

**MINUTES OF THE MEETING OF THE  
ROWAN COUNTY BOARD OF COMMISSIONERS  
November 3, 2008 – 4:00 PM  
J. NEWTON COHEN, SR. ROOM  
J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING**

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Present: Arnold S. Chamberlain, Chairman  
Chad Mitchell, Vice-Chairman  
Jon Barber, Member  
Tina Hall, Member  
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Chamberlain convened the meeting at 4:00 pm.

Commissioner Mitchell provided the Invocation and also led the Pledge of Allegiance.

**CONSIDER APPROVAL OF THE MINUTES**

Commissioner Barber moved, Commissioner Sides seconded and the vote to approve the minutes of the October 20, 2008 Commission Meeting passed unanimously.

**CONSIDER ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

**CONSIDER DELETIONS FROM THE AGENDA**

Commissioner Sides referred to agenda item #8 (Consider Approval of Board Appointments) and moved to delete the Board of Health appointments. The motion was seconded by Commissioner Mitchell and passed unanimously.

**CONSIDER APPROVAL OF THE AGENDA**

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the agenda passed unanimously.

**1. CONSIDER APPROVAL OF THE CONSENT AGENDA**

Commissioner Mitchell moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and carried unanimously.

The Consent Agenda consisted of the following items:

- A. Acceptance of Non-match Training Grant Through State Homeland Security Program
- B. Approval to Submit Urgent Repair Program Application for Manufactured Housing
- C. Acceptance of Grant Award from NC Crime Control and Public Safety for Interoperable Radio Equipment

**2. PUBLIC COMMENT PERIOD**

Chairman Chamberlain opened the Public Comment Period to receive comments from any citizens wishing to address the Board.

With no one wishing to address the Board, Chairman Chamberlain closed the Public Comment Period.

**3. PUBLIC HEARING FOR DSS FACILITY FINANCING**

Finance Director Leslie Heidrick reported that the Finance Department recently requested and received installment financing proposals for renovation and construction of the new Department of Social Services (DSS) facility. Ms. Heidrick said the amount to be financed was \$5,132,000 for a term of ten (10) years. Three bids were received as follows:

Financial Institution	Interest Rate
RBC Bank	3.54%
BB&T	3.95%
SunTrust Bank	4.25%

The Finance Department recommended acceptance of the low bid from RBC Bank at an interest rate of 3.54%, resulting in interest costs of approximately \$906,850.

The Finance Department requested that the Board approve the associated Resolutions, Declaration, budget amendment and a new escrow account with RBC Bank.

In response to a query from Commissioner Mitchell, Ms. Heidrick recalled that in 2006, the interest rate for the loan for East Elementary School was 3.94% for fifteen (15) years.

Chairman Chamberlain opened the public hearing to receive citizen input regarding the proposed financing for the DSS project and the following individual came forward:

- Carl Ford spoke on behalf of DSS and as Vice-Chair of the DSS Board. Mr. Ford encouraged the Board to approve the project. Mr. Ford said he would like to see the DSS employees housed under one roof. Mr. Ford said the price for the project was lower than what had been anticipated and the proposed location was a better area for serving those in need during such difficult times.

With no one else wishing to address the Board, Chairman Chamberlain closed the public hearing.

Commissioner Sides moved approval of the financing proposal with RBC Bank. The motion was seconded by Commissioner Barber and carried unanimously.

Commissioner Sides moved approval of the *Resolution Authorizing the Execution and Delivery of an Installment Purchase Contract and Related Instruments with RBC Bank to Finance the Construction of the Department of Social Services Facility*. Commissioner Barber seconded and the motion passed unanimously.

The Resolution was presented as follows:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY  
OF AN INSTALLMENT PURCHASE CONTRACT AND RELATED  
INSTRUMENTS WITH RBC BANK TO FINANCE THE  
CONSTRUCTION OF THE DEPARTMENT OF SOCIAL SERVICES FACILITY**

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

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

- a) Rowan County proposes renovating approximately 18,500 square feet of the Health Complex and constructing an additional 27,000 square feet for the Department of Social Services (the "Project");
- b) After consideration, the governing body 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 said Section 160A-20, Rowan County is authorized to finance the Project by installment contracts that create a security interest in the Project financed to secure repayment of the financing; and
- d) RBC Bank (the "Bank") has proposed that they finance the Project pursuant to an Installment Purchase Contract (the "Contract") between the Purchaser and the Bank.

Section 2. The governing body hereby authorizes and directs the Finance Officer, Leslie E. Heidrick, to execute, acknowledge and deliver the Contract on behalf of the

Purchaser in such form and substance as the person executing and delivering such instruments on behalf of the Purchaser shall find acceptable. The Clerk is hereby authorized to affix the official seal of Rowan County to the Contract and attest the same.

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

Section 4. Notwithstanding any provision of the Contract, no deficiency judgment may be rendered against the Purchaser in any action for breach of a contractual obligation under the Contract and the taxing power of the Purchaser 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 the Bank in such instance.

Section 5. The Purchaser 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 (the "Code"), amended as required so that interest on the Purchaser's obligations under the Contract will not be included in the gross income of the Bank.

Section 6. The Purchaser hereby represents that it reasonably expects that it, all subordinate entities thereof and entities issuing obligations on behalf of the Purchaser will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2008. In addition, the Purchaser hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

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

Commissioner Sides moved approval of the *Resolution Authorizing the Filing of An Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20*. The motion was seconded by Commissioner Barber and passed unanimously.

The Resolution was presented as follows:

**RESOLUTION AUTHORIZING THE FILING OF AN  
APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT  
AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, Rowan County, North Carolina desires to finance the renovation and construction of the Department of Social Services facility (the "Project") over a ten-year term to better serve the citizens of Rowan County; and

WHEREAS, Rowan County desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Rowan County, North Carolina, meeting in regular session on the 3<sup>rd</sup> day of November, 2008, make the following findings of fact:

The proposed contract is necessary or expedient because it will provide the citizens of Rowan County with one central location for both health and social services.

The proposed contract is preferable to a bond issue for the same purpose because of low fixed costs and favorable interest rates offered through installment contract financing compared to a bond issue. The cost of the proposed undertaking is approximately \$5,167,000 and the proposed contract financing of \$5,132,000 exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by Rowan County in the current fiscal year pursuant to Article V, Section 4 of the North Carolina Constitution.

The sums to fall due under the contract are adequate and not excessive for the proposed purpose based upon estimates received from Ramsay Burgin Smith Architects, Inc.

Rowan County's debt management procedures and policies are good because: (a) they are carried out in strict compliance with the law; (b) there have been no defaults on debt service payments; and (c) the County is well below its legal debt margin.

The increase in taxes necessary to meet the sums to fall due under the proposed contract will be zero cents (\$.00) per \$100 valuation. The annual growth in property tax valuation will be sufficient to pay sums to fall due under the contract in each fiscal year.

Rowan County is not in default in any of its debt service obligations.

The attorney for Rowan County has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to act on behalf of Rowan County in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

Commissioner Sides moved approval of the Declaration of Official Intent to Reimburse Expenditures. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Sides moved, Commissioner Barber seconded and the vote for approval of the budget amendment passed unanimously.

#### **4. CONSIDER DEDICATION OF NEW EMS STATION**

Emergency Services Director Frank Thomason presented the request for the dedication of the new Salisbury EMS station. Mr. Thomason asked the Board to consider dedicating the station in memory of Charles Luther Ridenhour who passed away January 26, 2001. Mr. Thomason highlighted the following reasons for bestowing the honor on Mr. Ridenhour:

- Lifetime dedication to Emergency Services in Rowan County.
- Decades of service as a volunteer with Ellis Cross County Volunteer Fire Department.
- Rowan Rescue Squad member in good standing at the time of his death at age 72.
- Awarded the *Rescue Squad-EMS Annual Recognition Service Award* in 1997
- An employee with the Emergency Services' EMS Division in good standing at the time of his death at age 72. (worked regularly as a part-time EMT and EMT-Intermediate). (Fortunately, he is the only EMS Division employee to pass away while employed).
- Available at a moments notice to assure that operations continued with Emergency Services. He could be called in at 3:00 am without complaint if needed.
- Pursued EMT-Paramedic credentials in his late 60's or early 70's. This was at that time that required a commitment of approximately a 15-month process with around 700 hours of requirements.
- One of the oldest if not the oldest person to ever take the North Carolina Office of Emergency Medical Services (NCOEMS) Paramedic test. Unfortunately he was unsuccessful in his initial attempt. He became ill and subsequently succumbed to cancer before he could achieve this goal.
- Proud member of the Armed Forces serving in the Korean conflict as an Army Ranger.

Mr. Thomason said he was certain the family would be proud to have the new facility dedicated in memory of Mr. Ridenhour. Mr. Thomason acknowledged the family members in attendance, which included Mr. Ridenhour's widow, Lenora Ridenhour, daughter Lori Helms, grandchildren Jake and Reece Helms, Ms. Jessica Carriker and Ms. Joyce Nicholson.

Commissioner Barber moved to dedicate the new EMS Station in honor of Mr. Charles Luther Ridenhour. The motion was seconded by Chairman Chamberlain and passed unanimously.

By consensus, the Board agreed the new EMS Station dedication would take place on November 23, 2008 at 3:00 pm.

**5. CONSIDER APPOINTMENT AND SALARY FOR REGISTER OF DEEDS**

Chairman Chamberlain said Bobbie Earnhardt, Rowan County Register of Deeds was retiring on December 1, 2008. Chairman Chamberlain said the Rowan County Democratic Executive Committee had met on October 25, 2008 and voted unanimously to recommend Rowan County's Assistant Register of Deeds, Jonathan Brindle to fill the vacancy. The appointment would be December 1, 2008 through December 6, 2010.

Chairman Chamberlain called Mr. Brindle forward. Chairman Chamberlain asked Mr. Brindle if he would like to be appointed as the Register of Deeds and Mr. Brindle responded yes.

Commissioner Sides moved, Chairman Chamberlain seconded and the vote to appoint Jonathan Brindle to the Office of Register of Deeds at pay grade 35 and a salary of \$56,070 passed unanimously.

**6. APPROVAL OF PROCLAMATION HONORING VETERANS DAY IN ROWAN COUNTY**

Commissioner Barber moved approval of the Proclamation Honoring Veterans Day in Rowan County. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Chamberlain read the Proclamation as follows:

**PROCLAMATION  
HONORING VETERANS DAY  
IN  
ROWAN COUNTY**

**WHEREAS**, America was founded on the principles of liberty, opportunity and justice for all; and

**WHEREAS**, America has called on her men and women in uniform to protect our national security, to advance our national interests and to preserve our rights and independence; and

**WHEREAS**, on Veterans Day we recognize the men and women of our Armed Forces who have valiantly defended these values throughout our Nation's history; and

**WHEREAS**, on Veterans Day we also remember and pay tribute to the millions of patriots whose courage and sacrifice have secured our freedom and who have kept the peace and defended our values around the globe.

**NOW, THEREFORE BE IT RESOLVED**, that the Rowan County Board of Commissioners does hereby proclaim November 11, 2008 as

## **VETERANS DAY IN ROWAN COUNTY**

***NOW, THEREFORE BE IT FURTHER RESOLVED*** that the Rowan County Board of Commissioners calls upon citizens to observe this day with appropriate ceremonies in honor of our veterans, both living and deceased, who have served this country so willingly to preserve the principles of justice, freedom and democracy; to fly the flag and let our veterans know we appreciate their great sacrifice.

### **7. CONSIDER APPROVAL OF BUDGET AMENDMENTS**

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Health Department – Additional \$7,650 in state funds to pay for services for an additional 30 clients at \$255 each for the Breast and Cervical Cancer Control Program. Increase Fiscal Year 2008-09 budget for the BCCCP Program. The increase will reduce local funding and increase state funding - \$1,910
- Register of Deeds – To increase rent for Point of Sale units - \$800
- Landfill – Beginning July 1, 2008, the State imposed a \$2 per ton tax on waste entering the landfill. The Local Government Commission would like the tax to show as a revenue and an expenditure in the financial statements. The County did not originally budget the tax in this manner - \$375,000

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the budget amendments passed unanimously.

### **8. CONSIDER APPROVAL OF BOARD APPOINTMENTS** **JUVENILE CRIME PREVENTION COUNCIL (JCPC)**

Tina Wyatt submitted an application to fill one (1) of the two (2) At Large member vacancies. The term would be for two (2) years beginning November 1, 2008 and expiring October 31, 2010.

Timothy Bates was appointed to a two (2) year term on October 6, 2008. It was determined after that meeting Mr. Bates worked for a program which receives money from the JCPC, therefore creating a conflict of interest for Mr. Bates to serve. The JCPC recommended removing Mr. Bates from the Council, leaving one At Large vacancy.

Commissioner Mitchell made a motion to remove Timothy Bates from the JCPC. The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell nominated Tina Wyatt and the nomination passed unanimously.

**BOARD OF HEALTH**

The appointments for the Board of Health were deleted from the agenda at the beginning of the Commission Meeting.

**9. ADJOURNMENT**

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 4:26 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Athey  
Clerk to the Board