Caldwell County  
Lenoir, North Carolina  

Board of Commissioners  
May 6, 2019  
6:00 p.m.

Present:  
Randy T. Church, Chairman  
Mike LaBrose, Vice Chairman  
Jeff Branch  
Donnie Potter  
Robbie Wilkie

Absent:  
None

Staff Present:  
Stan Kiser, County Manager  
Amanda Triplett, Interim Clerk to the Board  
David Lackey, County Attorney

Chairman Church opened the meeting and welcomed everyone.

Public Comment

There was no public comment.

Regular Session

Reverend Daniel McGee, Senior Pastor at Lenoir Community Church provided the invocation and Commissioner Branch led the pledge of Allegiance. Chairman Church asked if there were any additions or amendments to the May 6, 2019 agenda. There were none. Commissioner LaBrose moved to approve the agenda as presented by the Interim Clerk. The vote was unanimous to approve.

Public Hearing – To Consider Borrowing Money to Construct 2 New EMS Bases

Tony Helton, Finance Director, asked the Board to approve the Resolution which authorizes the negotiation of an installment financing contract so the County can move forward in the bidding process for construction of 2 new EMS bases. Mr. Helton had hoped to have bidding completed by this time but not enough bids were submitted. The date to open bids is May 15th. Mr. Helton advertised that the bids are not to exceed $4 million although the actual cost is expected to be $3 million. This action opens the process; it does not commit the County to anything. Chairman Church declared the public hearing open; however, there was no public comment. Chairman Church declared the public hearing closed. Commissioner Wilkie moved to adopt the Resolution as presented and to move forward. The motion carried unanimously.

ResOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CALDWELL, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO
WHEREAS, the County of Caldwell, North Carolina (the "County") is a political subdivision validly existing as such under and by virtue of the constitution, statutes and laws of the State of North Carolina (the "State");

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

WHEREAS, the County staff has retained (A) Parker Poe Adams & Bernstein LLP, as special counsel ("Special Counsel") and (B) First Tryon Advisors, a business unit of First Tryon Securities, LLC, as financial advisor (collectively, the "Financing Team"), in connection with an installment financing;

WHEREAS, the County staff has solicited requests for proposal from financial institutions for the installment financing;

WHEREAS, the Board of Commissioners of the County (the "Board of Commissioners") hereby determines that it is in the best interest of the County to (1) enter into an installment financing contract (the "Contract") with a financial institution to be selected through the request for proposal process (the "Lender") in order to provide funds to pay the capital costs of constructing, equipping and furnishing two new Emergency Medical Services bases in the County located at 214 Clark Street, Lenoir, North Carolina and 201 Taylorsville Road NE, Lenoir, North Carolina (the "Projects"), and (2) in order to provide security for the County’s obligations under the Contract, grant to the Lender a security interest under a deed of trust, security agreement and fixture filing (the "Deed of Trust") in all or such portion of the County’s fee simple interest in the sites where the Projects will be located, together with all improvements and fixtures located thereon, as the Lender may require;

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

WHEREAS, the Board of Commissioners previously made determinations with respect to the estimated cost of the Projects in connection with information provided to it by the County based on then-prevailing market construction costs and now determines that the estimated cost of financing the Projects is an amount not to exceed $4,000,000;

WHEREAS, the Board of Commissioners hereby determines that such cost of the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Projects pursuant to the Contract and the Deed of Trust is expected to exceed the cost of financing the Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the Projects pursuant to the Contract and 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 acquiring and constructing the Projects; and (3) insufficient revenues are produced by the Projects so as to permit a revenue bond financing;

WHEREAS, the Board of Commissioners hereby determines that the estimated cost of financing the Projects pursuant to the Contract and the Deed of Trust allows the County to finance the Projects at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County and reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the County does not anticipate a future property tax increase to pay installment payments falling due under the Contract;

WHEREAS, Special Counsel will render an opinion to the effect that entering into the Contract 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 Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

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

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

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

WHEREAS, a public hearing on the Contract, the Deed of Trust and the Projects, after publication of a notice with respect to such public hearing, was held on May 6, 2019 and approval of the LGC with respect to entering the Contract must be received; and

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

Section 1. Authorization to Negotiate the Contract and the Deed of Trust. The County Manager and the Finance Officer, with advice from the County Attorney and Special Counsel, are hereby authorized and directed to negotiate on behalf of the County (1) the financing of the Projects for a principal amount not to exceed $4,000,000 under the Contract to be entered into with the Lender in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina, as amended, and (2) the provision of a security interest under the Deed of Trust in all or such portion of the County’s fee simple interest in the sites where the Projects will be located, together with all improvements and fixtures located thereon, as may be required by the Lender providing the funds to the County under the Contract to secure the County’s obligations thereunder.
Section 2. **Application to LGC.** The Finance Officer, or his designee, is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

Section 3. **Approval of the Financing Team.** The Financing Team is hereby approved in connection with the financing of the Projects. The County Manager and the Finance Officer are each hereby authorized to retain other persons or organizations as may be necessary and appropriate to carry out the intention of this Resolution.

Section 4. **Ratification.** All actions of the County and its officials, whether previously or hereafter taken in effectuating the proposed financing as described herein, are hereby ratified, authorized and approved.

Section 5. **Repealer.** All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. **Effective Date.** This Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA  
COUNTY OF CALDWELL

I, ____________________________, Interim Clerk to the Board of Commissioners of the County of Caldwell, 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 CALDWELL, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO"** adopted by the Board of Commissioners of the County of Caldwell, North Carolina, at a meeting held on the 6th day of May, 2019.

**WITNESS** my hand and the corporate seal of the County of Caldwell, North Carolina, this the _____ day of ______________________, 2019.

[Seal]

Interim Clerk to the Board of Commissioners  
County of Caldwell, North Carolina

Proclamations- Older Americans Month

Beverly Ruppard and Felicia Woods with DSS Adult Services, spoke about May being Older Americans Month. Ms. Ruppard read the Proclamation declaring May, 2019 to be Older Americans Month in Caldwell County. The theme for this year is Connect, Create, Contribute. They also spoke about the recent 49th Celebration of Life event which had 300 participants. Commissioner Potter moved to approve the Proclamation Designating May, 2019 as Older Americans Month in Caldwell County. The vote was unanimous to approve.
Older Americans Month 2019
A PROCLAMATION

Whereas, Caldwell County, North Carolina, includes older Americans who richly contribute to our community; and

Whereas, we acknowledge that what it means “to age” has changed—for the better.

Whereas, Caldwell County is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and

Whereas, Caldwell County can provide opportunities to enrich the lives of individuals of all ages by:

- involving older adults in the redefinition of aging in our community;
- promoting home-and community-based services that support independent living;
- encouraging older adults to speak up for themselves and others; and
- providing opportunities for older adults to share their experiences.

Now therefore, we the Caldwell County Board of Commissioners do hereby proclaim May 2019 to be Older Americans Month in Caldwell County. We urge every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

ADOPTED this the 6th day of May, 2019.

_______________________________  ______________________________
Randy T. Church, Chair            Clerk to the Board

Items for Decision

A. JCPC Annual Plan and Certification
Heather Hennessee and Dr. Jeff Church requested the Board’s approval of the JCPC Annual Plan and Certification. The budget includes no County dollars as all the funding comes from the State. Ms. Hennessee noted substance abuse treatment and assessment is the Council’s biggest priority; however, no substance abuse programs requested money. Vaya Health and RHA are working with the Council to provide substance abuse services to their clients at no charge. Commissioner Wilkie moved to approve the JCPC Annual Plan and Certification as presented. The motion carried unanimously.

B. EMS Request to Apply for Grant Monies

Dino DiBernardi asked for the Board’s authorization to apply for grant monies for two projects. The first is through the Polaris T.R.A.I.L.S. Grant Program to purchase a Polaris ATV to be utilized by EMS and the Sheriff’s Department to respond to incidents in remote and hard to access locations. The second is grant monies for constructing an emergency and support services training ground on County owned property. Commissioner Potter moved to authorize the EMS department to apply for the grant monies as presented. The motion carried unanimously.

C. MOU-DSS/DHHS FY2019-2020

Will Wakefield requested the Board’s approval of the MOU between DHHS and Caldwell County. Mr. Wakefield reported that last year was the first time DHHS required an MOU. Many details were worked out over the past year concerning data before the current MOU was presented to the counties. Chairman Church moved to approve the MOU as presented. The motion carried unanimously.

D. MOU-Soil & Water

Mike Willis presented the MOU with Natural Resources for the Board’s approval. The MOU is updated every 3 or 4 years. Commissioner Branch moved to approve the MOU as presented. The vote was unanimous to approve.

E. Granite Falls Middle School Project Ordinance

Tony Helton explained that the ordinance is a formality to set up the project budget. It allows the money to flow through the County. State grants for the project total $15 million. The County is borrowing $12.3 million and $300,000 was appropriated a year ago. Commissioner LaBrose move to approve the Project Ordinance and Budget Revisions as presented, setting up the budget. The vote was unanimous to approve.

Consent Agenda

Approval of Minutes
A. The County Manager recommended the Board of Commissioners approve the minutes of the April 1, 2019 as presented.

B. Budget Amendments

The County manager recommended the Board of Commissioners approve the following budget amendments:

1. EMS Reimbursement Funds-$54,500.81*
The monies associated with the budget revision represent the reimbursement funds from Emergency Service’s deployment to Jones and Lenoir Counties in response to Hurricane Florence.

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2. Occupancy Tax-$15,000.00*
The Room Occupancy Tax collections are expected to exceed budgeted amounts. This revision is necessary to increase the revenue and subsequent expenditures to complete the fiscal year. This requires no local funding as these are flow through monies.

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3. Contingency-$25,000.00
This appropriation transfer is required to make repairs to various safety systems in county buildings.

| Transfer from 10.4110.499100 | Contingency | $25,000.00 |
| Transfer to 10.4600.444100.4001 | Contractual Safety | 25,000.00 |

4. Fire Taxes-$124,500.00*
In order to complete the fiscal year and based on prior year collections, the fire districts may exceed their budgeted collections. This revision is necessary to increase the revenue
and subsequent expenditures for each district for the remainder of the fiscal year. This requires no local funding as these are strictly flow through items.

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5. Environmental Health Vehicle*
   A budget transfer of $993.51 (from existing fuel budget) and a budget revision of $19,221.00 (from Food & Lodging) are needed to help fund a vehicle for Environmental Health. Most of the funding is from grant money.

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6. Health Department Medical Supplies-$10,389.00*
   This budget revision uses grant funds to buy medical equipment. It uses no local dollars.
   
   Increase 10.5116.334514 Clinic Family Planning State $10,389.00
   Increase 10.5116.426100 Medical Supplies 10,389.00

7. National Timber Receipts/Caldwell County Schools-$60,136.31*
   The County has received notice of additional payment for the current fiscal year for
   National Timber Receipts in the amount of $60,136.31. This budget revision is necessary
   to increase the revenue and subsequent expenditure of these funds to the Caldwell County
   Schools. This revision does not require any local dollars as it is flow through funding.

   Increase 105910 333001 Secure Rural Schools $60,136.31
   Increase 105910 465599 Secure Rural Schools 60,136.31

8. I.T. Purchase of VX Rail Server-$60,000.00*
   This revision re-allocates previously approved capital outlay funds to allow for the
   purchase of a new VX rail server. Savings were found in other capital outlay line items
   and staff requests use of these savings to purchase this server. This will allow saving
   $35,000 as compared to waiting until the next fiscal year. If not purchased in the current
   year it will need to be in next year’s budget. Since these funds are already budgeted this
   will require no new local funds.

   Increase 10.9000.435500.4272 M&R Building $60,000.00
   Increase 10.9000.451000.4160 Equipment 60,000.00

Commissioner Potter moved to approve the 9 items on the Consent Agenda as presented by the
County Manager. By unanimous vote the motion carried.

Appointments

The Interim Clerk reported that applications had been received for 2 board vacancies:
   1. David Deal submitted his application to serve on the Hickory Regional Planning
      Commission.
   2. Jerry O’Brine Branham III submitted his application to serve on the Planning Board.

Commissioner LaBrose moved to appoint Mr. Deal and Mr. Branham to the aforementioned
Boards. The vote was unanimous to appoint.

At 6:30 p.m. Commissioner Wilkie moved to go into closed session pursuant to N.C.G.S. §143-
318.11(a)(6) to discuss a personnel matter.

The meeting was recessed until 5:30 p.m. on May 13th.