

RESOLUTIONS – 2012

***Following the List of 2012 Resolutions in Chronological Order,
Each Resolution Can Be Viewed in its Entirety***

- R12-01-01 Resolution Seeking Amendments to the NC General Statute concerning Property Tax Exemptions for Certain Homeowner Association Property (Jan 17, 2012)
- R12-01-02 Resolution Authorizing the Application of an NCDOT CTP Grant for FY2013 (Jan 17, 2012)
- R12-01-03 Resolution Authorizing the Application of an NCDOT 5310 Grant for FY2013 (Jan 17, 2012)
- R12-02-04 Authorizing the Financing of Equipment (Feb 06, 2012)
- R12-02-05 Opposing United Nations Agenda 21 (Feb 20, 2012)
- R12-02-06 Authorizing Building Reuse & Restoration Grants Program, Gunboat Building Restoration Project (Feb 20, 2012)
- R12-03-07 Supporting Town of Nags Head Request to Appoint Review Officers for Local Plat Compliance (Mar 19, 2012)
- R12-04-08 Animal Control Officer Appreciation Week (Apr 02, 2012)
- R12-04-09 Preliminary Assessment Resolution, Kiddy Lane Water Distribution Expansion Project (Apr 02, 2012)
- R12-04-10 Enacting a Moratorium on Borrow Pits in the East Lake Tax District Until October 2, 2013 (Apr 02, 2012)
- R12-04-11 Enacting & Adopting a Supplement to the Dare County Code of Ordinances (April 16, 2012)
- R12-04-12 Ordinance Prohibiting Tobacco Use In All Dare County Facilities, Property, and Vehicles (April 16, 2012)
- R12-05-13 Public Trust Rights Pertaining to Local Government Regulation of Ocean Beaches (May 7, 2012)
- R12-05-14 Supporting NC Elections Board Request for Release of HAVA Funds (May 7, 2012)

FOLLOWING ARE THE 2012 RESOLUTIONS

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

Scroll down to view all 2012 Resolutions



12-05-14

RESOLUTION

SUPPORTING THE ELECTION BOARDS ASSOCIATION OF NORTH CAROLINA REQUEST FOR THE RELEASE OF HELP AMERICA VOTE ACT (HAVA) FUNDS

WHEREAS, the members of the Election Boards Association of North Carolina met on April 4, 2012, and approved a resolution requesting that an appropriation be included in the Governor's budget and in the General Assembly's budget to meet the "maintenance of effort" requirements for the release of HAVA funds; and

WHEREAS, the HAVA funds are vital to county budgets to administer elections; and,

WHEREAS, the HAVA funds are needed to maintain voting equipment; and,

WHEREAS, the HAVA funds are needed to be used as operational funds to operate absentee voting; and,

NOW, THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners in support of the Election Boards Association of North Carolina resolution hereby requests that the HAVA funds be included in this year's State budgets and that said funds be provided to the State Board of Elections for the counties to improve the elections process.


Adopted this the 7th day of May, 2012, in Dare County, North Carolina.

ATTEST:



DARE COUNTY BOARD OF COMMISSIONERS


Warren C. Judge, Chairman


Gary Gross, Clerk to the Board



12-05-13

A RESOLUTION THAT THERE EXISTS SIGNIFICANT PUBLIC INTEREST IN THE NATURE AND EXTENT OF PUBLIC TRUST RIGHTS UNDER NORTH CAROLINA LAW AND THE NATURE AND EXTENT OF LOCAL GOVERNMENT REGULATION OF OCEAN BEACHES WITHIN THEIR JURISDICTIONS

WHEREAS, within the County of Dare there are municipalities that have areas of ocean beach or other public trust land and waters located within or adjacent to their jurisdiction; and

WHEREAS, the economy of Dare County and the municipalities is driven by tourism; and

WHEREAS, a safe, clean, unobstructed ocean beach is essential to attract visitors and others to these beaches; and

WHEREAS, historically citizens and visitors have used the full breadth of the ocean beach from the dune/vegetation line to the ocean waters for access to, travel along and general use of the beach for recreational and commercial endeavors; and

WHEREAS, the County of Dare has historically taken action to support public access to the beaches of the Cape Hatteras National Seashore Recreational Area and as a local sponsor of the Northern Dare Beaches Shoreline Protection and Erosion Abatement Project; and

WHEREAS, the County of Dare acknowledges that municipalities have historically used the full breadth of the ocean beach within its jurisdiction for the purposes of providing lifesaving, emergency and other public works services; and

WHEREAS, the municipalities have taken these actions of their own accord often without the assistance of North Carolina state agencies that have historically not had the budget, manpower or interest in taking these actions; and

WHEREAS, the County of Dare agrees with the following findings of the North Carolina General Assembly, regarding the importance of the State's ocean beaches and the uses thereof:

- (1) North Carolina has 320 miles of ocean beach, including some of the most pristine and attractive beaches in the country.
- (2) The Balance between economic development and quality of life in North Carolina has made our coast one of the most desirable along the Atlantic Seaboard.
- (3) North Carolina's beaches are vital to the State's tourism industry.
- (4) North Carolina's beaches belong to all the State's citizens and provide recreational and economic benefits to our residents statewide.

- (5) Beach erosion can threaten the economic viability of coastal communities and can significantly affect State tax revenues.
- (6) The Atlantic Seaboard is vulnerable to hurricanes and other storms, and it is prudent to take precautions such as beach nourishment that protect and conserve the State's beaches and reduce property damage and flooding.
- (7) Federal policy previously favored and assisted voluntary movement of structures threatened by erosion, but this assistance is no longer available.
- (8) Relocation of structures threatened by erosion is sometimes the best available remedy for the property owner and is in the public interest.
- (9) Because local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach management and restoration should not be accomplished without a commitment of local funds to combat the problem of beach erosion.
- (10) The State of North Carolina prohibits seawalls and hardening the shoreline to prevent destroying the public's beaches.
- (11) It is declared to be a necessary governmental responsibility to properly manage and protect North Carolina's beaches from erosion and that good planning is needed to assure a cost-effective and equitable approach to beach management and restoration, and that as part of a comprehensive response to beach erosion, sound policies are needed to facilitate the ability of landowners to move threatened structures and to allow public acquisition of appropriate parcels of land for public beach access; and

WHEREAS, over time inconsistency has developed between the actual use of the ocean beach for public trust purposes and the terms often used to describe various areas of the ocean beach; and

WHEREAS, in 1998 the General Assembly enacted N.C.G.S. 77-20(d) and (e) which clarified that the geographical extent of the ocean beaches which are subject to public trust rights reaches landward to the first line of stable, natural vegetation, the toe of the frontal dune; and the storm trash line; and

WHEREAS, N.C. Const., Art. XIV, Sec. 5 provides that "it shall be a proper function of the State of North Carolina and its political subdivisions to...to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, openlands, and places of beauty," and;

WHEREAS, N.C.G.S. 160A-174 and 153A-121(a) have delegated broad authority to local legislative bodies to enact local ordinances to define and abate nuisances within their jurisdictions; and

WHEREAS, the recent North Carolina Court of Appeals decision in *Town of Nags Head v. Cherry, Inc.* is inconsistent with the authority granted to local governments under the North Carolina Constitution, the North Carolina General Statutes, and existing State agency regulations and is also inconsistent with the historical use and management of the ocean beaches by the general public and local governments; and

WHEREAS, the public has a significant interest in having the Supreme Court address the issues raised in the *Town of Nags Head v. Cherry, Inc.* action and providing local governments,

the general public and private landowners with definitive legal analysis regarding the scope and existence of public trust rights in the State's ocean beaches and local government authority to regulate, protect and manage the State's ocean beaches within their jurisdiction.

NOW THEREFORE BE IT RESOLVED that the Dare County Board of Commissioners supports the North Carolina Supreme Court's review and consideration of the *Town of Nags Head v. Cherry, Inc.* action because of the significant public interest in the Supreme Court providing definitive legal analysis regarding the scope and existence of public trust rights in the State's ocean beaches and local government authority to regulate, protect and manage the State's ocean beaches within their jurisdiction.

This the 7th day of May 2012.

[SEAL]



BY:


Warren C. Judge, Chairman
Dare County Board of Commissioners

ATTEST:


Gary Gross
Clerk to the Board of Commissioners

Ordinance Prohibiting Tobacco Use In All
Dare County Facilities, Property and Vehicles.

WHEREAS, according to the Centers for Disease Control and Prevention, (CDC) tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and,

WHEREAS, according to the CDC, Smoking increases the risk of heart disease by 2 to 4 times, the risk of stroke by 2 to 4 times, the risk of lung cancer by 23 times and the risk of other lung disease by 12 to 13 times; and

WHEREAS, according to the CDC, smoking causes leukemia, bladder cancer, cervical cancer, esophageal cancer, kidney cancer, larynx cancer, lung cancer, oral cancer, throat cancer, stomach cancer, uterine cancer, stillbirths and sudden infant death syndrome (SIDS); and

WHEREAS, according to the CDC, on in every five deaths in the United States is attributable to smoking, more than drugs, alcohol, HIV, motor vehicle accidents, suicides, and murders combined; and

WHEREAS, according to the CDC, 20.6% of adults smoke resulting in annual health care costs related to smoking of \$96 billion dollars and annual lost productivity costs related to smoking of \$97 billion dollars; and

WHEREAS, according to the North Carolina Central Cancer registry (NCCCR) 22.9% of adult North Carolinians smoke which the North Carolina Health Alliance (NCHA) resulting in \$2.46 billion dollars annually in health care costs and \$3.3 billion dollars annually in lost productivity costs,

WHEREAS, according to the CDC, the cost to employers of tobacco use by employees is \$1,400 per smoking employee per year in increased medical costs and \$2,000 per smoking employee per year in lost productivity costs, for a total of \$3,400 per smoking employee per year in excess employer costs; and

WHEREAS, Dare County employees approximately 750 employees, of which, according to the statistics above, 22.9 % or 171 smoke, costing Dare County \$239,000 per year in increased medical costs and \$342,000 in lost productivity costs for a total cost to Dare County of \$581,000 per year; and

WHEREAS, the Surgeon General's report found that there is no risk free level of exposure to secondhand smoke; and

WHEREAS secondhand smoke exposure causes the death of more than 1,600 North Carolinians each year and costs North Carolinians \$288 million dollars annually in health care costs; and

WHEREAS, smoking caused fires resulted in losses of more than \$500 million dollars per year nationwide and resulted in extra cleaning, maintenance and litter costs in excess of \$4 billion dollars nationwide; and

WHEREAS, on May 19, 2009, the State of North Carolina passed "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment" S.L. 2009-27, amending Chapter 130A of the General Statutes and thereby authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;"

WHEREAS, Dare County recognizes the health risks of tobacco use and secondhand smoke for non-smokers and the need to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public, and y is committed to providing a safe and healthy workplace and environment in all Dare County facilities and grounds for its employees, citizens and the visiting public and to reducing the economic costs of tobacco use to Dare County and its citizens;

WHEREAS, and seeks to in those facilities and grounds controlled by Dare County;

WHEREAS, this Board of County Commissioners is of the opinion that it is in the best interests of the citizens and residents of Dare County to amend its ordinances to prohibit smoking in certain facilities, grounds and vehicles owned, leased, operated and/or occupied by Dare County.

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

The Code of Ordinances for Dare County, North Carolina is hereby revised as follows:

Section 1. Definitions

The following definitions, taken directly from Section 130A-492 and 14-313 (a) of the General Statutes and to be amended by any amendments to Section 130A-492 or 14-313(a), apply to this ordinance:

(a) "Employee." A person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer with or without compensation.

(b) "Grounds." An unenclosed area owned, leased, or occupied by local government.

(c) "Local government building". A building owned, leased as Lessor, or the area leased as lessee and occupied by a local government.

(d) "Local vehicle". A passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

(e) "Smoking". The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

(f) "Tobacco products". Any product that contains tobacco and is intended for human consumption, and any other items containing or reasonably resembling tobacco or tobacco products.

Section 2. Areas in Which Smoking and Tobacco Use are Prohibited

Smoking and the use of tobacco products is prohibited:

Section 2(a) of the smoking ordinance.

(a) in any local government building, except in areas designated by the County Manager at local government buildings that are not: (a) operated by or occupied by the Dare County Health Department or are within 50 feet of such Health Department building(s); or (b) buildings operated by or occupied by the Dare County Parks and Recreation Department;

(b) in any local government building in which smoking is prohibited as of the date of the adoption of this ordinance.

(c) in any local vehicle owned, leased, or operated by Dare County and

(d) on any grounds that are owned, leased, occupied, or operated by Dare County except specific areas upon grounds which may be designated by the County Manager, adjoining a local government building, to serve as the smoking area for those buildings in which smoking may be permitted under the provisions of Paragraph (a) above;.

Section 3. Implementation

(a) Persons in charge of a building, vehicles and grounds or his or her designee shall post signs that meet all the requirements in Section 4 of this ordinance.

(b) The person in charge of a building and grounds or his or her designee shall remove all ashtrays and other smoking receptacles.

(c) The person in charge of a building, vehicle or grounds or his or her designee who sees an individual using a tobacco product who is in violation of this ordinance must ask that individual to stop using the tobacco product.

Section 4. Signage

The signs required by Section 3 must:

- (a) state that tobacco use is prohibited and the sign must include the international “No Smoking and Smokeless Tobacco” symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it),
- (b) in areas where smoking may be permitted, the sign must include the language “No Smoking and Smokeless Tobacco Except In Designated Areas” and the international no smoking symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it) and ,
- (c) be posted at each building entrance and on the grounds at a height and location easily seen,
- (d) be in legible font type.

Persons in charge of vehicles identified in Section 2 or his or her designee shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs but the placement of the signs must not interfere with the safe operation of the vehicle

Nothing in this ordinance prohibits a person in charge of buildings, grounds and vehicles from posting additional signs in areas where smoking is prohibited. For example, signs may be posted in other areas where people are likely to want to use tobacco products, such as in bathrooms or in dining areas.

The person in charge of buildings, grounds and vehicles must determine whether signs should be posted in languages other than English.

Section 5. Enforcement and Penalties

- (a) *Violations by employees.* Employees who violate this ordinance shall be subject to sanctions consistent with Dare County human resources policies.

(b) *Violations by other persons.* Any person who, following oral or written notice by the person in charge of the area or the person's designee, continues to smoke or to use tobacco products in an area where smoking or tobacco use is prohibited by Section 2 commits an infraction. Pursuant to Section 130A-498(c1) of the General Statutes, the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00) and may not be assessed court costs. Conviction of an infraction under this section has no consequence other than payment of a penalty.

(c) Any amendments to the enforcement or penalty provisions listed in G.S. 130A-498(c1) apply to this ordinance.

Section 6. Effective Date.

This ordinance shall be effective January 1, 2013.

Adopted this 16th day of April, 2012.



12-04-11

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

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2012 S-5 supplement to the County of Dare Code of Ordinances, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the County of Dare Code of Ordinances; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the North Carolina General Statutes; and


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

WHEREAS, it is necessary to provide for the usual daily operation of Dare County and for the immediate preservation of the public peace, health, safety, and general welfare of the Dare County that this ordinance take effect at an early date;

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

1. that the 2012 S-5 supplement to the County of Dare Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and attached hereto, be and the same is hereby adopted by reference as if set out in its entirety,
2. Such supplement shall be deemed published as of the day of its adoption and approval by the Dare County Board of Commissioners and such supplement shall be inserted into the Code of Ordinances kept on file in the Office of the Clerk.


Warren Judge, Chairman


Gary Gross, Clerk to the Board

4/16/12
Date:

SEAL:





COUNTY OF DARE

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P.O. Box 1000, Manteo, North Carolina 27954

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Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

12-04-10

A RESOLUTION ENACTING A MORATORIUM ON BORROW PITS IN THE UNZONED PORTIONS OF UNINCORPORATED DARE COUNTY

WHEREAS, on March 19, 2012 a petition signed by residents and property owners of East Lake was submitted to the Dare County Board of Commissioners identifying concerns about the noxious and intrusive effects of mining activities associated with borrow pits in their community; and

WHEREAS, a borrow pit is defined as an area from which soil or other unconsolidated materials are removed in manner that results in a pit or pond with the removed materials used for some other purpose; and

WHEREAS, in discussing the concerns of the East Lake community, the Board of Commissioners considered the incompatible nature of borrow pits on the surrounding community and concluded that action to preclude borrow pits was appropriate and reasonable; and

WHEREAS, the East Lake tax district is the only remaining unzoned area in unincorporated Dare County; and

WHEREAS, the 2009 Dare County Land Use Plan that was certified by the State of North Carolina on February 24, 2011 includes an implementation strategy to work with East Lake residents to review zoning alternatives for East Lake; and

WHEREAS, a moratorium on the permitting and operation of borrow pits is in the best interest of public health, safety, and welfare pending the establishment of zoning regulations for East Lake; and

WHEREAS, the enactment of a moratorium will allow for the development of zoning regulations by Dare County in a timely and prudent manner that identifies the type of land uses and development patterns that are appropriate for the East Lake community based on the necessary citizen input associated with the development of land use regulations for areas previously not subject to development restrictions; and

WHEREAS, the establishment of zoning regulations for areas currently unzoned requires interaction with the community by the Dare County Planning Department officials, Planning Board, and Board of Commissioners through community meetings, map development

workshops, and public hearings involving an extensive and careful review of the existing land use patterns, future development trends, infrastructure proposals and how these factors must be integrated into any zoning regulations developed for the community;

NOW THEREFORE BE IT RESOLVED that a moratorium on the development, construction and operation of borrow pits for the unzoned portions of the East Lake tax district is enacted until October 2, 2013.

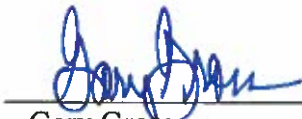
BE IT FURTHER RESOLVED that the Board of Commissioners hereby instructs the Planning Department staff and Planning Board to initiate work on the development of zoning regulations for the East Lake tax district.

BY:


Warren Judge, Chairman
Dare County Board of Commissioners

DATE: April 2, 2012

ATTEST:


Gary Gross
Clerk to the Board



**DARE COUNTY KIDDY LANE WATER DISTRIBUTION
EXPANSION PROJECT ASSESSMENT RESOLUTION
(Pursuant to NCGS 153A-185 et seq)**

WHEREAS, the County of Dare, intends to expand its water distribution system along Kiddy Lane in the Village of Avon, Dare County, North Carolina; and

WHEREAS, the provisions of NCGS 153A-185 et seq authorize the County of Dare to make special assessments against benefitted property within the project area for all or a part of the cost of the water distribution project; and

WHEREAS, the County of Dare has determined that a special assessment by the County of Dare pursuant to the terms set forth below is the fair and appropriate method to fund the expansion of the water distribution system project; and

WHEREAS, the provisions of NCGS 153A-190 require that a Preliminary Assessment Resolution setting forth information contained herein be adopted prior to the imposition of such assessment.

NOW, THEREFORE, the Dare County Board of Commissioners, at their April 2, 2012 meeting, has adopted this Preliminary Assessment Resolution setting forth the following:

1. It is the intention of the Dare County Board of Commissioners to undertake the construction of the Kiddy Lane Water Distribution Expansion Project.

2. A general description of the nature of the project and its location is: Expansion of the existing Dare County water distribution system to include all of Kiddy Lane, Avon, North Carolina.

3. The proposed basis for assessment is the number of lots served, or subject to be served, by the project as the project involves the extension of an existing system.

4. The total assessment to be levied is \$2356.26 per lot which is 100 percent of the total project cost.

5. The County does not intend to hold any amount of the assessment in abeyance.

6. The proposed method for payment of the assessment is: The assessments may be paid in full or in ten equal annual payments of principal without interest.

7. There shall be a public hearing on all matters covered by this Preliminary Assessment Resolution on the 7th day of May 2012, at 10:00 o'clock a.m., at the Dare County Board of Commissioners Meeting Room, 954 Marshall Collins Dr., Manteo, NC.

This Preliminary Assessment Resolution adopted this the 2nd day of April, 2012.

Dare County Board of Commissioners



Warren C. Judge, Chairman

Attest:



Gary L. Gross, Clerk





COUNTY OF DARE

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Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-04-08

RESOLUTION RECOGNIZING APRIL 8-14, 2012 AS DARE COUNTY ANIMAL CONTROL OFFICER APPRECIATION WEEK

WHEREAS, the National Animal Control Association has designated the second Week of April each year as **Animal Control Officer Appreciation Week**; and

WHEREAS, the various Federal, State, and Local Government Officials throughout the Country take this time to recognize, thank, and commend all Animal Control Officers for the dedicated service they provide to the citizens, various Public Safety, Public Service Agencies and Departments through the Country; and

WHEREAS, the Dare County Board of Commissioners would like to express its sincere thanks and appreciation for the outstanding service the Outer Banks SPCA, Dare County Animal Care and Control provide on a daily basis to the citizens of the County and to the various Public Safety, Public Service Agencies and Departments; and

WHEREAS, the Dare County Board of Commissioners recognizes and commends the Animal Control Officers for the many dedicated and long hours of service they perform in serving this community, and for fulfilling the Animal Control Officers Department's commitment to providing the highest and most efficient level of customer service, and

WHEREAS, the Dare County Board of Commissioners wishes to commend each and every Animal Control Officer for their service, which is in keeping with the long and distinguished tradition of the Animal Control Profession.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners does hereby officially recognize the week of **April 8-14, 2012 as Dare County Animal Control Officer Appreciation Week**, and respectfully asks all citizens, Public Safety, Health, and Public Service Personnel alike to join in expressing their sincere thanks, gratitude and appreciation for the many long hours of outstanding service and quality performance these outstanding individuals provide throughout the year to assure the safety and welfare of all.

This the 2nd day of April, 2012

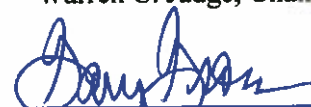
Dare County Board of Commissioners



BY:


Warren C. Judge, Chairman

ATTEST:


Gary Gross, Clerk to the Board



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Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-03-07

RESOLUTION APPOINTING REVIEW OFFICERS

WHEREAS, S.L. 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new GS47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, GS47-30.2 allows for local municipalities to request their respective County governments to be allowed to appoint local Review Officers to review local plats for compliance to GS47-30.2; and

WHEREAS, it is the desire of Dare County, and Town of Nags Head Board of Commissioners to ensure an expeditious review of all maps and plats as required by GS47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE BE IT RESOLVED, that the Dare County Board of Commissioners in support of the request from the Town of Nags Head appoints Elizabeth Teague, Planning and Development Director; Kelly Wyatt, Zoning Administrator; and Dabni Gray, Zoning Administrator, of the Nags Head Planning and Development Department to perform all responsibilities as required for Review Officer for the Town of Nags Head under the appropriate North Carolina General Statutes.

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

This the 19th day of March, 2012

Dare County Board of Commissioners

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

ATTEST: Gary Gross
Gary Gross, Clerk to the Board



AUTHORIZING RESOLUTION BY DARE COUNTY

for the

North Carolina Rural Center

Building Reuse and Restoration Grants Program

“The Gunboat Building Restoration Project”

WHEREAS, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects, and

WHEREAS, the County has need for and intends to assist in the renovation of a vacant building in a project described as the “The Bayliss Boatworks Building Restoration Project”; and

WHEREAS, the County intends to request funding assistance from the Building Reuse and Restoration Grants Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE DARE COUNTY BOARD OF COMMISSIONERS:

That the County is in full support of the application and the project, if funding is received, and

That the County has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and

That Bobby Outten, County Manager, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Rural Center.

Adopted this the 20th day of February 2011 in Manteo, North Carolina.



Warren Judge, Chairman

ATTEST:

Clerk

(Seal)





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Clerk to the Board

Robert L. Outten
County Manager/Attorney

Resolution # 12-02-05

RESOLUTION OPPOSING UNITED NATIONS AGENDA 21

WHEREAS, Dare County was founded on the basic American principle of private property ownership and the right of local governments to develop communities in ways that are beneficial for its citizens; and

WHEREAS, these uniquely American principles are threatened by Agenda 21 initiated at the United Nations Conference on Environment and Development (UNCED) held in 1992 at Rio de Janeiro which represents a comprehensive plan of extreme environmentalism, social engineering, and global political control; and

WHEREAS, Agenda 21 is being covertly pushed into local communities throughout the United States by the International Council of Local Environmental Initiatives (ICLEI) in the form of local "sustainable development" policies such as Smart Growth, Wildlands Project, Resilient Cities, Regional Visioning Projects, and other "Green" or "Alternative" projects; and

WHEREAS, this United Nations Agenda 21 plan of radical so-called "sustainable development" views the American way of life of private property ownership, single family homes, private car ownership and individual travel choices, and privately owned farms; all as destructive to the environment; and

WHEREAS, Agenda 21 has determined that National sovereignty is deemed as social injustice, which according to their policy is described as the right and opportunity of all people to benefit equally from the resources afforded us by society and the environment which would be accomplished by a socialistic redistribution of wealth; and

WHEREAS, neither the United States government, or any state or local government, is legally bound by the United Nations Agenda 21 treaty as it has never been endorsed by the United States Senate.

NOW, THEREFORE, BE IT RESOLVED that the Dare County Board of Commissioners recognizes the destructive and insidious nature of United Nations Agenda 21 and does hereby expose to the public and public policy makers the dangerous intent of the plan and urges communities to reject the radical policies and destructive "sustainable development" strategies of United Nations Agenda 21.

This the 20th day of February, 2012

Dare County Board of Commissioners



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

ATTEST: Gary Gross
Gary Gross, Clerk to the Board

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$1,615,000.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN 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 "Unit"):

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

- a) The County of Dare proposes the acquisition of certain 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 Unit 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 Unit 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) RBC Bank (USA) ("RBC Bank (USA)") has proposed that RBC Bank (USA) enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Bank (USA) will lend the Unit the amount of \$1,615,000.00 (the "Contract") and a related Escrow Agreement between the Unit and RBC Bank (USA) (the "Escrow Agreement").

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

Section 3. The proper officers of the Unit 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 and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not

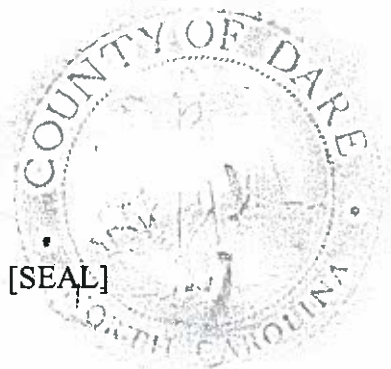
and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Bank (USA) in such instance.

Section 5. The Unit 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 Unit's obligations under the Contract will not be included in the gross income of RBC Bank (USA).

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate more than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2012. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "non-bank qualified tax-exempt obligation" for the purposes of the Code.

Section 7. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 6th day of February, 2012.



Walter C. Judgett

Chairman, Board of County Commissioners

COUNTY OF DARE, NORTH CAROLINA

Amy Ann

Clerk to the Board

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of the Section 5310 program is to provide financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of elderly individuals and individuals with disabilities in all areas—urbanized, small urban, and rural; and

WHEREAS, the purpose of the Section 5316 program is to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities; and

WHEREAS, the purpose of the Section 5317 program is to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the ADA of 1990 by providing funding assistance that supports new public transportation services and/or new public transportation alternatives beyond those required by the ADA; and

WHEREAS, NCDOT has been designated as the State agency with principal authority and responsibility for administering the Section 5310 program for all areas—urbanized, small urban, and rural; and

WHEREAS, NCDOT has been designated as the State agency with principal authority and responsibility for administering the Section 5316 and 5317 programs for small urban and rural areas; and

WHEREAS, (Legal Name of Applicant) _____ hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)* WARREN JUDGE, Chairman of (Name of Applicant's Governing Body) DARE COUNTY BOARD OF COMMISSIONERS is hereby authorized to submit a grant application for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide public transportation services.

I (Certifying Official's Name)* Gary Grass (Certifying Official's Title) Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) DARE COUNTY BOARD OF COMMISSIONERS duly held on the 17th day of JANUARY 2012.

Gary Grass
Signature of Certifying Official

Gary Grass, Clerk to the Board

Warren C. Judge
Signature of Authorized Official

Warren C. JUDGE, Chairman (Authorized Official)

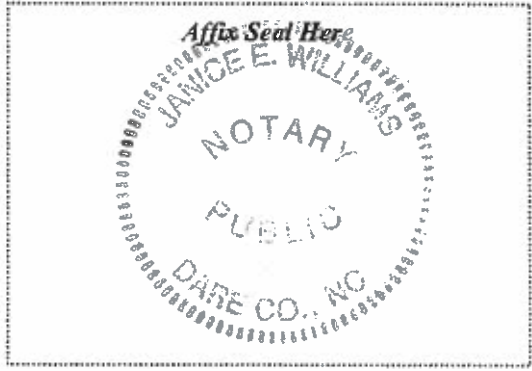
*Note that the authorized official, certifying official, and notary public should be three separate individuals.

Seal Subscribed and sworn to me (date) January 17, 2012

Janice E. Williams
Notary Public*

Janice E. Williams
Manteo NC 27954
Printed Name and Address

My commission expires (date) 11-27-13



COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

**Section 5311
FY 2013 RESOLUTION**

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (Board Member's Name) _____ and seconded by (Board Member's Name or N/A, if not required) _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, (Legal Name of Applicant) Dare County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (WARREN JUDGE, CHAIRMAN) (Authorized Official's Title)* _____ Of (Name of Applicant's Governing Body) Dare County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (GARY GROSS) (Certifying Official's Name)* _____ (Clerk to the Board) (Certifying Official's Title) _____ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (DARE County Board of Commissioners) (Name of Applicant's Governing Board) _____ duly held on the 17th day of JANUARY 2012.

[Handwritten Signature: Gary Gross]

Signature of Certifying Official Gary Gross, Clerk to the Board

[Handwritten Signature: Warren C. Judge]

WARREN C. JUDGE, CHAIRMAN (Authorized Official)

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

Seal Subscribed and sworn to me (date) January 17, 2012

[Handwritten Signature: Janice E. Williams]
Notary Public *

Janice E. Williams
Manteo, NC 27954
Printed Name and Address

My commission expires (date) 11-27-13





COUNTY OF DARE

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

Warren Judge
Chairman

Allen Burrus
Vice-Chairman

Virginia Tillet
Mike Johnson
Richard Johnson
Max Dutton
Jack Shea

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

Gary Gross
Clerk to the Board

Robert L. Outten
County Manager/Attorney

R12-01-01

RESOLUTION SEEKING AMENDMENTS TO THE NC GENERAL STATUTE CONCERNING PROPERTY TAX EXEMPTIONS FOR CERTAIN HOMEOWNER ASSOCIATION PROPERTY

WHEREAS, it has come to the attention of the County of Dare that North Carolina General Statute 105-277.8 concerning property taxation of non-profit homeowners associations creates inequities and unfairness in the assessment and administration of the local property tax system; and

WHEREAS, certain property could be located in a local taxing jurisdiction, but owned by a nonprofit homeowners' associations outside the jurisdiction and escape taxation by the entity due to the strict application of NCGS 105-277.8; and

WHEREAS, the County of Dare seeks remedies to the unfairness brought about the NCGS 105-277.8 when applied to nonprofit homeowners associations located outside the taxing jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Dare County Board of Commissioners that they seek changes to NCGS 105-277.8 for property owned by nonprofit homeowners' associations where the association membership's property is outside the local taxing jurisdiction so as to apply the local property tax system equally and fairly so long as legislative change does not result in the double taxation of any property owned by a non-profit homeowners association; and that the County of Dare requests its members representatives to the North Carolina General Assembly introduce legislation correcting this inequity and unfairness in the property tax system; and that other local governments and agencies take similar action in support of this issue of fairness.

This the 17th day of January, 2012

Dare County Board of Commissioners



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

ATTEST: Gary Gross
Gary Gross, Clerk to the Board