

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 17, 2008**

COMMISSIONERS PRESENT: Tony Dennis, Chairman
Gene McIntyre, Vice-Chairman
Lindsey Dunevant
Sherrill Smith

COMMISSIONERS ABSENT: Dr. Nalin Mehta

STAFF PRESENT: Andy Lucas, County Manager
John Roberts, County Attorney
Tyler Brummitt, Clerk to the Board

CALL TO ORDER

The Stanly County Board of Commissioner (the “Board”) met in regular session on Monday, November 17, 2008 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Dennis called the meeting to order and Commissioner Smith gave the devotion.

APPROVAL / ADJUSTMENTS TO THE AGENDA

Vice Chairman McIntyre made a motion to accept the agenda as presented with two amendments. Item F of the consent agenda identified as the revised policy manual was tabled until the 2009 budget and the second item identified as the Farley & Associates settlement was added to the consent agenda. The motion was seconded by Commissioner Dunevant and passed by unanimous vote.

ITEM # 1 – PUBLIC HEARING – ENDY VOLUNTEER FIRE DEPARTMENT

Presenter: Dean Scott, Chairman of the Board

Previously the Endy Volunteer Fire Department requested approval to apply for a qualified tax-exempt loan with Bank of Stanly in an amount not to exceed \$550,000. The loan proceeds would be used to finance a portion of the cost to acquire, construct, and equip the new firehouse and purchase a new fire truck. This was the required public hearing for the loan application. It was requested that the Board adopt a resolution approving the issuance of the note to the Endy Volunteer Fire Department.

Chairman Dennis declared the public hearing open. Hearing no comments, the public hearing was closed.

Vice Chairman McIntyre made a motion to approve the resolution in support of the loan application. The motion was seconded by Commissioner Smith and passed by unanimous vote.

Exhibit "C"

**RESOLUTION APPROVING THE ISSUANCE OF A NOTE OF
ENDY VOLUNTEER FIRE DEPARTMENT, INCORPORATED
TO BANK OF STANLY AND DESIGNATING SUCH NOTE AS
A "QUALIFIED TAX-EXEMPT OBLIGATION"**

WHEREAS, Endy Volunteer Fire Department, Incorporated (the "Issuer") desires to finance the acquisition, construction and installation of a new fire house and a new fire truck (the "Project") to be located on NC Highway 24-27 near the Town of Albemarle, Stanly County, North Carolina; and

WHEREAS, the Issuer will enter into a Term Loan Agreement with Bank of Stanly (the "Bank") by which the Bank will loan to the Issuer not to exceed \$550,000 to finance a portion of the costs of the Project by the Issuer; and

WHEREAS, the Issuer will issue its promissory note in the principal amount not to exceed \$500,000 substantially in the form attached as Exhibit A to said Term Loan Agreement (the "Note"), payable to the order of the Bank, to evidence its obligations under the Term Loan Agreement;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of certain obligations and over the area in which any facility financed with the proceeds of such obligations is located shall approve the issuance of such obligations; and

WHEREAS, in accordance with Section 150(e) of the Code, the Issuer issues its notes on behalf of the County of Stanly, North Carolina, the Project is located in the County of Stanly, North Carolina and the Board of County Commissioners constitutes the elected legislative body of the County of Stanly, North Carolina; and

WHEREAS, a Public Hearing was held pursuant to proper notice on November 17, 2008, and a certificate regarding the public hearing has been filed with the Clerk of the Board of County Commissioners.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Stanly, North Carolina as follows:

- (1) The issuance of the Note by the Issuer to assist in the financing of the

Project is hereby approved to the extent required by said Section 147(f) of the Code.

(2) Such approval does not constitute an endorsement to the prospective purchaser of the Note of the creditworthiness of the Issuer or the Project, and the Note shall not constitute an indebtedness or obligation of the State of North Carolina, the Town of Albemarle, or the County of Stanly, but the Note shall be payable solely from the revenues pledged to the payment thereof and no holder or owner of any of the Note shall ever have the right to compel any exercise of the taxing power of said State or of any county, municipal corporation, or political subdivision thereof, nor to enforce the payment thereof against any property of said State or of any such county, municipal corporation, or political subdivision.

(3) The Board hereby finds and determines that the reasonably anticipated amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by Stanly County, North Carolina and all subordinate entities thereof (including but not limited to the Issuer) during this calendar year will not exceed \$10,000,000;

(4) The Board hereby designates the Note to be a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3)(B) of the Code.

Adopted this the 17th day of November, 2008.

Tony M. Dennis, Chairman
Stanly County Board of Commissioners

Tyler Brummitt
Clerk to the Board

**ITEM # 2 – NC DEPARTMENT OF TRANSPORTATION -
Presentation of the Proposed 2008-09 Secondary Road Construction Program**

Presenter: Marc Morgan, District Engineer

A brief overview of the program for Stanly County was provided by Mr. Morgan, who was then available to answer any questions or hear any comments. Once approved, the program would be submitted for subsequent approval by the NC Board of Transportation.

Commissioner Smith made a motion to approve the proposed 2008-09 Secondary Road Construction Program for Stanly County. Vice Chairman McIntyre seconded the motion and the motion passed by unanimous vote.

ITEM # 3 – SCUSA TRANSPORTATION ADVISORY COMMITTEE APPOINTMENTS

Presenter: Andy Lucas

The Board was provided with a list of members for review and requested to approve the appointments to the SCUSA Transportation Advisory Committee to serve a two year term from January 1, 2009 through December 31, 2010.

Motion to approve the appointment of the members was made by Commissioner Dunevant. The motion was seconded by Vice Chairman McIntyre and motion passed by unanimous vote.

ITEM # 4 – CONSENT AGENDA

Presenter: Chairman Dennis

- A) Minutes – Regular meeting on November 3, 2008
- B) Request approval of resolution in support of Kent Myers’ nomination for DARE Program Executive of the Year
- C) Tax Release & Discovery Report – October, 2008
- D) Library – Request attached list of books be declared surplus and donated to conduct an on-going book sale at the five library branches
- E) Budget Amendment #2009-26- To designate Rehabilitation & Alcoholism Education funds from the ABC Board to the Criminal Justice Budget
- F) Human Resources – Request approval of the revised policy manual (with the exception of sections 6.12(C) and 7.12 which were previously approved)

Motion to approve the amended consent agenda was made by Commissioner Smith and seconded by Vice Chairman McIntyre. Motion passed by unanimous vote.

PUBLIC COMMENT

None

GENERAL COMMENTS AND ANNOUNCEMENTS

Each member of the Board expressed their condolences to Commissioner Mehta and his wife, Susan on the recent passing of her father.

The county manager reminded everyone of the 2009 Stanly County Chamber of Commerce Planning Conference to be held on Friday, November 21st.

The county attorney provided a brief summary of the settlement between the county and Farley & Associates.

ADJOURN

Vice Chairman McIntyre made a motion to adjourn the meeting. His motion was seconded by Commissioner Smith. The motion passed by unanimous vote at 7:10 p.m.

Chairman

Tyler Brummitt, Clerk to the Board