-10-34

**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 County to finance (1) the construction of a new youth center in the Town of Manteo, and (2) the construction, renovation, and improvements to County EMS stations located in Manteo, Frisco, and Manns Harbor (collectively, the "*Projects*");

**WHEREAS**, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects 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 Projects; and

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

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

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Projects is approximately \$9,227,000.

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 Projects 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 5<sup>th</sup> day of October, 2022.

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



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 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” duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 5<sup>th</sup> day of October, 2022

**WITNESS** my hand and the corporate seal of the County of Dare, North Carolina, this the 5<sup>th</sup> day of October, 2022



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

22-10-33

**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 County to finance (1) the construction of a replacement County EMS station and a fire station on behalf of the Town of Kill Devil Hills to be located in Kill Devil Hills, (2) the construction, renovation, and improvements to a County EMS station located in the Town of Southern Shores, and (3) the construction of a new airport hangar for Dare MedFlight, including crew quarters (collectively, the "*Projects*");

**WHEREAS**, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects 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 Projects; and

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

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

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Projects is approximately \$37,122,000.

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 Projects 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 5<sup>th</sup> day of October, 2022.



Robert Woodard, Sr., Chairman

Attest:



Cheryl C. Anby, 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 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” duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 5<sup>th</sup> day of October, 2022

**WITNESS** my hand and the corporate seal of the County of Dare, North Carolina, this the 5<sup>th</sup> day of October, 2022



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



22-09-32



**Resolution  
Occupancy Tax Overpayments**

**WHEREAS**, Dare County has received overpayments of occupancy taxes and the North Carolina General Statutes do not provide a process for those who have overpaid to file for a refund; and

**WHEREAS**, Dare County desires to refund any overpayments for the period within the applicable statute of limitations; and

**THEREFORE, BE IT RESOLVED**, that the County Manager is, upon verification of any sums overpaid, authorized to refund the County's share of overpaid occupancy taxes for the period within the applicable statute of limitations and to enter any budget amendments as are necessary to accomplish such refund.

Adopted this the 6<sup>th</sup> day of September, 2022.

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



22-09-31

Resolution

### North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Dare County Sheriff's Office (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Dare County Board of Commissioners

(The Governing Body of the Agency)

Commissioners (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Dare County Board of Commissioners IN OPEN MEETING ASSEMBLED IN THE CITY OF Manteo, NORTH CAROLINA,

(Governing Body)

THIS 06 th DAY OF September, 20 22, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Edward Jack Scarborough is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 25,000 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and  
(Name and Title of Representative)  
(Federal Dollar Request)
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.0 as required by the project contract; and  
(Local Cash Appropriation)
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by

[Signature]  
(Chairperson/Mayor)

ATTESTED BY

[Signature]  
(Clerk)

DATE September 06, 2022





22-09-30

Resolution

# North Carolina Governor's Highway Safety Program LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Dare County Sheriff's Office (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Dare County Board of Commissioners (herein called the "Governing Body") has thoroughly considered the problem

(The Governing Body of the Agency)

identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Dare County Board of Commissioners IN OPEN MEETING ASSEMBLED IN THE CITY OF Manteo, NORTH CAROLINA,

(Governing Body)

THIS 06 th DAY OF September, 20 22, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Edward Jack Scarborough is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ 25,000 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and  
(Name and Title of Representative)  
(Federal Dollar Request)
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.0 as required by the project contract; and  
(Local Cash Appropriation)
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by

[Signature]  
(Chairperson/Mayor)

ATTESTED BY

[Signature]  
(Clerk)

DATE September 06, 2022



22-09-29

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

North Carolina

County: Dare

Road Description: Concord Court, Arbor Way (Phase 1) Manteo

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 6th day of September, 2022.

WITNESS my hand and official seal this the 6th day of September, 2022.

*Cheyl C. Anby*  
Clerk, Board of Commissioners  
County: Dare



**PLEASE NOTE:**

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





22-09-28

**Resolution in Support of  
The Rogallo Museum to be Located at Jockey's Ridge State Park**

**WHEREAS**, Frances and Gertrude Rogallo, longtime residents of Dare County, created the flexible wing in 1948, which played a part in the moon race and led to the hang glider, paraglider, sport parachutes, delta kites, stunt kites, and kiteboarding kites; and

**WHEREAS**, the Rogallos conducted flight experiments at Jockey's Ridge; and

**WHEREAS**, a museum has been proposed to commemorate the Rogallo's achievements and to help educate the world about their invention and how it made personal inexpensive flight available to people around the world; and

**WHEREAS**, the proposed museum is envisioned to contain 12,000 square feet of space, including exhibits that tell the Rogallo story, the history of hang gliding, paragliding, kiting and kiteboarding, a theater, and a gift shop. The museum will appeal to visitors eager for family friendly education and entertainment; and

**WHEREAS**, this multi-million-dollar project will be fully funded through private donors that want to make this vision a reality, completed and operated at no additional cost to taxpayers; and

**WHEREAS**, the ideal location for this museum is in Jockey's Ridge State Park, at an already identified site, adjacent to the visitor parking area, which is known nationally as a soaring center and where over 50 years of free flight history have occurred and as the site of the oldest continuously held hang gliding competition in the world; and

**WHEREAS**, Dare County adopts this Resolution to acknowledge its support of the proposed Rogallo Museum and its positive impact in telling the story of the Rogallos and free flight at Jockey's Ridge State Park as an asset to the County and the State of North Carolina.

**THEREFORE, BE IT RESOLVED**, the Dare County Board of Commissioners supports the Rogallo Foundation's request to the State of North Carolina to make this educational facility a realty on State-owned land located at Jockey's Ridge State Park, Nags Head, North Carolina, and to immediately establish a lease agreement.

This the 6<sup>th</sup> day of September, 2022



Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



22-08-27

## **Resolution North Carolina Investment Pool**

**WHEREAS**, the County of Dare, North Carolina (“Participant”) desires to join with other State of North Carolina local governments or public authorities (“Local Governmental Units”) to pool funds for investment as permitted by and pursuant to North Carolina General Statute (N.C.G.S. Section 159-30(c)(10)) relating to a commingled investment pool established by interlocal agreement by two or more units of local government pursuant to N.C.G.S. Sections 160A-460 through 160A-464 on containing only investments limited to those qualifying for investment under N.C.G.S. Section 159-30 (c); and N.C.G.S. Section 159-32; and

**WHEREAS**, the Trust is a statutory trust formed under the laws of the State of North Carolina in accordance with the provisions of N.C.G.S. Section 159-30 (c) as set forth above;

### **NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The County of Dare, North Carolina hereby approves and adopts, and thereby agrees to join as a Participant with other Local Government Units pursuant to N.C.G.S. Sections 159(c)(10) and 160A-461 through 160A-464 that certain trust (the “Trust”) described in the Indenture of Trust entitled the North Carolina Investment Pool dated March 22, 2021 (the “Indenture”), as may be amended from time to time, the terms of which are incorporated herein by this reference and a copy of which shall be filed with the minutes of the meeting at which this Resolution was adopted; and
2. The officers of the Participant, acting individually or collectively, are hereby authorized, empowered and directed to take all actions necessary or appropriate in the judgment of such officers to accomplish these resolutions, including the execution and delivery of the Indenture and all other documents, agreements, instruments and certificates contemplated by the Indenture or necessary or appropriate to join the Trust (collectively, the “Trust Documents”), with such changes or modifications as such officers determine to be necessary or advisable and in the best interest of the Participant (the signature of any such officer on the Trust Documents to be conclusive evidence of such determination); and
3. Any actions taken by any officer of the Participant prior to the adoption of the foregoing resolutions, in connection with actions described herein, are hereby ratified, confirmed and approved.



The undersigned hereby certifies that: The County of Dare, North Carolina has enacted this Resolution and that such Resolution is a true and correct copy of the original which is in my possession.

This the 1<sup>st</sup> day of August, 2022.



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 by the Dare County Board of Commissioners  
Declaring It's Intent to Permanently Close the Paved Portion  
of a Dare County Public Road Known as Seagull Street**

**WHEREAS**, Seagull Street is located in unincorporated Dare County; and

**WHEREAS**, the paved portion of Seagull Street is a publicly dedicated road, as noted on the plat for Mirlo Beach Section 2 Subdivision, Plat Cabinet C, Slide 26D, dated July 20, 1987 in the Dare County Register of Deeds; and


**WHEREAS**, the Dare County Board of Commissioners declares its intent to permanently close the paved portion of Seagull Street located between Blue Sea Road and Corbina Drive in Rodanthe as noted on the map of the area labeled Attached A with this resolution; and

**WHEREAS**, NCGS 153A-241 establishes procedures by which local governments can consider the abandonment of public roads after a duly advertised hearing and other public notice procedures are enacted.

**THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners declares its intent to permanently close the paved portion of the publicly dedicated road known as Seagull Street in Rodanthe, North Carolina and in accordance with North Carolina General Statute 153A-241 a public hearing on the question shall be held at 9:00 a.m. on September 6, 2022.

This the 1<sup>st</sup> day of August, 2022.



  
Robert Woodard, Sr., Chairman

Attest:   
Cheryl C. Anby, Clerk to the Board



22-07-25

## Resolution Lease or Rental of County Property

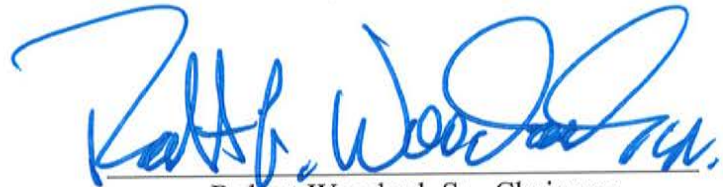
**WHEREAS**, NCGS 160A-272 authorizes the Board of Commissioners to delegate to the county manager the authority to determine that specific properties or spaces are temporarily surplus to the county's needs and to lease such parcels for a period of up to one year;


**NOW, THEREFORE**, the Dare County Board of Commissioners resolves that:

1. The County Manager is authorized to determine that specific parcels or spaces of county-owned property are temporarily surplus to the county's current needs and to enter into leases of such parcels for periods of up to one year, upon such terms and conditions as the County Manager shall determine.
2. The County Manager shall notify the Board of Commissioners of any such lease entered by the County Manager, at the first meeting following the entry of such lease.

Adopted by the Dare County Board of Commissioners this the 18<sup>th</sup> day of July, 2022.



  
Robert Woodard, Sr., Chairman

Attest:   
Cheryl C. Anby, Clerk to the Board



Resolution No. 22-06-24

**REIMBURSEMENT RESOLUTION – FISCAL YEAR 2022-2023 PUBLIC WORKS  
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 \$2,239,617.

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.

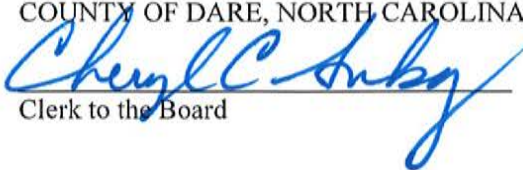
Section 4. **Effective Date.** This resolution shall become effective immediately upon the date of its adoption.

Adopted this 20th day of June, 2022.

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

[SEAL]

COUNTY OF DARE, NORTH CAROLINA

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



Resolution No. 22-06-23

**REIMBURSEMENT RESOLUTION – FISCAL YEAR 2022-2023 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 \$1,823,834.

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.

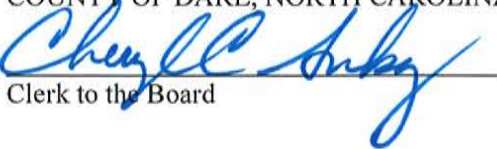
Section 4. *Effective Date.* This resolution shall become effective immediately upon the date of its adoption.

Adopted this 20th day of June, 2022.

  
Chairman, Board of County Commissioners

[SEAL]

COUNTY OF DARE, NORTH CAROLINA

  
Clerk to the Board







22-06-22

## Resolution to Sponsor the Soundside Boardwalk Improvements Project

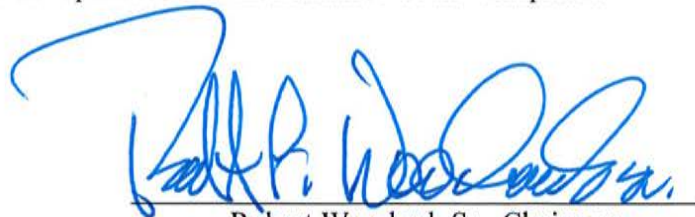
**WHEREAS**, Dare County desires to sponsor the Soundside Boardwalk Improvements Project at the Soundside Event Site in Nags Head to provide additional water-based recreation opportunities.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Soundside Boardwalk Improvements Project in the amount of \$200,000 or 50% of project 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 20<sup>th</sup> day of June, 2022.



  
Robert Woodard, Sr., Chairman

Attest:

  
Cheryl C. Anby, Clerk to the Board



22-06-21

## Resolution to Sponsor the FY 2023 Hatteras Inlet Maintenance Project


**WHEREAS**, Dare County desires to sponsor the FY 2023 Hatteras Inlet Maintenance Project to provide funding for construction administration services associated with maintaining navigation channels in Hatteras Inlet.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the FY 2023 Hatteras Inlet Maintenance Project in the amount of \$73,694 or 75% of project 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 20<sup>th</sup> day of June, 2022.



  
Robert Woodard, Sr., Chairman

Attest:   
Cheryl C. Anby, Clerk to the Board





22-06-20

## Resolution to Sponsor the FY 2023 Oregon Inlet Maintenance Project


**WHEREAS**, Dare County desires to sponsor the FY 2023 Oregon Inlet Maintenance Project to provide funding for construction administration services associated with maintaining navigation channels in Oregon Inlet.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the FY 2023 Oregon Inlet Maintenance Project in the amount of \$23,627 or 66.67% of project 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 20<sup>th</sup> day of June, 2022.



  
Robert Woodard, Sr., Chairman

Attest:

  
Cheryl C. Anby, Clerk to the Board





22-05-19

## Resolution to Sponsor the Miss Katie – Hatteras Inlet Dredging Project


**WHEREAS**, Dare County desires to sponsor the Miss Katie – Hatteras Inlet Dredging Project to provide funding for dredging in the South Ferry and Connecting Channel.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- Hatteras Inlet Dredging Project in the amount of \$600,000 or 75% of project 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 16<sup>th</sup> day of May, 2022.



  
Robert Woodard, Sr., Chairman

Attest:

  
Cheryl C. Anby, Clerk to the Board

22-05-18



**Resolution in Support of a  
Wright Brothers Tribute Museum  
and Observatory**

**WHEREAS**, Orville and Wilbur Wright are credited with launching the aerial age on December 17, 1903 by flying the world’s first successful motor-operated airplane; and

**WHEREAS**, a tribute museum and observatory been proposed to commemorate the Wright Brothers’ achievements and to help educate the world about aviation and the 12 seconds that changed the world; and

**WHEREAS**, the proposed museum is envisioned to contain 30,000+ square foot of space, including an observatory, and will house the world’s largest display historically accurate Wright Brothers aircraft, a multi-purpose theater, STEM training classrooms, an aircraft building workshop, an outdoor performance area, an observatory, an elegant café, a gift shop, and an extensive library and archive. The world class observatory will appeal to visitors eager for family friendly entertainment and education. In the mission control room guests will be able to fly one of the four Wright Flyer simulators. Children will love the dual airplane launchers, paper rocket launchers and dressing up in period costumes for a souvenir picture. There will be parking for visitors, school and tour buses and electric vehicle charging stations; and

**WHEREAS**, this multi-million dollar project will be fully funded through private investors that want to make this vision a reality, completed and operated at no additional cost to taxpayers; and

**WHEREAS**, it is thought the ideal location for this museum, observatory and newly designed welcome center is on state owned land where the Aycock Brown Welcome Center and the Monument to a Century of Flight is located in Kitty Hawk; and

**WHEREAS**, the project will incorporate a new Visitors Center that will continue to be operated by the Dare County Tourism Board and will be operated in a manner to enhance, support, and compliment the Wright Brothers National Monument operated by the National Park Service in Kill Devil Hills; and

**WHEREAS**, Dare County adopts this Resolution to acknowledge its support of the proposed Wright Brothers Museum and it positive impact in telling the story of flight and to the community and local economy

**NOW, THEREFORE, BE IT RESOLVED**, the Dare County Board of Commissioners supports Kitty Hawk’s request to the State of North Carolina to make this educational facility a reality on State owned land located at 5230 North Croatan Highway, Kitty Hawk, North Carolina.

Adopted this the 2<sup>nd</sup> day of May, 2022.



*Robert Woodard, Sr.*

Robert Woodard, Sr., Chairman

Attest:

*Cheryl C. Anby*

Cheryl C. Anby, Clerk to the Board





22-04-17


## Resolution to Sponsor the Miss Katie – Oregon Inlet Dredging Project

**WHEREAS**, Dare County desires to sponsor the Miss Katie - Oregon Inlet Dredging Project to provide funding for dredging in Oregon Inlet and nearby channels.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie - Oregon Inlet Dredging Project in the amount of \$6,000,000 or 66.67% of project 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.

Adopted this the 20<sup>th</sup> day of April, 2022.

  
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 rectangular shaped parcel of land, belonging to the County bearing parcel #012756000 located at 24270 Ocean Drive, Rodanthe, North Carolina 27968; 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 \$180,800.00, submitted by LubbersMunson, LLC.

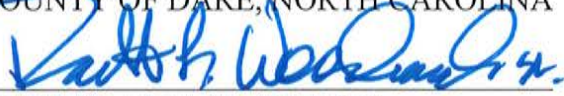
**NOW, THEREFORE BE IT RESOLVED**, by the Dare County Board of Commissioners that:

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 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 LubbersMunson, LLC.

This the 4<sup>th</sup> of April, 2022.

COUNTY OF DARE, NORTH CAROLINA

  
Robert Woodard, Sr., Chairman



  
Cheryl Anby, Clerk to the Board



**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 with the Timmons Group to aid in the design of a replacement PVC water line located in the area between Avon and Buxton villages 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 4<sup>th</sup> day of April, 2022.

COUNTY OF DARE, NORTH CAROLINA

  
Robert Woodard Sr., Chairman



  
Cheryl Anby, Clerk to the Board



22-04-14

## Resolution in Support of the Nursing and Allied Health Simulation Facility at College of The Albemarle

**WHEREAS**, for more than 60 years, College of The Albemarle has served the counties of Camden, Chowan, Currituck, Dare, Gates, Perquimans, and Pasquotank and its citizens by opening the door to education and career training; and

**WHEREAS**, College of The Albemarle annually contributes approximately \$105.3 million to the regional income; equivalent to 2.1% of the gross regional product and supporting one out of every 33 jobs; and

**WHEREAS**, College of The Albemarle's nursing program was ranked as the #1 RN nursing program in North Carolina by registerednursing.org for the years 2021 and 2018; and

**WHEREAS**, College of The Albemarle was ranked as the #6 Community College in the United States in 2020 by smartasset.com; and

**WHEREAS**, College of The Albemarle has been selected as one of the 150 community colleges in the nation to compete for the \$1M Aspen Prize, which is considered by America's community colleges to be the signature recognition of high achievement and performance; and

**WHEREAS**, healthcare job growth is expected to increase 18.1% in the coming years, which is 3 times that of other job sectors; and

**WHEREAS**, facilities to expand programs at College of The Albemarle is limited and current facilities are woefully inadequate to provide the state-of-the-art training expected of a top-tier community college; and

**WHEREAS**, all counties served by College of The Albemarle benefit from the excellent training the college provides to future health care practitioners; and

**WHEREAS**, an expansion of the Nursing and Allied Health Simulation Facility at College of The Albemarle would enhance current training, expand opportunities for future programming, and incentivize healthcare graduates to remain in the area to serve our rural communities.

**THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners unanimously supports College of The Albemarle in its efforts to secure public and grant funding for this resource on this 4th day of April, 2022.



Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



22-04-13



## **Resolution in Support of Lifting the Ban on Gill Net Use Above the Ferry Lines in the Neuse River and Tar-Pamlico River**

**WHEREAS**, the North Carolina Fisheries Reform Act of 1997 requires the North Carolina Division of Marine Fisheries to prepare fishery management plans for adoption by the North Carolina Marine Fisheries Commission for all commercially and recreationally significant species or fisheries that comprise state marine or estuarine resources, with the goal of these plans being to ensure the long-term viability of the fisheries; and,

**WHEREAS**, the North Carolina Marine Fisheries Commission is currently considering adopting Amendment 2 to the North Carolina Estuarine Striped Bass Fishery Management Plan, the goal of which is to manage the estuarine striped bass fisheries to achieve self-sustaining populations that provide sustainable harvest based on science-based decision-making processes; and,

**WHEREAS**, in February 2019, the North Carolina Marine Fisheries Commission passed Supplement A to the Striped Bass Fisheries Management Plan, which eliminated the harvest of striped bass in the Central Southern Management Area; and,

**WHEREAS**, following the approval of Supplement A, the North Carolina Marine Fisheries Commission also requested that its then-Director Steve Murphey issue a proclamation banning the use of gill nets above the ferry lines within the Neuse River and Tar-Pamlico River in an effort to protect striped bass in the Pamlico Sound south of Oregon Inlet; and,

**WHEREAS**, Murphey wrote in a March 4, 2019, letter to the North Carolina Marine Fisheries Commission, "While I respect the concerns of both the public and the Marine Fisheries Commission, after careful consideration I have concluded that such a measure (Supplement A) is not supported by the scientific data that supports gill nets as the primary or even the most significant source of discard mortality. As you are aware, recreational effort will not be controlled under the supplement, and catch and release will be a source of discard mortality as well;" and,

**WHEREAS**, despite the lack of scientific justification for banning the use of gill nets, the North Carolina Marine Fisheries Commission called an emergency meeting in March 2019,

at which a motion directing Murphey to issue the proclamation prohibiting the use of gill nets above the ferry lines in the Neuse River and Tar-Pamlico River passed by a 5-4 vote; and,

**WHEREAS**, in February 2022 the North Carolina Marine Fisheries Commission reviewed draft Amendment 2 of the Estuarine Striped Bass Fishery Management Plan and approved it to be sent out for public comment and review by the standing North Carolina Marine Fisheries Commission advisory committees; and,

**WHEREAS**, prior to approving draft Amendment 2, the North Carolina Marine Fisheries Commission passed a motion to remove two options from the draft that, if selected, would have allowed the use of commercial gill net operations above the ferry lines in the Neuse River and Tar-Pamlico River; and,

**WHEREAS**, the Dare County Board of Commissioners supports the commercial fishermen of North Carolina and agrees with Murphey's statement indicating that the use of gill nets does not have an adverse effect on the region's striped bass population; and,

**THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners hereby strongly endorses lifting the ban on gill net use north of the ferry lines in the Neuse River and Tar-Pamlico River.

This the 4<sup>th</sup> day of April 2022.



A large, stylized handwritten signature in blue ink, which appears to read "Robert Woodard, Sr.", is written over a horizontal line.

Robert Woodard, Sr., Chairman

Attest:

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

Cheryl C. Anby, Clerk to the Board





22-04-12

## **Resolution**

### **Supporting Construction of the Mid-Currituck Bridge and its Continued Inclusion in the State Transportation Improvement Plan**

**WHEREAS**, the Mid-Currituck Bridge project has been in the development process for over thirty years; and

**WHEREAS**, the popularity of the Outer Banks of North Carolina, including Dare County and its towns, and Currituck County, continues to grow, resulting in an ever increasing number of residents and visitors to the Outer Banks, particularly the northern Outer Banks; and

**WHEREAS**, the Outer Banks of North Carolina generates substantial revenue for the State of North Carolina, particularly through tourism, and also serves a role as an ambassador area for the State by introducing hundreds of thousands of visitors from all over the United States and the world to the many wonders of North Carolina; and

**WHEREAS**, this revenue and the goodwill that visitors feel towards the Outer Banks and North Carolina is tested annually through frustrations attributed directly to traffic congestion; and

**WHEREAS**, the purpose of the Mid-Currituck Bridge is to substantially improve traffic flow on the project area's thoroughfares, i.e. NC 12 and US 158, substantially reduce travel time for persons traveling between the Currituck County mainland and the Currituck County Outer Banks, and to substantially reduce the hurricane clearance time for residents and visitors who use US 158 and NC 168 during coastal evacuation; and

**WHEREAS**, building the Mid-Currituck Bridge will reduce congestion and alleviate delays, thus promoting and enhancing economic development, while bolstering the tourism industry; and

**WHEREAS**, alternatives to the Mid-Currituck Bridge project have been studied thoroughly and have been rejected in favor of the Mid-Currituck Bridge; and

**WHEREAS**, in recognition of the viability and need of the Mid-Currituck Bridge, the North Carolina Department of Transportation has demonstrated a commitment to construction of the bridge by placing it in the State Transportation Improvement Plan based on the agency's prioritization process and strong support by local municipalities and the Albemarle Rural Planning Organization; and

**WHEREAS**, the US District Court for the Eastern District of North Carolina ruled in December 2021 that NCDOT and the Federal Highway Administration have complied with all applicable federal laws and regulations in planning for the bridge; and

**WHEREAS**, the court's decision properly affirms the project's compliance with the federal National Environmental Policy Act.



**THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners reaffirms its commitment to the Mid-Currituck Bridge project and advocates for advancement of this crucial project and its continued inclusion as a funded project in the State Transportation Plan.

This the 4<sup>th</sup> day of April, 2022.



  
Robert Woodard, Sr., Chairman

Attest:

  
Cheryl C. Anby, Clerk to the Board



22-04-11

## Resolution to Sponsor the South Ferry Channel Corridor Expansion

**WHEREAS**, Dare County desires to sponsor the South Ferry Channel Corridor Expansion, to complete a cultural resource survey and permit modification to allow for dredging to occur north of the current corridor.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the South Ferry Channel Corridor Expansion Project in the amount of \$30,000 or 75% of project 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 April, 2022.

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board







22-04-10

**Resolution  
Supporting the Creation of  
Frisco-Buxton Pathway District**

**WHEREAS**, the Outer Banks National Scenic Byway Committee for Dare County has been working toward implementing a “Conceptual Plan for Pathways in all Hatteras Island Villages” since 2003; and

**WHEREAS**, Dare County Board of Commissioners endorsed the plan August 7, 2006 and November 2007; and

**WHEREAS**, byway pathways are now built in Rodanthe, Waves, Salvo, Avon and along Buxton Back Road and in Hatteras village by the village’s Community Building Tax District; and

**WHEREAS**, these pathways provide residents and visitors public safety options for children, bike riders, runners, walkers and workers; and

**WHEREAS**, these pathways have proven to be an attractive amenity for the villages’ visitors so critical to Hatteras Island’s economy; and

**WHEREAS**, the last section of Hatteras Island without pathways is Frisco and Buxton; and

**WHEREAS**, a feasibility study, sponsored by North Carolina Department of Transportation, was accepted by the Dare County Board of Commissioners August 19, 2019; and

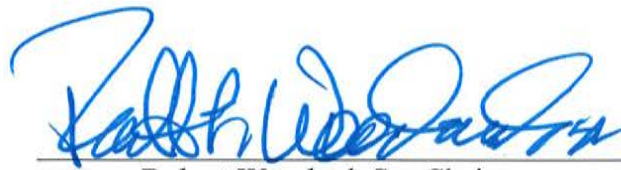
**WHEREAS**, the Frisco-Buxton Pathway Committee is committed to seeking out state and federal grants for the planning, and construction of pathways; and

**WHEREAS**, while the project is listed in NCDOT’s State Transportation Improvement Program, Frisco-Buxton Pathway Committee has little hope that the project will be funded under the existing point system;

**THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners endorses the request to the North Carolina General Assembly to authorize an election to consider creating the Frisco-Buxton Pathways District and the levying and collecting annually a special ad valorem tax on all taxable real and personal property in the district for the purpose of constructing and maintaining village pathways.

This the 4<sup>th</sup> day of April, 2022.





Robert Woodard, Sr., Chairman

Attest:



Cheryl C. Anby, Clerk to the Board





22-03-09

## Resolution to Sponsor the Island H Modification Project


**WHEREAS**, Dare County desires to sponsor the Island H Modification Project to provide additional capacity for dredged materials in preparation for the upcoming U.S. Army Corps of Engineers pipeline dredging project.

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

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Island H Modification Project in the amount of \$498,691.60 or 66.67% of project 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; and
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 21<sup>st</sup> day of March, 2022.



  
Robert Woodard, Sr., Chairman

Attest:

  
Cheryl C. Anby, Clerk to the Board



22-03-08

**Resolution**  
**North Carolina Division of Marine Fisheries Estuarine Striped Bass Fishery**  
**Management Plan Amendment 2**

**WHEREAS**, the North Carolina Department of Marine Fisheries (NCDMF) is considering Amendment 2 to the Estuarine Striped Bass Fishery Management Plan; and

**WHEREAS**, The North Carolina Fisheries Reform Act of 1997 requires the North Carolina Division of Marine Fisheries prepare fishery management plans for adoption by the North Carolina Marine Fisheries Commission for all commercially and recreationally significant species or fisheries that comprise state marine or estuarine resources, with the goal of these plans being to ensure the long-term viability of the fisheries; and

**WHEREAS**, North Carolina is the only state that allows fishing of the striped bass species during spawning season and in spawning areas during spawning season; and

**WHEREAS**, the NCDMF data shows catch and release mortality in the Roanoke River Management area (RRMA) as 182,481 dead discards since 1997, while there have been only 53,880 in the Albemarle Sound Management Area (ASMA) since 1997; and

**WHEREAS**, the ASMA is 667,674 acres with a six-month season that is not during the spawning season, and the RRMA is 6,420 acres with a one-three week season that is during and on the spawning grounds; and

**WHEREAS**, the RRMA catch and release is March 1 through June 30 with an open harvest April 24 through April 30, and spawning season for the striped bass is March through April; and

**WHEREAS**, the ASMA's six-month season quota was reduced from 206,250 pounds in 2020 to 38,412 pounds in 2021 - a reduction of 81.376 percent - and finished the 2021 season at 4,546 pounds under quota, while the RRMA's 1-week season went 14,742 pounds over quota.

**THEREFORE, BE IT RESOLVED**, that the Dare County Board of Commissioners hereby endorses shifting a greater allocation of the striped bass quota to the ASMA in order to protect and preserve the striped bass stock – thus, increasing the striped bass species' chances of spawning and growing the stock.

This the 7<sup>th</sup> day of March, 2022.



Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



22-03-07

Resolution Approving Financing Terms

WHEREAS, The County of Dare ("Borrower") has previously determined to undertake a project for the financing of Public Works heavy equipment (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated February 18, 2022. The amount financed shall not exceed \$1,345,236, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.83%, and the financing term shall not exceed 59 months from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to the Finance Director's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for costs of the Project may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 7<sup>th</sup> day of March, 2022

By: Cheryl C. Suby

Title: Clerk to the Board

SEAL

By: Keith H. Woodson, Jr.

Title: Chairman, Dare County Board of Commissioners





22-03-06

Resolution Approving Financing Terms

*WHEREAS*, The County of Dare ("Borrower") has previously determined to undertake a project for the financing of vehicles/equipment (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED**, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated February 18, 2022. The amount financed shall not exceed \$2,980,682, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.45%, and the financing term shall not exceed 36 months from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to the Finance Director's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.
5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for costs of the Project may be reimbursed from the financing proceeds.
6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 7<sup>th</sup> day of March, 2022

By: Cheryl C. Coby

By: Kurt P. Woodson

Title: Clerk to the Board

Title: Chairman, Dare County Board of Commissioners

SEAL





22-02-05

**RESOLUTION OF THE COUNTY OF DARE, NORTH CAROLINA  
DESIGNATING OFFICIAL DEPOSITORIES AS REQUIRED BY NCGS 159-31(A)**

**WHEREAS**, the Board of Commissioners of the County of Dare, North Carolina (“County”) is required to designate Official Depositories per NCGS 159-31(a); and

**WHEREAS**, the County uses the designated Official Depositories for banking services, investments clearing, certificates of deposits, money market accounts, trustee accounts for debt service payments, and escrow accounts for debt proceeds; and

**WHEREAS**, this Resolution is to update the County list of Official Depositories.

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

Section 1: ***Designation of Official Depositories.*** The County’s Official Depositories are designated as the following:

PNC Bank  
Wells Fargo  
First Bank  
Pinnacle Financial Partners  
First National Bank  
Southern Bank  
TowneBank  
Bank of America  
Regions Bank  
Truist Financial  
Chase Bank (JP Morgan Chase)  
Bank of New York Mellon

Section 2. ***Effective Date.*** This Resolution shall become effective immediately upon the date of its adoption.

Adopted this the 7<sup>th</sup> day of February, 2022.



Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



22-02-04

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

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

*WHEREAS*, the County has the power, pursuant to the General Statutes of North Carolina to (1) 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 executed and delivered an Installment Financing Contract dated as of December 1, 2021 (the "*Original Contract*"), between the Dare County Public Facilities Corporation (the "*Corporation*") and the County, to finance the capital costs of beach nourishment projects in Duck, Kill Devil Hills, Kitty Hawk and Southern Shores and improvements to the County's Justice Center (the "*2021 Projects*");

*WHEREAS*, the Corporation assisted the County in financing the 2021 Projects by the issuance of a Limited Obligation Bond, Series 2021B under an Indenture of Trust dated as of December 1, 2021 (the "*Original Indenture*") between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*");

*WHEREAS*, the Board of Commissioners of the County (the "*Board*") has previously determined and hereby further determines that it is in the best interest of the County to enter into Amendment Number One to the Original Contract (the "*Contract Amendment*" and together with the Original Contract, the "*Contract*") with the Corporation in order to finance the costs of beach nourishment for the purpose of beach erosion control and flood and hurricane protection works in the areas of Buxton and Avon in the County (the "*2022 Project*");

*WHEREAS*, in order to secure the County's obligations under the Contract, the County entered into a Deed of Trust, Security Agreement and Fixture Filing, dated as of December 1, 2021 (the "*Deed of Trust*") in connection with the execution and delivery of the Contract relating to the County's fee simple interest in the site on which the County's Justice Center is located to secure the financing;

*WHEREAS*, the existing collateral under the Deed of Trust is sufficient to secure the County's obligations under the Contract Amendment and the County does not intend to extend the lien to additional collateral in connection with the delivery of the Contract Amendment;

*WHEREAS*, the Contract and the Deed of Trust permit the County to enter into amendments to finance additional projects and refinance the Projects using the County's Justice Center as collateral, and the County may or may not grant additional collateral in connection with such amendments;

*WHEREAS*, the Corporation will execute and deliver its Limited Obligation Bond, Series 2022A and its Limited Obligation Bond, Series 2022B (collectively, the "*Bonds*") in an aggregate principal amount not to exceed \$28,500,000, each evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Original Contract) pursuant to the Contract, which Bonds will be sold to Truist Bank (the "*Lender*");



*WHEREAS*, there have been described to the Board the forms of the following documents (collectively, the “*Instruments*”), copies of which have been made available to the Board, which the Board proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing:

- (1) the Contract Amendment; and
- (2) a Supplemental Indenture, Number 1, to be dated as of February 1, 2022, between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee, (the “*Supplemental Indenture*”);

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

*WHEREAS*, the County made certain findings in connection with a resolution adopted on January 3, 2022 and hereby reaffirms those findings in connection with this financing plan;

*WHEREAS*, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and the Board of Commissioners conducted such public hearing at its January 18, 2022 meeting;

*WHEREAS*, the County has filed an application to the Local Government Commission of North Carolina for approval of the Contract and the Bonds;

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

Section 1. ***Additional Members of the Financing Team.*** The selection by the Deputy County Manager/Finance Director to retain Truist Bank, as the Lender, is hereby authorized and ratified.

Section 2. ***Approval, Authorization and Execution of the Contract Amendment.*** The Board hereby approves the financing of the 2022 Project in accordance with the terms of the Contract Amendment, which will be a valid, legal and binding obligation of the County in accordance with its terms. The Board hereby approves sale of the Bonds to the Lender in an aggregate principal amount not to exceed \$28,500,000, such amount to be repaid by the County to the Corporation as provided in the Contract, and at an interest rate not to exceed 2.00%. The form, terms and content of the Contract Amendment are in all respects authorized, approved and confirmed, and each of the County Manager, the Deputy County Manager/Finance Director and the Clerk to the Board of Commissioners, or their respective designees (the “*Authorized Officers*”), are authorized, empowered and directed to execute and deliver the Contract Amendment for and on behalf of the County, including necessary counterparts, in substantially the form presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract Amendment, each of 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 Instruments as executed.

Section 3. ***Approval and Authorization of the Supplemental Indenture.*** The form and content of the Supplemental Indenture is hereby in all respects authorized, approved and confirmed.

Section 4. ***Further Actions.*** Each of the Authorized Officers are hereby designated as the County’s representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and each of the Authorized Officers are authorized and directed to proceed with the financing of the 2022 Project in accordance with the terms of the Instruments and to seek opinions on matters of law

from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Authorized Officers are hereby authorized to designate one or more employees of the County to take all actions which each of the Authorized Officers are authorized to perform under this Resolution, and each of the Authorized Officers, including their designees, are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. Each of the Authorized Officers are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

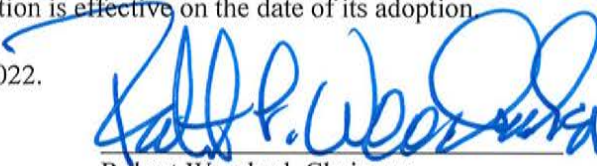
Section 5. **Related Actions.** All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

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

Section 7. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. **Effective Date.** This Resolution is effective on the date of its adoption

Adopted this the 7th day of February, 2022.

  
Robert Woodard, Chairman

Attest:

  
Cheryl C. Anby, 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, APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**” duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 7th day of February, 2022.

**WITNESS** my hand and the corporate seal of the County of Dare, North Carolina, this the 7<sup>th</sup> day of February, 2022.



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



**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO 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 County has previously executed and delivered an Installment Financing Contract dated as of December 1, 2021 (the "*Original Contract*"), between the Dare County Public Facilities Corporation (the "*Corporation*") and the County, to finance the capital costs of beach nourishment projects in Duck, Kill Devil Hills, Kitty Hawk and Southern Shores and improvements to the County's Justice Center (the "*2021 Projects*");

*WHEREAS*, the Corporation assisted the County in financing the 2021 Projects by the issuance of a Limited Obligation Bond, Series 2021B (the "*2021B Bond*") under an Indenture of Trust dated as of December 1, 2021 (the "*Original Indenture*") between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*");

*WHEREAS*, the Board of Commissioners of the County (the "*Board of Commissioners*"), hereby determines that it is in the best interest of the County to enter into an amendment to the Original Contract (the "*Contract Amendment*" and together with the Original Contract, the "*Contract*") with the Corporation in order to finance the costs of beach nourishment for the purpose of beach erosion control and flood and hurricane protection works in the areas of Buxton and Avon in the County (the "*2022 Projects*");

*WHEREAS*, the Corporation will assist the County by the issuance of additional Limited Obligation Bonds, in one or more series (the "*2022 Bonds*"), under the Original Indenture and a supplement thereto to finance the 2022 Projects;

*WHEREAS*, in order to secure its obligations under the Contract, the County has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of December 1, 2021 (the "*Deed of Trust*") on the real property on which County's Justice Center is located, and the improvements thereon (the "*Mortgaged Property*") and as such the obligations of the County related to the Contract Amendment, in addition to the Original Contract, will also be secured by the Mortgaged Property;

*WHEREAS*, the County hereby determines that the 2022 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 Amendment is necessary and expedient for the County by virtue of the findings presented herein;



*WHEREAS*, the County hereby determines that the Contract Amendment will allow the County to finance the 2022 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 2022 Projects is an amount not to exceed \$28,500,000, and that such cost of the 2022 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 2022 Projects pursuant to the Contract is expected to exceed the cost of financing the 2022 Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the 2022 Projects pursuant to the Contract and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the 2022 Projects; and (3) no revenues are produced by the 2022 Projects so as to permit a revenue bond financing;

*WHEREAS*, the County has determined and hereby determines that the estimated cost of financing the 2022 Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

*WHEREAS*, the County does not anticipate an increase in taxes to pay its obligations under the Contract Amendment, but the increase in taxes, if any, necessary to meet the sums to fall due under the Contract Amendment will not be excessive;

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

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

*WHEREAS*, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

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

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

*WHEREAS*, the County hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to modification or affirmation after all interested parties have been

afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract Amendment.

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

Section 1. *Authorization to Negotiate the Contract Amendment.* That the County Manager and the Deputy County Manager/Finance Director, individually and collectively, with advice from the County's financial advisor, are hereby authorized and directed to proceed and negotiate on behalf of the County for the financing of the 2022 Projects for a principal amount not to exceed \$28,500,000 under the Contract Amendment to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 2. *Findings.* That the Board of Commissioners finds and determines:

- (1) That the proposed Contract Amendment is necessary and expedient;
- (2) That the Contract Amendment, under the circumstances, is preferable to a bond issue for the same purpose;
- (3) That the sums to fall due under the Contract Amendment are adequate and not excessive for its proposed purpose;
- (4) That the County's debt management procedures and policies are good;
- (5) That the increase in taxes, if any, necessary to meet the sums to fall due under the Contract Amendment will not be excessive; and
- (6) That the County is not in default in any of its debt service obligations.

Section 3. *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 Amendment 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 4. *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 placement agent. 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 5. *Public Hearing.* That a public hearing (the "*Public Hearing*") shall be conducted by the Board of Commissioners on January 18, 2022 in the Board of Commissioners' Meeting Room, Dare County Administration Building, 954 Marshall C. Collins Drive, Manteo, North Carolina 27954, or at such other place that the Board of Commissioners may determine, concerning the execution and delivery of the Contract Amendment.

Section 6. *Notice of Public Hearing.* That the Clerk to the Board is hereby directed to cause a notice of the Public Hearing, in substantially 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 7. *Repealer.* That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.



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

Section 8. **Effective Date.** That this Resolution is effective on the date of its adoption.

Adopted this the 3rd day of January, 2022.



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 AMENDMENT TO 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 3rd day of January, 2022.

*WITNESS* my hand and the corporate seal of the County of Dare, North Carolina, this the 3<sup>rd</sup> day of January, 2022.



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



**EXHIBIT A**  
**NOTICE OF PUBLIC HEARING**

The Board of Commissioners (the "Board") of the County of Dare, North Carolina (the "County") is considering entering into an amendment to an existing installment financing contract (the "Contract Amendment"), in a principal amount not to exceed \$28,500,000, under which the County will make certain installment payments, in order to finance (a) the costs of beach nourishment for the purpose of beach erosion control and flood and hurricane protection works in the areas of Buxton and Avon in the County (the "Projects") and (b) the costs associated with entering into the Contract Amendment. The County has previously executed and delivered an installment financing contract (the "Original Contract" and as amended by the Contract Amendment and any future amendment, the "Contract") to finance the costs of beach nourishment projects in Duck, Kill Devil Hills, Kitty Hawk and Southern Shores and improvements to the County's Justice Center. In connection with the Original Contract, the County granted a deed of trust, security agreement and fixture filing as security for its obligations in the site of the County's Justice Center located at 962 Marshall C. Collins Drive, Manteo, North Carolina 27954 and improvements thereon (the "Mortgaged Property"). The Contract Amendment will amend the Original Contract to provide for the financing of the Projects and the County's obligations under the Original Contract and the Contract Amendment will be secured under 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 January 18, 2022 at 5:00 p.m., or as soon thereafter as practicable, in the County Board of Commissioners' Meeting Room, Administration Building, 954 Marshall C. Collins Drive, Manteo, North Carolina 27954, the Board will conduct a public hearing concerning the approval of the execution and delivery of the Contract Amendment. All interested parties are invited to present comments at the public hearing on the Contract. Any person wishing to comment in writing should do so by submitting comments to the Board of County Commissioners, P.O. Box 1000, Manteo, NC 27954, Attention: Clerk to the Board, or [cheryl.anby@darenc.com](mailto:cheryl.anby@darenc.com). Written comments must be submitted between the date of publication of this notice and 24 hours before the public hearing.

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

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 County to finance beach nourishment for the purpose of beach erosion control and flood and hurricane protection works in the areas of Buxton and Avon in the County (the "*Projects*");

**WHEREAS**, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects 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 Projects; and

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

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

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Projects is approximately \$28,500,000.

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 Projects 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 3rd day of January, 2022.

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. Amby", written over a horizontal line.

Cheryl C. Amby, 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 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” duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 3rd day of January, 2022.

**WITNESS** my hand and the corporate seal of the County of Dare, North Carolina, this the 3rd day of January, 2022.



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





**A RESOLUTION REQUESTING RULEMAKING FOR THE EXTENSION OF A NO WAKE ZONE LOCATED ADJACENT TO MILL CREEK AND BIG ISLAND IN THE VILLAGE OF AVON**

**WHEREAS**, the North Carolina Wildlife Resources Commission completed an assessment of the area and made a recommendation to expand the current No Wake Zone; and

**WHEREAS**, the North Carolina Wildlife Resources Commission found the proposed No Wake Zone is needed to ensure the safety of the recreating public in this area; and

**WHEREAS**, the North Carolina Wildlife Resources Commission will enforce the No Wake Zone once buoys are installed; and

**WHEREAS**, the Dare County Waterways Commission unanimously recommended the Board of Commissioners of Dare County submit an Application for Water Safety Rulemaking to expand the No Wake Zone in accordance with the attached map; and

**WHEREAS**, Dare County has given public notice of intention to apply for rulemaking on waters within the County's territorial jurisdiction.

**NOW, THEREFORE BE IT RESOLVED**, the Board of Commissioners of Dare County, North Carolina hereby adopts the following resolution for the state to consider expanding the No Wake Zone area in accordance with the attached map.

This 3rd day of January, 2022.

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board

