

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, December 7, 2009 at 6:00 p.m. in the Commissioners' Conference Room, Vance County Administration Building, 122 Young Street, Henderson, NC. Those Commissioners present were as follows: Chairman Dan Brummitt, Commissioners Eddie L. Wright, Deborah F. Brown, A. Scott Hughes, J. Timothy Pegram, and Danny W. Wright.

Absent: Commissioner Terry E. Garrison.

Also present were County Manager Jerry L. Ayscue, Finance Director Steven C. Stanton, County Attorney Jonathan S. Care, and Clerk to the Board Kelly H. Grissom.

Commissioner A. Scott Hughes gave the invocation.

The first order of business was the election of the Chairman. Commissioner Deborah F. Brown nominated Eddie L. Wright for the position of Chairman. Commissioner J. Timothy Pegram seconded the nomination. As there were no other nominations, Chairman Brummitt closed the nominations and the vote to appoint Eddie L. Wright as Chairman was ayes - three (3); noes - three (3), with the dissenting votes being cast by Commissioners Brummitt, Hughes, and D. Wright. Chairman Brummitt sought instruction from the County Attorney Jonathan S. Care regarding the tie vote, and was told that a tie vote fails.

Commissioner A. Scott Hughes then nominated Danny W. Wright for the position of Chairman stating that it would be appropriate for Commissioner Wright to serve as Chairman since this is his last year in office. Commissioner Deborah F. Brown seconded the nomination. Chairman Brummitt closed the nominations and the vote to appoint Danny W. Wright as Chairman was ayes - five (5); noes - one (1), with the dissenting vote being cast by Commissioner Eddie L. Wright.

The next order of business was the appointment of the Clerk to the Board. Motion was made by Commissioner A. Scott Hughes that the Board appoint Kelly H. Grissom as Clerk to the Board for a one-year term. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Commissioner Dan Brummitt nominated Eddie L. Wright to be appointed as Vice-Chairman of the Board. Commissioner A. Scott Hughes seconded the nomination. Chairman Danny W. Wright closed the nominations and the vote to appoint Eddie L. Wright as Vice-Chairman was unanimous.

The next order of business was the appointment of County Manager, Finance Director, County Attorney, and Building Custodians. Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner A. Scott Hughes, vote unanimous, to appoint the following officials for a one-year term:

- Jerry L. Ayscue - County Manager
- Steven C. Stanton - County Finance Director
- Jonathan S. Care - County Attorney
- Bob Fuller - Custodian of the Courthouse and Administration Building
- Sandra Grissom - Custodian of the Henry A. Dennis Building
- Mary Helen Jones - Custodian of the County Office Building
- Kay Fields - Custodian of the Social Services Building

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Eddie L. Wright, vote unanimous, that the Board adopt the following schedule of holidays for 2010:

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2010 Holiday Schedule

New Year's Day	January 1, 2010	Friday
Martin Luther King, Jr's Birthday	January 18, 2010	Monday
Good Friday	April 2, 2010	Friday
Memorial Day	May 31, 2010	Monday
Independence Day	July 5, 2010	Monday
Labor Day	September 6, 2010	Monday
Veteran's Day	November 11, 2010	Thursday
Thanksgiving	November 25 & 26, 2010	Thursday & Friday
Christmas	December 24 & 27, 2010	Friday & Monday
New Year's Day	December 31, 2010	Friday

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Motion was made by Commissioner Dan Brummitt that all County Office Buildings shall open at 8:30 a.m. and close at 5:00 p.m. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Motion was made by Commissioner A. Scott Hughes and seconded by Commissioner Dan Brummitt that the Board appoint Mike Coghill as Chairman of the Vance County Fire Commission, and Deborah F. Brown and Ronald Jones as members. Vote on this motion was unanimous.

Fire Chief Harold Henrich was next on the agenda to present the monthly report for Vance County Fire and Ambulance. Chief Henrich explained the report in detail and answered questions from the Board.

Commissioners Brown and Hughes asked Chief Henrich if he could incorporate reports from each Volunteer Department. Commissioner Brummitt added that it would be helpful to create an overall Goals and Objectives report as well. Chief Henrich stated that he would do that.

The Board deviated somewhat from the agenda schedule and addressed a matter from the Public Safety Committee while Chief Henrich was present.

Committee Reports and Recommendations

Public Safety Committee - Fire and Emergency Medical Services. Mr. Ayscue stated that the Public Safety Committee met on Thursday, December 3 and endorsed the following proposals: (A) A proposal to locate one ambulance at the Bearpond VFD as a means of improving response time. This would become effective on January 2, 2010 and would go through June 30, 2010. An evaluation of the arrangement would occur to determine whether it should be continued beyond June 30. This is consistent with the recommendations of the Comprehensive Fire/EMS Study. The County would pay Bearpond VFD a pro rata share of utilities since there would be personnel at the station 24/7.

After a brief discussion, motion was made by Commissioner Deborah F. Brown to approve the relocation of the EMS Unit to Bearpond VFD on a six-month trial basis. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Public Safety Committee - Surplus Vehicle. Mr. Ayscue stated that the Fire and Ambulance Department has an older ambulance which needs to be declared as surplus.

Motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Eddie L. Wright, vote unanimous, to declare the ambulance as surplus.

Public Safety Committee - Remounting of Two EMS Units. Mr. Ayscue stated that the Fire and Ambulance Department typically purchases a new ambulance each year. Instead of purchasing a new ambulance next year, Chief Henrich recommended that the “box” on two ambulances be remounted on new chassis which would reduce costs by almost 45%. The boxes would be refurbished. In addition, two new stretchers are needed.

Chief Henrich stated that he had received quotes from three companies, with the low quote coming in at \$73,700 for each chassis from Select Custom Apparatus, Inc. One unit would be refurbished in February and the second in the summer of 2010.

Motion was made by Commissioner A. Scott Hughes to allow the County Manager and Fire Chief to begin the process of refurbishing the two EMS units at \$73,700 each and approve the purchase of two new stretchers at \$4,600 each. All financial impacts are deferred until FY 2010-2011. Commissioner Dan Brummitt seconded the motion.

Commissioner Deborah F. Brown expressed her concerns regarding the budget for this request. She asked Chief Henrich to formulate a tentative budget for next fiscal year. Commissioner Brummitt stated that the Public Safety Committee addressed budget matters and noted that a new ambulance was not included into this year's budget because of the fire study. By refurbishing the two EMS units, that will put the department back on track, and at the same time, the payments should be about the same as what is currently budgeted.

After further discussion, the vote on the motion was unanimous.

Karen Foster, Council of Governments, was next on the agenda to present bid tabulations for a demolition/rebuild project on 632 Arch Street. She stated that 14 bids were received, and the low bid was submitted by Herman Rouse Construction in the amount of \$78,000.

Motion was made by Commissioner Dan Brummitt to award the bid to Herman Rouse Construction in the amount of \$78,000. This motion was seconded by Commissioner Eddie L. Wright. After a brief discussion, the vote was unanimous.

The next item presented by Ms. Foster was a bid tabulation for Urgent Repair contracts. Bids were solicited for four locations. The low bidders are as follows:

199 Van Dyke Road	Clement Construction	\$ 3,175.00
1995 Frances Avenue	Harvy Birch Construction	\$ 5,400.00
213 Pettaway Lane	Lake Country Construction	\$ 4,500.00
505 Powell Street	Humphries Construction	\$ 2,150.00

Ms. Foster stated that urgent repair bids may not exceed \$5,000 and noted that Harvy Birch Construction's bid came in at \$5,400, which was the low bid for that house. If the low bidder is willing to accept \$5,000 for the bid, it is recommended that the bid be awarded.

In reviewing the tabulation sheet, the Board discussed the extreme variances in bid amounts among the contractors. County Attorney Jonathan S. Care suggested that the bid tabulation sheets that were submitted by the contractors be double checked to verify that the amounts presented to the Board are correct.

Motion was made by Commissioner Dan Brummitt to award the bids as presented, contingent upon the County Manager reviewing the bid tabulations and verifying that the amounts are correct and contingent upon Harvy Birch Construction accepting the bid at \$5,000. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

At this time, Chairman Danny W. Wright recessed the meeting of the Vance County Board of Commissioners and called the Vance County Water District Board to order.

Mr. Ayscue stated that the County has had ongoing discussions with Kittrell Water Association regarding its interest in providing water service to the potential customer base in Phase 1B of the Water District. In order for Kittrell Water Association to apply for grant funding through USDA Rural Development, it is necessary for the Vance County Water District Board to withdraw its application for funding for Phase 1B. If for any reason Kittrell Water Association is unable to service the customers of Phase 1B, the door will still be open for the Water District Board to submit its application for funding.

After a brief discussion, motion was made by Commissioner Dan Brummitt that the Vance County Water District Board withdraw its funding application to USDA Rural Development for Phase 1B of the Vance County Water District, contingent upon receiving written notice from the Kittrell Water Association of its intent to service Phase 1B. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Eddie L. Wright, vote unanimous, to adjourn the Vance County Water District Board.

Chairman Danny W. Wright then reconvened the meeting of the Vance County Board of Commissioners.

At this time, Mr. Ayscue introduced Mr. Jim Hinkle as the County's Interim Economic Development Director. Mr. Hinkle stated that he has been very pleased working in Vance County for the past few weeks and has appreciated the cooperation of City and County officials. He stated that he looks forward to a successful tenure as Interim Director.

Consent agenda items were addressed next. Motion was made by Commissioner Dan Brummitt, seconded by Commissioner A. Scott Hughes, vote unanimous, that the following consent agenda items be approved as presented: Budget Amendment #12, Budget Transfer #2 and #3, November 2009 Refunds, October and November 2009 Rebates, November 2009 Ambulance Charge-Offs in the amount of \$6,865.46, November 2009 Monthly Reports received and filed, and the minutes of the November 2, 2009 regular meeting.

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**Budget Amendment #12
General Fund**

**Fund 10 -
Fire and Ambulance**

Expenditures	Code	Increase	Increase
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Capital Outlay	10-530-500074	2,600.00	
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Revenues		Increase	Increase
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Sale of Assets	10-370-437099		2,600.00
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Totals		\$ 2,600.00	\$ 2,600.00
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Purpose: To increase capital outlay account due to sale of stretchers to cover additional cost of new cardiac monitor.

Authorization: Vance County Board of Commissioners
December 7, 2009

**Budget Transfer #2
General Fund**

**Fund 10 -
Social Services**

Expenditures	Code	Increase	Decrease
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Office Supplies	10-610-500032	3,000.00	
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Expenditures		Increase	Decrease
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Salaries and Wages	10-610-500001		3,000.00
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Totals		\$ 3,000.00	\$ 3,000.00
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Purpose: To transfer funds to purchase anti-virus software since the State no longer provides funding for this.

Authorization: Vance County Board of Commissioners
December 7, 2009

**Budget Transfer #3
General Fund**

**Fund 10 -
Social Services**

Expenditures	Code	Increase	Decrease
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Telephone and Postage	10-610-500011	4,785.00	
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Expenditures		Increase	Decrease
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Group Insurance	10-610-500006		4,785.00
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Totals

\$ 4,785.00

\$ 4,785.00

Purpose: To transfer the cost of a telephone upgrade and related maintenance at Children Services from excess group insurance due to unfilled positions.

Authorization: Vance County Board of Commissioners
December 7, 2009

**REFUNDS
November 2009**

Name	Year	Amount	Reason
Clarence Henderson, Jr.	2008	10.44	Vehicle Tax
Princella S. Owens	2008	2.20	Vehicle Tax
Barbara Magbie	2009	6.00	Vehicle Tax
Rae D. Roberts	2009	38.85	Vehicle Tax
Mary E. Thompson	2009	4.38	Vehicle Tax
Rufus T. Hargrove	2008	12.06	Vehicle Tax
Patricia B. Adcock	2009	12.72	Vehicle Tax
Carolyn Satterwhite	2009	15.19	Vehicle Tax
Alfred Bullock	2008	146.75	Property Divided
Alfred Bullock	2009	143.81	Property Divided
Gregorio A. Garcia	2008	5.26	Vehicle Tax
Willie G. Bullock	2008	2.63	Vehicle Tax
Michael Mendez	2008	59.40	Vehicle Tax
Augusta M. Mills	2009	18.84	Vehicle Tax
Cheryl Watkins	2004-08	26.75	Removed Storage Bldg.
Floyd Abbott	2009	21.96	Vehicle Tax
Joseph Alston	2008	9.98	Vehicle Tax
Jacinta Velazquez	2008	24.42	Vehicle Tax
Warren H. Teague, Jr.	2009	99.45	Vehicle Tax
Jacinta Velazquez	2008	102.50	Solid Waste Household Fee
Clarence Henderson, Jr.	2008	.36	Fire Tax
Princella S. Owens	2008	.08	Fire Tax
Mary E. Thompson	2009	.12	Fire Tax
Rufus T. Hargrove	2008	.40	Fire Tax
Carolyn Satterwhite	2009	.49	Fire Tax
Alfred Bullock	2008-09	9.56	Fire Tax
Gregorio A. Garcia	2008	.17	Fire Tax
Willie G. Bullock	2008	.09	Fire Tax
Augusta M. Mills	2009	.60	Fire Tax
Floyd Abbott	2009	.72	Fire Tax
Joseph Alston	2008	.32	Fire Tax
Jacinta Velazquez	2008	.80	Fire Tax
Warren H. Teague, Jr.	2009	3.24	Fire Tax
Total		\$ 780.54	Fiscal y-t-d - \$ 2,508.50

**REBATES
October 2009**

NAME	YEAR	AMOUNT	REASON
Adrian W. Brame	2009	169.69	Value Correction
Mrs. Nathan C. Clark heirs	1999-09	1,326.65	Taxes Lost in Foreclosure

NAME	YEAR	AMOUNT	REASON
Josephine Cooke	2002-03	252.33	Taxes Lost in Foreclosure
Artelia M. Covington	2009-09	27.37	Listing Correction
Charles R. Frazier, Jr. heirs	1999-09	1,198.12	Taxes Lost in Foreclosure
Herbert M. Grissom, Jr.	2009	23.46	Value Correction
Emmerline Jackson heirs	1999-09	319.36	Taxes Lost in Foreclosure
Ellysses A. Noel	2009	540.99	Listing Correction
Mark L. Stanley	2008-09	141.03	Listing Correction
Jorge V. Trejo	2009	110.65	Listing Correction
Tessie M. Vaughan	2008	102.00	Value Correction
Betty M. Williams	1999-09	559.57	Taxes Lost in Foreclosure
David S. Young	2008	26.41	Listing Correction
Total		\$ 4,797.63	Fiscal y-t-d - \$ 52,520.74

REBATES
November 2009

NAME	YEAR	AMOUNT	REASON
John D. Brammer	2009	40.51	Value Correction
Samuel C. Dickerson	2009	58.26	Value Correction
Everette L. Eatmon	2009	234.60	Listing Correction
Robert L. Hight	2009	200.66	Value Correction
Carmen M. Isola II	2009	9.38	Value Correction
Wayne & Elinor Johnson	2008-09	124.41	Listing Correction
Lee Kearney	1999-01	142.16	Listing Correction
William J. Pearch	2000-01	93.08	Listing Correction
Thomas E. Pierce	2001	16.80	Listing Correction
Jacinta Velazquez	2009	23.93	Listing Correction
D.T. Watkins	2009	4.69	Value Correction
Total		\$ 948.48	Fiscal y-t-d - \$ 53,469.22

See on file monthly report, 911 Emergency Operations
See on file monthly report, Administrative Ambulance Charge-offs
See on file monthly report, Department of Social Services
See on file monthly report, Fire and Ambulance Service
See on file monthly report, Human Resources
See on file monthly report, Public Health Department
See on file monthly report, Tax Office
See on file monthly report, Veterans Service Office

Finance Director's Report

Bond Refunding Matters. Finance Director Steven C. Stanton presented documents for the refunding of 1999 Series Courthouse Bonds. Mr. Stanton stated that the bond market is very favorable at this time for refunding, and the percentage of savings would be over 5.2%. Mr. Stanton then presented four documents for approval.

The Board of Commissioners for the County of Vance, North Carolina met in a regular meeting in the Commissioners' Conference Room of the Vance County Administration Building located at 122 Young Street in Henderson, North Carolina, the regular place of meeting, at 6:00 p.m. on December 7, 2009.

Present: Chairman Danny W. Wright, presiding, and Commissioners Eddie L. Wright, Deborah F. Brown, Dan Brummitt, A. Scott Hughes, and J. Timothy Pegram

Absent: Commissioner Terry E. Garrison

Also present: County Manager Jerry L. Ayscue, Finance Director Steven C. Stanton, and County Attorney Jonathan S. Care

* * * * *

Commissioner Dan Brummitt introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

RESOLUTION MAKING CERTAIN FINDINGS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF VANCE, NORTH CAROLINA

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Vance, North Carolina (the "County"):

Section 1. The Board does hereby find and determine as follows:

(a) Preliminary analysis has been completed to demonstrate the benefits of refunding all or a portion of the County's outstanding General Obligation County Courthouse Bonds, Series 1999, dated February 1, 1999.

(b) The County wishes to commence the procedures for the authorization of refunding bonds to refund all or a portion of such outstanding bonds.

(c) The annual audits of the County show the County to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing by the County of an application of the County with the North Carolina Local Government Commission for approval of the issuance of not to exceed \$4,500,000 General Obligation Refunding Bonds for the purpose of refunding all or a portion of the outstanding bonds described above and paying the financing cost relating thereto is hereby ratified, authorized and approved.

Section 3. Womble Carlyle Sandridge & Rice, PLLC is hereby appointed to serve as bond counsel to the County and First Tryon Securities, LLC is hereby appointed to serve as financial advisor to the County in connection with the proposed issuance of the bonds, but solely at the pleasure of the County.

Section 4. This resolution shall take effect immediately upon its passage.

Thereupon the resolution entitled "**RESOLUTION MAKING CERTAIN FINDINGS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF VANCE, NORTH CAROLINA**" was passed by the following vote:

Ayes: Commissioners Dan Brummitt, Deborah F. Brown, A. Scott Hughes, J. Timothy Pegram, Danny W. Wright, and Eddie L. Wright

Noes: None

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Motion was made by Commissioner Dan Brummitt, seconded by Commissioner A. Scott Hughes, vote unanimous, to approve the following Sworn Statement of Debt:

COUNTY OF VANCE, NORTH CAROLINA
SWORN STATEMENT OF DEBT MADE PURSUANT TO THE
LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Steven C. Stanton, Finance Director of the County of Vance, North Carolina, having been designated by the Board of Commissioners for said County to make and file with the Clerk to the Board of Commissioners a statement of the debt of said County pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1)	Outstanding debt evidenced by bonds:	
	Refunding School Bonds, Series 1996	\$ 440,000
	County Courthouse Bonds, Series 1999	4,500,000
	Refunding Bonds, Series 2003	<u>1,600,000</u>
	Total	<u>\$6,540,000</u>
a(2)	Bonds authorized by orders introduced, but not yet adopted:	
	Refunding	<u>\$4,500,000</u>
	Total	<u>\$4,500,000</u>
a(3)	Unissued bonds authorized by adopted orders:	\$ <u> -0-</u>
	Total	\$ <u> -0-</u>
a(4)	Outstanding debt, not evidenced by bonds:	\$ <u> -0-</u>
	Total	\$ <u> -0-</u>
(a)	GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4):	<u>\$11,040,000</u>

(b) DEDUCTIONS

b(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted:	<u>\$4,500,000</u>
b(2)	Funding and refunding bonds authorized but not yet issued:	\$ <u> -0-</u>

b(3)	The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b)):	\$ _____ -0-
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes:	\$ _____ -0-
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes (to the extent that said debt is made deductible by G.S. 159-55(b)):	\$ _____ -0-
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt:	\$ _____ -0-
b(7)	The amount, as estimated by the Finance Director, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt:	\$ _____ -0-
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7):	<u>\$4,500,000</u>
(c) NET DEBT		
(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b):	<u>\$6,540,000</u>
(d) ASSESSED VALUE		
(d)	ASSESSED VALUE of property subject to taxation by the County, as revealed by the County tax records and certified to the County by the assessor:	<u>\$2,335,325,355</u>
(e) PERCENTAGE		
(e)	Percentage which the NET DEBT (c) bears to the ASSESSED VALUE (d):	<u>0.280%</u>

The foregoing statement is true.

Steven C. Stanton (signed)

Finance Director

STATE OF NORTH CAROLINA)
) ss.:
COUNTY OF VANCE)

Subscribed and sworn to before me this 7th day of December, 2009.

[SEAL] Teresa H. Harris (signed)
 Notary Public

My Commission expires 9-24-2011.

* * * * *

I, Kelly H. Grissom, Clerk to the Board of Commissioners for the County of Vance, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the Board of Commissioners for said County held on December 7, 2009, after the introduction of an order authorizing bonds of said County, and that said statement is open to public inspection in my office.

WITNESS my hand and the official seal of said County, this 7th day of December, 2009.

Kelly H. Grissom (signed)
Clerk to the Board of Commissioners

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Mr. Stanton then presented the following Order for approval:

Thereupon, Commissioner Dan Brummitt introduced the following order authorizing bonds, the title of which was read and copies of which had been previously distributed to each Commissioner:

ORDER AUTHORIZING \$4,500,000 GENERAL OBLIGATION REFUNDING BONDS

BE IT ORDERED by the Board of Commissioners for the County of Vance, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the County of Vance, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount not exceeding \$4,500,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of said County's outstanding General Obligation County Courthouse Bonds, Series 1999, dated February 1, 1999 and (b) pay certain expenses related thereto.
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.
4. That this order shall take effect upon adoption.

The Board of Commissioners for said County thereupon designated the Finance Director to make and file with the Clerk to said Board of Commissioners the sworn statement of debt of said

County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced.

Thereupon, the Finance Director filed with the Clerk to said Board of Commissioners, in the presence of said Board of Commissioners, the sworn statement of debt as required by The Local Government Bond Act, as amended.

Thereupon, the order entitled "ORDER AUTHORIZING \$4,500,000 GENERAL OBLIGATION REFUNDING BONDS" was passed by the following vote:

Ayes: Commissioners Dan Brummitt, Deborah F. Brown, A. Scott Hughes, J. Timothy Pegram, Danny W. Wright, and Eddie L. Wright

Noes: None

Thereupon, Commissioner Danny W. Wright then announced that the order entitled "ORDER AUTHORIZING \$4,500,000 GENERAL OBLIGATION REFUNDING BONDS" had been adopted.

The Clerk to the Board of Commissioners for said County was thereupon directed to publish the aforementioned order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Daily Dispatch.

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The final refunding matter was presented by Mr. Stanton for approval:

Thereupon, Commissioner Dan Brummitt introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Vance, North Carolina (the "County"):

Section 1. The Board has determined and does hereby find and declare as follows:

(a) An order authorizing not exceeding \$4,500,000 General Obligation Refunding Bonds was adopted by the Board on December 7, 2009, which order has taken effect.

(b) None of said bonds have been issued, no notes have been issued in anticipation of the receipt of the proceeds of the sale of said bonds and it is necessary to issue such bonds at this time.

(c) The shortest period of time in which the outstanding General Obligation County Courthouse Bonds, Series 1999 (the "1999 Bonds") of said County, dated February 1, 1999, to be refunded by said refunding bonds can be finally paid without making it unduly burdensome on the taxpayers of the County as determined by the North Carolina Local Government Commission (the "Commission") is a period which expires on February 1, 2019, and that the end of the unexpired usefulness of the projects financed by said 1999 Bonds, is estimated as a period of forty (40) years from February 1, 1999, the date of said 1999 Bonds, and that such period expires on February 1, 2039.

Section 2. Pursuant to said order there shall be issued bonds of the County in the aggregate principal amount of not to exceed \$4,500,000 designated "General Obligation Refunding Bonds, Series 2010" and dated the date of delivery thereof (the "Bonds"). Initially, the Bonds shall be stated to mature (subject to adjustment as hereinafter provided) annually, February 1, \$480,000 2011, \$465,000 2012, \$460,000 2013, \$455,000 2014, \$450,000 2015, \$440,000 2016, \$435,000 2017, \$430,000 2018 and 2019, and shall bear interest at a rate or rates to be determined by the Commission at the time the Bonds are sold, which interest to the respective maturities thereof shall

be payable on each February 1 and August 1, beginning August 1, 2010, until payment of such principal sum.

The Finance Director of the County is hereby authorized to determine at or before the time of opening of the bids for the Bonds whether it is in the best economic interests of the County to refund all or any portion of the 1999 Bonds, so long as the Finance Director of the County determines that such refunding will result in debt service savings to the County and that proceeding with the refunding at that time is in the best interests of the County. In making such determination, the Finance Director of the County may adjust the principal amount of the maturities listed above and the aggregate principal amount of the Bonds, provided that the aggregate principal amount of the Bonds shall not exceed \$4,500,000.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless it is (a) authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds shall be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), shall be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the County hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative, at such office of the Bond Registrar (hereinafter mentioned) or such other place as the County may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by said Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books; provided, however, that for so long as the Bonds are deposited with DTC, the payment of the principal of and interest on the Bonds shall be made to DTC in same-day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The County shall not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director of the County determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the County shall discontinue the book-entry system with DTC. If the County identifies another qualified securities depository to replace DTC, the County shall make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the County fails to identify another

qualified securities depository to replace DTC, the County shall deliver replacement Bonds in the form of fully-registered certificates in denominations of \$5,000 or any whole multiple thereof (“Certificated Bonds”) in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the County may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board and the Clerk to the Board for the County and the official seal or a facsimile of the official seal of the County shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said Commission and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as hereinafter provided.

In case any officer of the County or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds and the endorsements thereon shall be in substantially the following form:

No. R-___. \$_____

United States of America
State of North Carolina

COUNTY OF VANCE, NORTH CAROLINA
GENERAL OBLIGATION REFUNDING BOND, SERIES 2010

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
February 1, 20__	_____%	_____

The County of Vance, a body corporate and politic duly organized and validly existing in the State of North Carolina, is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of said County (the “Bond Registrar”), in the County of Vance, North Carolina, the principal sum of

DOLLARS

and to pay interest on such principal sum from the date hereof or from February 1 or August 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is February 1 or August 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on each February 1 and August 1,

beginning August 1, 2010, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of said County; provided, however, that for so long as the Bonds (hereinafter defined) are deposited with The Depository Trust Company, New York, New York (“DTC”), the payment of the principal of and interest on the Bonds shall be made to DTC in same day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said County are hereby irrevocably pledged.

This bond is one of an issue of bonds designated “General Obligation Refunding Bonds, Series 2010” (the “Bonds”) and issued by said County for the purpose of providing funds to refund certain outstanding general obligation bonds of said County. The Bonds are issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by the Board of Commissioners for said County, which order has taken effect, and a resolution duly passed by said Board of Commissioners (the “Resolution”).

The Bonds are not subject to redemption prior to their respective maturities.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. Said County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, said County will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any whole multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his office the books of said County for the registration of transfer of Bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the

issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said County sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said County, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the County of Vance, North Carolina, by resolution duly passed by its Board of Commissioners, has caused this bond to be manually signed by the Chairman of said Board and the Clerk to said Board for said County and its official seal to be impressed hereon, all as of the 7th day of December, 2010.

Danny W. Wright (Signed)
Chairman

[SEAL]

Kelly H. Grissom (Signed)
Clerk to the Board

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary of the Local Government Commission of
North Carolina

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Steven C. Stanton (Signed)
Finance Director, as Bond Registrar

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints

, attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

NOTICE: The signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration of enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds shall not be subject to redemption prior to their respective maturities.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar, together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the County upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar. The County or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the County or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The County shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bonds. The Finance Director of the County, or any person at anytime acting in such capacity, is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the Board of the County to appoint another Bond Registrar, and as such shall keep at his office in the County, the books of the County for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The County 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"), as amended or as may be amended from time to time, and any Treasury regulations now or hereafter promulgated thereunder, to the extent necessary so that interest on the

bond will not be included in gross income of the owners of the Bonds for purposes of federal income tax.

Section 7. All actions of the Chairman of the Board, the County Manager, the Finance Director and the Clerk to the Board for the County in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds is hereby authorized, ratified and approved, and the Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and distributing a Preliminary Official Statement relating to the sale of the Bonds. Such Preliminary Official Statement, in substantially the form presented at this meeting, is hereby authorized and approved.

The preparation of a final Official Statement (the "Final Official Statement"), which will be in the form of the Preliminary Official Statement, but will include certain pricing and other information to be made available to the successful bidder for the Bonds by the Local Government Commission of North Carolina, is hereby approved, and the Chairman of the Board, the County Manager and the Finance Director of the County are each hereby authorized to execute and delivery such Final Official Statement for and on the behalf of the County, and such execution and delivery shall be conclusive evidence of the approval of the Board of the Final Official Statement.

Section 8. The County hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the County, beginning with the fiscal year ending June 30, 2010, to the Municipal Securities Rulemaking Board (the "MSRB"), audited financial statements of the County for such Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the County are not available by seven months from the end of such fiscal year, unaudited financial statements of the County for such fiscal year to be replaced subsequently by audited financial statements of the County to be delivered within fifteen (15) days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the County, beginning with the fiscal year ending June 30, 2010, to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the headings "THE COUNTY - Debt Information and - Tax Information" (excluding any information on overlapping units) in the Final Official Statement relating to the Bonds and (ii) the combined budget of the County for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to the MSRB, if any, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) bond calls;
- (9) defeasances;
- (10) release, substitution or sale of any property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to the MSRB, notice of a failure of the County to provide required annual financial information described in (a) or (b) above on or before the date specified.

All information provided to the MSRB as described in this Section shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may meet the continuing disclosure filing requirements described above by complying with any other procedure that may be authorized or required by the United States Securities and Exchange Commission.

If the County fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The County reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the County, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the County;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners of the Bonds, as determined either by parties unaffiliated with the County (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this resolution, as this resolution may be amended from time to time, at the time of such amendment.

In the event that the County makes such a modification, the annual financial information containing the modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 9. The appointment of First Tryon Securities, LLC, Charlotte, North Carolina, as financial advisor to the County in connection with the issuance of the Bonds, as described in the Official Statement, is hereby approved, ratified and confirmed. First Tryon Securities, LLC is hereby given permission to submit a competitive bid at the public sale for the Bonds, and may acquire as principal or as a participant in a syndicate of underwriters, all or a portion of the Bonds.

Section 10. Subject to the next succeeding sentence, the County hereby determines to refund \$4,050,000 of the County's outstanding General Obligation County Courthouse Bonds, Series 1999, dated February 1, 1999, maturing February 1, 2011 to 2019, inclusive. If, on or prior to the sale date of the Bonds, the Finance Director of the County shall determine that it is in the best economic interests of the County not to refund all or any portion of such bonds, the Finance Director is hereby authorized to make changes in the amounts and maturities of such bonds to be refunded, such changes to be set forth in a certificate of the Finance Director to be delivered on the date of issuance of the Bonds.

Subject to the refunding of such bonds in accordance with this Section, all of the County's outstanding General Obligation County Courthouse Bonds, Series 1999, dated February 1, 1999, maturing February 1, 2011 to 2019, inclusive, are hereby irrevocably called for redemption on such

date as the Finance Director, with the advice of counsel, shall deem appropriate, in accordance with the resolutions authorizing the issuance of said bonds and this resolution. The Finance Director is hereby directed to provide notices of such redemption at the times and in the manner set forth in the resolution authorizing the issuance of said bonds.

Section 11. The Chairman of the Board, the County Manager, the Finance Director and the Clerk to the Board for the County are hereby authorized and directed to execute and deliver such closing and other documents necessary for the purpose of facilitating the sale and issuance of the Bonds in a manner consistent with the terms of this resolution.

Section 12. The County hereby represents that it reasonably expects that it, all subordinate entities thereof and all issuers issuing obligations on behalf of the County will not issue in the aggregate more than \$30,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2010. In addition, the County hereby designates each of the Bonds as a "qualified tax-exempt obligation" for the purposes of the Code.

Section 13. This resolution shall take effect upon its passage, except for Section 10 of this resolution which shall become effective only upon the issuance of the Bonds.

Upon motion of Commissioner Dan Brummitt, seconded by Commissioner Deborah F. Brown, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010" was passed by the following vote:

Ayes: Commissioners Dan Brummitt, Deborah F. Brown, A. Scott Hughes, J. Timothy Pegram, Danny W. Wright, and Eddie L. Wright

Noes: None

* * * * *

I, Kelly H. Grissom, Clerk to the Board of Commissioners for the County of Vance, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board for said County at a regular meeting held on December 7, 2009, as relates in any way to the introduction and adoption of a bond order authorizing the issuance of general obligation refunding bonds and the passage of the foregoing resolution providing for the issuance of general obligation refunding bonds of said County.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said County this 7th day of December, 2009.

Kelly H. Grissom (signed)
Clerk to the Board

[SEAL]

Sale of Surplus Property. Mr. Stanton requested the Board to declare a 1986 Sanitation Front End Loader, two 911 recorders, various computers, parts, laptop, copier/fax, scanner, monitors, and battery backups as surplus property in order to be sold on Gov Deals.

Motion was made by Commissioner Deborah F. Brown to declare the items mentioned above as surplus and allow the Finance Director to sell said property. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Financing Agreement. Mr. Stanton requested approval of a resolution to enter into a contract with BB&T for the financing of two 2009 Chevrolet Tahoes for the Sheriff's Department. The total amount for the vehicles are \$49,345. This is a four year arrangement at 3.29% interest. Mr. Stanton stated that authorization is needed to contract with BB&T for the financing of the vehicle.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner A. Scott Hughes, vote unanimous, to approve the following resolution for financing:

- - - - -

RESOLUTION
by the
Vance County Board of Commissioners
Approving Financing Terms

WHEREAS, Vance County, North Carolina (the "County") has previously determined to undertake a project for the purchase of two (2) Chevy Tahoes (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company (BB&T). The amount financed shall not exceed \$49,345, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.29%, and the financing term shall not exceed four (4) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The County shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of County officers in the furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

This, the 7th day of December, 2009.

Danny W. Wright (Signed)
Chairman

Committee Reports and Recommendations

Human Resources Committee - Position Vacancies. Argretta Johen, HR Director, requested the Board to allow filling the following position vacancies which have been endorsed by the Human Resources Committee:

Animal Control
Animal Control Officer

Jail
Detention Officer

Department of Social Services
Office Assistant III

Fire and Ambulance
Paramedic/Firefighter - two positions

Motion was made by Commissioner Eddie L. Wright, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the position requests as presented.

Public Safety Committee - 911 Emergency Communications. Mr. Brian Short, Emergency Operations Director, appeared before the Board with a request to use Emergency Telephone Surcharge Funds to replace aging battery backups. He stated that the existing system has been running continuously for the past 10 years and is in dire need of being replaced. Mr. Ayscue stated that no County funds would be used to replace this back-up system, but would come from the Emergency Telephone Surcharge Fund. The Public Safety Committee endorses this request.

Motion was made by Commissioner Dan Brummitt to approve the replacement of the battery back-ups in the amount of \$44,000 as well as Budget Amendment #13. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Budget Amendment #13
ETS Fund

**Fund 71 -
ETS Funds**

Expenditures	Code	Increase	Increase
Capital Outlay	71-751-500074		44,000.00
Revenues		Increase	Increase
Fund Balance Appropriated	71-399-439900	44,000.00	
Totals		\$ 44,000.00	\$ 44,000.00

Purpose: To appropriate funds for a new centralized battery backup system.

Authorization: Vance County Board of Commissioners
December 7, 2009

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Public Safety Committee - Deer Hunting with Dogs. Mr. Ayscue stated that the Committee decided that no changes are currently necessary. The Sheriff will be asked to focus on any hot spots and to continue to enforce existing laws and regulations.

Properties Committee - Building Lease Extensions. Mr. Ayscue stated that Alliance Rehabilitative Care, Inc.(ARC) leases two facilities from Vance County. It leases the old Health Department building for alcohol treatment services and the former Scott Parker complex for day treatment services for disadvantaged individuals. Both leases are for a period of five years with a five-year extension option.

Former Health Department Building. This building is leased currently at \$160 per month and has been increased annually by 3%. ARC expended \$33,000 in September 2008 for a new roof and \$32,672 for remodeling of a large bathroom with showers in June 2009. The five-year extension is at the CPI, and ARC is requesting that the lease payments be held at the current level for the five-year period. The original period expires on December 31, 2009.

Scott Parker Facility. ARC also wishes to extend this lease for a five-year period. The payment remains at \$1 per year. The original period expired June 30, 2009.

Mr. Ayscue noted that the Properties Committee endorses these requests.

After a brief discussion, motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the five-year extensions to both buildings at no increase in lease payments.

Pending Business

County Water Project. Mr. Ayscue reported that sign-up meetings have now begun. Two meetings were held on Tuesday and Thursday, December 1 and 3. Discussions continue with the City of Henderson for the purchase of water and for operation and maintenance. USDA Rural Development is currently working on funding for Phases 2A and 2B, with anticipation of a funding decision to be made very soon. A grant application has also been submitted to the NC Rural Center for additional funding for Phases 2A and 2B. After an extensive planning and review process, the Golden LEAF Foundation has cleared the way for an application to be submitted for funding for additional fire hydrants as part of the \$2 million that has been designated for Vance County.

Warrenton Road Sewer Project. On-site work began on November 16. Some pipe has been installed and construction is well under way. Wet weather has slowed work to a moderate degree. Close coordination with the businesses, NC DOT, Progress Energy, the City of Henderson, Public Service Gas, the engineer, and the contractor continue to be essential in this project. The work is anticipated to be completed within 120 days.

Building Reuse Project. The County was awarded a \$25,000 pre-development grant from the NC Rural Economic Development Center with a local match of \$4,000. The grant is designed to study the former Vance Manor building and develop a building use plan. The environmental site assessment is now completed and other work is in progress. Community meetings to identify potential building uses are being planned. It is anticipated that the work will be completed within 45 - 75 days.

Technology Study. A Request for Proposals is currently being developed to study the technology needs of the County. When the draft is completed, it will be distributed to the Board for review. The General Government Committee will be utilized in providing guidance for developing bid specifications. A list of potential vendors is being established.

County Manager's Report

Inventory of Grants. Mr. Ayscue reported that Vance County has aggressively pursued grant funding for numerous projects. Since July 2008, the County has received over \$6.4 million of grants. At this point in time, there are pending grant applications which total over \$13 million. An analysis of the grants was provided to the Board for information.

Farmers Market Grant Application. Mr. Ayscue stated that the Board of Commissioners recently went on record in support of development of an area farmers market, and in doing so,

appointed a Task Force to proceed with project planning, funding, and related responsibilities. With technical assistance from the Planning & Development Department, an application for grant funding is being submitted to the North Carolina Tobacco Trust Fund in the amount of \$750,000. The deadline for submission of the application was December 4, 2009. It was submitted with the understanding that an accompanying resolution would be presented for adoption by the Board of Commissioners and forwarded on December 8th.

Motion was made by Commissioner Eddie L. Wright, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following resolution for the grant application to the NC Tobacco Trust Fund in the amount of \$750,000 for a farmers market in Vance County:

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AUTHORIZING RESOLUTION
by the
Vance County Board of Commissioners

WHEREAS, in September 2009, a proposal was made to establishment of a regional Farmers Market by Pete Burgess and Sam Franklin, representing the Vance County Farm Bureau; and

WHEREAS, the Vance County Farm Bureau has offered to make a significant financial contribution to said regional Farmers Market; and

WHEREAS, Vance County has a need for farm related economic development and tourism; and

WHEREAS, this project has the support of National Legislators, as well as, representative's of the state General Assembly; and

WHEREAS, the Vance County Board of Commissioners intends to request grant assistance from the North Carolina Tobacco Trust Fund.

NOW THEREFORE BE IT RESOLVED BY THE VANCE COUNTY BOARD OF COMMISSIONERS:

That Vance County will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the Chairman of the Vance County Board of Commissioners and successors so titled, are hereby authorized to execute and file an application on behalf of Vance County with the NCTTF (North Carolina Tobacco Trust Fund) for a grant to assist with the acquisition of land and construction of the project described above.

That the Chairman of the Vance County Board of Commissioners and successors so titled, are hereby authorized and directed to furnish such information as the North Carolina Tobacco Trust Fund may request in connection with such application or the project; to make the assurance as contained above; and to execute such other documents as may be required in connection with the application.

That Vance County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

This, the 7th day of December, 2009.

Danny W. Wright (Signed)
Chairman, Vance County Board of Commissioners

Attest:

Kelly H. Grissom (Signed)
Clerk to the Board

Indirect Cost Allocation Contract. Mr. Ayscue explained that in order to capture indirect costs for program reimbursement from federal and state sources, an indirect cost plan that complies with all applicable regulations must be developed annually. Maximus Consulting Services, Inc. has developed the Vance County plan for over twenty years, and the annual cost has remained constant for the past six years. Contracts are for three years, and Maximus proposes to complete the County's plan for the next three-year period with the cost remaining constant at the current annual amount of \$3,300.

Motion was made by Commissioner Dan Brummitt to approve a three-year agreement with Maximus Consulting Services, Inc. for development of an annual indirect cost allocation plan at a cost of \$3,300 per year. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Community Watch Resolution of Support. Mr. Ayscue reported that the Henderson-Vance Crime Stoppers has heavily promoted implementation of Community Watch programs throughout communities and neighborhoods in the County and City. On behalf of the Crime Stoppers Board of Directors, Chairman Frank Sossamon has asked the County and City to designate 2010 as the Year of Community Watch. In doing so, the County and City are asked to support development of new Community Watch programs and to provide reasonable financial resources as appropriate for written materials and related needs.

Motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the following resolution of support in designating 2010 as the Year of Community Watch in Vance County and provide financial resources as appropriate for written materials and related needs:

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RESOLUTION
by the
Vance County Board of Commissioners
to designate
2010 as the Year of Community Watch in Vance County

WHEREAS, Henderson-Vance Crime Stoppers has been actively involved in assisting law enforcement in the ongoing fight against crime, including assisting communities and neighborhoods in organizing and establishing Community Watch programs; and

WHEREAS, crime throughout the City of Henderson and Vance County continues to be of grave concern to all citizens and families, businesses, schools, churches, and local governments; and

WHEREAS, active Community Watch programs have repeatedly proven their effectiveness as a valuable ally for law enforcement agencies in the fight against crime; and

WHEREAS, there are currently seven (7) active Community Watch programs in the County, namely, Ruin Creek Road, Spring Valley, West Hills/West Creek/158 Bypass, Kittrell, Watkins, Hunt Stone, and Cobble Stone, with numerous more sorely needed.

NOW THEREFORE BE IT RESOLVED, that the Vance County Board of Commissioners does duly designate 2010 as the Year of Community Watch in Vance County, and in doing so, does agree to provide reasonable financial resources for materials as necessary and appropriate, and does strongly encourage citizens, businesses, churches, schools and others to become actively involved in Community Watch; and

BE IT FURTHER RESOLVED, that the Vance County Board of Commissioners does encourage the leadership of existing and future Community Watch programs in the City and County to unite to form a Henderson-Vance Community Watch Association, with the first meeting to be conducted during the month of January 2010, as assisted by the leadership of Henderson-Vance Crime Stoppers, with the purpose of sharing ideas and strategies, receiving training, promoting program expansion, and providing mutual support.

This, the seventh day of December, 2009.

Danny W. Wright (Signed)
Chairman

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Appointment of Review Officers. Mr. Ayscue stated that review officers are required in the Tax Office to review plats and certify that they meet statutory requirements before being recorded with the Register of Deeds. One of the two individuals appointed has recently retired and it is necessary to appoint a replacement. Mr. Ayscue recommended that the Board approve a resolution to appoint Cathy E. Renn, Tax Technician, as a review officer as required by NC General Statute 47-30.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following resolution appointing Cathy E. Renn as a Review Officer:

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RESOLUTION
by the
Vance County Board of Commissioners
Appointment of Review Officers

WHEREAS, the North Carolina General Assembly in its 1997 Session passed Senate Bill 875, which is now incorporated into General Statute 47-30, requiring counties, by resolution to appoint one or more persons as review officers to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, the appointed person or persons should be experienced in mapping or land records management, and preferably should be certified as contained in G.S. 147-54.4; and

WHEREAS, the review officer is to expeditiously review all maps and plats before they are presented to the Register of Deeds, with the exception of a map or plat which is a survey within the meaning of G.S. 47-30(f)(11)b or c; and

WHEREAS, Cynthia W. Lloyd and Barbara M. Crews were duly appointed as review officers as of April 1, 2009; and

WHEREAS, this resolution must be recorded in the Vance County Register of Deeds.

NOW, THEREFORE BE IT RESOLVED that the Vance County Board of Commissioners duly appoints Cathy E. Renn, Tax Technician, as a review officer for the purpose of review and certification of plats and maps as required by the North Carolina General Assembly, with such appointment to be effective as of December 7, 2009.

This, the 7th day of December, 2009.

Danny W. Wright (Signed)
Chairman

Mr. Ayscue distributed a copy of the by-laws of the newly formed Henderson-Vance Economic Development Commission. The EDC approved the By-laws and asked that the Board of Commissioner have a copy for their information.

Miscellaneous

Appointments. The following appointments were presented to the Board for approval.

Tourism Development Authority - three year term
Re-appoint Amy Knott - appointed 12/2001
Shirley Payne - appointed 07/2005
David Sedigh - appointed 12/2002

Motion was made by Commissioner Dan Brummitt to approve the appointments as presented.

This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

At this time, motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Deborah F. Brown, vote unanimous, to enter into closed session for the purpose of discussing a property matter and an Economic Development Project.

Upon return to open session, motion was made by Commissioner Dan Brummitt that the Board approve entering into a 180 day real estate Option to Purchase with Redbirds LLC for a 4 acre tract of land on Norlina Road, to include the purchase of 3 acres for \$350,000 with one additional acre to be donated. This purchase shall further be contingent upon grants being obtained to fund the purchase. Other terms and conditions as the County Manager and County Attorney may recommend.

This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

As there was no further business, at 8:25 p.m., motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Eddie L. Wright, vote unanimous, that the meeting be adjourned.

Approved and signed January 4, 2010.

Chairman