

RESOLUTIONS – 2024

***Following the List of 2024 Resolutions in Chronological Order,
Each Resolution Can Be Viewed in its Entirety***

- 24-01-01 Resolution Concerning HB 259 (Jan. 2nd, 2024)
- 24-01-02 Resolution of the Board of Commissioners of Dare County, North Carolina, Adopting the 2022 Dare County Land Use Plan (Jan. 2nd 2024)
- 24-02-03 Resolution to Sponsor the Southern Hatteras Island Offshore Sand Assessment Study (Feb. 5th, 2024)
- 24-02-04 Resolution Requesting that the NC Marine Fisheries Commission Hold a Quarterly Meeting in Dare County Each Year (Feb. 5th, 2024)
- 24-02-05 Resolution Opposing Striped Mullet Fishery Management Plan Draft Amendment 2 Due to Outdated, Unreliable Data (Feb. 5th, 2024)
- 24-02-06 Resolution for a Request to Permanently Close an Unimproved Portion of Washington St. in Manteo (Feb. 5th, 2024)
- 24-03-07 Resolution to Sponsor the Dare County 4-Towns Beach Nourishment Project Grant (March 4th, 2024)
- 24-03-08 Resolution Authorizing the Execution and Delivery of an Installment Financing Contract in the Amount of \$2,737,200 with Banc of America Public Capital Corp to Finance the Acquisition of Certain General Equipment for use by the County of Dare, North Carolina, Authorizing the Execution and Delivery of Related Instruments, and Determining other Matters in Connection Therewith (March 4th, 2024)
- 24-03-09 Resolution Authorizing the Execution and Delivery of an Installment Financing Contract in the Amount of \$2,014,911 with Banc of America Public Capital Corp to Finance the Acquisition of Certain Public Works and Network Equipment for Use by the County of Dare, North Carolina, Authorizing the Execution and Delivery of Related Instruments, and Determining Other Matters in Connection Therewith (March 4th, 2024)
- 24-03-10 Resolution of the Board of Commissioners of the County of Dare, North Carolina, Authorizing the Negotiation of an Amendment to an Installment Financing Contract and Providing for Certain Other Related Matters Thereto. (March 4th, 2024)
- 24-03-11 Resolution Approving Lease Agreement Between Dare County and Matt Respass (March 4th, 2024)

- 24-03-12 Resolution to Support Modifications to NC 15A NCAC Subchapter 18E – Wastewater Treatment and Dispersal Systems Section .0100 – General, Including Changes from S.L. 2023-63 (S582), S.L. 2023-77 (H627), and S.L. 2023-90 (H628) (March 4th, 2024)
- 24-03-13 Resolution Requesting Immediate Action to Rectify the Discharge of Oil into The Atlantic Ocean and Adjoining Shoreline, Remove Derelict Infrastructure and Restore the Buxton Beach Access Site to Its Pre-Military Condition to Protect the Environment and Public Health and Safety (March 4th, 2024)
- 24-03-13 Resolution Requesting Immediate Action to Rectify the Discharge of Oil into The Atlantic Ocean and Adjoining Shoreline, Remove Derelict Infrastructure and Restore the Buxton Beach Access Site to Its Pre-Military Condition to Protect the Environment and Public Health and Safety (March 4th, 2024)
- 24-04-14 Resolution of the Board of Commissioners of the County of Dare, North Carolina, Approving an Amendment to an Installment Financing Contract and the Delivery Thereof and Providing for Certain Other Related Matters (April 2nd, 2024)
- 24-04-15 Resolution to Sponsor the Miss Katie – 24/25 Hatteras Dredging Project (April 2nd, 2024)
- 24-04-16 Resolution to Sponsor the Miss Katie – 24/25 Rollinson Channel Dredging Project (April 2nd, 2024)
- 24-04-17 Resolution to Sponsor the Miss Katie – 24/25 Oregon Inlet Dredging Project (April 2nd, 2024)
- 24-04-18 Resolution to Sponsor the Miss Katie – 24/25 17 Extension to Wanchese & Range 4 Dredging Project (April 2nd, 2024)
- 24-04-19 Resolution to Sponsor the Miss Katie – 24-25 Walter Slough & Crack Dredging Project (April 2nd, 2024)
- 24-04-20 Resolution to Sponsor the Miss Katie – 24-25 Old House 2 Dredging Project (April 2nd, 2024)
- 24-05-21 Resolution – North Carolina Governor’s Highway Safety Program – Local Government Resolution (\$25,000) (May 7th, 2024)
- 24-05-22 Resolution – North Carolina Governor’s Highway Safety Program – Local Government Resolution (\$30,000) (May 7th, 2024)

24-06-23 Resolution by the County of Dare to Direct the Expenditure of Opioid Settlement Funds (June 3rd, 2024)

FOLLOWING ARE THE 2024 RESOLUTIONS

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

Scroll down to view all 2024 Resolutions

**A RESOLUTION BY THE COUNTY OF DARE
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

WHEREAS Dare County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids.

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions (“Opioid Settlement Funds”) are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (“MOA”) and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation (“SAAF”);

WHEREAS Dare County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS section E.6 of the MOA states that, before spending opioid settlement funds, the local government’s governing body must adopt a resolution that:

- (i) indicates that it is an authorization for expenditure of opioid settlement funds; and,
- (ii) states the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and,
- (iii) states the amount dedicated to each strategy for a specific period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA and SAAF, Dare County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized

- a. Name of strategy: Post Overdose Response Team
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: #8
- d. Amount authorized for this strategy: \$68,177
- e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
- f. Description of the program, project, or activity: Peer Support Specialist, Overdose Response Coordinator. Duties include follow up on overdoses and with people at high risk for overdose via collaboration with EMS and local law enforcement in the community and connecting this population and businesses in Dare County with harm reduction tools.
- g. Provider: Dare County Health & Human Services

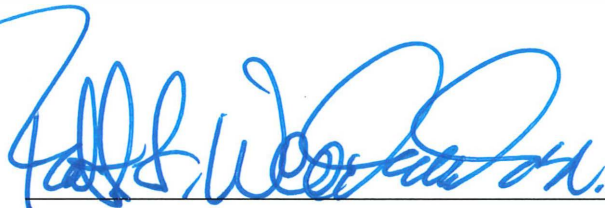
2. Second strategy authorized
 - a. Name of strategy: Evidenced-based addiction Treatment
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: #2
 - d. Amounted authorized for this strategy: \$45,000
 - e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
 - f. Description of the program, project, or activity: Fund tuition for Dare residents who are uninsured/self-pay. This program provides evidenced-based addiction treatment and along with medication assisted treatment.
 - g. Provider: Changing Tides Addiction Center.
3. Third authorized strategy
 - a. Name of strategy: Criminal Justice Diversion
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: #10
 - d. Amounted authorized for this strategy: \$75,000
 - e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
 - f. Description of the program, project, or activity: Recovery Court Coordinator to provide case management/linkage to resources for recovery court participants
 - g. Provider: Dare County/NC Courts
4. Fourth authorized strategy
 - a. Name of strategy: Reentry Programs
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: #12
 - d. Amounted authorized for this strategy: \$50,000
 - e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
 - f. Description of the program, project, or activity: Link Jail population to resources needed, counseling services, co pays, entry fees, Rehab costs, clothing, medical assistance, healthcare
 - g. Provider: Dare County Detention Center
5. Fifth authorized strategy
 - a. Name of strategy: Naloxone Distribution
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: #7
 - d. Amounted authorized for this strategy: \$100,000
 - e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
 - f. Description of the program, project, or activity: Supply Naloxone and Fentanyl test strips to the community
 - g. Provider: Dare County Health & Human Services

6. Sixth authorized strategy

- a. Name of strategy: Recovery Support Services
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A or Exhibit B to the MOA: #3
- d. Amount authorized for this strategy: \$32,000
- e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30, 2025
- f. Description of the program, project, or activity: Dare County's HHS will address community recovery supports for transportation assistance to recovery groups, counseling appointments, rehabilitation, detox centers, food, clothing, healthcare needs, medications. Dare residents with Opioid Use Disorder or histories of opioid use will also be eligible to have their entrance fees to Dare Challenge's abstinence / faith based treatment program covered if necessary.
- g. Provider: Dare County Health & Human Services (\$12,000). Dare Challenge residential program (\$20,000)

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$370,177.

Adopted this the 3rd day of June, 2024.



Robert Woodard Sr., Chairman
Dare County Board of Commissioners

ATTEST:



Skyler Foley, Clerk to the Board

COUNTY SEAL



North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

Resolution
24-05-22

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

(The Applicant Agency)

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

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

THEREFORE, NOW BE IT RESOLVED BY THE Dare County Board of Commissioners IN OPEN
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF Manteo, NORTH CAROLINA,
THIS ____ DAY OF _____, 20 ____, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Edward Jack Scarborough is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
funding in the amount of \$ 30,000 to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.0 as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract, if
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by

[Signature]
(Chairperson/Mayor)

ATTESTED BY

[Signature]
(Clerk)

DATE

5/7/24



North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

Resolution

24-05-21

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

(The Applicant Agency)

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

(The Governing Body of the Agency)

(herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

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

THIS ____ DAY OF _____, 20____, AS FOLLOWS:

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

DONE AND ORDERED in open meeting by

Ralph F. Wooten Jr.
(Chairperson/Mayor)

ATTESTED BY

Shylke Foley
(Clark)

DATE

5/17/24



24-04-20



**Resolution to Sponsor the
Miss Katie – 24/25 Old House 2 Dredging Project**

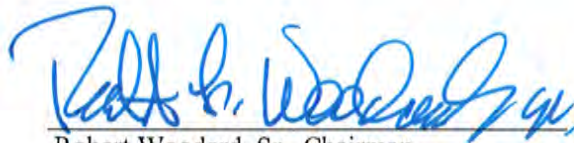
WHEREAS, Dare County desires to sponsor the Miss Katie – 24/25 Old House 2 Dredging Project to provide funding for dredging activities by the Miss Katie.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- 24/25 Old House 2 Dredging Project in the amount of \$323,250 or 75% of project cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 2nd day of April, 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board

24-04-19



**Resolution to Sponsor the
Miss Katie – 24/25 Walter Slough & Crack Dredging Project**

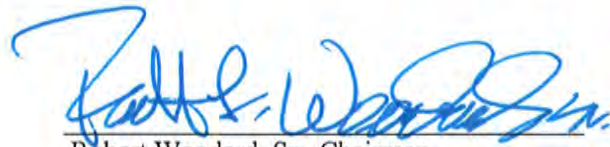
WHEREAS, Dare County desires to sponsor the Miss Katie – 24/25 Walter Slough & Crack Dredging Project to provide funding for dredging activities by the Miss Katie.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- 24/25 Walter Slough & Crack Dredging Project in the amount of \$775,500 or 75% of project cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 2nd day of April, 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board

24-04-18



**Resolution to Sponsor the
Miss Katie – 24/25 17 Extension to Wanchese & Range 4 Dredging Project**


WHEREAS, Dare County desires to sponsor the Miss Katie – 24/25 17 Extension to Wanchese & Range 4 Dredging Project to provide funding for dredging activities by the Miss Katie.

THEREFORE, BE IT RESOLVED THAT:


- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- 24/25 17 Extension to Wanchese & Range 4 Dredging Project in the amount of \$471,000 or 75% of project cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 2nd day of April, 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board

24-04-17



**Resolution to Sponsor the
Miss Katie – 24/25 Oregon Inlet Dredging Project**

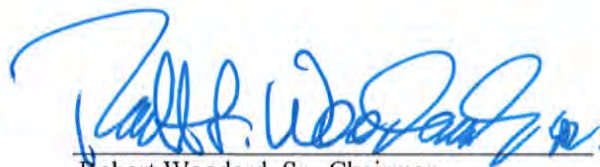
WHEREAS, Dare County desires to sponsor the Miss Katie – 24/25 Oregon Inlet Dredging Project to provide funding for dredging activities by the Miss Katie.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- 24/25 Oregon Inlet Dredging Project in the amount of \$7,556,250 or 75% of project cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 2nd day of April, 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board

24-04-16



**Resolution to Sponsor the
Miss Katie – 24/25 Rollinson Channel Dredging Project**

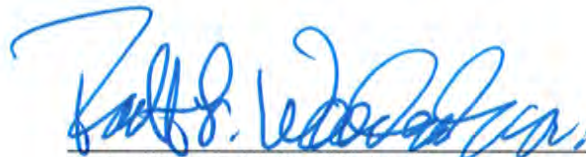
WHEREAS, Dare County desires to sponsor the Miss Katie – 24/25 Rollinson Channel Dredging Project to provide funding for dredging activities by the Miss Katie.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- 24/25 Rollinson Channel Dredging Project in the amount of \$82,500 or 75% of project cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 2nd day of April, 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board



**Resolution to Sponsor the
Miss Katie – 24/25 Hatteras Inlet Dredging Project**


WHEREAS, Dare County desires to sponsor the Miss Katie – 24/25 Hatteras Inlet Dredging Project to provide funding for dredging activities by the Miss Katie.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Miss Katie- 24/25 Hatteras Inlet Dredging Project in the amount of \$727,500 or 75% of project cost, whichever is the lesser amount;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 2nd day of April, 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA,
APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND THE 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 (the "*State*"), existing as such under and by virtue of the Constitution, statutes and laws of 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 of such property;

WHEREAS, the Board of Commissioners of the County (the "*Board*") has previously determined that it is in the best interest of the County to engage in a long-term plan to finance (a) the construction of a new youth center in the Town of Manteo (the "*Youth Center*"), (b) the construction of a replacement County EMS station in the Town of Kill Devil Hills and a fire station on behalf of the Town of Kill Devil Hills (the "*KDH Facility*"), (c) the construction, renovation, and improvements to various EMS stations throughout the County (collectively, the "*EMS Stations*"), (d) the construction of a new airport hangar for Dare MedFlight, including crew quarters (the "*Hangar*"), and (e) other projects that may be identified as part of the County's future capital improvement plans (collectively, the "*Projects*");

WHEREAS, as part of its plan to finance the Projects, the County has previously entered into an Installment Financing Contract, dated as of May 1, 2023 (the "*2023 Contract*"), with Dare County Public Facilities Corporation (the "*Corporation*") to finance a portion of the Projects, including the KDH Facility, a County EMS Station in Southern Shores and the Hangar;

WHEREAS, to secure its obligations under the 2023 Contract, the County executed and delivered a Deed of Trust, Security Agreement and Fixture Filing dated as of May 1, 2023 (the "*Deed of Trust*") granting a lien on the site of the KDH Facility and the improvements thereon and appurtenances thereto;

WHEREAS, to continue its plan to finance the Projects, the Board has previously determined that it is in the best interest of the County to enter into Amendment Number One to the Installment Financing Contract (the "*First Amendment*") and together with the 2023 Contract, the "*Contract*") with the Corporation to finance (a) the construction and equipping of the Youth Center and County EMS Stations in Manns Harbor and Kitty Hawk (collectively, the "*2024 Projects*"), and (b) the costs related to the execution and delivery of the First Amendment;

WHEREAS, to assist the County with financing the 2024 Projects, the Corporation will execute and deliver its Limited Obligation Bonds (County of Dare, North Carolina), Series 2024 (the "*Bonds*") in an aggregate principal amount not to exceed \$28,500,000, evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract;

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

WHEREAS, there have been described to the Board the forms of the following documents (collectively, the "*Instruments*"), copies of which have been made available to the Board, which the

Board proposes to approve, enter into, and deliver, as applicable, to effectuate the proposed installment financing:

- (1) the First Amendment;
- (2) a Supplemental Indenture, Number 1 between the Corporation and The Bank of New York Mellon Trust Company, N.A., as trustee (the “Trustee”), which supplements an Indenture of Trust dated as of May 1, 2023, between the Corporation and the Trustee, including the form of the Bonds;
- (3) the Purchase Contract; and
- (4) the Letter of Representation.

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

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

WHEREAS, a public hearing on the First Amendment and the 2024 Projects to be financed thereby after publication of a notice with respect to such public hearing must be held and the Board conducted such public hearing at its March 4, 2024 meeting; and

WHEREAS, the County has filed an application to the Local Government Commission of North Carolina (the “*LGC*”) for approval of the First Amendment and will receive the approval of the LGC before executing and delivering the First Amendment;

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

Section 1. ***Ratification of Instruments.*** All actions of the County Manager, the Deputy County Manager/Finance Director, the Clerk to the Board of Commissioners, the County Attorney, including anyone serving as such in an interim capacity, and their respective designees (individually and collectively, the “*Authorized Officers*”), whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization of the Official Statement.*** The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the Underwriters’ use of the Preliminary Official Statement and the final Official Statement in connection with the offering and sale of the Bonds is hereby in all respects authorized, approved and confirmed. The Authorized Officers are hereby authorized and directed to deliver, on behalf of the County, the Official Statement in substantially such form, with such changes, insertions and omissions as they may approve.

Section 3. ***Authorization to Execute the First Amendment.*** The County hereby approves the financing of the 2024 Projects pursuant to the 2023 Contract and the First Amendment, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of

the First Amendment are hereby in all respects authorized, approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the First Amendment, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the First Amendment presented to the Board. From and after the execution and delivery of the First Amendment, 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 First Amendment as executed.

Section 4. ***Approval of the Purchase Contract and Authorization to Execute the Letter of Representation.*** The form and content of the Purchase Contract, including the Letter of Representation, are hereby approved in all respects. The Authorized Officers are authorized to execute the Letter of Representation for the purposes stated therein, including necessary counterparts, in substantially the form and content of the Letter of Representation presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Letter of Representation presented to the Board. From and after the execution and delivery of the Letter of Representation, the 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 Letter of Representation as executed.


Section 5. ***County Representative.*** The Authorized Officers are each hereby designated as the County's representative to act on behalf of the County in connection with the transactions contemplated by the Instruments and the Official Statement, and the Authorized Officers are authorized to proceed with the financing in accordance with the Instruments and to seek opinions as a matter 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. The County's representative and/or designee or designees are in all respects authorized on behalf of the County to supply all information pertaining to the County for use in the Official Statement and the transactions contemplated by the Instruments or the Official Statement. The County's representatives or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and the on-going administration of the Instruments. Any provision in this Resolution that authorizes more than one officer of the County to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively and any action authorized may be taken by anyone designated to act on their behalf.

Section 6. ***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 7. ***Repealer.*** All motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

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

Adopted this 2nd day of April, 2024.



Robert Woodard, Chairman

Attest:



Robin Skyler Foley, Clerk to the Board

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SS:

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 2 day of April, 2024.

Robin Skyler Foley
Robin Skyler Foley
Clerk to the Board of Commissioners
County of Dare, North Carolina



RESOLUTION REQUESTING IMMEDIATE ACTION TO RECTIFY THE DISCHARGE OF OIL INTO THE ATLANTIC OCEAN AND ADJOINING SHORELINE, REMOVE DERELICT INFRASTRUCTURE AND RESTORE THE BUXTON BEACH ACCESS SITE TO ITS PRE-MILITARY CONDITION TO PROTECT THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

WHEREAS, from 1956 to 1982, the U.S. Navy operated Naval Facility (NAVFAC) Cape Hatteras on approximately 50 acres just north of the former location of the Cape Hatteras Lighthouse in Buxton, North Carolina, and;

WHEREAS, the U.S. Navy concluded operations at NAVFAC Cape Hatteras in June 1982; however, all buildings and infrastructure remained at the site, and;

WHEREAS, from 1984 to 2010, the U.S. Coast Guard operated Group Cape Hatteras at the site, and;

WHEREAS, in 1998, the U.S. Army Corps of Engineers approved the site as a Formerly Used Defense Site (FUDS) and began acting in response to petroleum contamination in several areas at the site, making the federal government the responsible party under numerous federal and state environmental laws and;

WHEREAS, in 1999, the U.S. Army Corps of Engineers began soil and groundwater investigations and performed work under the FUDS program seemingly targeted towards petroleum contamination associated with known storage areas and spills, and;

WHEREAS, in 2004, over 4,000 tons of petroleum-contaminated soils were excavated and removed from the site, but groundwater monitoring and bioremediation continued due to detections of petroleum hydrocarbon contamination that exceeded North Carolina Department of Environmental Quality standards, and;

WHEREAS, specific areas of the site are monitored annually for contaminated groundwater under the FUDS program, and;

WHEREAS, from 2004 to the present day, extensive groundwater monitoring by the North Carolina Department of Environmental Quality has consistently detected

petroleum hydrocarbon contaminants that exceed the department's standards in addition to the discovery of previously unknown petroleum contamination discovered after the U.S. Army Corps of Engineers' FUDS project, and;

WHEREAS, in 2019 the National Park Service began operating the Buxton Beach Access site—which offers a 50-car parking area, portable restrooms and an accessible pathway to the beach—for public use, and the site has since consistently been ranked as one of the best beaches in the United States, and;

WHEREAS, Cape Hatteras National Seashore beaches are a significant contributor to Dare County's \$1.2 billion tourism economy, and the Buxton Beach Access, which is located under the shadow of the iconic Cape Hatteras Lighthouse, is one of the Cape Hatteras National Seashore's crown jewels, and;

WHEREAS, due to decades-long military usage and apparently incomplete restoration of the area, samples taken from the Buxton Beach Access beach tested positive in early September 2023 for petroleum-contaminated soils, and;

WHEREAS, on September 1, 2023, as a precautionary measure, the beach adjacent to the former military site was temporarily closed after experiencing beach erosion from Tropical Storm Idalia and Hurricane Franklin, which uncovered potentially hazardous infrastructure associated with the U.S. Navy and U.S. Coast Guard bases, and;

WHEREAS, in addition to encountering this dangerous infrastructure, visitors had also reported a strong smell of petroleum at the site, prompting the Cape Hatteras National Seashore to file two reports with the Environmental Protection Agency's National Spill Response Center, and;

WHEREAS, sediment samples taken in early September 2023 by the U.S. Coast Guard's Spill Response staff came back positive for petroleum hydrocarbons with characteristics of light fuel oil and lubricating oil, and since early September 2023, petroleum-contaminated soils have intermittently been observed on the beach, and;

WHEREAS, this re-emergence of petroleum-contaminated soils and derelict infrastructure at the site pose a public safety hazard to such extent that on September 25, 2023 the Dare County Department of Health and Human Services—in conjunction with the North Carolina Department of Health and Human Services Division of Public Health, the Cape Hatteras National Seashore and the U.S. Army Corps of Engineers—issued a necessary precautionary public health advisory due to impacts from petroleum-contaminated soils, and;

WHEREAS, this precautionary public health advisory stated that environmental and public health officials recommend that people should “avoid swimming, wading or fishing in this area in Buxton at Cape Hatteras National Seashore, from approximately 46285 Old Lighthouse Road, to and including, the first jetty until further notice,” and the beach remains closed as a precautionary measure, and;

WHEREAS, on February 9, 2024, Cape Hatteras National Seashore staff noticed a very strong smell of petroleum products, and multiple surfers reported that their wetsuits and hair smelled like fuel and noticed a sheen on the water near the Buxton Beach Access, which resulted in a number of reports being submitted to the National Response Center, and;

WHEREAS, under Title 40 of the United States Code, the U.S. Coast Guard, as the designated Federal On-scene Coordinator for the coastal zone in North Carolina, has a duty to evaluate the magnitude, severity, and threat to the public and the environment, as well as the duty and ability to take action to prevent, minimize and mitigate threats when a responsible party fails to do so, and;

WHEREAS, in addition to the potential public health risks, as well as the potential impacts to fish and wildlife habitats that include threatened and endangered species, due to the ongoing discharge of oil into the Atlantic Ocean and onto the adjoining shoreline, there are a number of remnants of previous U.S. Coast Guard and U.S. Navy installations—including concrete bunkers and steel infrastructure—that may pose hazards to swimmers, surfers and beachgoers, and;

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners respectfully requests that immediate actions be taken to address the dangers posed to public health and safety—as well as the environment—to remediate the site and restore the Buxton Beach Access to its public recreational status as one of the best beaches in the United States.

This the 4th day of March 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board



RESOLUTION TO SUPPORT MODIFICATIONS TO NC 15A NCAC SUBCHAPTER 18E – WASTEWATER TREATMENT AND DISPERSAL SYSTEMS SECTION .0100 – GENERAL, INCLUDING CHANGES FROM S.L. 2023-63 (S582), S.L. 2023-77 (H627), AND S.L. 2023-90 (H628)

WHEREAS, Dare County is a coastal community where the vast majority of residential dwellings utilize on site wastewater treatment and dispersal systems, and;

WHEREAS, Dare County is unique in the amount and type of land available and requires all avenues for consideration to best address on site wastewater system configurations and repair options, and:

WHEREAS, Dare County does not have large, standardized, uniform subdivisions and instead has countless uniquely configured properties, with many small lots (i.e. 5,000 sq. ft) and some with water on three sides; and:

WHEREAS, several of the local municipalities have passed local ordinances restricting the cutting down of oak trees and other vegetation which puts enforcement of the 2023 rule changes in conflict with town ordinances, and;

WHEREAS, the complying with the 2023 rule changes may present undue financial hardships on numerous property owners which may discourage them from applying for repair permits to address damaged systems or potentially attempting other unapproved solutions which will be much worse environmentally, and;

WHEREAS, the Dare County Department of Health and Human Services employs professional, qualified Registered Environmental Health Specialists who are authorized by the State of North Carolina in onsite wastewater and private wells and have used Best Professional Judgement for over 40 years to determine effective onsite system configurations and solutions;

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners respectfully requests that the NC General Assembly modify NC 15A NCAC SUBCHAPTER 18E – WASTEWATER TREATMENT AND DISPERSAL SYSTEMS SECTION .0100 – GENERAL in the short session of 2024 by clearly stating that rules adopted in 2023 are not to be retroactive in any capacity, including malfunctions, and that the Registered Environmental Health Specialists have unrestricted Best Professional Judgement for addressing onsite wastewater system and wastewater

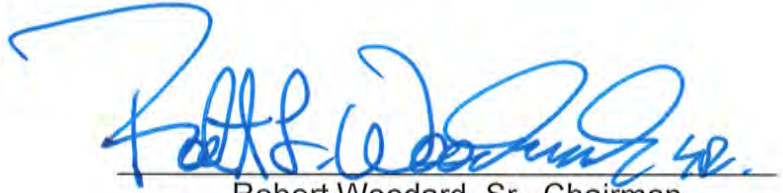
system malfunction for which an IP, CA, OP, NOI, ATO, Certificate of Completion or any other equivalent approval has been issued prior to 01/01/24.

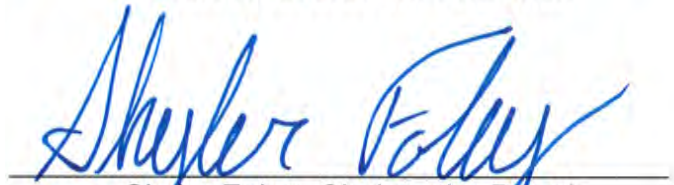
FURTHERMORE, BE IT RESOLVED, that additional modifications to the 2023 rules need to be made to remove the requirement of 5' setbacks to underground utilities and to remove the requirement of the fire marshal determining the maximum occupancy of an event building for a commercial structure prior to designing a system. The 2023 rule changes should also be amended to allow 467 and 57 gravel to be approved. Legislative changes should also be made to allow for improvement permits issued with engineered site plans prepared in AutoCAD software to be non-expiring.

Approved this 4th day of March, 2024.



Attest:


Robert Woodard, Sr., Chairman


Skyler Foley, Clerk to the Board

For Reference:

IP- Improvement Permit
CA - Construction Authorization
OP- Operation Permit
NOI - Notice of Intent
ATO - Authorization to Operate

24-03-11



RESOLUTION APPROVING LEASE AGREEMENT BETWEEN DARE COUNTY AND MATT RESPASS

WHEREAS, the County of Dare owns farm land consisting of approximately 338.98 acres located at 1603 Cub Road, Manns Harbor, NC;

WHEREAS, the County of Dare and Matt Respass have agreed upon a lease under which Matt Respass will lease the acreage, more particularly described as "Net Acres" in that lease agreement, located at 1603 Cub Road, Manns Harbor, NC, as shown on First Colony Farm Inc's Unit Planning Map for District 1, Creef Unit, with an annual payment of \$38,982.70, for a term of three years with optional renewal periods beginning on the date of execution of the lease, for the purpose of cultivation exclusive of farm roads, canals, "V" ditches and windrows; and

WHEREAS, North Carolina General Statute 160A-272 authorizes the County to enter into leases of up to 10 years upon resolution of the County Commissioners adopted at a regular meeting after 30 days public notice; and

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

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners approves the lease of county property described above to Matt Respass for three years with optional renewal periods, and directs the County Manager to execute any instruments necessary to the lease.

Adopted this the 4th day of March, 2024



A blue ink signature of Robert Woodard, Sr., written over a horizontal line.

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

Attest: A blue ink signature of Shylke Foley, written over a horizontal line.
Clerk to the Board

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA,
AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING
CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

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

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "*Board*") has previously determined that it is in the best interest of the County to engage in a long-term plan to finance (a) the construction of a new youth center in the Town of Manteo (the "*Youth Center*"), (b) the construction of a replacement County EMS station in the Town of Kill Devil Hills and a fire station on behalf of the Town of Kill Devil Hills (the "*KDH Facility*"), (c) the construction, renovation, and improvements to various EMS stations throughout the County (collectively, the "*EMS Stations*"), (d) the construction of a new airport hangar for Dare MedFlight, including crew quarters (the "*Hangar*"), and (e) other projects that may be identified as part of the County's future capital improvement plans (collectively, the "*Projects*");

WHEREAS, as part of its plan to finance the Projects, the County has previously entered into an Installment Financing Contract, dated as of May 1, 2023 (the "*2023 Contract*"), with Dare County Public Facilities Corporation (the "*Corporation*") to finance a portion of the projects, including the KDH Facility, a County EMS Station in Southern Shores and the Hangar;

WHEREAS, to secure its obligations under the 2023 Contract, the County executed and delivered a Deed of Trust, Security Agreement and Fixture Filing dated as of May 1, 2023 (the "*Deed of Trust*") granting a security interest in the site of the KDH Facility and the real estate improvements thereon and appurtenances thereto;

WHEREAS, the Corporation has determined to assist the County with financing the Projects by the issuance of its Limited Obligation Bonds in one or more series;

WHEREAS, to continue its plan to finance the Projects, the Board hereby determines that it is in the best interest of the County to enter into Amendment Number One to the Installment Financing Contract (the "*First Amendment*") with the Corporation to finance the construction and equipping of the Youth Center and County EMS Stations in Manns Harbor and Kitty Hawk (the "*2024 Projects*");

WHEREAS, the County hereby determines that the 2024 Projects are essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the 2024 Projects will provide an essential use and will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the First Amendment is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the First Amendment allows the County to finance the 2024 Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of financing the 2024 Projects is an amount not to exceed \$28,500,000, and that such cost of the 2024 Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the 2024 Projects pursuant to the First Amendment is expected to exceed the cost of financing the 2024 Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the 2024 Projects pursuant to the First Amendment and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the 2024 Projects; and (3) no revenues are produced by the 2024 Projects so as to permit a revenue bond financing;

WHEREAS, the County has determined and hereby determines that the estimated cost of financing the 2024 Projects pursuant to the First Amendment reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the County anticipates that any property tax increase, if necessary, to pay installment payments falling due under the First Amendment will not be excessive;

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel ("*Bond Counsel*"), will render an opinion to the effect that entering into the First Amendment and the transactions contemplated thereby are authorized by law;

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

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

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

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

WHEREAS, a public hearing on the First Amendment after publication of a notice with respect to such public hearing was held at this meeting and approval of the LGC with respect to entering the First Amendment must be received; and

WHEREAS, the Board hereby determines that all findings, conclusions and determinations of the Board in this Resolution are subject to modification or affirmation prior to the execution and delivery of the First Amendment.

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

Section 1. ***Authorization to Negotiate the First Amendment.*** The County Manager and the Deputy County Manager/Finance Director, individually and collectively, with advice from Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County to finance the 2024 Projects for a principal amount not to exceed \$28,500,000 under the First Amendment to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

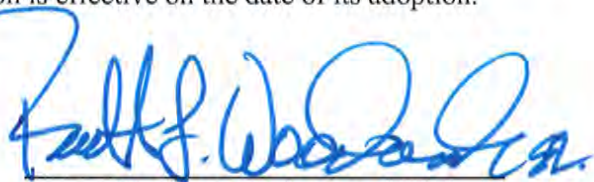
Section 2. ***Application to LGC.*** The Deputy County Manager/Finance Director, or his designee, is hereby directed to file with the LGC an application for its approval of the First Amendment and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application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

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

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

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

Adopted this the 4th day of March, 2024.



Robert Woodard, Chairman

Attest:



Robin Skyler Foley, Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF DARE

SS:

I, *Robin Skyler Foley*, Clerk to the Board of Commissioners of the County of Dare, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled "RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO" duly adopted by the Board of Commissioners of the County of Dare, North Carolina at a meeting held on the 4th day of March, 2024.

WITNESS my hand and the corporate seal of the County of Dare, North Carolina, this the 4th day of March, 2024.

(SEAL)



Robin Skyler Foley

Robin Skyler Foley
Clerk to the Board of Commissioners
County of Dare, North Carolina

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$2,014,911 WITH BANC OF AMERICA PUBLIC CAPITAL CORP TO FINANCE THE ACQUISITION OF CERTAIN PUBLIC WORKS AND NETWORK EQUIPMENT FOR USE BY THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

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

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

(a) The County proposes the acquisition of certain general equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");

(b) After consideration, the governing body of the County has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

(c) Pursuant to Section 160A-20, the County is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

(d) Banc of America Public Capital Corp ("BAPCC") has proposed, per the proposal dated February 20, 2024, to enter into an Installment Financing Contract with the County to finance the Equipment pursuant to which BAPCC will lend the County the amount of \$2,014,911 at a rate of 4.0396% for a term of 59 months (the "Contract").

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

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

Section 4. Notwithstanding any provision of the Contract, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Contract and the taxing power of the County is not and may not be pledged directly or indirectly to secure

any moneys due under the Contract, the security provided under the Contract being the sole security for BAPCC in such instance.

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

Section 6. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 4th day of March, 2024.



[SE]

A handwritten signature in blue ink, reading "R. F. Woodson Jr.", is written over a horizontal line.

Chairman, Board of County Commissioners

COUNTY OF DARE, NORTH CAROLINA

A handwritten signature in blue ink, reading "Sheryl Foley", is written over a horizontal line.

Clerk to the Board

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$2,737,200 WITH BANC OF AMERICA PUBLIC CAPITAL CORP TO FINANCE THE ACQUISITION OF CERTAIN GENERAL EQUIPMENT FOR USE BY THE COUNTY OF DARE, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

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

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

(a) The County proposes the acquisition of certain general equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");

(b) After consideration, the governing body of the County has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

(c) Pursuant to Section 160A-20, the County is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

(d) Banc of America Public Capital Corp ("BAPCC") has proposed, per the proposal dated February 20, 2024, to enter into an Installment Financing Contract with the County to finance the Equipment pursuant to which BAPCC will lend the County the amount of \$2,737,200 at a rate of 4.2638% for a term of 36 months (the "Contract").

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

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

Section 4. Notwithstanding any provision of the Contract, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Contract and the taxing power of the County is not and may not be pledged directly or indirectly to secure

any moneys due under the Contract, the security provided under the Contract being the sole security for BAPCC in such instance.

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

Section 6. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 4th day of March, 2024.



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

Chairman, Board of County Commissioners

COUNTY OF DARE, NORTH CAROLINA

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

Clerk to the Board



24-03-07

Resolution to Sponsor the Dare County 4-Towns Beach Nourishment Project

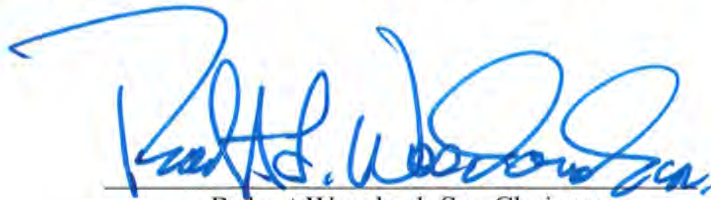
WHEREAS, Dare County desires to sponsor the Dare County 4-Towns Beach Nourishment Project, to mitigate coastal storm damage to ocean beaches and dune systems.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the 4-Towns Beach Nourishment Project in the amount of \$2,500,000;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 4th day of March, 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board



24-02-06

**A RESOLUTION BY THE DARE COUNTY BOARD OF COMMISSIONERS
DECLARING IT'S INTENT TO PERMANENTLY CLOSE A PORTION OF THE
UNIMPROVED EXTENSION OF THE DARE COUNTY PUBLIC ROAD KNOWN AS
WASHINGTON STREET.**

WHEREAS, the unimproved extension of Washington Street is located in unincorporated Dare County, and

WHEREAS, the unimproved extension of Washington Street is a public road, and

WHEREAS, the unimproved extension of Washington Street is depicted on the plat of Roanoke Park in Map Book 2, Page 26 in the Dare County Public Registry and

WHEREAS, the Dare County Board of Commissioners declares its intent to permanently close a portion of the unimproved extension of the Dare County public road known as Washington St, located north of Barlow Street and between First Street and N US 64/264 Highway as noted on the map of the area labelled Attachment A with this resolution, and

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

NOW, THEREFORE, BE IT RESOLVED the Dare County Board of Commissioners declares its intent to permanently close the unimproved extension of the publicly-dedicated road known as Washington Street in Manteo, North Carolina and in accordance with North Carolina General Statute 153A-241 a public hearing on the question shall be held at 9:00 a.m. on March 4, 2024.

ADOPTED the 5th day of February, 2024 by the Dare County Board of Commissioners

SEAL:



Robert L. Woodard, Chairman
Dare County Board of Commissioners

Attest:

Skyler Foley, Clerk



24-02-05

**Resolution Opposing Striped Mullet Fishery Management Plan Draft
Amendment 2 Due to Outdated, Unreliable Data**

WHEREAS, the North Carolina Fisheries Reform Act requires that fishery management plans be developed for the state's commercially and recreationally important species to achieve sustainable levels of harvest; and,

WHEREAS, all management authority for North Carolina's striped mullet fishery is vested in the State of North Carolina; and,

WHEREAS, Striped Mullet Fishery Management Plan Draft Amendment 2 has been completed and contains various proposed management options pertaining to the commercial and recreational striped mullet fisheries; and,

WHEREAS, stock assessments are the primary tool used to assist in determining the status of stocks and developing appropriate management measures to ensure the long-term viability of stocks; and,

WHEREAS, the data being used on the biomass of the striped mullet for Striped Mullet Fishery Management Plan Draft Amendment 2 was collected in 2019, and striped mullet biomass data was not collected in 2020 or 2021 due to COVID-19 restrictions and modified work schedules that resulted from the State of Emergency declared by North Carolina Governor Roy Cooper; and,

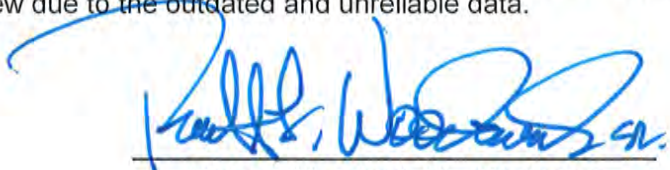
WHEREAS, striped mullet reach maturity in two years, further emphasizing that the 2019 data used in the plan is outdated and unreliable; and,

WHEREAS, the data included in the study for the recreational fishery is vastly incomplete and only accounts for approximately 2 percent of the fishery take; and,

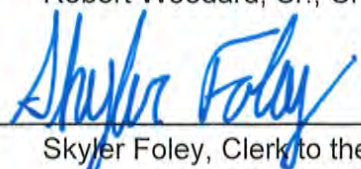
THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners expresses strong opposition to Striped Mullet Fishery Management Plan Draft Amendment 2—which has been proposed by the North Carolina Marine Fisheries Commission—and recommends that this amendment be placed under further review due to the outdated and unreliable data.

This the 5th day of February 2024.




Robert Woodard, Sr., Chairman

Attest:


Skyler Foley, Clerk to the Board



Resolution Requesting that the North Carolina Marine Fisheries Commission Hold a Quarterly Meeting in Dare County Each Year

WHEREAS, the North Carolina Marine Fisheries Commission, or NCMFC, is a nine-member board appointed by the governor that is responsible for managing, protecting, preserving, and enhancing the marine and estuarine resources under its jurisdiction; and,

WHEREAS, the NCMFC does this by adopting rules and policies, implementing management measures for fisheries and advising the state on marine fisheries within the jurisdiction of regional and federal boards and councils; and,

WHEREAS, the operating procedures of the commission state that the commission shall meet at least once in each quarter, at such time and place as it may determine, except that at least three of the four quarterly meetings shall be held in one of the coastal regions as defined in N.C.G.S. 143B-289.54, as provided by N.C.G.S. 143B-289.56; and,

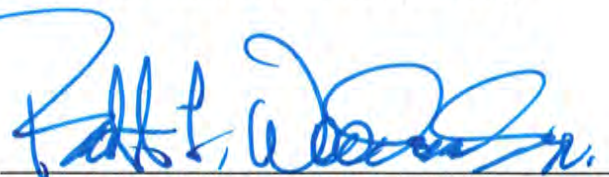
WHEREAS, according to the North Carolina Division of Marine Fisheries, Dare County has the highest seafood volume and value of any North Carolina county; and,

WHEREAS, the NCMFC has not held a meeting in Dare County since November 2018, making it a challenge for watermen in Dare County and northeastern North Carolina to participate in meetings and public hearings that impact their livelihoods; and,

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners requests that the NCMFC hold at least one of its quarterly meetings in Dare County each year.

This the 5th day of February 2024.




Robert Woodard, Sr., Chairman

Attest: 
Skyler Foley, Clerk to the Board



24-02-03

**Resolution to Sponsor the
Southern Hatteras Island Offshore Sand Assessment Study**


WHEREAS, Dare County desires to sponsor the Southern Hatteras Island Offshore Sand Assessment Study, to identify sufficient sand sources for future beach nourishment events.

THEREFORE, BE IT RESOLVED THAT:

- 1) Dare County requests the State of North Carolina provide financial assistance to Dare County for the Southern Hatteras Island Offshore Sand Assessment Study in the amount not to exceed \$250,000;
- 2) Dare County assumes full obligation for payment of the balance of project costs;
- 3) Dare County will obtain all necessary State and Federal permits;
- 4) Dare County will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) Dare County will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) Dare County will obtain appropriate easements, rights-of-way or suitable dredge material disposal areas that may be necessary for the construction and operation of the project without cost or obligation to the State.
- 7) Dare County will ensure that the project is open for use by the public on an equal basis with limited restrictions, if on public property;
- 8) Dare County will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) Dare County accepts responsibility for the operation and maintenance of the completed project.

This the 5th day of February, 2024.




Robert Woodard, Sr., Chairman

Attest: 
Skyler Foley, Clerk to the Board



24-01-02

RESOLUTION OF THE BOARD OF COMMISSIONERS OF DARE COUNTY, NORTH CAROLINA, ADOPTING THE 2022 DARE COUNTY LAND USE PLAN

WHEREAS, from March 2018 through December 2023, Dare County drafted a Coastal Area Management Act (CAMA) Land Use Plan, and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the Dare County Planning Department and Dare County Planning Board; and

WHEREAS, on November 7, 2023, the Planning Board recommended approval of the adoption of the draft Plan; and

WHEREAS, the Dare County Board of Commissioners conducted a duly advertised public hearing on the draft Plan at the Regular Meeting of the Dare County Board of Commissioners on January 2, 2024; and

WHEREAS, at the Regular Meeting on January 2, 2024 the Board of Commissioners of Dare County, North Carolina found the policies and Future Land Use Maps in the draft Plan to be consistent with the Dare County desired vision for the future and unanimously approved to adopt the draft Plan; and

WHEREAS, the adopted Plan will be submitted as required by State law to the District Planner for the Division of Coastal Management under the North Carolina Department of Environmental Quality and forwarded to the Division Director; and

WHEREAS, a review of the adopted Plan by the Coastal Resources Commission will be scheduled; and the CRC will then decide on certification of the locally adopted Plan;


WHEREAS, a certified copy of the Dare County CAMA Land Use Plan will be forwarded to the Office for Coastal Management for federal approval.

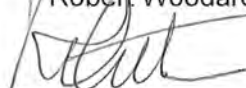
NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners for Dare County, North Carolina has adopted the draft Plan; and

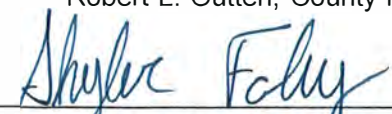
BE IT FURTHER RESOLVED that the County Manager of Dare County is hereby authorized to submit the adopted Plan to the State for certification as described above.

Adopted this 2nd day of January 2024.




Robert Woodard Sr., Chairman


Robert L. Outten, County Manager


Skyler Foley, Clerk to the Board

Attest:

Resolution Concerning HB 259

Whereas, over the years the cost of housing in Dare County has risen to unprecedented levels resulting in a critical need for workforce housing for those living and working in Dare County; and

Whereas, for many years Dare County has been working to provide workforce housing and has been unsuccessful in those efforts; and

Whereas, the North Carolina General Assembly recognized the workforce housing needs of Dare County and pursuant to the provisions of S.L. 2022-74, appropriated funds to help address those needs; and

Whereas, workforce housing entities have attempted to construct work force housing in multiple locations within Dare County and have been unsuccessful in those efforts due to, among other things, the lack of cooperation from the local governments in those locations; and

Whereas, in response thereto, Dare County has established the Dare County Workforce Housing Task Force, made up of representatives of the local governments in Dare County and other stakeholders, to attempt to reach consensus among the local governments and stakeholders on solutions to the workforce housing crisis; and

Whereas, without a request from Dare County and in effort to assist Dare County in its efforts to provide workforce housing, the General Assembly adopted HB 259 which exempted workforce housing constructed pursuant to the provisions of SL 2022-74 from several provisions of Chapter 160D of the North Carolina General Statutes, thereby limiting the application of some local government zoning regulations to such housing efforts; and

Whereas, the need for work force housing in Dare County substantially exceeds the number of housing units that can be constructed using the funds appropriated by the General Assembly and the need for workforce housing will continue after those funds are expended; and

Whereas, for the long-term success of workforce housing in Dare County the local governments and the stakeholders of Dare County must come together to reach consensus on housing solutions; and

Whereas, HB 259 has been adamantly opposed by the towns located in Dare County to the extent they have filed legal action to set it aside; and

Whereas, the towns' adamant opposition to HB 259 has created an atmosphere that makes it difficult for Dare County to reach the consensus necessary among the towns, citizens and stakeholders to solve the workforce housing problem in the long term;

Now , Therefore, Be It Resolved that to help further the discussions of the Dare County Workforce Housing Task Force, to reduce the acrimony between the towns and Dare County and to help in the process of reaching consensus among the local governments, citizens and stakeholders to find long term solutions to the workforce housing problem, the Dare County

Board of Commissioners confirms their earlier verbal statements of their intention to solve the workforce housing problem in Dare County by working together with local governments, citizens and stake holders and not to use HB 259 to exempt any workforce housing solutions from the local government zoning authority as part of any proposed solutions.

Adopted by the Dare County Board of Commissioners, this the 2nd day of January, 2024



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

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



Resolution Requesting that the North Carolina Marine Fisheries Commission Hold a Quarterly Meeting in Dare County Each Year

WHEREAS, the North Carolina Marine Fisheries Commission, or NCMFC, is a nine-member board appointed by the governor that is responsible for managing, protecting, preserving, and enhancing the marine and estuarine resources under its jurisdiction; and,

WHEREAS, the NCMFC does this by adopting rules and policies, implementing management measures for fisheries and advising the state on marine fisheries within the jurisdiction of regional and federal boards and councils; and,

WHEREAS, the operating procedures of the commission state that the commission shall meet at least once in each quarter, at such time and place as it may determine, except that at least three of the four quarterly meetings shall be held in one of the coastal regions as defined in N.C.G.S. 143B-289.54, as provided by N.C.G.S. 143B-289.56; and,

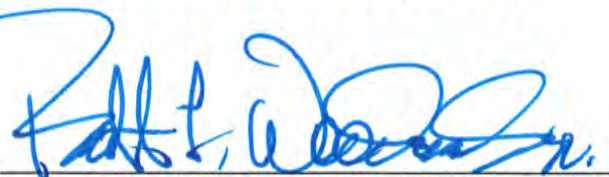
WHEREAS, according to the North Carolina Division of Marine Fisheries, Dare County has the highest seafood volume and value of any North Carolina county; and,

WHEREAS, the NCMFC has not held a meeting in Dare County since November 2018, making it a challenge for watermen in Dare County and northeastern North Carolina to participate in meetings and public hearings that impact their livelihoods; and,

THEREFORE, BE IT RESOLVED, that the Dare County Board of Commissioners requests that the NCMFC hold at least one of its quarterly meetings in Dare County each year.

This the 5th day of February 2024.




Robert Woodard, Sr., Chairman

Attest: 
Skyler Foley, Clerk to the Board