CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
March 6, 2017
6:00 p.m.

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

Absent:        None

Staff Present: Stan Kiser, County Manager
               Kathy Greene, 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

Commissioner LaBrose gave the invocation and Commissioner Potter led the Pledge of Allegiance. Chairman Church asked if there were any additions or amendments to the March 6, 2017 agenda. The Clerk requested the addition of an offer to purchase property from Caldwell County and the removal of Item #10 G (CureMD Software Contract). Commissioner Potter moved to approve the agenda as presented and amended. The motion carried unanimously.

Recognition of Retirees

Library Director Lesley Mason recognized and commended Linda Farthing for more than twenty-two years of service to the Caldwell County, the library and its patrons.

DSS Director Will Wakefield recognized and commended Thomas Watson for more than twenty-five years of service to Caldwell County, the department, and his efforts in adult protective services.

The Board of Commissioners presented plaques to Ms. Farthing and Ms. Watson in recognition of their retirement and extended appreciation to both retirees for the services they provided to their departments and to the County citizens.

Proclamation—National Healthcare Decision Day in Caldwell County

Cathy Swanson, Executive Director of Caldwell Hospice and Palliative Care, talked about their mission, goals and objectives to provide end of life care in the community. Ms. Swanson said
their work included efforts to educate all citizens in Caldwell County about end of life decisions and they encouraged all adults, 18 years and older, to make decisions about their end of life care which included the importance of establishing a living will for decisions about their care.

Stephanie Spencer, Clinical Liaison with Caldwell Hospice and Palliative Care, was also in attendance with Ms. Swanson to read the proclamation which is hereby incorporated by reference and made a part of these minutes (Exhibit A). Ms. Spencer asked Commissioners to proclaim April 16, 2017 as National Healthcare Decision Day in Caldwell County. Upon its reading, Commissioner Wilkie moved to adopt the proclamation and the motion carried unanimously.

Report—NC Department of Transportation

Dean Ledbetter, Division Senior Planner with the NC Department of Transportation, updated Commissioners on the State Transportation Improvement Program (STIP) projects for Caldwell County. Mr. Ledbetter said the department has a strategic mobility formula for allocating funds for various projects. It was noted the 2018-2027 STIP should be adopted by the NC Board of Transportation in June. He explained the department’s procedure for prioritizing, committing, and removing projects from the STIP.

Mr. Ledbetter highlighted the following projects:

Previously Funded Projects

- R-2237C US 321 in/near Blowing Rock – Currently under construction
- R-5745 US 64/NC 90 at Middle School – Currently acquiring Right-of-Way
- R-5775 US 321 at Pinewoods Road – Beginning Design, Right-of-Way and Construction in FY 2018
- R-5776 Duke Street at US 321A – Currently acquiring Right-of-Way
- U-4700A US 321 Hickory to US 321A – Going to Design/Build Process in FY 2018
- U-4700CA US 321 at Mount Herman Road – Beginning Design, Right-of-Way FY 2018, Construction FY 2020
- B-5385 Old John’s River Road at Estes Mill Creek – Right-of-Way FY 2018, Construction FY 2019
- SS-4911U Connelly Springs Rd at Cajah Mountain Rd – Planning to Let Contract in April 2017
- EB-5806 Hospital Avenue Sidewalk Project
- AV 5765 Taxiway Project – Construction in FY 2023
- AV 5766 Land Acquisition/Lighting Project

Newly Funded Projects

- R-3430 Connelly Springs Road from Catawba River to Southwest Boulevard Right-of-Way Acquisition in FY 2023, Construction in FY 2025
(This project is not locked in and must be reprioritized in 2018 in order to stay in STIP.)

- **U-6033** US 64/NC 18 at Calico Road – Right-of-Way Acquisition in FY 2021, Construction in FY 2023
  (This project could be accelerated.)

- **U-6034** US 321A from Duke Street to Pinewood Drive – Right-of-Way Acquisition in FY 2022, Construction in FY 2024

- **U-6035** Dudley Shoals Road at Grace Chapel Road – Right-of-Way Acquisition in FY 2018, Construction in FY 2019

- **U-6036** Pinewood Road from Bert Huffman to US 321 - Right-of-Way Acquisition in FY 2020, Construction in FY 2022
  (This project could be accelerated.)


**Currently Unfunded Projects**

- **U-4700B**
- **U-4700C**
- **US 64/NC 18 from Lenoir to Morganton**
- **US 64/NC 90 from Lenoir to Taylorsville**
- **Morris Creek Road Modernization**

**Economic Development Incentive for Project Joynes**

EDC Director Deborah Murray formally presented a local jobs incentive request for Project Joynes, an existing Caldwell County manufacturer considering a potential $20 Million phased expansion which will result in one hundred new full-time jobs. Ms. Murray talked about the competition between the local facility and other facilities across the country for the expansion, noting the economic development incentives were critical to the site location decision.

The company made the request based on creating up to 100 new, full-time jobs over a three-year period at $2,000 per job for a possible total incentive of $200,000. The three-year term is requested to also allow the company to make application for a One NC Fund Grant and a Building Reuse Grant. The Local Jobs Incentive will provide the required matching funds for both grants. The County is asked to offer a Resolution of Support for the Company’s application for the One NC Fund Grant and the Building Reuse Grant so that the EDC may begin that application process.

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.
Commissioner LaBrose moved to approve a local Jobs Incentive of $200,000 for up to 100 new, full-time jobs to be created over a three-year period and to approve the resolution which is hereby incorporated by reference and made a part of these minutes (Exhibit B). The motion carried unanimously.

**Economic Development Incentive for Project Rooster**

Ms. Murray reported Project Rooster was a food manufacturing firm that had a retail outlet in a nearby County; however, the company had withdrawn its request for an economic development incentive at this time.

**Economic Development Incentive for Project Transfer**

Ms. Murray said Project Transfer was a new company warehouse and transportation outfit being purchased by a company from Tennessee and the EDC wanted those jobs to stay in Caldwell County. She noted the company was weighing options to move the jobs to Tennessee or maintain them in Caldwell County and relocate 25 jobs from Tennessee to Caldwell County for a larger warehousing capacity.

The EDC is making every effort to help the company compare the benefits of a Caldwell County location and even encourage the company to locate the entire operation here. She said the company requested a Local Jobs Incentive based on bringing 25 new, full-time jobs to Caldwell County and the EDC was requesting a One NC Fund Grant on behalf of the company. Ms. Murray said the Local Jobs Incentive would provide the matching funds for the One NC Fund Grant if awarded.

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

Commissioner Potter moved to approve a local Jobs Incentive of $50,000 for up to 25 new, full-time jobs to be created over a three-year period and to approve the Resolution of Support for a One NC Fund Grant which is hereby incorporated by reference and made a part of these minutes (Exhibit C). The motion carried unanimously.

**Text Amendments to the Zoning Ordinance**

Planning Director Shelley Stevens presented information to Commissioners about the following proposals to amend the Zoning Ordinance.

**Proposed Text Amendments:**

- Minimum lot sizes added to PUD Zoning District which currently has no minimum lot sizes for any uses.

Ms. Stevens said staff proposed a minimum lot size of .5 acres for PUD-zoned lots with water and .75 acres for PUD-zoned lots without water for single-family residential.
Also, she said the Planning Board proposed adding the following requirements in lieu of minimum lot size for PUDs in the Watershed Ordinance for all other use types in PUD Zoning District (multi-family, single & multi-family mixed use, office and/or commercial, office/commercial/residential mixed use, industrial and industrial/office/commercial mixed use:

Conditions:
A. Minimum lot sizes are not applicable to those uses in the PUD District that are not single-family residential; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments. The density of a PUD with housing calculated: housing unit per acre cannot exceed .5 acre per unit, even if multiple units are on 1 lot.

B. All built-upon area shall be designed and located to minimize storm-water runoff impact to the receiving waters and minimize concentrated storm-water flow.

- Reduction of minimum parking standards (space per gross floor area) from 1 space per 200 square feet of gross floor area to **1 space per 300 square feet of gross floor area** for the following uses: offices, businesses, professional, public (including banks), retail and consumer service outlets, and shopping centers:

Ms. Stevens cited examples contained in ordinances from the following local governments:

**Catawba**
Senior Planner says they require:
Retail: 4/1,000 sq’ gross floor area (Ex: 40 spaces required for a 10,000 sq’ bldg)
Business/Professional/Office: 3.5/1,000 sq’ gross floor area (Ex: 35 spaces required for a 10,000 sq’ bldg)
Health Practitioners: 5/1,000 sq’ gross floor area (Ex: 30 spaces required for a 10,000 sq’ bldg)

**Burke**
Shelley did not hear back from any of the Senior Planners or Planning Director regarding parking requirements, and Burke County’s Zoning Ordinance does not appear to have a parking matrix or clearly listed requirements for uses.

**Alexander**
Planning Director says they require: 
Retail and shopping of any kind as well as offices other than medical: 1/200 sq’ gross floor area (Ex: 50 spaces required for a 10,000 sq’ bldg). But Director stated that they often base the calculation on sales area, even though gross floor area is listed in the ordinance. He said they do this because they believe the 1/200 sq’ rule requires too much parking.

**Lenoir** Planning Director says they require:
Retail: 3/1000 sq’ gross floor area (Ex. 30 spaces required for a 10,000 sq’ bldg)
Granite Falls Planning Director says they require:
Commercial and Office: 1/500 sq’ for bldgs greater than 15,000 sq’ (Ex. 30 spaces required for a 15,001 sq’ bldg)
1/300 sq’ for buildings less than 15,000 sq’ (Ex. 34 spaces required for a 10,000 sq’ bldg)

Sawmills Planner says they require:
Retail: 1/200 sq’ gross floor area (Ex. 50 spaces required for a 10,000 sq’ bldg)

Drexel Planner says they require:
Retail: 1/200 sq’ gross floor area (Ex. 50 spaces required for a 10,000 sq’ bldg)

Hildebran Planner says they require:
Retail: 1/200 sq’ gross floor area (Ex. 50 spaces required for a 10,000 sq’ bldg)

Valdese Planner says they require:
Retail: 1/500 sq’ gross floor area (Ex. 20 spaces required for a 10,000 sq’ bldg)

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

Chairman Church moved to approve the following consistency statement and to approve the text amendments to the Zoning Ordinance as recommended by the Planning Board. The motion carried unanimously.

Consistency Statement:
“Motion to approve because the Zoning Ordinance text amendments are consistent with the County’s Comprehensive Land Development Plan; do not negatively impact the surrounding neighborhood and adjacent properties and promote public health, safety and welfare because the amendments allow for reasonable development while helping protect future landowners. They prevent unreasonably small lots in PUD Zones that could add hardship for future property owners with regard to siting septic systems and wells and could harm public health with excess erosion and pollution. The proposed parking reduction would help reduce runoff, pollution and damage to the ecosystem and would be cheaper for developers than the current standard.”

Text Amendments to the Subdivision Ordinance

Ms. Stevens reported Planning Board Chairman Ken Crump had proposed the following changes to the previously approved water hookup text amendment in the Subdivision Ordinance as underlined and bolded in the text below.

A. Any Major Subdivision with an average lot size less than two (2) acres which has water system lines available, shall be required to extend the water system throughout the subdivision to each lot located therein. All required water line extensions shall include appropriate valves, hydrants, taps and service to the property line of each lot as required by the standards or specifications of the water system provider. Caldwell County will help developers install waterlines by providing labor and engineering (for up to 1,500’ of line). Developers to which this hookup requirement applies are also allowed a 25% lot-density reduction, open-space reduction, or reduction of lot size (not below .5 acres), whichever is applicable and a greater
reduction for the developer. Any other Major Subdivision located beyond the distances stated in Table X that extends water system lines to the subdivision may use the 25% reduction rule. However, County participation is at the discretion of Caldwell County. The term "available" shall mean that:

1. There is an existing line of adequate size, flow, and pressure (as determined by a civil engineer or the water provider) either crossing the subdivision property or immediately available from an adjacent public right-of-way; or

2. There is an existing line of adequate size, flow, and pressure (as determined by a civil engineer or the water provider) within the distances shown in Table X below of the outside boundary line of the subdivision; or

3. The water authority indicates its commitment to extend such a line within the distances shown in Table X, below, of the property line of the subdivision at a cost to the subdivider negotiated by the water system provider and the subdivider; and

4. There are no legal or topographic problems that would require additional auxiliary apparatuses (such as a lift, pump or directional bore) which prevent the subdivider from connecting onto and extending the existing system to the subdivision. In the event there are phases to the subdivision or the subdivision is a part of a larger tract of land owned or under the control of the subdivider, then water service shall be deemed to be available if an existing or proposed water system line extends or will be extended within the distances shown in Table X to the larger tract of land.

Table X Available Water System Lines
Water is available if the subdivision contains the number of lots listed in column one and public lines are within the distance shown in column two.

<table>
<thead>
<tr>
<th>LOTS DISTANCE</th>
<th>200 feet</th>
<th>300 feet</th>
<th>600 feet</th>
<th>1000 feet</th>
<th>1500 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11-20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21-50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51-100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>101+</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. In addition to meeting all standards and regulations of their respective agencies, water systems must contain water lines a minimum of six (6) inches in diameter, unless this is detrimental to the pressure of the overall system as determined by the water provider, in order to provide for future networking with all other public water systems in Caldwell County. This provision shall NOT apply, however, on cul-de-sac roads with lengths of less than 500 feet. In no instance, however, shall water lines be less than two (2) inches in diameter.

C. All subdivisions shall be accompanied by a written application and/or notice submitted to the appropriate state or local agency responsible for approving the particular system or systems at the time the preliminary plat is submitted. Written approval of such systems shall be required when the final plat is submitted for review. In the event that individual wells and/or septic systems will be used, but have NOT yet been inspected or approved by Caldwell County Environmental Health, a statement that private water will be used shall be placed on the plat.
Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

Commissioner Branch moved to approve the following consistency statement (N.C.G.S. 153A-341) and to approve the text amendments to the Subdivision Ordinance as recommended by the Planning Board. The motion carried unanimously.

Consistency Statement:
"Motion to approve because the Subdivision Ordinance text amendments are consistent with the County's Comprehensive Land Development Plan; do not negatively impact the surrounding neighborhood and adjacent properties and promote public health, safety and welfare because the amendments allow for reasonable development while helping protect future landowners and allowing for water hookup and greater fire protection."

Request from The Broadway Group, LLC and Caldwell Timber Partners, LLC for Rezoning

Ms. Stevens informed Commissioners The Broadway Group, LLC and Caldwell Timber Partners, LLC submitted a revised rezoning request application February 16, 2017 (revised acreage, only) to rezone 2.44 acres from RA-20 to G-B as identified below and in the application.

Applicant: The Broadway Group, LLC and Caldwell Timber Partners, LLC
Property Owner: Caldwell Timber Partners, LLC
NCPIN: 2755215512
Location: North of Lake Rhodhiss, east of Connelly Springs Rd, west of Sawmills, and in the southern part of Caldwell County’s unincorporated area.
Site Conditions: wooded, within the Watershed Protected Area
Acreage: 2.44
Zoning: RA-20 (requesting G-B)
Surrounding Land Use: G-B and RA-20 to the north, R-20 (Sawmills) to the east, and R-20, PUD, G-B and IND to the west.

It was noted the site is located in an area identified in the Comprehensive Plan’s Future Land Use Map as projected neighborhood commercial area, which aligns with the rezoning request from RA-20 to G-B. The entire site is within the Watershed Protected Area of the County.

Ms. Stevens said staff reviewed the rezoning application’s consistency with the following:

- A Deliberate Future: The Caldwell County Comprehensive Land Development Plan
- Caldwell County Zoning Ordinance
- Caldwell County Watershed Ordinance
- Public health, safety and general welfare

Before and during the February 13th meeting, Ms. Stevens said the Planning Board reviewed the application materials against their copies of the Comprehensive Plan, Zoning Ordinance, and Watershed Ordinance and decided on recommending approval of the application based on consistency with the documents and on the effect the rezoning might have on public health, safety and welfare.
Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

Deanna Hyche with The Broadway Group, LLC gave a brief presentation of the company’s request to include showing an aerial view of the property; a site plan reviewed by the NC Department of Transportation; and, photos of the property (frontal view; neighboring properties; intersection, etc.). Ms. Hyche said the company planned to create ten new jobs and would honor general business requirements of the County’s Ordinance and noted it was one of the fastest growing businesses.

She reported the facility would be approximately 9,100 square feet including 7200 square feet for retail business. In light of the recent Zoning Ordinance amendments, Ms. Hyche was interested in reviewing and amending the company’s site plan regarding the number of parking spaces for the property. She said the company needed less spaces than previously required by the ordinance.

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

Commissioner LaBrose moved to approve the following consistency statement and to approve the rezoning of NCPIN 2755215512 to General Business as recommended by the Planning Board. The motion carried unanimously.

Consistency Statement:
“Motion to approve because the amendment is consistent with the County Comprehensive Land Development Plan’s recommendation for neighborhood commercial development; it would not negatively impact the surrounding neighborhood and adjacent properties and because it would promote public health, safety and welfare because a General Business District in this location aligns with surrounding zoning and will have the potential to provide consumers in Caldwell County necessities for which there is a demand via commercial development.”

Refinancing of WLMS Installment Loan of $12,640,000

Finance Officer Tony Helton talked about the installment purchase loan agreement Caldwell County entered into for construction of William Lenoir Middle School. Mr. Helton said the loan agreement had a guaranteed locked-in rate of 2.81% for the first ten years of the fifteen year loan and that the last five years of the loan was subject to a variable rate that could go as high as 9%. Because of the variable rate for the last five years of the agreement, Mr. Helton researched the possibility of refinancing the loan on a fixed rate of interest for the term of the loan to eliminate any risk of a high rate of interest during the final five years. As a result, he found that although the County would not have immediate savings as the new rate would probably not be any lower than the current rate but should the interest rate of the loan reach the maximum amount during the final five years, the County would have a significant amount of savings. The amount of savings on interest was projected to be almost $500,000 if the interest rate of the existing loan were to reach 9% during the final five years.
Mr. Helton submitted the following bids quoted from financial institutions and he recommended the bid for the loan refinancing be awarded to the low bidder, Regions Bank, at a 2.330% fixed rate of interest for a contract term of twelve years.

<table>
<thead>
<tr>
<th>Financial Institution</th>
<th>Rate</th>
<th>Legal Fees</th>
<th>Other Fees</th>
<th>Prepayment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regions Bank</td>
<td>2.330%</td>
<td>$6,000</td>
<td>$0</td>
<td>Years 1-3 @ 103% Descends to 101% in year 8</td>
</tr>
<tr>
<td>Key Bank</td>
<td>2.640%</td>
<td>$ 0</td>
<td>$0</td>
<td>Year 1 @101.25% Descends to 100% in year 7</td>
</tr>
<tr>
<td>Raymond James</td>
<td>2.620%</td>
<td>$6,000</td>
<td>$31,688</td>
<td>Sep 1, 2025 @ 100%</td>
</tr>
<tr>
<td>BB&amp;T</td>
<td>2.730%</td>
<td>$4,900</td>
<td>$0</td>
<td>101% or Sep 1, 2022 @ 100%</td>
</tr>
<tr>
<td>Sterling National Bank</td>
<td>2.930%</td>
<td>$ 0</td>
<td>$0</td>
<td>Years 4-7 @102% Callable @ 100% thereafter</td>
</tr>
<tr>
<td>Capital One</td>
<td>2.990%</td>
<td>$ 0</td>
<td>$0</td>
<td>Sep 1, 2022 @ 100%</td>
</tr>
</tbody>
</table>

It was noted the Board of Education would have to subordinate the existing lease on the school property to a new Deed of Trust in order to refinance the current loan. It was also noted the school system supported approval of the loan refinancing.

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

Commissioner Potter moved to approve refinancing of the existing WLMS loan as recommended by the Finance Officer and to adopt the following resolution as read. The motion carried unanimously.

RESOLUTION 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 under the Constitution, statutes and laws of the State (the “State”);

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment purchase contracts in order to finance or refinance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the County has previously executed and delivered an installment financing contract (the “Prior Contract”) to finance the capital costs of acquiring, constructing and equipping William Lenoir Middle School (the “Project”);

WHEREAS, the County has been advised that it may be advantageous to refinance the Prior Contract to fix its interest cost through the final maturity in the current interest rate environment;
WHEREAS, 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 financial institutions to be determined (the “Bank”) in order to refinance the Prior Contract, and (2) enter into a deed of trust, security agreement and fixture filing (the “Deed of Trust”) from the County to the deed of trust trustee named therein, granting to the Bank a lien on the site of the Project and the improvements thereon;

WHEREAS, the County has previously determined and hereby determines that the acquisition of the Project is essential to the County’s proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project provides an essential use and permits 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 County hereby determines that the Contract allows the County to refinance the Prior Contract 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 refinancing the Prior Contract is an aggregate amount not to exceed $12,640,000 and that such cost of refinancing the Prior Contract 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 refinancing of the Prior Contract pursuant to the Contract is expected to exceed the cost of refinancing the Prior Contract pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of refinancing the Prior Contract pursuant to the Contract 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 refinancing the Prior Contract; and (3) insufficient revenues are produced by projects financed under the Prior Contract so as to permit a revenue bond financing;

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

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

WHEREAS, Parker Poe Adams & Bernstein LLP, as special counsel (“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 moneys 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 North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing was held on March 6, 2017 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. That the County Manager and the Finance Director, with advice from the County Attorney and Special Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County for the refinancing of the Prior Contract for a principal amount not to exceed $12,640,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County’s obligations thereunder, the Deed of Trust conveying a lien and interest on all or such portion of the County’s fee simple interest in the site of the Project and the improvements thereon.

Section 2. Application to LGC. That the Finance Director 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. Financing Team. Parker Poe Adams & Bernstein LLP has been retained by the County to serve as special counsel and First Tryon Advisors has been retained to serve as financial advisor. The County Manager and the Finance Director, with advice from the County Attorney, are hereby authorized to retain the assistance of other professionals as they deem necessary and desirable to carry out the intention of this Resolution.

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

Section 5. Effective Date. That this Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA  )
COUNTY OF CALDWELL  )  ss:

I, KATHY T. GREENE, 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 COUNTY OF CALDWELL, NORTH CAROLINA AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER
Offer to Purchase Contract Property from Caldwell County

Deborah Murray informed Commissioners she had been working with a company that wanted to purchase approximately fourteen acres of property owned by Caldwell County adjacent to the National Guard Armory property on Beecher Anderson Road, Parcel #06 31 1 10B. Ms. Murray said she and company officials walked the property the previous weekend. It was noted the tax value of the property was $63,500 and the company offered $50,000 for the parcel but promised to gift back two acres nearest to Highway 18 to Caldwell County.

Chairman Church moved to sell the property, Parcel # 06 31 1 10B, subject to the offer being in the form of a written offer to purchase contract and subject to the ten-day upset bid process required by North Carolina General Statutes.

Ms. Murray reported the company was applying for a One NC Grant and would be creating 30 new jobs. She said Project Zero was contingent upon maintaining the company’s confidentiality and the State awarding a One NC Grant. It was noted the property would have to be rezoned for its purpose and the Company would have to do the normal due diligence of the property.

The motion carried by unanimous vote.

Change Orders for Crisis and Detox Center Project

Mr. Kiser informed Commissioners of a change order requested by Wilkie Construction for the Crisis & Detox Center as a result of the December 14th inspection of the facility by the State Department of Health Service Regulation. He said the changes were necessary for additional security and amounted to $3,524.00. Sufficient funding for the changes is available in the project budget so no new additional funding is necessary.

Chairman Church moved to approve the change order as requested and the motion carried unanimously.
New Water Maintenance Technician Position

Mr. Kiser talked about the need for an additional Water Maintenance Technician position discussed by Commissioners during the February 10th work session. He noted the position was a salary grade 62 with a starting salary of $25,158 and a salary of $27,953 after one year.

Commissioner LaBrose moved to approve the addition of a Water Maintenance Technician position and to approve the following budget amendment. The motion carried unanimously.

| Increase | 60.3000.397000 | Water Fund Balance Appropriation | $13,500.00 |
| Increase | 60.7120.412100 | Salaries | $10,000.00 |
| Increase | 60.7120.418200 | Retirement | $1,000.00 |
| Increase | 60.7120.418300 | Health Insurance | $2,500.00 |

Reclassification of Part-time Maintenance Position to Full-time

Mr. Kiser said Commissioners, during the work session, also discussed the reclassification of a current part-time grounds position at the Library to a full-time position under the supervision of the Maintenance Department. The new position will help with the responsibilities of all county-owned facilities rather than solely for the Library. It was noted there are sufficient funds from lapsed salaries within the HHS building maintenance budget to cover the salary for a full-time position.

Commissioner Potter moved to approve the reclassification of the part-time position to a full-time position and to approve the following budget amendment. The motion carried unanimously.

| Increase | 10.4285.412100 | Salaries | $24,970.00 |
| Increase | 10.4260.412100 | Salaries | $20,000.00 |
| Increase | 10.4260.418100 | FICA | $1,530.00 |
| Increase | 10.4260.418200 | Retirement | $1,440.00 |
| Increase | 10.4260.418300 | Health Insurance | $2,000.00 |

Request to Purchase Truck and Trailer for Buildings & Grounds

Mr. Kiser requested authorization from Commissioners to purchase a new Ford F-250 4WD truck and a trailer for the Maintenance Department using General Fund revenues. He said the truck and trailer were needed to haul mowers and equipment for department employees to use in mowing and maintaining the County’s facilities and grounds.

Chairman Church moved to authorize the purchase of a new truck and trailer; and, to approve the following budget amendment. The motion carried unanimously.

| Increase | 10.9800.397000 | Fund Balance Appropriation | $30,500.00 |
| Increase | 10.9000.451001.4260 | Vehicles | $28,000.00 |
| Increase | 10.9000.452000.4260 | Non-cap Equipment | $2,500.00 |
Request to Purchase New Body Cameras for Sheriff Officers

Captain Steve Rich with the Sheriff Office requested authorization from Commissioners to renew the body camera contract for five years to include digital evidence storage. He noted the department would use $41,694.51 in available Asset Seizure Funds and asked approval to use $34,000 in savings in the department’s vehicle line item for the total cost. Captain Rich advised the department’s body cameras worn by officers were out of contract and service on them would be ending. He said officers had been wearing cameras for three years and before that there were dash cams which became very expensive when trading cameras.

Commissioner Wilkie moved to authorize the purchase of new body cameras and approve the budget amendment. The motion carried unanimously.

| Increase  | 10.4313.333100 | Asset Seizure Fund | $41,694.51 |
| Increase  | 10.4313.426000 | Supplies           | $41,694.51 |

Reclassification of Library Position to Circulation Technician

Lesley Mason, Library Director, requested the reclassification of a currently budgeted vacant Library Assistant II position to a Circulation Technician. Ms. Mason said the requested action was a result of restructure and changes in the nature of duties and responsibilities of the existing position. It was noted the action required Commissioners’ approval for the amendment of the position classification system because a classification currently does not exist for the position to be allocated as outlined in the Caldwell County Personnel Ordinance. If approved, the action would reduce the grade and salary as outlined below:

<table>
<thead>
<tr>
<th>Current Position</th>
<th>Grade</th>
<th>Salary Hire Rate</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library Assistant II</td>
<td>61</td>
<td>$24,074</td>
<td>$40,124</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Requested Amended Position</th>
<th>Grade</th>
<th>Salary Hire Rate</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circulation Technician</td>
<td>56</td>
<td>$19,318</td>
<td>$32,198</td>
</tr>
</tbody>
</table>

Commissioner Potter moved to approve the reclassification/new job description as requested and the motion carried unanimously.

Construction of New EMS Base in Lower Creek

As part of the plans to build an EMS Base in the Lower Creek area of the County, Mr. Kiser requested Commissioners’ approval of the following items to proceed with the project.

1) Approval of an agreement with Martin Traders, LLC to purchase 1.286 acres of property off of Taylorsville Road, Caldwell County Tax Parcel #09 59 1 6. The purchase price is $125,000 and the agreement identifies a down payment of $5,000 and a 150-day due diligence period.

2) Approval of the accompanying resolution to exempt the County for professional services associated with this project and any future EMS Base construction project.
3) Approval of the following budget amendment and the accompanying project budget ordinance.

| Increase | 41.4726.390000.10155 | Installment Purchase Proceeds | $135,000.00 |
| Increase | 41.4726.457000.10155 | Land Acquisition | $125,000.00 |
| Increase | 41.4726.419900.10155 | Legal Fees | $5,000.00 |
| Increase | 41.4726.459704.10155 | Survey | $5,000.00 |

Commissioner Wilkie moved to approve the agreement to purchase; to adopt the resolution which is hereby incorporated by reference and made a part of these minutes (Exhibit D); to adopt the project budget ordinance which is hereby incorporated by reference and made a part of these minutes (Exhibit E); and, to approve the budget amendment as read. The motion carried unanimously.

**Request to Purchase New Equipment (Ventilator) for EMS**

Captain Jason Potter requested authorization from Commissioners to use funds currently available in the department’s supplies line item to purchase a ventilator at a cost of $6,750. Captain Potter said the additional ventilator would allow the department to transport more than one patient needing a ventilator.

Chairman Church moved to approve the purchase of a ventilator for the EMS Department using available funds in the Department’s FY2016-17 budget. The motion carried unanimously.

**Consent Agenda**

1. Approval of Minutes
The County Manager recommended the Board of Commissioners approve the February 6, 2017 minutes as presented.

2. Budget Amendment
The County Manager recommended approval of the following budget amendment necessary for the Sheriff Office to use $736.82 in donated funds for maintenance of the Range House Build. It was noted no additional local dollars were required.

| Increase | 10.4310.364200 | E-Donated | $736.82 |
| Increase | 10.4310.435500 | Range Maintenance | $736.82 |

3. Approval of $1,400.00 LSTA State Project Code NC-16-64 Grant for Library
It was noted the Library was awarded a LSTA Evergreen Conference Scholarship grant in the amount of $1,400.00 and Lesley Mason requested Commissioners’ approval to accept the grant and authorize execution of the associated agreement(s). The grant is for use in training one of their staff.

The County Manager recommended the Board of Commissioners approve acceptance of the grant and approve the following budget amendment. It was noted no additional local dollars were required.
Increase  10.6110.330000  Miscellaneous Revenue  $1,400.00
Increase  10.6110.431200  Travel & Training  $1,400.00

4. Request to Declare Library Books Surplus and Donate to Friends of the Library
   Once again, the library staff has “weeded out” books and other items from their collections that are in poor condition, out of date, or no longer circulating. During this fiscal year, the department has surputed more than 14,000 books and items that Commissioners declared surplus and donated to Friends of the Library.

   Staff has identified 234 items that they are asking Commissioners to declare surplus and allow donation of them to the Friends of the Caldwell County Public Library, a non-profit organization that supports the library system.

   Friends of the Library will sell the items and the funds are used to support the public programs and services of the library system.

   The County Manager recommended the Board of Commissioners declare 234 books and items surplus and authorize donation of the items to the Friends of the Library for their ongoing book sales to help support program and services of the library system.

5. Request for Approval of Audit Contract with Martin Starnes & Associates
   The County Manager reported staff submitted a request for Commissioners to approve a one-year extension to the audit contract with Martin, Starnes and Associates, CPAs, P.A. for the County’s fiscal year 2016-2017 with a small increase in the cost for their service over last year’s cost. The base audit is $43,800 and the financial statement preparation is $7,500 for a total of $51,300. He recommended the Board of Commissioners formally approve the accompanying contract to extend the audit services contract with Martin, Starnes and Associates, CPAs, P.A. for fiscal year 2016-2017.

   Commissioner LaBrose moved to approve the five items on the consent agenda as presented and recommended by the County Manager. The motion carried unanimously.

Closed Session

At 7:28 p.m., Commissioner Potter moved to go into closed session pursuant to N.C.G.S. 143-318.11(a)(4) and 143-318.11(a)(6) to discuss a personnel matter and to discuss an economic development project, respectively. The motion carried unanimously.

A motion was moved by Commissioner Potter and carried unanimously to come out of closed session to regular session.

There being no further business to discuss, Commissioner Potter moved to adjourn and, by unanimous vote, Chairman Church declared the meeting adjourned at 8:18 p.m.
Healthcare Decisions Day Proclamation

WHEREAS, Healthcare Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions, related to end of life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important health care decisions; and

WHEREAS, in North Carolina, N.C.G.S. 90-320 through 322 and 32A-15 provide the specifics of our advance directives law and offers a model form for patient use; and

WHEREAS, it is estimated that only about 20 percent of people in North Carolina have executed an advance directive. Moreover, it is estimated that less than 50 percent of severely or terminally ill patients have an advance directive; and

WHEREAS, it is likely that a significant reason for these low percentages is that there is both a lack of knowledge and considerable confusion in the public about Advance Directives; and

WHEREAS, one of the principal goals of Healthcare Decisions Day is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement communities, and hospices to participate in a statewide effort to provide clear and consistent information to the public about advance directives, as well as to encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of North Carolina citizens with advance directives; and

WHEREAS, the Caldwell County Board of Commissioners and other organizations throughout North Carolina have endorsed this event and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and

WHEREAS, as a result Healthcare Decisions Day in North Carolina, more citizens will have conversations about their health care decisions; more citizens will execute Advance Directives to make their wishes known; and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient;

NOW, THEREFORE, we, the Caldwell County Board of Commissioners, do hereby recognize April 16, 2017, as HEALTHCARE DECISIONS DAY, and call this observance to the attention of all our

Adopted this the 6th day of March, 2017.

Randy T. Church, Chairman
Caldwell County Board of Commissioners

Kathy T. Greene, MMC
Clerk to the Board.
Building Reuse Program Incentive
Authorizing Resolution
Project Joynes Economic Development Project

Whereas, the Caldwell County Board of Commissioners and Deborah Murray, Executive Director of Caldwell County Economic Development Commission, are currently recruiting a corporate expansion to Caldwell County, NC, to create up to 100 new jobs, and

Whereas, this economic development project is locally titled Project Joynes in order to maintain confidentiality until approved for public release by the North Carolina Department of Commerce and appropriate company officials, and

Whereas, the North Carolina Department of Commerce has begun its preliminary review of this economic development project to determine the company’s eligibility for a potential One NC Fund Grant and a potential Building Reuse grant based on the creation of up to 100 new jobs over a three (3) year period, and

Whereas, the One NC Fund Grant and the Building Reuse grant requires a local government to serve as the formal applicant for these incentive grant dollars on behalf of the company, and

Whereas, the Caldwell County Board of Commissioners has approved a Local Jobs Incentive of $2,000 per new job created up to $200,000, and

Whereas, the Caldwell County Board of Commissioners understands the company plans to expand and renovate an existing building with a potential $20 million phased expansion investment, and

Whereas, Caldwell County elected officials and staff have previous experience in the administration of the Building Reuse and One NC Fund grant programs and are willing to provide assistance in the implementation of this project.

Now Therefore Be It Resolved the Caldwell County Board of Commissioners agree to formally serve as applicant for the Project Joynes Building Reuse grant and One NC Fund Grant and authorize the Chairman to sign appropriate certifications for the local government applications related to these grants.

Adopted this 6th day of March, 2017.

Kathy Greene, Clerk to the Board

Randy Church, Chairman
Exhibit C

One North Carolina Fund Incentive
Authorizing Resolution
Project Transfer Economic Development Project

Whereas, the Caldwell County Board of Commissioners and Deborah Murray, Executive Director of Caldwell County Economic Development Commission, are currently recruiting a company to Caldwell County, NC, to create up to 25 new jobs, and

Whereas, this economic development project is locally titled Project Transfer in order to maintain confidentiality until approved for public release by the North Carolina Department of Commerce and appropriate company officials, and

Whereas, the North Carolina Department of Commerce will begin its preliminary review of this economic development project to determine the company’s eligibility for a potential One NC Fund Grant based on the creation of up to 25 employees over a three (3) year period, and

Whereas, the One NC Fund Grant program requires a local government to serve as the formal applicant for these incentive grant dollars on behalf of the company, and

Whereas, the Caldwell County Board of Commissioners has approved a Local Jobs Incentive of $2,000 per new job created up to $50,000, and

Whereas, the Caldwell County Board of Commissioners understands the company currently plans to purchase an existing Caldwell County facility to house its transportation and warehouse operations, and

Whereas, Caldwell County elected officials and staff have previous experience in the administration of the One NC Fund Grant program and are willing to provide assistance in the implementation of this project.

Now Therefore Be It Resolved the Caldwell County Board of Commissioners agree to formally serve as applicant for the Project Transfer One NC Fund Grant project and authorize the chairman to sign appropriate certifications for the local government application related to this project.

Adopted this 1st day of March, 2017.

Kathy Greene, Clerk to the Board

Randy Church, Chairman
Caldwell County Commission
RESOLUTION EXEMPTING SURVEYING SERVICES
FOR THE EMERGENCIES SERVICES PROPERTIES
FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the County proposes to enter into one or more contracts for surveying services for the Buyout of the Emergencies Services Properties and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for surveying services from the qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than $50,000; and

WHEREAS, the estimated fee for the surveying services for the above-described project is less than $50,000.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CALDWELL RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

This the 30th day of March, 2017.

Kathy T. Greene, MMC
Clerk to the Board

Kandy T. Church, Chairman
Caldwell County Board of Commissioners
ESTABLISHMENT OF THE
LOWER CREEK EMS BASE
PROJECT ORDINANCE

WHEREAS, there is a need to construct a new EMS base in the Lower Creek area of Lenoir to provide better response time for ambulance calls in that area.

WHEREAS, Caldwell County has identified land suitable for this purpose that it has the ability to purchase.

WHEREAS, The county intends to borrow sufficient funds to complete this project.

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

Section 1. The governing board hereby creates a project fund for the purpose of constructing a new EMS base in Lower Creek.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installment Purchase Proceeds</td>
<td>$130,000</td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>$125,000</td>
</tr>
<tr>
<td>Legal Fees</td>
<td>$5,000</td>
</tr>
<tr>
<td>Survey</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

Section 2. The fund will remain operational until completion of the project and the disbursement of all project funds.

Section 3. The project shall be effective March 6, 2017.

Adopted March 6, 2017.

[Signatures]

Kathy Greene
Clerk to the Board

Randy Church
Chairman