

**NORTHAMPTON COUNTY  
REGULAR SESSION  
January 3, 2011**

**Be It Remembered that the Board of Commissioners of Northampton County met on January 3, 2011 with the following present: Fannie Greene, James Hester, Chester Deloatch, and Robert Carter.**

**Absent: Virginia Spruill**

**Agenda Work Session:**

A 10-minute work session was held to discuss today's agenda items. The following changes were made to the agenda:

- Under Tab 4-Mr. Jenkins will present the information on behalf of Mrs. Pauline Deloatch, Register of Deeds
- Add Item 8 under Tab 7-Request to fill non-public safety position in EDC
- Add Item 9 under Tab 7-Resolution Authorizing the Execution and Delivery of an Installment Financing Contract in the Amount of \$258,000 with RBC Bank

**Regular Session:**

Chairwoman Greene called the meeting to order and welcomed everyone. Vice Chairman Hester delivered the invocation and the Pledge of Allegiance was recited. Chairwoman Greene explained the citizen comment process.

**Approval of Regular Session Minutes for December 6, 2010:**

A motion was made by James Hester and seconded by Chester Deloatch to approve the regular minutes of December 6, 2010. **Question Called For: All present voted yes. Motion carried.**

**Approval of Agenda for January 3, 2011:**

A motion was made by Robert Carter and seconded by James Hester that the agenda be adopted with the aforementioned changes. **Question Called For: All present voted yes. Motion carried.**

**Introduction of New Employee-Carol Cooper:**

Ms. Sue Gay, Health Director, appeared before the Board to introduce a new employee-Carol Cooper.

**Xerox Copier Contract:**

Mr. Wayne Jenkins, County Manager, appeared before the Board on behalf of Mrs. Pauline Deloatch, Register of Deeds, to obtain approval of a lease agreement with Xerox for a Work Centre 7120 copier to replace the current DC430 copier.

A motion was made by James Hester and seconded by Robert Carter to authorize the new lease agreement with Xerox at \$138.27 per month for a savings to the county and the Register of Deeds budget with the attorney's approval of the contract. **Question Called For: All present voted yes. Motion carried.**

### **New Charge Rates:**

Mr. Chuck Joyner, EMS Director, appeared before the Board to obtain a decision on adjusting our current rates for EMS services in Northampton County.

A motion was made by Robert Carter and seconded by James Hester to allow the adjustment for the current rate charges plus 25 percent to ensure maximum reimbursements on calls for service. **Question Called For: 3 yes (Carter, Greene, Hester) 1 no (Deloatch). Motion carried.**

### **Ad Valorem Tax Appeals:**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain approval to release or refund ad valorem taxes assessed in the amount of \$1,117.22 on 19 appeals.

A motion was made by Robert Carter and seconded by Chester Deloatch to approve the request for release or refund of the ad valorem tax appeals submitted herewith in the amounts and for the reasons stated on the listings. *Discussion: Vice-Chairman Hester asked Mrs. Allen what was illegal tax. Mrs. Allen explained that it could be a double listing.* **Question Called For: All present voted yes. Motion carried.**

### **Late Application-Disability Exclusion:**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain approval or denial of a late application for disability exclusion from Mr. Archie L. Morris on tax bill 10A0601094.

Mr. Charles Vaughan, County Attorney, asked the Board to be recused due to his friendship with Mr. Morris.

Mr. Morris explained his reason for applying for the exemption and stated that he was unaware of the deadline.

Commissioner Carter asked Mr. Morris if he filed an application for this exemption in 2009 since he has been totally disabled since October 31, 2008. Mr. Morris stated that he could not apply for the exemption in 2009 because of the timeframe when his disability came through.

Chairwoman Greene asked Mr. Morris if he knew of the exemption in 2008 and in 2009 he was eligible, how did he miss the June deadline this year. Mr. Morris stated that he was not aware of the deadline.

Commissioner Deloatch asked if the \$559.56 is for one year. Mrs. Allen answered yes

Mr. Morris asked since he lives in the city limits of Woodland, would that include those taxes as well. Mrs. Allen answered yes and explained what percentage would be exempt.

A motion was made by Chester Deloatch and seconded by James Hester to grant the exemption of \$559.56 on this tax bill for 2010. *Discussion: Commissioner Carter stated that Mr. Morris acknowledged that he was aware of this fact, but just procrastinated. Commissioner Carter further stated that this county would have to pay this bill if they continue to allow exemptions for no good cause. **Question Called For: 3 yes (Deloatch, Greene, Hester) 1 no (Carter). Motion carried.***

**Late Application-Veteran:**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain approval or denial of a late application for disabled veteran exclusion from Mr. Harold R. Rice on tax bill 10A0107027.

Commissioner Carter asked Mr. Rice how long had he been out of service. Mr. Rice stated since 1995. Commissioner Carter asked Mr. Rice if this is the first time he applied. Mr. Rice answered yes. Mr. Rice further stated that there was a delay in his paperwork due to the Veterans' Administration in Winston-Salem.

Mr. Charles Vaughan, County Attorney, asked Mr. Rice what was the nature of his disability. Mr. Rice stated he has knee and back problems and high blood pressure. Mr. Vaughan asked Mrs. Allen if she had a doctor's note stating Mr. Rice is disabled. Mrs. Allen stated she only needs the approval of the Veteran's Administration office.

Vice-Chairman Hester asked Mr. Rice how long was he in service. Mr. Rice answered 10 years. Vice-Chairman Hester asked if he was discharged on disability. Mr. Rice answered yes.

A motion was made by James Hester and seconded by Chester Deloatch to approve the request by the applicant. **Question Called For: All present voted yes. Motion carried.**

**Late Application-Tax Exemption:**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain action concerning whether Conway-Severn Rescue Squad, Inc. has a good cause for filing a late tax exemption application on parcel 03-00261.

A motion was made by Chester Deloatch and seconded by Robert Carter that the late application not be granted until they meet the guidelines for exemption. **Question Called For: All present voted yes. Motion carried.**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain action concerning whether Sandy Trace Homeowners Association has a good cause for filing a late tax exemption application on parcel 01-09744.

A motion was made by Robert Carter and seconded by James Hester to deny the late application for release of this tax bill. **Question Called For: All present voted yes. Motion carried.**

**Late Application-Elderly Exclusion:**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain approval or denial of a late application for elderly exclusion from Ms. Annie Broadnax on tax bill 10A0103477.

A motion was made by Chester Deloatch to grant Ms. Annie Broadnax a tax exemption due to her disability. **Question Called For: 2 yes (Deloatch and Greene) 2 no (Carter and Hester).**  
**Motion failed.**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain approval or denial of a late application for elderly exclusion from Mrs. Nancy Cheek on tax bill 10A0400050.

A motion was made by Robert Carter and seconded by James Hester to deny the late application. **Question Called For: 3 yes (Carter, Greene, Hester) 1 no (Deloatch).** **Motion carried.**

Mrs. Cathy Allen, Tax Administrator, appeared before the Board to obtain approval or denial of a late application for elderly exclusion from Geraldine V. Fields on tax bill 10A0101664.

Vice-Chairman Hester asked when did Ms. Fields get notification that the lawyer did not put life rights on the deed. Ms. Fields stated September 2010.

A motion was made by Chester Deloatch and seconded by James Hester to grant Ms. Fields the tax exemption for 2010. **Question Called For: All present voted yes.** **Motion carried.**

*Commissioner Carter left the meeting at this time.*

**Legislative Conference Voting Delegate:**

Mr. Wayne Jenkins, County Manager, appeared before the Board to obtain a voting delegate for the NCACC Legislative Goals Conference beginning on January 20, 2011.

A motion was made by James Hester and seconded by Chester Deloatch that the Chairlady be the voting delegate at the Legislative Goals Conference. **Question Called For: All present voted yes.** **Motion carried.**

**Request Date & Time for Public Hearing-Special Use Permit:**

Mr. Wayne Jenkins, County Manager, appeared before the Board to request a date and time for a public hearing to hear and receive public comment on a Special Use Permit application.

A motion was made by James Hester and seconded by Chester Deloatch to set February 21, 2011 at 1:30 p.m. for a public hearing for a special use permit. **Question Called For: All present voted yes.** **Motion carried.**

**Appointment to ABC Board:**

Mr. Wayne Jenkins, County Manager, appeared before the Board to obtain the reappointment of Elsie Hilliard to the Northampton County ABC Board.

A motion was made by Chester Deloatch and seconded by James Hester to reappoint Ms. Elsie Hilliard to the ABC Board. **Question Called For: All present voted yes. Motion carried.**

**Petition for Road Addition:**

Mr. Wayne Jenkins, County Manager, appeared before the Board to obtain approval of a Petition for Road Addition for Moncure Drive to forward to NC Department of Transportation for their consideration.

A motion was made by James Hester and seconded by Chester Deloatch to approve the Resolution and forward along with the petition to NC Department of Transportation for consideration. **Question Called For: All present voted yes. Motion carried.**

**SEE SCANNED RESOLUTION BELOW:**

# Northampton County

"A GREAT PLACE TO RAISE FAMILIES, PROFITS AND EXPECTATIONS"

BOARD OF COMMISSIONERS

P. O. BOX 808

JACKSON, N. C. 27845

PHONE (252) 534-2501 • FAX (252) 534-1166

## NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION AND HIGHWAY SAFETY REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM

*North Carolina*

*County of Northampton*

*Road description* Moncure Drive, WJ Long Subdivision, located on Old Emporia

Road two miles north of NC 48

**WHEREAS**, the attached petition has been filed with the Board of Commissioners of the County of Northampton requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and


**WHEREAS**, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation and Highway Safety for the addition of roads to the System.

**NOW, THEREFORE** be it resolved by the Board of Commissioners of the County of Northampton that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

### CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Northampton at a meeting on the 3 day of January 2011 and appears in the minutes of the said Commission.

WITNESS my hand and official seal this the 3 day of January 2011.



Kimberly L. Turner, Clerk to the Board  
Northampton County Board Commissioners

**Bid Award for Library Project:**

Mr. Wayne Jenkins, County Manager, appeared before the Board to obtain approval of the lowest responsible bidder for the Northampton County Memorial Library Addition/Renovation Project.

A motion was made by Chester Deloatch and seconded by James Hester to approve the lowest responsible bid of \$431,753 and award the bid to A.R. Chessen Construction Company, Inc. from Williamston, NC. **Question Called For: All present voted yes. Motion carried.**

**Northampton Co. Schools Five-Year Facility Plan:**

Mr. Wayne Jenkins, County Manager, appeared before the Board on behalf of Northampton County Schools to present their five-year facility plan.

A motion was made by James Hester and seconded by Chester Deloatch to accept and certify receipt of the facility plan. **Question Called For: All present voted yes. Motion carried.**

**Request to Fill Non-Public Safety Position in EDC:**

Mr. Wayne Jenkins, County Manager, appeared before the Board to request authorization to fill a non-public safety position in EDC.

A motion was made by James Hester and seconded by Chester Deloatch to give the County Manager the authority to authorize this. **Question Called For: All present voted yes. Motion carried.**

**Resolution Installment Financing Contract:**

Mr. Wayne Jenkins, County Manager, appeared before the Board to obtain approval of a Resolution Authorizing the Execution and Delivery of an Installment Financing Contract in the Amount of \$258,000 with RBC Bank (USA) to Finance the Acquisition of Certain Equipment for Use by the County of Northampton, North Carolina, Authorizing the Execution and Delivery of Related Instruments and Determining Other Matters in Connection Therewith.

A motion was made by Chester Deloatch and seconded by James Hester to approve and authorize the Chair to execute the Resolution. **Question Called For: All present voted yes. Motion carried.**

**SEE SCANNED RESOLUTION BELOW:**

RESOLUTION

The governing body for the County of Northampton, North Carolina, held a regular meeting at the Commissioners' Meeting Room, the regular place of meeting, on January 3, 2011, at 10:00 a.m./p.m.

Present: Fannie Greene, James Hester, Chester Deloatch

Absent: Virginia Spruill

Also Present: Wayne Jenkins, Charles Vaughan, and Kimberly Turner

\* \* \* \* \*

Wayne Jenkins introduced the following resolution which was read:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$258,000.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE COUNTY OF NORTHAMPTON, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

BE IT RESOLVED by the governing body for the County of Northampton, North Carolina (the "Unit"):

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

- a) The County of Northampton proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");
- b) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c) Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d) RBC Bank (USA) ("RBC Bank (USA)") has proposed that RBC Bank (USA) enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Bank (USA) will lend the Unit then amount of

\$258,000.00 (the "Contract") and a related Escrow Agreement between the Unit and RBC Bank (USA) (the "Escrow Agreement").

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

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

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Bank (USA) in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Bank (USA).

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$30,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2010. In addition, the Unit 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.

Upon motion of Chester Delbatch, seconded by James Hester, members of the governing body, the foregoing resolution entitled "**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$258,000.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**" was passed by the following vote:

Ayes: -3- (Delbatch, Hester, and Greene)

Nays: -0-

PASSED AND ADOPTED this 3 day of January, 2011.

\* \* \* \* \*

I, Kimberly L. Turner, Clerk for the County of Northampton, North Carolina DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of the governing body of said County of Northampton at a regular meeting held on January 3, 2011, the record having been made in the minutes of said governing body, and is a true copy of so much of said minutes as relates in any way to the passage of a resolution providing for the authorization of the Installment Financing Contract referred to therein.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of the Council are held on 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month at 10:00 and 1:00 a.m./p.m., respectively, at 100 W. Jefferson St Jackson, North Carolina, was on file with me for at least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.12.

WITNESS my hand and corporate seal of said County of Northampton, this 3 day of January, 2011.

Kimberly L. Turner  
Clerk, County of Northampton

[SEAL]

Original Loan Amount: \$258,000.00  
Loan Date: December \_\_, 2010

**Citizens/Board Comments:**

*Chairwoman Greene called for citizen comments: none were heard.*

*Chairwoman Greene called for Board comments: none were heard.*

A motion was made by Chester Deloatch and seconded by James Hester to adjourn regular session. **Question Called For: All present voted yes. Motion carried.**

A motion was made by James Hester and seconded by Chester Deloatch to convene a closed session for the purpose of G.S. 143-318.11(a)(6) and G.S. 143-318.11(a)(3). **Question Called For: All present voted yes. Motion carried.**

A motion was made by James Hester and seconded by Chester Deloatch to adjourn closed session. **Question Called For: All present voted yes. Motion carried.**

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Kimberly L. Turner, Clerk to the Board

“r.m. 01-03-11”