



COUNTY OF DARE
PO Box 1000. MANTEO. NC 27954

DARE COUNTY BOARD OF COMMISSIONERS

Dare County Administration Building
954 Marshall C. Collins Dr., Manteo, NC

Monday, February 07, 2022

“HOW WILL THESE DECISIONS IMPACT OUR CHILDREN AND FAMILIES?”

AGENDA

- 9:00 AM** **CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
- ITEM 1** Opening Remarks - Chairman's Update
- ITEM 2** Service Pins - February, 2022
- ITEM 3** Employee of the Month
- ITEM 4** Public Comments
- ITEM 5** Public Hearing on a Request to close a portion of Beacon Rd in Rodanthe
- ITEM 6** Amendment to Capital Project Ordinance for Town's Beach Nourishment Project and Budget Amendments for Final Debt Service Amounts
- ITEM 7** Resolution of the Board of Commissioners of the County of Dare, NC, Approving an Amendment to an Installment Financing Contract and Delivery Thereof and Providing for Certain Other Related Matters
- ITEM 8** Proclamation for March 2022 as the 50th Anniversary of the National Senior Nutrition Program
- ITEM 9** **Consent Agenda**
- 1. Approval of Minutes
 - 2. DHHS - Community Child Protection Team and Child Fatality Prevention Team (CCPT/CFPT) Annual Report
 - 3. Sheriff's Office - Budget Amendment for Human Trafficking Grant Award
 - 4. Government & Education Access Channels Committee 2022-23 Proposed Budget
 - 5. Resolution to Update the County's List of Official Depositories
- ITEM 10** Board Appointments
- 1. Upcoming Board Appointments
- ITEM 11** Commissioners' Business & Manager's/Attorney's Business

ADJOURN UNTIL 5:00 P.M. ON FEBRUARY 22, 2022



Opening Remarks - Chairman's Update

Description

Dare County Chairman Robert Woodard will make opening remarks.

Board Action Requested

Informational Presentation

Item Presenter

Chairman Robert Woodard, Sr.



Service Pins - February, 2022

Description

Service pins for the month of February will be presented

Board Action Requested

None

Item Presenter

Robert Outten, County Manager



Employee of the Month

Description

The Employee of the Month Certification will be presented.

Board Action Requested

None

Item Presenter

To Be Determined



Public Comments

Description

The Board of Commissioners encourages citizen participation and provides time on the agenda at every regularly scheduled meeting for Public Comments. This is an opportunity for anyone to speak directly to the entire Board of Commissioners for up to five minutes on any topic or item of concern. Masks and social distancing required.

Comments can be made at the Commissioners Meeting Room in Manteo (Administration Bldg., 954 Marshall Collins Drive, Manteo) or through an interactive video link at the Fessenden Center Annex (47013 Buxton Back Road, Buxton).

Board Action Requested

Hear Public Comments

Item Presenter

Robert Outten, County Manager



Public Hearing on a Request to close a portion of Beacon Rd in Rodanthe

Description

Daniel Kerlakian is requesting that forty feet of the unimproved eastern terminus and cul-de-sac portion of Beacon Road in Rodanthe be permanently closed pursuant to the requirements of North Carolina General Statute 153A-241. Attorney David Dixon is representing Mr. Kerlakian.

At the close of the public hearing the board will in a position to act on the request. (motion to adopt--"I Move to adopt the order permanently closing forty feet of the unimproved eastern terminus and cul-de-sac portion of Beacon Road in Rodanthe, as requested by the applicant.")

Should it be the consensus of the board to not close the portion of Beacon Road no action is necessary.

Board Action Requested

Conduct Public Hearing

Item Presenter

Noah H Gillam, Assistant Planning Director

Applicability of NCGS § 153A-241

Per North Carolina General Statutes (NCGS) § 153A-241, a "county may permanently close any public road or any easement within the county and not within a city, except public roads or easements for public roads under the control and supervision of the Department of Transportation" via a board of commissioner's resolution declaring its intent to close the public road or easement and calling a public hearing on the question after providing three weeks' notice.

§ 153A-238(a) pertains specifically to Article 12 defining "public road" or "road" to mean "any road, street, highway, thoroughfare, or other way of passage that has been irrevocably dedicated to the public or in which the public has acquired rights by prescription, without regard to whether it is open for travel...." Per a 1994 Advisory Opinion from the North Carolina Attorney General, "The recording of a plat with roads designated as "public" constitutes an irrevocable offer of dedication to the public..." (*Mr. Leon M. Killian, III, NCAG 1994*). A recent North Carolina Appeals Court decision barring a surfer from using a subdivision's access easement in Duck highlights this point; In *Hovey v. Sand Dollar Shores Homeowners Association, Inc.*, the plat map read, "the streets and roads in this subdivision are dedicated to public use," but did not specifically identify the walkway/easement in question as dedicated to public use. The court found that the road was public but the easement was not.

The dedication on the Southern Vista plat map (enclosed) reads, "The streets and roads in this subdivision are dedicated to public use." The plat map was accepted via signature and recorded by the County Clerk of Dare County. Unlike other subdivisions in the area, the plat map specifically states that the roads are dedicated to public use. For example, the plat map for the subdivision Rodanthe By The Sea states, "the streets on this plat are private streets." Other subdivisions in the area either have "private" written on the streets or dedicate the streets to "public or private use, as noted." Here, there is no ambiguity as to the dedication of E. Beacon Road for public use and thus § 153A-241 applies.

Closure Requirements

NCGS § 153A-241 further states, "If, after the hearing, the board of commissioners is satisfied that closing the public road or easement is not contrary to the public interest and (in the case of a road) that no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the board may adopt an order closing the road or easement.

Closure Not Contrary to Public Interest

The easternmost portion of E. Beacon doglegs north and over time as the beach has eroded it has become covered with sandy beach and dunes. This portion of Beacon has been historically used by the public for beach access in addition to parking for renters and homeowners of 23292 (Lot7), 23298 (Lot 6) and at one point the home just to the north (Lot 5) that is now a vacant lot

and precluded from development due to CAMA regulations. Additionally, this section of beach (north of Rodanthe Pier) is not a designated off road vehicle route per the official National Park Service map (enclosed).

Due to beach erosion over time, these homes have consistently had separated septic systems during mild to moderate ocean over wash events. The closure of this portion of Beacon Road would provide for additional space for these systems to be moved further west up the beach, as there is significant space between the property lines and vegetated sand dunes. Having these homes more operable would not only provide more revenue to the County, but would also greatly reduce the environmental health hazards associated with regularly separated septic systems. Both of these benefits are in the best interest of the public.

Furthermore, closing the road would not be detrimental to the public interest as it would have no impact on the public's right to use the beach. Established law in North Carolina is the right to public access over the wet and dry sand beach is a public trust right. The public would still be able to access the beach from E. Beacon. Additionally, no off road vehicles are permitted on this section of the beach and thus closing the road would not impact off road traffic.

Closure Will Not Deprive Neighbors of Reasonable Means of Ingress and Egress

Petitioners own two of the five lots at the end of E. Beacon. The southernmost adjacent lot to this portion of road in question (23288 E. Beacon) is technically not part of the Southern Vista subdivision but has an existing easement on to Beacon Road. Access will not be impacted. The two lots north of Lot 6, are vacant land without the possibility of development per CAMA regulations. Lot 5 is identified as Vacant Lot (Private) and lot 4 as a Wash Out.

An access easement to Lots 5 and 4 could be made a condition to the road closure. Although it is clear that these lots will not be practically impacted due to the fact that the lots are vacant and unable to be developed, and no vehicle access is permitted on the portion of land at issue and the area is currently accessible by anyone as public trust land, granting an access easement will ensure that the road closure meets the ingress and egress requirement of the statute.

Result of Closure

Last, § 153A-241 indicates, "upon the closing of a public road or an easement pursuant to this section, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement."

If after the hearing, the Board moves to close the road, the properties adjacent to that portion of the road would take title to the property extending out to the center line of the road. Because this is a curved portion of road with a cul-de-sac, there is some ambiguity as to how the new property lines would be drawn. It would be appropriate to respectfully suggest that the Board of County Commissioners delegate approval of the final property lines to be

handled administratively by the director of the Dare County Planning Department. The commissioners may also consider giving the director discretion in regard to the size and placement of an easement to the owners of lots 4 and 5.

§ 153A-241. Closing public roads or easements.

A county may permanently close any public road or any easement within the county and not within a city, except public roads or easements for public roads under the control and supervision of the Department of Transportation. The board of commissioners shall first adopt a resolution declaring its intent to close the public road or easement and calling a public hearing on the question. The board shall cause a notice of the public hearing reasonably calculated to give full and fair disclosure of the proposed closing to be published once a week for three successive weeks before the hearing, a copy of the resolution to be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed, and a notice of the closing and public hearing to be prominently posted in at least two places along the road or easement. At the hearing the board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights. If, after the hearing, the board of commissioners is satisfied that closing the public road or easement is not contrary to the public interest and (in the case of a road) that no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the board may adopt an order closing the road or easement. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county.

Any person aggrieved by the closing of a public road or an easement may appeal the board of commissioners' order to the appropriate division of the General Court of Justice within 30 days after the day the order is adopted. The court shall hear the matter de novo and has jurisdiction to try the issues arising and to order the road or easement closed upon proper findings of fact by the trier of fact.

No cause of action founded upon the invalidity of a proceeding taken in closing a public road or an easement may be asserted except in an action or proceeding begun within 30 days after the day the order is adopted.

Upon the closing of a public road or an easement pursuant to this section, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement. However, the right, title or interest vested in an adjoining landowner by this paragraph remains subject to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility. (1949, c. 1208, ss. 1-3; 1957, c. 65, s. 11; 1965, cc. 665, 801; 1971, c. 595; 1973, c. 507, s. 5; c. 822, s. 1; 1977, c. 464, s. 34; 1995, c. 374, s. 1.)

AFFIDAVIT OF DANIEL M. KERLAKIAN AND CARLY R. KERLAKIAN

We, Daniel and Carly Kerlakian, residents of Cincinnati, Ohio, the undersigned, first being duly sworn, do hereby depose and say:

1. We are the exclusive owners of real property located at 23298 E. Beacon Road (hereinafter "our property"), located in Dare County, North Carolina as recorded in Book 2540, Page 165 in the Dare County Public Registry.
2. Our property adjoins the Dare County public road known as E. Beacon Road.
3. The permanent closing of the portion east of the point approximately 20 feet east of the second to last utility pole ("Easternmost Portion") of the Dare County public road known as E. Beacon Road does not inhibit ingress or egress to our property.
4. We would still have access to our property via E. Beacon Road.
5. We support the Dare County Board of Commissioners closing permanently the Easternmost Portion of E. Beacon Road.



Daniel M. Kerlakian




Carly R. Kerlakian

State of Ohio 2
 2
 55. 2
County of Hamilton 3

Signed before me this 7th day of November by
Daniel M. Kerlakian and Carly R. Kerlakian.



Margaret Condit Gibson, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.


By: Margaret C. Gibson, Attorney-At-Law
My commission does not expire.

AFFIDAVIT OF ERICK L. SAKS AND VANESSA M. SAKS

We, Erick and Vanessa Saks, residents of Saint Johns, Florida, the undersigned, first being duly sworn, do hereby depose and say:

1. We are the exclusive owners of real property located at 23292 E. Beacon Road (hereinafter "our property"), located in Dare County, North Carolina as recorded in Book 2552, Page 001 in the Dare County Public Registry.
2. Our property adjoins the Dare County public road known as E. Beacon Road.
3. The permanent closing of the portion east of the point approximately 20 feet east of the second to last utility pole ("Easternmost Portion") of the Dare County public road known as E. Beacon Road does not inhibit ingress or egress to our property.
4. We would still have access to our property via E. Beacon Road.
5. We support the Dare County Board of Commissioners closing permanently the Easternmost Portion of E. Beacon Road.

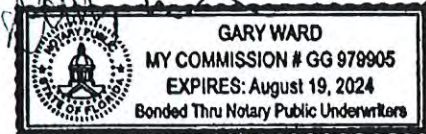
Erick L. Saks

Erick L. Saks, Lt. Col (Ret), USAF

Vanessa M. Saks

Vanessa M. Saks, Lt Col (Ret), USAF

November 7, 2021



Unofficial Document

Unofficial Document

Unofficial Document

FILED
70 JUN 11 AM 10 49

ESTELLE S TILLET
REGISTER OF DEEDS
DARE COUNTY N.C.

I, the undersigned, Clerk of the Superior Court of Dare County, North Carolina, hereby certify that the plan of subdivision shown above is a true and correct copy of the plan of subdivision as recorded in the office of the Register of Deeds of Dare County, North Carolina, on the 10th day of June, 1977.

Date June 10, 1977
Walter H. Rubin
Clerk or Authorized Agent
Dare County, N.C.

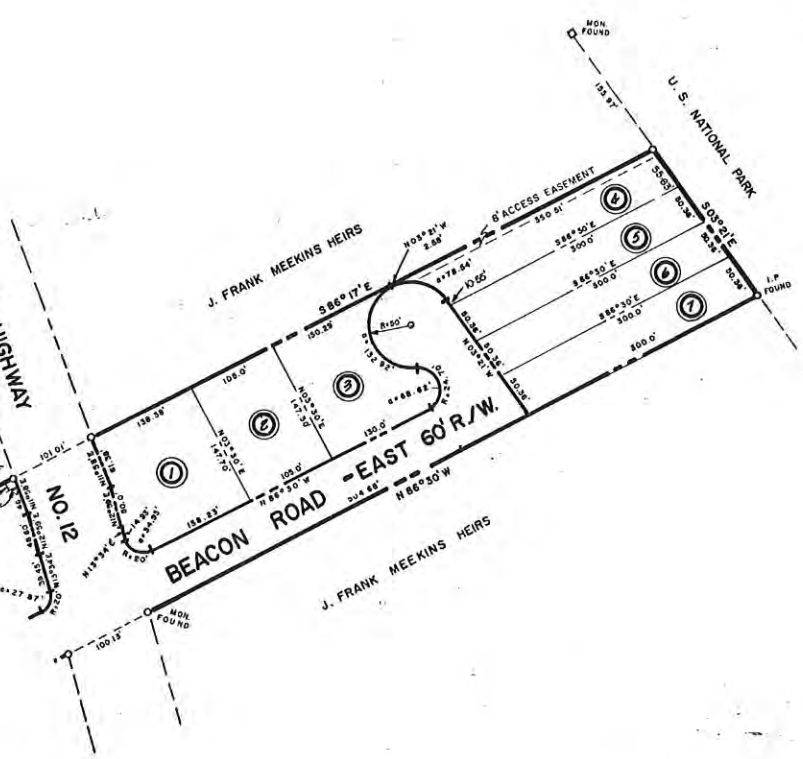
NORTH CAROLINA, DARE COUNTY
The foregoing certificate of D.A. Neal, Registered Land Surveyor
and W.C. Davis, a Notary Public, Dare Co., N.C.
is certified for registration in this office of 11th day of June, 1977, at 10:49 o'clock A.M., and recorded in this office in Book P.C.B. Page 34
Earl W. Sisk
Register of Deeds

By _____
Assistant Register of Deeds

NESEA DEDICATED TO DARE COUNTY FOR TRASH DISPOSAL CONTAINERS



STATE OF NORTH CAROLINA COUNTY OF DARE
I, D. J. Neal, do hereby certify that this map was drawn from an actual survey made by me, does accurately represent the same, and that the boundaries shown thereon are as shown as broken lines plotted from information found in the Book of Deeds of Dare County, North Carolina, and that this map was prepared in accordance with G.S. 17-30, as amended, and that I am a duly licensed and sworn Surveyor.
Witness my hand and seal this 10th day of June, 1977.
Earl W. Sisk
Register of Deeds
Sworn to and subscribed before me this 10th day of June, 1977.
W.C. Davis
Notary Public
My commission expires JAN 13, 1982



Joseph J. Notaris
I, the undersigned, Chairman of the Dare County Planning Board, hereby certify that said Board duly approved the plan of the subdivision entitled Southern Vista on the 10th day of June, 1977.
Joseph J. Notaris
Chairman

I hereby certify that the lots proposed in the subdivision entitled Southern Vista meet the requirements as to minimum area for an individual street disposal and water supply system as provided by ordinance of the Dare County Board of Health. Lots are evaluated separately as to topography, drainage and soil quality.
Joseph J. Notaris
Chairman
10/10/77

THE STREETS AND ROADS IN THIS SUBDIVISION ARE DEDICATED TO PUBLIC USE. HOWEVER, THEIR MAINTENANCE WILL BE THE SOLE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNERS UNTIL THEY ARE BROUGHT UP TO THE STANDARDS OF THE N.C. DEPT. OF TRANSPORTATION (SECT. 81-A DARE CO. SUBDIVISION REGULATIONS & N.C.G.S. 136-102.6).

SOUTHERN VISTA

OWNERS P.W. MEEKINS AND A.W. MEEKINS
KINNEKEET TWP. DARE COUNTY
RODANTHE VILLAGE NORTH CAROLINA
SCALE: 1" = 100' OCTOBER, 1976
SURVEYORS ROSE AND PURCELL INC.
ENGINEERS PLANNERS
MANTEO, N. C.



Melvin B. Garrison
I, Melvin B. Garrison, the County Clerk of Dare County, North Carolina, do hereby certify that on the 10th day of June, 1977, the Board of County Commissioners approved this plan for recording and accepted the dedication of the roads, easements, right-of-way and public parks and other sites for public purposes as shown herein, but assume no responsibility to open or maintain the same until, in the opinion of the planning staff of Dare County it is in the public interest to do so.
Melvin B. Garrison
County Clerk





COUNTY OF DARE
Department of Emergency Management
Office of the Fire Marshal
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs
Fire Marshal

(252) 475-5750
Fax: (252) 473-3168

To: Donna Creef, Planning Director
From: Steven R. Kovacs, Fire Marshal
Date: November 29, 2021
Re: Beacon Road

I have reviewed the material presented for the road closure on E. Beacon Road. A 20-foot easement must be established and recorded for access to the undeveloped properties to the north. This 20-foot wide access must be maintained up to the existing lots to allow for unencumbered vehicle access and this area is not to be used for parking for either of the existing homes or future development.

If you have any question please let me know.

** Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*

ORDER

ORDER ADOPTED BY THE DARE COUNTY BOARD OF COMMISSIONERS
DECLARING A PORTION OF DARE COUNTY PUBLIC ROAD KNOWN AS BEACON
ROAD CLOSED.

WHEREAS, the unimproved eastern terminus and cul-de-sac portion of Beacon Road is located in unincorporated Dare County, and

WHEREAS, the unimproved eastern terminus of Beacon Road and the cul-de-sac portion of Beacon Road is a publically-dedicated road as noted on the plat for Southern Vista Subdivision, Map Book A Slide 34 dated January 11, 1978 in the Dare County Register of Deeds, and

WHEREAS, the Dare County Board of Commissioners conducted a Public Hearing on February 7, 2022 to receive comments on its intent to permanently close a portion of Beacon Road located between Southgate Drive and East Point Drive in Rodanthe as noted on the map of the area labelled Attachment A with this ORDER, and

WHEREAS, the hearing was duly advertised and the other notice procedures of NCGS 153A-241 enacted including posting of the area proposed for closing and notice to the adjoining property owners, and

NOW, THEREFORE, BE IT RESOLVED the Dare County Board of Commissioners adopts this ORDER declaring a forty foot portion of the unimproved eastern terminus and cul-de-sac portion of the publicly-dedicated road known as Beacon Road in Rodanthe, North Carolina to be closed in accordance with North Carolina General Statute 153A-241 and a certified copy of this ORDER shall be recorded in the Dare County Register of Deeds.

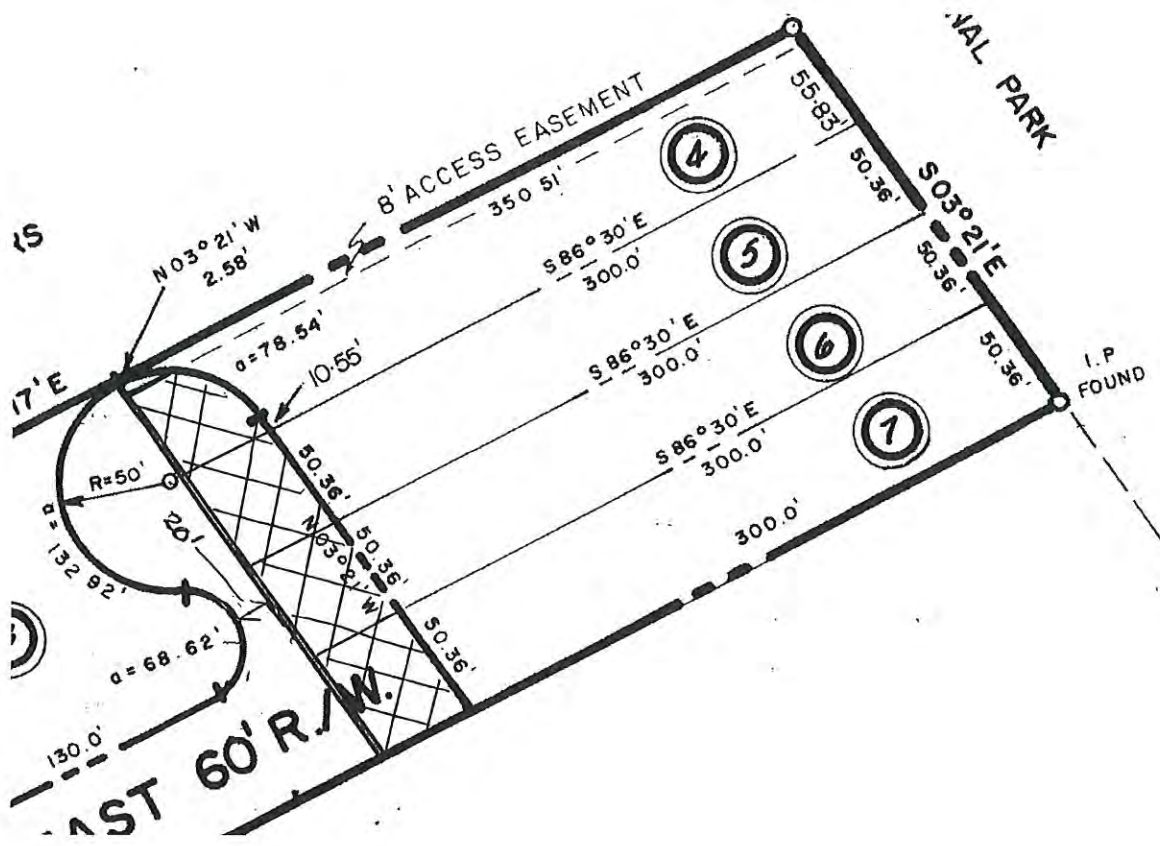
ADOPTED the 7th day of February 2022 by the Dare County Board of Commissioners

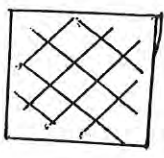
SEAL:

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

ATTEST:

Cheryl C. Anby, Clerk



 Abandoned

Please see metes and bounds for a more particular description.

Also, please see Plat Cabinet A, Page 34, incorporated herein by reference.

AREA of BEACON ROAD TO BE ABANDONED
WITH NEW PROPERTY LINES DESCRIBED

The portion Beacon Road East to be abandoned is as follows:

Beginning at a point, located on the Southern edge of Beacon Road East, as described on that map or plat recorded in Plat Cabinet A at Page 34 of the Dare County Registry and entitled, in part, "Southern Vista" (hereinafter, the "Plat") said point being located 340 feet South 86 Degrees 30 Minutes East from the Eastern corner of Lot 7 which said corner is described on the Plat as "I.P. FOUND" thence from said point of beginning proceeding North 03 Degrees 21 Minutes West in parallel with the property lines of Lots 4, 5, 6, and 7 as described on the Plat 198.91 feet more or less, to a point located 8 feet from the Northern edge of the subdivision, thence proceeding North 86 Degrees 17 Minutes West, parallel with the Northern property line of the subdivision to the margin or right of way of Beacon Road East as shown on said Plat where the same meets Lot 4 on the Plat, proceeding thence along the property lines as shown on the Plat for lots 4, 5, 6 and 7 in a generally Southerly direction, ending at the Western corner of Lot 7 as shown on said plat, thence 40 feet South 86 Degrees 30 Minutes East to the point or place of beginning.

And the new property lines shall be as follows:

The portion of Beach Road East abandoned as described above shall be divided among the adjoining property owners by extending the property lines of Lots 5, 6 and 7 in a westwardly direction to the remaining Beacon Road East, and the remainder of the abandoned property, located between the extended property line of Lots 4 and 5, the remaining Beacon Road East and the Northern Boundary of the abandoned property as described above shall be made a part of Lot 4; all of which shall be the fee simple property of the owners of said lots upon the recordation of this Order, and shall form the new boundaries of Lots 4, 5, 6 and 7.



Amendment to Capital Project Ordinance for Town's Beach Nourishment Project and Budget Amendments for Final Debt Service Amounts

Description

Please see the following Item Summary.

Board Action Requested

Adopt the amendment to the capital project ordinance, adopt the budget amendment for the Capital Investment (General) Fund, and adopt the budget amendments for the Beach Nourishment

Item Presenter

David Clawson, Finance Director

Item Summary: Amendment to Capital Project Ordinance for Town's Beach Nourishment Project and Budget Amendments for Final Debt Service Amounts

The project budget was last adjusted for bid amounts which was prior to Duck and Kitty Hawk increasing cubic yardages. The Board is requested to amend the project budget to adjust the construction and contingency appropriations (expenditure) for each town and to change each of the town contributions (revenue).

Also included are a budget amendment for the Capital Investment (General) Fund and a budget amendment for the Beach Nourishment Fund to adjust the original budgets to the actual amounts for debt service for the current fiscal year.

Board Action: Adopt the amendment to the capital project ordinance, adopt the budget amendment for the Capital Investment (General) Fund, and adopt the budget amendment for the Beach Nourishment Fund.

Dare County, Duck, Kill Devil Hills, Kitty Hawk, Southern Shores
2022 Beach Nourishment Projects
Sources and Uses

12/2/2021

Final Pre-project Amounts

Project Uses					
	Duck	Kill Devil Hills	Kitty Hawk	Southern Shore	Totals
Maintenance Project	\$ 4,534,580	\$ 2,647,782	\$ 9,195,991	\$ 11,237,689	\$ 27,616,041
FEMA Project	\$ 2,425,511	\$ 3,638,169	\$ -	\$ -	\$ 6,063,680
	<u>\$ 6,960,091</u>	<u>\$ 6,285,951</u>	<u>\$ 9,195,991</u>	<u>\$ 11,237,689</u>	<u>\$ 33,679,721</u>
Cost of Issuance	\$ 87,500	\$ 87,500	\$ 87,500	\$ 87,500	\$ 350,000
Total Uses	\$ 7,047,591	\$ 6,373,451	\$ 9,283,491	\$ 11,325,189	\$ 34,029,721

Project Sources					
NCDWR Grant	\$ 1,450,921	\$ 1,450,921	\$ 1,408,247	\$ 1,408,247	\$ 5,718,336
FEMA	\$ 2,425,511	\$ 3,638,169	\$ -	\$ -	\$ 6,063,680
County Contribution	\$ 796,572	\$ 691,137	\$ 2,854,815	\$ 4,371,401	\$ 8,713,925
Town Contribution	\$ 2,374,587	\$ 593,224	\$ 5,020,429	\$ 5,545,541	\$ 13,533,780
					\$ -
Total Sources	\$ 7,047,591	\$ 6,373,451	\$ 9,283,491	\$ 11,325,189	\$ 34,029,721

**Dare County Northern Beaches Maintenance Project
Final Pre-project Amounts**

12/2/2021

Bids 9/2/2021					
	<u>Duck</u>	<u>KD Hills</u>	<u>Kitty Hawk</u>	<u>S Shores</u>	<u>Totals</u>
Cubic Yards	494,000	505,000	750,000	894,500	2,643,500
% Share of Total	18.6873%	19.1035%	28.3715%	33.8377%	100.0000%
Mobilization	\$ 939,039	\$ 959,949	\$ 1,425,667	\$ 1,700,345	\$ 5,025,000
Performance & Payment Bond	\$ 18,687	\$ 19,103	\$ 28,371	\$ 33,838	\$ 100,000
Surveys - Borrow Areas	\$ 18,687	\$ 19,103	\$ 28,371	\$ 33,838	\$ 100,000
	<u>\$ 976,414</u>	<u>\$ 998,156</u>	<u>\$ 1,482,410</u>	<u>\$ 1,768,021</u>	<u>\$ 5,225,000</u>
Hydraulic Beach Fill	\$ 4,940,000	\$ 4,292,500	\$ 6,375,000	\$ 8,050,500	\$ 23,658,000
Base bid	<u>\$ 5,916,414</u>	<u>\$ 5,290,656</u>	<u>\$ 7,857,410</u>	<u>\$ 9,818,521</u>	<u>\$ 28,883,000</u>
Sand fencing	\$ 50,400	\$ 75,000	\$ 240,000	\$ 183,600	\$ 549,000
Post Construction Surveys	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 100,000
Additive	<u>\$ 75,400</u>	<u>\$ 100,000</u>	<u>\$ 265,000</u>	<u>\$ 208,600</u>	<u>\$ 649,000</u>
Base Bid + Additive	\$ 5,991,814	\$ 5,390,656	\$ 8,122,410	\$ 10,027,121	\$ 29,532,000
<u>Other Cost Items (Estimates)</u>					
CPE Permitting & Design	\$333,140	\$328,924	\$351,438	\$366,366	\$1,379,868
CPE CM	\$174,900	\$187,400	\$229,800	\$246,400	\$838,500
Benthic Monitoring	\$40,000	\$40,000	\$40,000	\$40,000	\$160,000
Turtle Monitoring	\$8,304	\$7,585	\$10,439	\$15,674	\$42,002
Beach Maintenance Plan	\$4,000	\$4,000	\$4,000	\$7,000	\$19,000
Planting (Part of FEMA)	\$76,500	\$28,055	\$0	\$0	\$104,555
Subtotals	<u>\$6,628,658</u>	<u>\$5,986,620</u>	<u>\$8,758,087</u>	<u>\$10,702,561</u>	<u>\$32,075,925</u>
Contingency 5%	\$331,433	\$299,331	\$437,904	\$535,128	\$1,603,796
Project totals	<u>\$6,960,091</u>	<u>\$6,285,951</u>	<u>\$9,195,991</u>	<u>\$11,237,689</u>	<u>\$33,679,721</u>
	<u>\$/yd3</u>	<u>yd3</u>	<u>Beach Fill</u>		
Duck	\$ 10.00	494,000	4,940,000		
Kill Devil Hills	\$ 8.50	505,000	4,292,500		
Kitty Hawk	\$ 8.50	750,000	6,375,000		
Southern Shores	\$ 9.00	894,500	8,050,500		

**County of Dare, North Carolina
Capital Project Ordinance
for
Series 2021B LOBs**

BE IT ORDAINED as authorized by the Board of Commissioners of the County of Dare, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance, originally adopted on 8/16/2021, and amended on 9/20/2021, is hereby amended.

Section 1 This ordinance is for the budget for the 2022 Towns’ beach nourishment project. The 2022B LOBs also finances certain improvements to the County’s Justice Center, the budget for which was adopted on 8/16/2021.

Section 2 The following budget shall be conducted within the Capital Projects Fund (fund #61).

Section 3 The following appropriations are changed as indicated for the projects:

2022 Town’s Beach Nourishment

Construction - Duck	615580-737010-60361	\$766,465	increase
Construction – Southern Shores	615580-737010-60362	\$126,108	decrease
Construction – Kitty Hawk	615580-737010-60363	\$1,030,340	increase
Construction – Kill Devil Hills	615580-737010-60364	\$71,196	decrease
Contingency – Duck	615580-750000-60361	\$38,323	increase
Contingency – S Shores	615580-750000-60362	\$6,305	decrease
Contingency – K Hawk	615580-750000-60363	\$51,516	increase
Contingency – KD Hills	615580-750000-60364	\$3,559	decrease

Section 4 The following revenues are additionally anticipated to be available to complete the projects:

Town Contribution – Duck	613025-422281-60361	\$804,788	increase
Town Contribution – Southern Shores	613025-422281-60362	\$132,413	decrease
Town Contribution – Kitty Hawk	613025-422281-60363	\$1,081,856	increase
Town Contribution – Kill Devil Hills	613025-422281-60364	\$74,755	decrease

Section 5 Each Town’s contingency appropriation can only be used for that Town’s project budget. The County Manager is authorized to execute amendments to this project ordinance in amounts at the direction of or with the agreement of the Town affected.

Section 6 The Finance Officer is directed to report the financial status of the project as a part of the normal ongoing financial reporting process.

Section 7 Copies of this capital project ordinance shall be furnished to the Budget Officer, the Finance Officer, the Clerk to the Board of Commissioners, and to each Town.

Adopted this 7th day of February, 2022.

Chairman, Board of Commissioners

[SEAL]

Cheryl Anby, Clerk to the Board of Commissioners

DARE COUNTY

BUDGET AMENDMENT

F/Y 2021-2022

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department:					
Capital Investment Fund					

Revenues:

Expenditures:

S2021B LOBs debt service principal	114495	548318		\$40,000
S2021B LOBs debt service interest	114495	549318		\$6,631
Contingency	114490	550000	\$46,631	

Explanation:

To adjust original budget amounts to actuals.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____

DARE COUNTY

BUDGET AMENDMENT

F/Y 2021-2022

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department:					
Beach Nourishment Fund					
<u>Revenues:</u>					
Appropriated fund balance	223090	499900		\$40,207	
<u>Expenditures:</u>					
S2021B LOBs debt service interest	224495	549318		\$40,207	

Explanation:

To adjust original budget amounts to actuals.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



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

Description

Please see the following Item Summary.

Board Action Requested

Adopt the Approving Resolution for the 2022A and 2022B LOBs.

Item Presenter

David Clawson, Finance Director

Item Summary: 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

The above resolution is the Approving Resolution and the final step in the private placement of the 2022A and 2022B Limited Obligation Bonds (LOBs), that finances the County's Buxton & Avon beach nourishment project.

Army Corp permits were received and executed on 1/13. The bonds are on the Local Government Commission agenda for approval on 2/1.

Attachments are:

1. Financing bib tabulation for the Series 2022A LOBs;
2. Financing bid tabulation for the Series 2022B LOBs (FEMA reimbursement debt);
3. Numbers Run for the debt issuances; and
4. The Approving Resolution.

Series 2022A – regular 5-year debt: Piper Sandler received 7 bids from 5 banks ranging from 1.39% to 1.97%. The winning bid is from Truist Bank at 1.39% and is callable at par at any time.

Series 2022B – debt for FEMA reimbursable portion: Piper Sandler received 7 bids from 5 banks ranging from 1.35% to 1.79%. The winning bid is from Truist Bank at 1.39% and is callable at par on principal payment dates. (The 1.35% bid had an 85 basis point prepayment penalty creating a higher interest cost.)

The Numbers Run shows the annual debt service in total and by Series A and Series B. The Series B shows debt service over 5 years with no prepayment. However, Series B principal will be paid after FEMA reimbursements which is hoped to be completed at two years.

Due to the projects being under budget and due to very favorable interest rates, the total cash outflows over 5 years will be at least \$2,022,000 less than what was projected in the Beach Nourishment Model 27a1.

The Board will be provided with the following documents prior to the 2/7 meeting. These debt issues are additional bonds amendments to the Series 2021B LOBs documents which pledged the Justice Center as collateral.

- Contract Amendment to the 2021B Installment Financing Contract; and
- Supplemental Indenture to the 2021B Indenture of Trust between the Dare County Public Facilities Corporation and the trustee.

Approving Resolution:

The Resolution makes findings and statements of fact, including:

- The Board previously executed and delivered the 2021B LOBs Installment Financing Contract and Deed of Trust.
- It is in the best interests of the County to enter into Amendment Number One to the Original

Contract to finance the Buxton and Avon beach nourishment project.

- The Contract and Deed of Trust permit the County to enter into amendments to finance additional projects using the Justice Center as collateral.
- The Limited Obligation Bonds, Series 2022A and Series 2022B, will be sold to Truist Bank.
- Copies of the documents have been made available to the Board and the Board approves:
 - the Contract Amendment; and
 - Supplemental Indenture Number One.
- The Board held a public hearing on January 18, 2022.
- The County has filed an application with the Local Government Commission for approval.

The Resolution resolves:

1. That Truist Bank, as the Lender, is added to the financing team.
2. That the Contract Amendment is approved and that the Manager, the Deputy County Manager/Finance Director, the Clerk and their designees are authorized and directed to execute and deliver the Contract Amendment with any changes which shall to them seem necessary; and that the Authorized Officers are authorized to do all such acts and things necessary to comply with the provisions of each document.
3. That the form and content of the Supplemental Indenture is authorized, approved, and confirmed.
4. That each of the Authorized Officers are designated as the County's Representatives to act on behalf of the County with the transaction; that the same are authorized to obtain an opinion from the County Attorney and other attorneys for the documents; and that the Authorized Officers are authorized and empowered to do any and all acts and to execute other documents which they deem necessary and appropriate to complete the transaction.
5. That all actions of the Clerk, the Manager, the Deputy Manager/Finance Director and their respective designees are approved, ratified and authorized.

Board Action:

The Board is requested to adopt the Approving Resolution for the 2022A and 2022B LOBs.

Dare County NC Series
Series 2022A LOBs

Bank	Rate	Closing Date	Prepayment	Final Maturity	Bank Closing Fees	Continuing Disclosure	Notes:
Truist	1.390%	2/15/2022	Prepayable anytime without penalty	6/1/2027	\$7500 not including bond counsel	Financials 270 days after FYE	Rate Expiration 2/21/2022
Regions option 1	1.620%	2/15/2022	Callable at par anytime with 30 days notice	6/1/2027	Borrower Responsible for out of pocket fees	Financials 210 days after FYE Budget within 30 days of adoption	Rate Expiration 01/10/2022
Regions option 2	1.450%	2/15/2022	Callable at par starting 6/1/2025	6/1/2027	Borrower Responsible for out of pocket fees	Financials 210 days after FYE Budget within 30 days of adoption	Rate Expiration 01/10/2022
Capital One option 1	1.580%	2/15/2022	Non Callable	6/1/2027	No fee to capital one apart from borrower cost of bond counsel, FA, and placement agent	Financials as soon as available	Rate Expiration 01/14/2022
Capital One option 2	1.620%	2/15/2022	3 year no call then callable at par	6/1/2027	No fee to capital one apart from borrower cost of bond counsel, FA, and placement agent	Financials as soon as available	Rate Expiration 01/14/2022
Signature Bank	1.970%	2/15/2022	Prepayable upon 30 days notice at 101% of par	6/1/2027	\$1500 fee for legal cost	None stated but requires 3 years of current financial statements, budgets, etc for due diligence	Rate Expiration 2/7/2022
PNC Bank	1.750%	2/15/2022	Prepayable upon 15 days notice with cost of prepayment	6/1/2027	\$7500 for each credit facility or \$12,500 for both	Financials 210 days after FYE	Rate Expiration 1/21/2022

Dare County NC Series
Series 2022B LOBs
FEMA Reimbursement

Bank	Rate	Closing Date	Prepayment	Final Maturity	Bank Closing Fees	Continuing Disclosure	Notes:
Truist	1.390%	2/15/2022	Prepayable 1x per year on payment date without	6/1/2027	\$5900 not including bond counsel	Financials 270 days after FYE	Rate Expiration 2/21/2022
Regions option 1	1.670%	2/15/2022	Callable at par anytime with 30 days notice	6/1/2027	Borrower Responsible for out of pocket fees	Financials 210 days after FYE Budget within 30 days of adoption	Rate Expiration 01/10/2022
Regions option 2	1.500%	2/15/2022	Callable at par starting 6/1/2025	6/1/2027	Borrower Responsible for out of pocket fees	Financials 210 days after FYE Budget within 30 days of adoption	Rate Expiration 01/10/2022
Capital One option 1	1.740%	2/15/2022	1 year no call then callable at par	6/1/2027	No fee to capital one apart from borrower cost of bond counsel, FA, and placement agent	Financials as soon as available	Rate Expiration 01/14/2022
Capital One option 2	1.790%	2/15/2022	Callabale at par anytime	6/1/2027	No fee to capital one apart from borrower cost of bond counsel, FA, and placement agent	Financials as soon as available	Rate Expiration 01/14/2022
PNC Bank option 1	1.750%	2/15/2022	prepayable upon 15 days notice at 101.2% of par	6/1/2027	\$7500 for each credit facility or \$12,500 for both	Financials 210 days after FYE	Rate Expiration 1/21/2022
PNC Bank option 2	1.350%	2/15/2022	prepayable upon 15 days notice at 100.85% of par	6/1/2025	\$7500 for each credit facility or \$12,500 for both	Financials 210 days after FYE	Rate Expiration 1/21/2022

TABLE OF CONTENTS

Dare County, North Carolina
Series 2022 A&B Installment Financing Bonds
Truist Rate

Report	Page
Series 2022 A&B Installment Financing Bonds	
Sources and Uses of Funds	1
Bond Summary Statistics	2
Bond Pricing	4
Bond Debt Service	5
Bond Debt Service Breakdown	6
Series 2022A Installment Financing Bonds	
Bond Debt Service	7
Series 2022B Installment Financing Bonds	
Bond Debt Service	8
Series 2022 A&B Installment Financing Bonds	
Business Promotional Material Disclaimer	9

SOURCES AND USES OF FUNDS

Dare County, North Carolina
 Series 2022 A&B Installment Financing Bonds
 Trust Rate

Dated Date 02/15/2022
 Delivery Date 02/15/2022

Sources:	Series 2022A Installment Financing Bonds	Series 2022B Installment Financing Bonds	Total
<hr/>			
Bond Proceeds:			
Par Amount	22,138,293.00	6,356,736.00	28,495,029.00
	<hr/>	<hr/>	<hr/>
	22,138,293.00	6,356,736.00	28,495,029.00
<hr/>			
Uses:	Series 2022A Installment Financing Bonds	Series 2022B Installment Financing Bonds	Total
<hr/>			
Delivery Date Expenses:			
Cost of Issuance	215,000.00		215,000.00
Other Uses of Funds:			
Additional Proceeds	21,923,293.00	6,356,736.00	28,280,029.00
	<hr/>	<hr/>	<hr/>
	22,138,293.00	6,356,736.00	28,495,029.00
<hr/>			

BOND SUMMARY STATISTICS

Dare County, North Carolina
 Series 2022 A&B Installment Financing Bonds
 Truist Rate

	Series 2022A Installment Financing Bonds	Series 2022B Installment Financing Bonds	Aggregate		
Dated Date	02/15/2022	02/15/2022	02/15/2022		
Delivery Date	02/15/2022	02/15/2022	02/15/2022		
Last Maturity	06/01/2027	06/01/2027	06/01/2027		
Arbitrage Yield					
True Interest Cost (TIC)	1.390182%	1.390182%	1.390182%		
Net Interest Cost (NIC)	1.390000%	1.390000%	1.390000%		
All-In TIC	1.696098%	1.390182%	1.627503%		
Average Coupon	1.390000%	1.390000%	1.390000%		
Average Life (years)	3.294	3.294	3.294		
Duration of Issue (years)	3.218	3.218	3.218		
Par Amount	22,138,293.00	6,356,736.00	28,495,029.00		
Bond Proceeds	22,138,293.00	6,356,736.00	28,495,029.00		
Total Interest	1,013,773.93	291,092.61	1,304,866.54		
Net Interest	1,013,773.93	291,092.61	1,304,866.54		
Total Debt Service	23,152,066.93	6,647,828.61	29,799,895.54		
Maximum Annual Debt Service	4,735,380.88	1,359,705.84	6,095,086.72		
Average Annual Debt Service	4,372,898.27	1,255,623.45	5,628,521.72		
Underwriter's Fees (per \$1000)					
Average Takedown					
Other Fee					
Total Underwriter's Discount					
Bid Price	100.000000	100.000000	100.000000		
Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Serial Bond	28,495,029.00	100.000	1.390%	3.294	9,175.40
	28,495,029.00			3.294	9,175.40

BOND SUMMARY STATISTICS

Dare County, North Carolina
 Series 2022 A&B Installment Financing Bonds
 Truist Rate

	TIC	All-In TIC	Arbitrage Yield
Par Value	28,495,029.00	28,495,029.00	28,495,029.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount			
- Cost of Issuance Expense		-215,000.00	
- Other Amounts			
Target Value	28,495,029.00	28,280,029.00	28,495,029.00
Target Date	02/15/2022	02/15/2022	02/15/2022
Yield	1.390182%	1.627503%	

BOND PRICING

Dare County, North Carolina
 Series 2022 A&B Installment Financing Bonds
 Truist Rate

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Series 2022A Installment Financing Bonds, Serial Bond:					
	06/01/2023	4,427,658.60	1.390%	1.390%	100.000
	06/01/2024	4,427,658.60	1.390%	1.390%	100.000
	06/01/2025	4,427,658.60	1.390%	1.390%	100.000
	06/01/2026	4,427,658.60	1.390%	1.390%	100.000
	06/01/2027	<u>4,427,658.60</u>	1.390%	1.390%	100.000
		22,138,293.00			
Series 2022B Installment Financing Bonds, Serial Bond:					
	06/01/2023	1,271,347.20	1.390%	1.390%	100.000
	06/01/2024	1,271,347.20	1.390%	1.390%	100.000
	06/01/2025	1,271,347.20	1.390%	1.390%	100.000
	06/01/2026	1,271,347.20	1.390%	1.390%	100.000
	06/01/2027	<u>1,271,347.20</u>	1.390%	1.390%	100.000
		6,356,736.00			
		28,495,029.00			

Dated Date	02/15/2022	
Delivery Date	02/15/2022	
First Coupon	06/01/2022	
Par Amount	28,495,029.00	
Original Issue Discount		
Production	28,495,029.00	100.000000%
Underwriter's Discount		
Purchase Price	28,495,029.00	100.000000%
Accrued Interest		
Net Proceeds	28,495,029.00	

BOND DEBT SERVICE

Dare County, North Carolina
 Series 2022 A&B Installment Financing Bonds
 Truist Rate

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2022			116,623.82	116,623.82	
06/30/2022					116,623.82
12/01/2022			198,040.46	198,040.46	
06/01/2023	5,699,005.80	1.390%	198,040.46	5,897,046.26	
06/30/2023					6,095,086.72
12/01/2023			158,432.36	158,432.36	
06/01/2024	5,699,005.80	1.390%	158,432.36	5,857,438.16	
06/30/2024					6,015,870.52
12/01/2024			118,824.27	118,824.27	
06/01/2025	5,699,005.80	1.390%	118,824.27	5,817,830.07	
06/30/2025					5,936,654.34
12/01/2025			79,216.18	79,216.18	
06/01/2026	5,699,005.80	1.390%	79,216.18	5,778,221.98	
06/30/2026					5,857,438.16
12/01/2026			39,608.09	39,608.09	
06/01/2027	5,699,005.80	1.390%	39,608.09	5,738,613.89	
06/30/2027					5,778,221.98
	28,495,029.00		1,304,866.54	29,799,895.54	29,799,895.54

BOND DEBT SERVICE BREAKDOWN

Dare County, North Carolina
 Series 2022 A&B Installment Financing Bonds
 Truist Rate

Date	Series 2022A Installment Financing Bonds	Series 2022B Installment Financing Bonds	Total	Annual Total
06/01/2022	90,607.11	26,016.71	116,623.82	
06/30/2022				116,623.82
12/01/2022	153,861.14	44,179.32	198,040.46	
06/01/2023	4,581,519.74	1,315,526.52	5,897,046.26	
06/30/2023				6,095,086.72
12/01/2023	123,088.91	35,343.45	158,432.36	
06/01/2024	4,550,747.51	1,306,690.65	5,857,438.16	
06/30/2024				6,015,870.52
12/01/2024	92,316.68	26,507.59	118,824.27	
06/01/2025	4,519,975.28	1,297,854.79	5,817,830.07	
06/30/2025				5,936,654.34
12/01/2025	61,544.45	17,671.73	79,216.18	
06/01/2026	4,489,203.05	1,289,018.93	5,778,221.98	
06/30/2026				5,857,438.16
12/01/2026	30,772.23	8,835.86	39,608.09	
06/01/2027	4,458,430.83	1,280,183.06	5,738,613.89	
06/30/2027				5,778,221.98
	23,152,066.93	6,647,828.61	29,799,895.54	29,799,895.54

BOND DEBT SERVICE

Dare County, North Carolina
Series 2022A Installment Financing Bonds

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2022			90,607.11	90,607.11	
06/30/2022					90,607.11
12/01/2022			153,861.14	153,861.14	
06/01/2023	4,427,658.60	1.390%	153,861.14	4,581,519.74	
06/30/2023					4,735,380.88
12/01/2023			123,088.91	123,088.91	
06/01/2024	4,427,658.60	1.390%	123,088.91	4,550,747.51	
06/30/2024					4,673,836.42
12/01/2024			92,316.68	92,316.68	
06/01/2025	4,427,658.60	1.390%	92,316.68	4,519,975.28	
06/30/2025					4,612,291.96
12/01/2025			61,544.45	61,544.45	
06/01/2026	4,427,658.60	1.390%	61,544.45	4,489,203.05	
06/30/2026					4,550,747.50
12/01/2026			30,772.23	30,772.23	
06/01/2027	4,427,658.60	1.390%	30,772.23	4,458,430.83	
06/30/2027					4,489,203.06
	22,138,293.00		1,013,773.93	23,152,066.93	23,152,066.93

BOND DEBT SERVICE

Dare County, North Carolina
Series 2022B Installment Financing Bonds

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2022			26,016.71	26,016.71	
06/30/2022					26,016.71
12/01/2022			44,179.32	44,179.32	
06/01/2023	1,271,347.20	1.390%	44,179.32	1,315,526.52	
06/30/2023					1,359,705.84
12/01/2023			35,343.45	35,343.45	
06/01/2024	1,271,347.20	1.390%	35,343.45	1,306,690.65	
06/30/2024					1,342,034.10
12/01/2024			26,507.59	26,507.59	
06/01/2025	1,271,347.20	1.390%	26,507.59	1,297,854.79	
06/30/2025					1,324,362.38
12/01/2025			17,671.73	17,671.73	
06/01/2026	1,271,347.20	1.390%	17,671.73	1,289,018.93	
06/30/2026					1,306,690.66
12/01/2026			8,835.86	8,835.86	
06/01/2027	1,271,347.20	1.390%	8,835.86	1,280,183.06	
06/30/2027					1,289,018.92
	6,356,736.00		291,092.61	6,647,828.61	6,647,828.61

BUSINESS PROMOTIONAL MATERIAL DISCLAIMER

Dare County, North Carolina
Series 2022 A&B Installment Financing Bonds
Truist Rate

Piper Sandler is providing the information contained herein for discussion purposes only in anticipation of being engaged to serve as underwriter or placement agent on a future transaction and not as a financial advisor or municipal advisor. In providing the information contained herein, Piper Sandler is not recommending an action to you and the information provided herein is not intended to be and should not be construed as a 'recommendation' or 'advice' within the meaning of Section 15B of the Securities Exchange Act of 1934. Piper Sandler is not acting as an advisor to you and does not owe a fiduciary duty pursuant to Section 15B of the Exchange Act or under any state law to you with respect to the information and material contained in this communication. As an underwriter or placement agent, Piper Sandler's primary role is to purchase or arrange for the placement of securities with a view to distribution in an arm's-length commercial transaction, is acting for its own interests and has financial and other interests that differ from your interests. You should discuss any information and material contained in this communication with any and all internal or external advisors and experts that you deem appropriate before acting on this information or material. Piper Sandler Companies (NYSE: PIPR) is a leading investment bank and institutional securities firm driven to help clients Realize the Power of Partnership®. Securities brokerage and investment banking services are offered in the U.S. through Piper Sandler & Co., member SIPC and FINRA; in Europe through Piper Sandler Ltd., authorized and regulated by the U.K. Financial Conduct Authority; and in Hong Kong through Piper Sandler Hong Kong Ltd., authorized and regulated by the Securities and Futures Commission. Asset management products and services are offered through separate investment advisory affiliates.

The information contained herein may include hypothetical interest rates or interest rate savings for a potential refunding. Interest rates used herein take into consideration conditions in today's market and other factual information such as credit rating, geographic location and market sector. Interest rates described herein should not be viewed as rates that Piper Sandler expects to achieve for you should we be selected to act as your underwriter or placement agent. Information about interest rates and terms for SLGs is based on current publicly available information and treasury or agency rates for open-market escrows are based on current market interest rates for these types of credits and should not be seen as costs or rates that Piper Sandler could achieve for you should we be selected to act as your underwriter or placement agent. More particularized information and analysis may be provided after you have engaged Piper Sandler as an underwriter or placement agent or under certain other exceptions as describe in the Section 15B of the Exchange Act.

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 Trust 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 ___ day of February, 2022.

(SEAL)

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



Proclamation for March 2022 as the 50th Anniversary of the National Senior Nutrition Program

Description

A proclamation presented by the Albemarle Commission Area Agency on Aging & Senior Nutrition Program to observe March 2022 as March for Meals Month. Congregate meals are provided at the Dare County Center Monday through Friday, except holidays. Meals are also provided for homebound older adults who are at least sixty years of age and unable to prepare meals or participate in a congregate meal program.

Board Action Requested

Approve

Item Presenter

Albemarle Commission Area Agency on Aging & Senior Nutrition Program



A PROCLAMATION
50th Anniversary of the National Senior Nutrition Program, 2022

WHEREAS, since 1972, the National Senior Nutrition Program has funded local agencies and organizations to serve home-delivered and congregate meals that help to ensure older adults have opportunities to stay healthy, independent, and connected; and

WHEREAS, more than 10 million older Americans face hunger and isolation each year; and

WHEREAS, local senior nutrition programs help older adults access healthy foods; nutrition screening, education, and counseling; social opportunities; and other supports that encourage well-being; and

WHEREAS, the Albemarle Commission Area Agency on Aging Senior Nutrition Program is an integral part of Dare County and provides sustenance and so much more to our older community members, especially those most vulnerable to hunger, chronic health concerns, isolation and

WHEREAS, the Albemarle Commission Area Agency on Aging Senior Nutrition Program has a positive impact on our community and its senior population.

NOW, THEREFORE, Dare County does hereby proclaim **March 2022** to be the **50th anniversary of the National Senior Nutrition Program**. We urge every resident to recognize older adults and the people who support them through nutrition services as essential contributors to the strength of our community.

This the 7th day of February, 2022.

SEAL

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



Consent Agenda

Description

1. Approval of Minutes (01/18/22)
2. DHHS - Community Child Protection Team & Child Fatality Prevention Team (CCPT/CFPT) Annual Report
3. Sheriff's Office - Budget Amendment for Human Trafficking Grant Award
4. Government Education Access Channels Committee 2022-23 Proposed Budget
5. Resolution to Update the County's List of Official Depositories

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager



Approval of Minutes

Description

The Board of Commissioners will review and approve their previous Minutes, which follow this page.

Board Action Requested

Approve Previous Minutes

Item Presenter

Robert Outten, County Manager



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., January 18, 2021

Commissioners present: Chairman Robert Woodard, Sr., Vice Chairman Wally Overman, Rob Ross, Steve House, Jim Tobin (remote attendance), Danny Couch, and Ervin Bateman

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten
Deputy County Manager/Finance Director, David Clawson
Master Public Information Officer, Dorothy Hester
Clerk to the Board, Cheryl C. Anby

A full and complete account of the entire Board of Commissioners meeting is archived on a video that is available for viewing on the Dare County website www.darenc.com.

At 5:05 p.m. Chairman Woodard called to order the regularly scheduled meeting. He invited Rev. Gaye Morris to share a prayer, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard.

- He attended the 31st annual Dare County birthday celebration of Dr. Martin Luther King promoted and presented by the Lewis family. The guest speaker was Dr. Benjamin Speller.
- The number of COVID-19 cases driven by infection of the omicron variant was substantial. At the January 11, 2022 update, there were 799 cases from January 3-9, 2022. The positive test rate in the county had risen to 43.68 and 59% of cases were among the unvaccinated.
- Kitty Hawk was moving ahead with their new public safety facility. Dare would be piggy-backing on the project with construction of a new EMS sub-station.
- Attended the wire cutting for the new electrical lab at the COA with Commissioners Ross and Bateman. The county needed tradesmen and these programs were much needed to promote them among youth.
- The Bowsertown project was not given approval by the town of Manteo. He would be meeting with the town mayor and several others for further discussions in the hope of working out a compromise with the town for the project.
- State of the County would be presented tomorrow at 2:00 p.m. and would be live-streamed.

Chairman Woodard presented Donna Creef, Planning Department Director, with a special certificate of appreciation. He outlined her many accomplishments and contributions to the county since her thirty-three year tenure. He stated her work had impacted unincorporated Dare, making it a great place to work, live, raise a family and vacation.

ITEM 2 – PUBLIC COMMENTS

At 5:33 p.m. the Manager outlined the procedure for making public comments in Manteo and via the video link to the Fessenden Center Annex in Buxton. Following is a summary of all citizen remarks:

1. Catherine Heath from Kitty Hawk commended the Board for their resolution to reaffirm opposition of United Nations Agenda 21. She stated there was an expansion of directives from the federal government and states to local governments under the umbrella of emergency powers for health and safety.
2. Duke Garrity was pleased that the Board would be addressing ADU's again (accessory dwelling units). He agreed that they needed to be for long term use and not weekly rentals. He suggested making it the responsibility of the homeowners' associations to enforce their covenants. ADU's could be one of the tools to help with workforce housing.
3. Reese Stecher read from today's Outer Banks Voice article that "one data point missing in the January 18 update is the breakdown of overall weekly cases by vaccine status". He promoted the positive antibody test as an option to keep kids from quarantine and disagreed with students wearing masks.
4. Megan Kindle voiced her dissatisfaction with the Board and Health Director in their responses and actions throughout the pandemic. She mentioned the substance abuse problems in the county and also noted the masks sold locally were manufactured in China.

The County Manager closed Public Comments at 5:55 p.m.

ITEM 3 – PUBLIC HEARING – BUXTON ZONING MAP AMENDMENT FOR JULIA TAFT (Att. #1)

At 5:55 p.m. the Board held a Public Hearing to receive input concerning this agenda item with the same outlined procedure as in the public comment item. No one responded to the invitation to address the Board of Commissioners on this issue and Mr. Outten closed the Public Hearing at 5:56 p.m.

Donna Creef stated there had been fifteen emails received in support of the rezoning request. She reviewed the highlights from her report and emphasized this was a zoning map amendment. The future land use map classified the areas of Buxton there as community residential. She outlined the five zoning ordinance factors to be considered as to the reasonableness of the request and found them to be met and found to be in the public interest based on the potential of the housing opportunities.

MOTION

Commissioner Bateman motioned that the zoning classification of 48651 NC 12 Hwy. be changed to R-3 residential as recommended by the Planning Board and found the map amendment to be consistent with the Dare County Land Use Plan, reasonable and in the public interest of Dare County. The Statement of Consistency and Reasonableness attached to the staff report would be adopted as part of this motion.

Commissioner Couch seconded the motion.

VOTE: AYES Unanimous

ITEM 4 – PUBLIC HEARING – SERIES 2022A & B LIMITED OBLIGATION BONDS – CONTRACT AMENDMENT FOR AVON & BUXTON BEACH NOURISHMENT

At 6:06 p.m. the Board held a Public Hearing to receive input concerning this agenda item with the same outlined procedure as public comments. No one responded to the invitation to address the Board of Commissioners on this issue and the County Manager closed the Public Hearing at 6:06 p.m.

ITEM 5 – AMENDMENT TO CAPITAL PROJECT ORDINANCE FOR AVON & BUXTON NOURISHMENT PROJECT (Att. #2)

Mr. Clawson explained the amendment was for the purpose of removing the fees included in the original contract for Buxton groin restoration, which was not allowed and to add the CSE estimate for five-year post construction monitoring, surveys and ecological monitoring for both Avon and Buxton projects. The figures for the sand fencing and vegetative planting had been adjusted down to the bid amounts.

MOTION

Vice-Chairman Overman motioned to adopt the amendment to the Capital Project Ordinance. Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 6 – DARE COUNTY AVON/BUXTON BEACH NOURISHMENT – CSE CONTRACT AMENDMENTS

Mr. Clawson stated this item was to amend the contracts to remove the lighthouse groin restoration and to coincide with the budget amendments in the previous agenda item.

MOTION

Commissioner Couch motioned to approve Amendment #3 and Amendment #1 and authorize the County Manager to sign both proposals.

Commissioner House seconded the motion.

VOTE: AYES unanimous

ITEM 7 – CONTRACT AMENDMENT FOR OAKLEY COLLIER & ASSOCIATES FOR EMS STATIONS

The Board had approved the Oakley Collier design contract on September 7, 2021 for EMS facilities at 10% of construction cost with a budgeted \$250,000. Mr. Clawson explained the amendment would establish a contract and a budget for full design based on the earlier estimates totaling \$4,704,300. A breakdown of the project costs was provided in the contract along with partner contributions as follows: Kill Devil Hills \$770,544 and Chicamacomico Volunteer Fire Department \$530,059. Mr. Outten pointed out a placeholder for Nags Head

had been made in the amount of \$5,000,000. A meeting was set for February to get some clarity on their decision. They had acquired an adjacent property. The Kitty Hawk project was shown as \$1.6 million. A recent conversation with them indicated that figure could be increasing. A meeting was scheduled to review the programming with the architect to try to hem down that number.

MOTION

Commissioner House motioned to approve Oakley Collier & Associates service order #4 and authorize the Chairman to execute and approve the amendment to the Capital Project Ordinance.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

ITEM 8 – ACCESSORY DWELLING UNITS ZONING AMENDMENTS (Att. #3)

Mr. Outten explained it was recognized some covenants prohibit ADU's. This agenda item sought Board guidance as to whether they were interested in the prospect. Donna Creef, provided a detailed staff report to the Board regarding possible zoning amendments to allow accessory dwelling units in districts restricted to single family dwellings. The Board's discussion included concern that ADU's would become short-term rather than long-term units. Any amendments would have the same vetting to include public hearings.

No formal vote was made on this item. The Board, however, came to a consensus to recommend the Planning Board draft language for their consideration for the extension of regulations for permitting accessory dwelling units in the R-1 and ELNH districts.

ITEM 9 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room.

MOTION

Commissioner House motioned to approve the Consent Agenda:

- 1) Approval of Minutes (01/03/22) **(Att. #4)**
- 2) DHHS – Social Services Low Income Energy Assistance Program Budget Amendment
- 3) Budget Amendment - More Beach to Love - Marketing
- 4) Tax Collector's Report

Commissioners Tobin and Bateman seconded the motion.

VOTE: AYES unanimous

ITEM 10 - BOARD APPOINTMENTS

1. Virginia Tillett Center Advisory Board

MOTION

Vice-Chairman Overman motioned to appoint Cathy Perry to fill term of David Otte'.

Commissioner Ross seconded the motion.

VOTE: AYES unanimous

Mr. Outten explained although the Board recently adopted a resolution to rename the Dare Center the Virginia S. Tillett Center, the advisory board had mentioned it was the intent for the building to remain known as a community center. After a short discussion the Board agreed to modify their resolution with a motion.

MOTION

Commissioner Couch motioned to formerly change the name to The Virginia S. Tillett Community Center.

Commissioner House seconded the motion

VOTE: AYES unanimous

ITEM 11 - COMMISSIONERS' BUSINESS & MANAGER'S/ATTORNEY'S BUSINESS

Commissioners and the County Manager made extensive remarks, which may be viewed in their entirety on the Dare County website. Following is a brief summary:

Commissioner Tobin

- There had been a meeting with the shipbuilders today. The biggest announcement was *Miss Katie* would be put overboard on or about April 1, 2022. Everything was on schedule. There were some issues with obtaining the ground-fault interrupt breakers.
- He thanked Donna Creef for her dedicated years of service to the county.

Commissioner Ross

- Attended a broadband expansion meeting in Tyrrell County with Mr. Outten and Vice-Chairman Overman. There was substantial funding being made available through the American Rescue Plan and another investment bill.
- Gentle Expert Memorycare (GEM Day Services) had moved to their new office at 111 W. Carlton Avenue in Kill Devil Hills. They welcomed visitors and he wished them the best.
- He reported on Chamber of Commerce initiative called the Glam Girls, who had collected dresses, suits and accessories and offered them free to young ladies and gentlemen so they could attend their proms. The event would be held February 17-19.
- On February 22, 2022, there would be a report by a senior member of the BrightSpring Health Services on the level, quality of service and responsiveness to the community.
- Reported candidate filing dates were reopened beginning February 24 and concluding on March 4. The primaries would be held May 4, 2022.

Commissioner House

- Marine Fisheries Commission's advisory groups were conducting meetings via computer about Southern Flounder Amendment 3. There was a wide range of options to choose from with many of them fairly favorable. He would provide updates as available.
- At the last meeting he had introduced the Dare County commercial fisherman video. He had sent it to Representative Hanig who has forwarded it to every representative in North Carolina. Chairman Woodard added the video snippet was part of the State of the County address to be presented tomorrow.
- Day in history was John Tyler who died this day in 1862. As the 10th U.S. president in 1841, he had vetoed a number of bills. He became the first president to have his veto overruled by Congress.

Vice-Chairman Overman

- Congratulated Donna Creef on her retirement after 33 years with the County.

Commissioner Bateman

- Recovery Court was going strong with thirty-one participants right now. He reported one gentleman had really turned his life around and was buying a home.
- Dare Challenge was breaking ground and was another important program to help addicts rebuild their lives.
- Reported on the unfortunate loss of a young seventeen year old boy to drugs. He challenged everyone to have a conversation with their children, grandchildren or neighbors to heighten awareness.

Commissioner Couch

- Commented on the health of 93-year old Carol Dillon. She is the last of a generation that had gone through the Depression and World War II. As a motel owner since 1953, she had also “battled the Atlantic Ocean” with storms and weather events.

MANAGER’S/ATTORNEY’S BUSINESS, (Att.#5)

County Manager Outten had several items:

1. He asked the Board to consider appointing Andrea DiLenge as Deputy Clerk to the Board in the event the clerk would be unavailable to attend a meeting and documents would need the county seal or verification.

MOTION

Commissioner House motioned to appoint Andrea DiLenge as Deputy Clerk.
Commissioner Bateman seconded the motion.

VOTE: AYES unanimous

2. The Chamber Economic Summit would be upcoming. They were asking for sponsorship by Dare County. The Board discussed and agreed the sponsorship, which was estimated at \$5,000, should be considered.

MOTION

Commissioner Bateman motioned that the county should sponsor the Chamber Economic Summit with the estimated \$5,000 sponsorship.
Vice-Chairman Overman seconded the motion.

VOTE AYES unanimous

3. The U.S. Fish and Wildlife Service would like to apply for a grant for the purpose of rebuilding and moving their visitor center at Pea Island. They cannot apply for the grant because they are a federal agency. Mr. Outten explained if Dare applied for the grant it would be the county’s responsibility to manage the construction and then turn it over to them. Given the number of ongoing projects and anticipated projects in the coming months, it was uncertain whether the Board would agree the county should take on another construction project. After discussion, it was the consensus of the Board to partner with the Fish and Wildlife Service to apply for the grant and move forward with the project on their behalf.

MOTION

Commissioner Tobin motioned for Dare County to apply for the grant on behalf of the U.S. Fish and Wildlife Service and to move forward with the project on their behalf.
Commissioner Bateman seconded the motion.

VOTE AYES unanimous

4. Mr. Outten explained the County was experiencing significant employment issues with retention. The highest problem was in public works and sanitation. The HR Director, Elizabeth Reilly, had completed an in-house salary comparison. Dare was between \$8-10 thousand dollars lower than the competitive towns. The average starting salary for cdl drivers was currently \$32,000 and other towns started around \$40,900. There were similar issues in the detention center and sheriff's departments. In those problem areas, it was discovered Dare was anywhere from \$8-15,000 lower than some nearby towns. The salary structure was not comparable to area competitors. He offered some recommendations: (1) The most pressing problem was with the public works department and \$285,000 annually would fill the salary gap (2) A more formal salary study was needed with an RFQ (3) bring all staff salaries up to the equivalent of at least \$15.00 per hour (4) investigate flexible schedule possibilities. He would have further discussion with department heads to inquire if there were other options or ideas to both attract and retain employees.

MOTION

Commissioner House motioned to: (1) increase the budget by \$285,000 to solve the salary issues for hiring in public works (2) conduct an RFQ for a salary study (3) bring all staff salaries up to the equivalent of at least \$15.00 per hour (4) investigate proposed flexible schedule plan for some departments.

Vice-Chairman Overman seconded the motion.

VOTE: AYES unanimous

5. Mr. Outten reported the N.C. 12 Task Force Subcommittee had had several meetings to review the identified N.C. 12 hotspots. During their last meeting they had reached a consensus to prioritize projects for the hotspots as follows: The Canal Zone, Ocracoke, Frisco, Buxton and Avon. He and Superintendent Dave Hallac would be writing a report to summarize the subcommittee's work and present it to the N.C. 12 Task Force for follow-up.

Dorothy Hester reminded everyone the State of the County address would be presented tomorrow. It would be televised and available on YouTube. She congratulated Donna Creef on her retirement and advised there would be an opportunity for staff to wish her well at a floating retirement open house in the Planning Department on January 27th and 28th.

Dave Clawson reported there had been a final ruling for American Rescue Plan funds. The report was over 240 pages long and he would follow-up with recommendations.

At the conclusion of the meeting, Chairman Woodard asked for a motion to adjourn.

MOTION

Commissioner House motioned to adjourn the meeting.

Commissioner Tobin seconded the motion.

VOTE: AYES unanimous

At 7:36 p.m., the Board of Commissioners adjourned until 9:00 a.m., February 7, 2022.

Respectfully submitted,

[SEAL]

By: _____
Cheryl C. Anby, Clerk to the Board

APPROVED: By: _____
Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

Note: Copies of attachments (Att.), ordinances, resolutions, contracts, presentations, and supporting material considered by the Board of Commissioners at this meeting are on file in the office of the Clerk to the Board. During the meeting, several agenda items involved public comment and each speaker's position has been summarized. Attempts have been made to accurately reflect the spelling of each name as spoken at the podium or based on the legibility of the sign-in sheet.



DHHS - Community Child Protection Team and Child Fatality Prevention Team (CCPT/CFPT) Annual Report

Description

2021 Annual Report of the CCPT and CFPT

Board Action Requested

None

Item Presenter

n/a

Dare County Community Child Protection Team and
Child Fatality Prevention Team (CCPT/CFPT)

2021 Report to

Dare County Board of Commissioners

And

Dare County Department of Health and Human Services Board

Meetings: The team met four times this past year: February 15, May 17, August 16, and November 15, 2021.

Participation: An average of 12 (70%) of the members attended the meetings. Due to the COVID pandemic, all of the meetings were held online.

The Child Fatality Prevention Team reviewed one child fatality. In response, the team developed and distributed a public services announcement reminding families about the need for working smoke detectors in the home and when to change the batteries. The public service announcement featured L'Tanya Murray, a team member. The Dare County Fire Marshal was supportive of the additional messaging about smoke detectors.

Due to the COVID pandemic and the need to maintain confidentiality, the online meetings did not allow for a discussion of any specific cases. Therefore, the Community Child Protection Team did not review any cases.

Attachment - Membership Roster

COMMUNITY CHILD PROTECTION TEAM
CHILD FATALITY PREVENTION TEAM
TEAM COMPOSITION
2021

<u>Person</u>	<u>Representing</u>
Jeff Gard	Law enforcement
Keith Letchworth	Trillium
Wendy Furlough	Outer Banks Hospital - Member at Large
Jodi Wyant	Member at Large
Lisa Weatherly	District Attorney's Office
Chuck Lycett	Social Services Director – CCPT Coordinator
Sally Laws	DHHS – DSS
Kathleen Foreman	Guardian Ad Litem
Theresa Forward	Economic Improvement Council
L'Tanya Murray	DHHS Board
Jeff Mitchell	EMS
	County Medical Examiner
Susan Trueblood	Local Health Care Provider
Judge Edgar Barnes	Chief District Court Judge
Ashley Jackson	Board of Education
Sheila Davies	Health Director
Nancy Griffin	Member at Large
Michael Lewis	Hotline - Member at Large
Irina Langanke	CFPT Coordinator
Beth Storie	Parent who lost a child before the age of 18



Sheriff's Office - Budget Amendment for Human Trafficking Grant Award

Description

Establish budget for Human Trafficking grant award for investigating instances of cases related to Human Trafficking.

Board Action Requested

Approval

Item Presenter

Sheriff J. D. "Doug" Doughtie

DARE COUNTY

BUDGET AMENDMENT

F/Y 2021-2022

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
<u>Department: Sheriff's Office</u>					
<u>Revenues:</u>					
NC UNCG Grant Proceeds	103510	422105	00025	10,000	
 <u>Expenditures:</u>					
Salaries-Overtime Pay-UNCG	104510	500207	00025	10,000	

Explanation:

Establish budget for Human Trafficking grant award for investigating instances of cases related to Human Trafficking.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



*Government Education Access Channels Committee
2022-2023 Proposed Budget*

Description

The Government and Education Access Channels (GEAC) Committee has reviewed and approved the proposed 2022-2023 budget for the operation of the Government and Education Channels. The proposed budget, which would take effect July 1, 2022, must be approved by every participating member entity of the Channels, which includes the towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, Manteo, and Dare County, Dare County Schools, College of The Albemarle, and UNC Coastal Studies Institute.

The budget, as proposed, requires no additional funding from the participating entities above the current annual \$1000 membership fee. The budget is funded primarily from the North Carolina Video Distribution proceeds, which are disbursed quarterly by the State to certified channels throughout the state.

Board Action Requested

Approval of proposed 2022 - 2023 budget.

Item Presenter

Dorothy Hester, Public Information Officer

INCOME	CURRENT 2021-2022	PROPOSED 2022-2023
NC PEG Supplemental Video Disbursement (from the state NCDOR) ¹	270,000.00	255,000.00
Member Fees (annual fee paid by participating entities) ²	10,000.00	10,000.00
Interest Income (interest from fund balance)	1,000.00	1,000.00
TOTAL INCOME	281,000.00	266,000.00
APPROPRIATED FUND BALANCE³	94,025.55	54,920.00
TOTAL REVENUE	375,025.55	320,920.00
EXPENDITURES		
Salaries (2 Full time employees) ⁴	(112,750.00)	(116,404.00)
Merit Pay ⁵	(2,255.00)	(2,255.00)
FICA	(8,630.00)	(8,904.00)
Retirement	(12,880.00)	(14,562.00)
Health Insurance ⁶	(32,392.55)	(41,256.00)
Life Insurance	(215.00)	(210.00)
Retiree Health	(203.00)	(204.00)
Contractual Services (Production of Destination Dare/Ed Awareness) ⁷	(40,000.00)	(34,000.00)
Professional Services ⁸	(5,000.00)	(2,000.00)
Equipment - Repair, Replacement, Purchase ⁹	(5,000.00)	(12,000.00)
Supplies ¹⁰	(5,000.00)	(2,000.00)
Music Library	(350.00)	(350.00)
Training	(1,000.00)	(1,000.00)
Travel	(1,000.00)	(1,000.00)
Professional Memberships	(250.00)	(500.00)
Channel Operations ¹¹	(7,600.00)	(7,600.00)
Marketing	(1,000.00)	(1,000.00)
Miscellaneous	(500.00)	(500.00)
Capital Outlay	(75,000.00)	(0)
Contingency (Reserve for unexpected expenses)	(5,000.00)	(15,000.00)
Emergency Contingency (Storm related overtime during activations)	(2,500.00)	(2,500.00)

Vehicle Maintenance	(500.00)	(1,000.00)
Vehicle Fuel	(2,000.00)	(2,000.00)
Insurance and Bonds	(3,000.00)	(3,425.00)
Uniforms	(250.00)	(500.00)
Verizon Wireless ¹²	(750.00)	(750.00)
TOTAL OPERATING EXPENDITURES	-325,025.55	-270,920.00
Local Program Development Initiative		
This is money set aside in the budget to foster development of program content by the member entities. Money is awarded on an application and grant basis to participating entities by the Government and Education Access Channel Committee. The money can be used to produce programs, improve the quality of existing programs, or purchase equipment to provide for increased production and/or quality of programs.		
LPDI 1 - Coastal Studies Institute	(5,000.00)	(5,000.00)
LPDI 2 - College of The Albemarle	(5,000.00)	(5,000.00)
LPDI 3 - Dare County Government	(5,000.00)	(5,000.00)
LPDI 4 - Dare County Schools	(5,000.00)	(5,000.00)
LPDI 5 - Duck	(5,000.00)	(5,000.00)
LPDI 6 - Kill Devil Hills	(5,000.00)	(5,000.00)
LPDI 7 - Kitty Hawk	(5,000.00)	(5,000.00)
LPDI 8 - Manteo	(5,000.00)	(5,000.00)
LPDI 9 - Nags Head	(5,000.00)	(5,000.00)
LPDI 10 - Southern Shores	(5,000.00)	(5,000.00)
TOTAL LPDI	(50,000.00)	(50,000.00)
TOTAL LPDI AND OPERATING EXPENDITURES	-375,025.55	-320,920.00

Continue to footnotes on next page.

**Government and Education Access Channel
Draft Budget Notes for 2021-2022**

Goals and Objectives to be achieved with this budget.

1. Continue to fund the operation of the channel at a level that provides a professional, reliable and quality service to the citizens of Dare County.
2. Establish a replacement schedule for outdated computers. Two McIntosh laptops are included in this budget for replacement.
3. Per previous guidance from the Government and Education Access Channels Committee, continue to work towards balancing expenditures and annual revenues over the next several years, eliminating the need to spend from the fund balance.

¹ **NC PEG Supplemental Video Disbursement** - this is revenue that is collected by the state in the form of a use tax on cable and satellite providers. The money is pooled and disbursed to qualifying PEG operations within the state. PEG stands for Public, Education, and Government Access. Dare County has 10 qualifying PEG entities, each is a member of the Government and Education Access Channel Committee. Each quarter, this money is disbursed to the entities by the state, and then the Government and Education Access Channels invoices the entities for this money. These state funds are the main source of funding for the Government and Education Access Channels. There has been a slight decrease in NC PEG revenue disbursements so the budget has been adjusted accordingly.

² **Member Fees** - Each entity member pays an annual membership fee to participate in the Government and Education Channel Access. This money must remain in place in order for each entity to receive the PEG Supplement from the state. There is no change to this amount from last year, so impact on each entity's budget is unchanged.

³ **Appropriated Fund Balance** -The appropriated fund balance is the amount pulled from the unappropriated fund balance to meet the obligations of the budget. The unappropriated fund balance is currently \$374,973.57 and with the appropriation for the current fiscal (\$94,026) subtracted, the total is anticipated to be \$280,947.57 on June 30, 2022.

⁴ **Salaries** - This budget currently funds two full-time positions that are Dare County employees, and includes a 2% COLA increase as recommended by Dare County Finance for planning purposes. This will go into effect if Dare County allocates a COLA for county employees when the county budget is adopted.

⁵ **Merit Pay** - awarded on performance. Dare County Finance has advised that \$2,255 be included for FY 2023.

⁶ **Health Insurance** - Includes health insurance coverage for both employees.

⁷ **Contractual Services** - This is for the production of Destination Dare and Dare Education Awareness, our two main programming initiatives that highlight interesting aspects of

government and education in Dare County. Each entity contributes one segment to each episode. Destination Dare is produced every other month, and Dare Education Awareness is produced in the alternate months. Per the Committee's previous guidance, \$6,000 has been deducted from this line item as part of a transitional plan to reduce this contract.

⁸ **Professional Services** - Item to pay for costs associated with professional services such as professional voiceover work, acting, and potential production support.

⁹ **Equipment** - Monies set aside for the purchase and repair of large item video production equipment, such as cameras, editing computers, and lighting equipment. This includes the purchase of two MacBook Pro laptops that are outdated and need replacing.

¹⁰ **Supplies** - This supports the purchase of supplies such as batteries, gaffers tape, lighting gels, accessories, and small equipment items that do not qualify as Capital Outlay or Equipment.

¹¹ **Channel Operations** - Expenses that support the day to day operation of the channels. This includes:

- \$4,000.00 - OBX Media: for website hosting and maintenance
- \$3,000.00 - Reflect: Streaming Video/VOD for online video streaming service
- \$600.00 - Adobe: Creative Cloud subscription for professional non-linear editing tools

¹² **Verizon Wireless** - Line item dedicated to Verizon Wireless fee for use in mobile live broadcasting with Cradlepoint device.



Resolution to Update the County's List of Official Depositories

Description

Please see the following Item Summary

Board Action Requested

Adopt Resolution

Item Presenter

David Clawson, Finance Director

Item Summary: Resolution to Update the County’s List of Official Depositories

NCGS 159-31(A) requires Board designation of official depositories for the County.

The Resolution is an update of the list of official depositories and mostly is needed due to bank name changes and mergers. Banks requested to be designated are:

PNC Bank	Banking services contract
Wells Fargo	Investments clearing and safekeeping
First Bank	S2021 IF Contract debt proceeds account
Pinnacle Financial Partners	P3 dredge deposit account
Southern Bank	
TowneBank	
Bank of America	
Regions Bank	
Truist Financial	
Chase Bank	
Bank of New York Mellon	Bond trustee

If a specific use is not listed the bank is or may be used for certificates of deposits, capitalized lease escrow accounts, and/or money market accounts. The same applies to banks listed with specific uses.

The North Carolina Capital Management Trust is not included as it is a SEC registered fund authorized by G.S. 159-30(c)(8) and is therefore an investment.



**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 7th day of February, 2022.

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



Board Appointments

Description

There are no Board appointments for February, 2022.
Board appointments for the next three months follow.

Board Action Requested

Take Appropriate Action

Item Presenter

Robert Outten, County Manager



Upcoming Board Appointments

Description

The Dare County Board of Commissioners welcomes citizen participation on its many Boards and Committees.

Following is a list of the Boards and Committees that have terms expiring during the next 3 months. The list indicates when the item will be presented to the County Commissioners and any requirements that may pertain to the appointment.

Instructions on how to obtain and submit an application are attached along with additional information about each of the Boards and Committees with upcoming term appointments.

Board Action Requested

None

Item Presenter

Robert Outten, County Manager

Upcoming Board & Committee Appointments

The Dare County Board of Commissioners welcomes citizen participation on Advisory Boards and Committees. This type of grassroots public involvement is the foundation of democracy and a vital part of maintaining Dare County as a quality place to live.

Following is a list of Boards and Committees with terms expiring during the next three months.

Information on how to obtain and submit applications follows the list.

In addition, please note there are several boards with vacancies – please check the website.

March, 2022

Parks and Recreation Advisory Council --1 term expiring

Working Watermen Commission --1 term expiring

April, 2022

Airport Authority -- 1 term expiring

Manns Harbor Marina Commission -- 3 terms expiring

May, 2022

Veterans Advisory Council -- 1 term expiring

Working Watermen Commission -- 2 terms expiring

Zoning Board of Adjustment – Dare County – 1 term expiring

~~~~~Instructions for Obtaining and Submitting Applications~~~~~

An application must be submitted in order for your name to be considered for a Board or Committee appointment. The form is available on the Dare County website (Please see Board of Commissioners under Advisory Boards and Committees for link)

Cheryl C. Anby, Clerk to the Board at 475-5700



Commissioners' Business & Manager's/Attorney's Business

Description

Remarks and items to be presented by Commissioners and the County Manager.

Board Action Requested

Consider items presented

Item Presenter

Robert Outten, County Manager