

Halifax County Board of Commissioners

Vernon J. Bryant, Chairman
J. Rives Manning, Jr., Vice-Chairman
Carolyn C. Johnson
Linda A. Brewer
Marcelle O. Smith
T. Patrick W. Qualls



Tony N. Brown
County Manager
Andrea H. Wiggins
Clerk to the Board
M. Glynn Rollins, Jr.
County Attorney

Monday October 19, 2020 Regular Meeting 5:30 PM

Halifax County Historic Courthouse
10 North King Street, Post Office Box 38, Halifax, North Carolina 27839
252-583-1131/Fax: 252-583-9921
www.halifaxnc.com

The mission of the Halifax County Board of Commissioners is to provide leadership and support for an effective county government that seeks to enhance the quality of life for the people of Halifax County.

Call to Order

Chairman Vernon J. Bryant

Invocation and Pledge of Allegiance

Adoption of the Agenda

Conflict of Interest

Chairman Vernon J. Bryant

In accordance with the Halifax County Board of Commissioners Rules of Procedures and N. C. G. S. Sec.153A-44, it is the duty of every member present to vote on all matters coming before the Board, unless there is a conflict of interest as determined by the Board or by law. Does any Board member have any known conflict of interest with respect to any matters coming before the Board today? If so, please identify the conflict and the remaining Board members will vote to consider the requested excuse.

1. Public Hearings

- | | |
|---|--|
| A. Public Hearing on Proposed Installment Financing Through Roanoke Electric Membership Corporation | M. Glynn Rollins, Jr., County Attorney |
| B. Public Hearing on Additional Incentives Project Kitch | M. Glynn Rollins, Jr., County Attorney |

2. Agenda Item

- | | |
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| A. Donation of Surplus Vehicles to Town of Halifax | M. Glynn Rollins, Jr., County Attorney |
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3. Action on Public Hearings

- | | |
|---|--|
| A. Proposed Installment Financing Through Roanoke Electric Membership Corporation | M. Glynn Rollins, Jr., County Attorney |
| B. Proposed Additional Incentives Project Kitch | M. Glynn Rollins, Jr., County Attorney |

4. Agenda Item

- | | |
|---------------------------------|--------------------------------------|
| A. Back Up PSAP Building Update | Dia H. Denton, Deputy County Manager |
|---------------------------------|--------------------------------------|

5. Other Business

County Commissioners

6. Closed Session

County Commissioners

7. Adjourn Until November 2, 2020 Regular Meeting at 9:30 A. M.

County Commissioners

Accommodations for individuals with disabilities may be arranged by contacting the County Manager's office at 252-583-1131 at least 48 hours prior to the meeting.



AGENDA
Halifax County Board of Commissioners
Regular Meeting

TO: Halifax County Board of Commissioners

FROM: M. Glynn Rollins, Jr., County Attorney

PRESENTER: M. Glynn Rollins, Jr., County Attorney

SUBJECT: Public Hearing on Proposed Installment Financing Through Roanoke Electric Membership Corporation

DATE: October 19, 2020 Regular Meeting

SUPPORTING INFORMATION:

The County proposes to borrow \$1,000,000.00 from Roanoke Electric Membership Corporation (REC) pursuant to G.S. 120A-20. This will be a zero interest loan. The proceeds will be used to fund a proposed zero interest construction loan to a company that intends to locate in the Halifax Corporate Park (the Company). This economic development project is currently identified as "Project Kitch." The REC loan will be secured by assignment and pledge of the note and deed of trust associated with the County loan to the Company. The REC loan must be approved by the Local Government Commission. The cost of issuance of the REC loan must be paid from other revenues.

ATTACHMENTS:

Description

- ▢ Public Hearing Opening Statement
- ▢ Notice of Public Hearing - REC Installment Financing
- ▢ Resolution Approving Installment Financing
- ▢ Project Ordinance-Project Kitch Loans

TOTAL COST:\$1,002,116.00 (est.)

COUNTY COST:\$2,116.00 (est.)

REQUEST: Conduct a public hearing on the proposed \$1,000,000.00 installment financing from REC to the County.



OPENING STATEMENT PUBLIC HEARING

Public hearings are held for the purpose of receiving comments from the public regarding a specific subject. Those persons desiring to speak will give their name, their physical address, their phone number and the name of the organization they are speaking for, if applicable. We request that each speaker limit their comments solely to the issue at hand and not direct comments toward specific individuals. In the interest of time, please do not repeat facts or issues covered by previous speakers.

If you wish to comment, you should express your opinion on the subject matter and give the Board an understanding of whether you favor, or oppose, the issue being discussed.

The Board of Commissioners values and appreciates the opportunity to listen to the citizens of Halifax County and respectfully requests that the above guidelines be followed.

NOTICE OF PUBLIC HEARING

The Board of Commissioners (the “*Board*”) of the County of Halifax, North Carolina (the “*County*”) is considering (1) entering into an installment financing contract in an amount not to exceed \$1,000,000 (the “*Contract*”) to finance a portion of the construction of a manufacturing facility as part of an Economic Development project (the “*Project*”) and (2) executing and delivering a Promissory Note and other such agreements, as may be required by the entity providing the funds to the County under the Contract. The Project is located in the Halifax Corporate Park on Highway 561, Halifax, North Carolina.

On the County’s payment of all installment payments due under the Contract, the Promissory Note created thereunder would terminate.

NOTICE IS HEREBY GIVEN, pursuant to Section 160A-20 of the General Statutes of North Carolina, that on October 19, 2020 at 5:30 p.m. in the Historic Courthouse, 10 North King Street, Halifax, North Carolina, a public hearing will be conducted concerning the approval of the execution, delivery and performance of the Contract, the Promissory Note and other such agreements required by the entity providing the funds and the Project to be financed thereby. All interested parties are invited to present comments at the public hearing regarding the execution, delivery and performance of the Contract, the Promissory Notice and other such agreements, and the Project to be financed thereby.

Andrea H. Wiggins
Clerk to the Board of Commissioners
County of Halifax, North Carolina

Published: October 9, 2020

A RESOLUTION OF THE COUNTY OF HALIFAX, NORTH CAROLINA,
APPROVING INSTALLMENT FINANCING AND PROVIDING FOR CERTAIN
OTHER RELATED MATTERS

WHEREAS, the County of Halifax, North Carolina (the “County”) is a duly and regularly created, organized and validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the “State”);

WHEREAS, the County has the power, pursuant to Section 158-7.1 of the General Statutes of North Carolina, to appropriate and expend public funds for economic development purposes, and that such appropriations may be funded by the allocation of revenues whose use is not otherwise restricted by law;

WHEREAS, the County intends to enter into an economic development agreement with a company that intends to locate a new manufacturing facility in Halifax County (the “Company”), the terms of which include a zero interest loan not to exceed one million dollars by the County to the Company (the “Company Loan”) for a portion of the cost of construction of the Company’s manufacturing facility (the “Project”);

WHEREAS, the Company Loan will be evidenced by a promissory note (the “Company Note”) and secured by a first lien deed of trust on the real property where the construction improvements are to be located (the “Company Deed of Trust”);

WHEREAS, the County has the power, pursuant to Section 160A-20(b) of the General Statutes of North Carolina, as amended, to finance the construction of improvements on real property by County Notes that create, in some or all of the real property on which the improvements are made, a security interest to secure repayment of the moneys advanced for that construction;

WHEREAS, the Board of Commissioners of the County (the “Board”), hereby determines that it is in the best interests of the County to receive an advance of funds in an aggregate principal amount of not more than \$1,000,000 by entering into promissory note (the “County Note”) with Roanoke Electric Membership Corporation (the “Lender”) in order to fund the Company Loan in support of the Project;

WHEREAS, the Project will be located on land now owned by the County which will be conveyed to the Company by fee simple determinable title prior to commencement of construction by the Company;

WHEREAS, the County hereby determines that the Project will increase the population, taxable property, employment opportunities, industrial output and business prospects of the County;

WHEREAS, the County hereby further determines that the Project is essential to the County’s proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project has or will provide an essential use and has or will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the County Note is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the estimated cost of the Project is an amount not to exceed \$1,000,000 and that such cost of the Project exceeds the total amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Project pursuant to the County Note is expected to exceed the cost of financing the Project pursuant to a bond financing for the same undertaking, the County

hereby determines that the cost of financing the Project pursuant to the County Note and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (a) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (b) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Project; and (c) insufficient revenues are produced by the Project so as to permit a revenue bond financing;

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

WHEREAS, the obligation of the County to make Installment Payments under the County Note is a limited obligation of the County payable solely from currently budgeted appropriations of the County and does not constitute a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation;

WHEREAS, the County will enter into a security agreement for the benefit of the Lender, under the terms of which the County will pledge and assign the Company Note and the Company Deed of Trust as collateral for the repayment of the County Note and make other commitments with regard to the collection and enforcement of the Company Note and Deed of Trust (the County Security Agreement”);

WHEREAS, the County does not anticipate future property tax increases solely to pay installment payments falling due under the County Note in any fiscal year during the term of the County Note;

WHEREAS, the County Attorney will render an opinion to the effect that entering into the County Note and County Security Agreement, and the transactions contemplated thereby, are authorized by law and constitute a purpose for which public funds may be expended pursuant to the Constitution and laws of the State;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the County Note, and the taxing power of the County will not be pledged in any way directly or indirectly or contingently to secure any moneys due under the County Note;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County’s budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles in preparing its Annual Budget Ordinance;

WHEREAS, past audit reports of the County indicate that its debt management and County Note obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the “LGC”), external auditors or any other regulatory agencies in connection with such debt management and County Note obligation payment policies;

WHEREAS, a public hearing on the County Note and the financing of the Project after publication of a notice with respect to such public hearing must be held and the Board conducted such public hearing at this meeting;

WHEREAS, the County must file an application with the LGC for approval of the LGC with respect to the County entering into the County Note in an aggregate principal amount of not to exceed \$1,000,000, and the County hereby determines that all findings, conclusions and determinations of the County in this resolution are subject to such approval by the LGC;

WHEREAS, there has been presented to the Board the form of the County Note and the Security Agreement which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at the Interest Rate (as defined in the County Note) and for a maximum principal amount of \$1,000,000.00 as specified in the County Note; and

WHEREAS, it appears that each of the County Note and the Security Agreement (collectively, the “Instruments”) is in appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, a project ordinance for the financing contemplated by this resolution, including cost of issuance (the Project Ordinance), has been presented to the Board for adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HALIFAX, NORTH CAROLINA, AS FOLLOWS:

Section 1. Ratification of Prior Actions. All actions of the County Manager, the Finance Director of the County and the Clerk to the Board of Commissioners and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the County Note.

Section 2. Application For Approval by Local Government Commission. As required under Section 160A-20(e), appropriate County staff are authorized and directed to file an application for approval of the financing contemplated by this resolution.

Section 3. Approval, Authorization and Execution of Instruments. The County hereby approves the financing of the Project in accordance with the terms of the Instruments, which will be valid, legal and binding obligations of the County in accordance with their respective terms. The County hereby approves the amount to be advanced by the Lender to the County pursuant to the County Note in an aggregate principal amount not to exceed \$1,000,000, such amount to be repaid by the County to the Lender as provided in the County Note. The form, terms and content of the Instruments are in all respects authorized, approved and confirmed, and each of the Chairman of the Board, the County Manager, the Finance Director of the County and the Clerk to the Board of Commissioners or their respective designees are authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the County, including necessary counterparts, in substantially the forms presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Instruments, each of the Chairman of the Board, the County Manager, the Finance Director of the County and the Clerk to the Board of Commissioners or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

Section 4. Further Actions. Each of the Chairman of the Board, the County Manager, and the Finance Director of the County are hereby designated as the County’s representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and each of the Chairman of the Board, the County Manager, and the Finance Director of the County are authorized and directed to proceed with the financing of the Project in accordance with the terms of the Instruments and to seek

opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Chairman of the Board, the County Manager, and the Finance Director of the County are hereby authorized to designate one or more employees of the County to take all actions which each of the Chairman of the Board, the County Manager, and the Finance Director of the County are authorized to perform under this Resolution, and each of the Chairman of the Board, the County Manager, the Finance Director of the County or their designees are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. Each of the Chairman of the Board, the County Clerk, the County Manager, and the Finance Director of the County are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 5. Related Actions. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 6. Repealer. All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 7. Severability. If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. The Project Ordinance as presented is adopted.

Section 9. Effective Date. That this Resolution is effective on the date of its adoption.

Adopted this _____ day of October, 2020.

Vernon J. Bryant, Chairman
Halifax County Board of Commissioners

Attest:

Andrea H. Wiggins
Clerk to the Board

**Project Ordinance
Project Kitch (Loans)
Halifax County, North Carolina**

Be it ordained by the Halifax County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted:

Section 1: The project authorized is “Project Kitch” which includes in installment financing with loan proceeds from Roanoke Electric Membership Corporation to Halifax County, d/b/a Roanoke Electric Co-operative (REC), to be used to fund a loan from Halifax County to a manufacturing company desiring to locate in Halifax County (the Company).

Section 2: The officers of this unit of government are hereby directed to proceed with the project within the terms of the Economic Development Agreement between the County and the Company, the loan agreements between the County (as Borrower) and REC (as Lender), and the loan agreements between the Company (as Borrower) and the County (as Lender).

Section 3: The following revenues are anticipated to be available to complete this project:

| | |
|---|-----------------------|
| Roanoke Electric Membership Corporation (REC) – Loan Proceeds | \$1,000,000.00 |
| Halifax County | \$2,116.00 |
| | |
| | |
| Total | \$1,002,116.00 |

Section 4: The following expenditure are anticipated for this project:

| | |
|---|-----------------------|
| Construction Loan to from Halifax County to Company | \$1,000,000.00 |
| Application fee – Local Government Commission | \$1,250.00 |
| Recording fees | \$116.00 |
| Contingency | \$750.00 |
| Grand Total | \$1,002,116.00 |

Section 5: The Finance Director is hereby directed to maintain within the Project Fund sufficient detailed account to provide such accounting as may be required by law or the agreements.

Section 6: If all agreements identified in this project ordinance are in proper order, funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7: Copies of this Project Ordinance shall be entered into the minutes of the governing board within five days after adoption and be filed with the Finance Director, Budget Officer, County Manager, and the Clerk to the Board.

Adopted this ____ day of _____, 2020.

Vernon J. Bryant, Chairman
Halifax County Board of Commissioners

ATTEST: _____
Andrea H. Wiggins, Clerk to the Board



AGENDA
Halifax County Board of Commissioners
Regular Meeting

TO: Halifax County Board of Commissioners

FROM: M. Glynn Rollins, Jr., County Attorney

PRESENTER: M. Glynn Rollins, Jr., County Attorney

SUBJECT: Public Hearing on Additional Incentives Project Kitch

DATE: October 19, 2020 Regular Meeting

SUPPORTING INFORMATION:

On July 13, 2020, the Board approved certain incentives, appropriations and expenditures in support of Project Kitch, a manufacturing company (the Company) that intends to locate in the Halifax Corporate Park. Since that date, the County has the opportunity to receive a zero interest loan from Roanoke Electric Membership Corporation (REC) in the amount of \$1,000,000.00. It is proposed that those loan funds be used to offer a zero interest construction loan to the Company as a further incentive. Pursuant to G.S. 158-7.1(a), you are required to conduct a public hearing concerning this additional economic development incentive.

ATTACHMENTS:

Description

- ▢ Public Hearing Opening Statement
- ▢ Notice of Public Hearing
- ▢ Resolution

TOTAL COST:\$1,002,116.00 (est.)

COUNTY COST:\$2,116.00 (est.)

REQUEST: Conduct the public hearing required under G.S. 158-7.1(a).



OPENING STATEMENT PUBLIC HEARING

Public hearings are held for the purpose of receiving comments from the public regarding a specific subject. Those persons desiring to speak will give their name, their physical address, their phone number and the name of the organization they are speaking for, if applicable. We request that each speaker limit their comments solely to the issue at hand and not direct comments toward specific individuals. In the interest of time, please do not repeat facts or issues covered by previous speakers.

If you wish to comment, you should express your opinion on the subject matter and give the Board an understanding of whether you favor, or oppose, the issue being discussed.

The Board of Commissioners values and appreciates the opportunity to listen to the citizens of Halifax County and respectfully requests that the above guidelines be followed.

COUNTY OF HALIFAX

NOTICE OF PUBLIC HEARING

Pursuant to G.S. 158-7.1(a), notice is given that the Halifax County Board of Commissioners will hold a public hearing during the meeting of the Board, which begins at 5:30 p.m., Monday, October 19, 2020, in the Commissioners' Meeting Room on the second floor of the Historic Courthouse, 10 N. King St., Halifax, NC.

On July 13, 2020, pursuant to G.S. 158-7.1 (d) and (d2), the Board approved the conveyance of that certain tract or parcel of land containing approximately 20.89 acres, more or less, designated as Lot #1 of the Halifax Corporate Park, Halifax Township, Halifax County, North Carolina, to a manufacturing company that intends to locate in Halifax County (the Company). Under a proposed economic development agreement, the Company is required to construct improvements on the property.

In addition to the incentives previously approved, the Board intends to appropriate and expend funds in order to provide a zero interest loan to the Company in an amount not to exceed \$1,000,000.00 for the purpose of financing a portion of the costs of the improvements to be constructed on the Property. The source of funding for the loan from the County to the Company will be a zero interest loan from Roanoke Electric Membership Corporation to the County in an amount not to exceed \$1,000,000.00.

The Board believes that this additional incentive will stimulate and stabilize the local economy and result in the creation of a substantial number of new, permanent jobs in Halifax County.

All persons interested in this public hearing are encouraged to attend and express their view. The County of Halifax will provide reasonable accommodation and service for any qualified disabled person who wishes to attend the Public Hearing. To request such accommodations please contact Andrea H. Wiggins, Clerk to the Board, at (252) 583-1131 three (3) days prior to the public hearing.

Andrea H. Wiggins
Clerk to the Board
Halifax County Commissioners

October 9, 2020

Resolution Authorizing the Additional Appropriation and Expenditure of Funds
For a Construction Loan to a Manufacturing Company
(*Project Kitch*)

WHEREAS, a certain manufacturing company (the Company) is considering location of its manufacturing operations in Halifax County (the County); and

WHEREAS, G.S. 158-7.1(a) authorizes the County to make appropriations for economic development purposes if it is determined by the Board of County Commissioners (the Board) that such appropriations will increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the county; and

WHEREAS, such appropriations may be funded by property taxes or by the allocation of other revenues whose use is not otherwise restricted by law; and

WHEREAS, on July 13, 2020, the County approved, in substance, certain incentives to the Company including, among other things, the conveyance of land to be used by the Company as the location of its manufacturing facility;

WHEREAS, after further negotiations, the County intends to offer additional incentives to the Company, the terms of which include a zero interest loan from the County to the Company in an amount not to exceed one million dollars (the "Company Loan"), to be used by the Company to defray a portion of the cost of construction of its manufacturing facility (the "Project"); and

WHEREAS, the Company Loan is to be evidenced by a promissory note (the "Company Note") and secured by a first lien deed of trust on the real property where the improvements are being constructed (the "Company Deed of Trust"), collectively, the "Company Note and Deed of Trust"; and

WHEREAS, the County has the authority to make the loan to the Company pursuant to Section 158-7.1 of the North Carolina General Statutes; and

WHEREAS, in order to fund the Company Loan in support of the Project, Roanoke Electric Membership Corporation, d/b/a Roanoke Electric Cooperative ("REC"), has agreed to make a loan of funds to the County in the principal amount of \$1,000,000.00, evidenced by a promissory note (the "County Note"), to be repaid to REC at zero interest (the "County Loan"); and

WHEREAS, the Halifax County Board of Commissioners held a public hearing to consider the proposed appropriation and expenditure of the REC loan funds for a construction loan from the County to the Company as an additional economic development incentive; and

WHEREAS, it is anticipated that the manufacturing company will make an additional taxable investment including real property improvements, machinery and equipment in Halifax County of not less than \$5,000,000.00; and

WHEREAS, it is anticipated that the manufacturing company will create not less than 50 new permanent jobs in Halifax County which will pay wages that exceed the current average hourly wage for Halifax County, the current average hourly wage in Halifax County being \$15.79; and

WHEREAS, the location of this manufacturing company in Halifax County will stimulate, diversify, and stabilize the local economy, promote business in Halifax County, increase the population

and taxable property in Halifax County, and result in the creation of a substantial number of good paying jobs in Halifax County; and

WHEREAS, a proposed form of Economic Development Agreement is attached hereto setting out the previously approved terms and conditions related to the conveyance of certain property, the grant of preemptive rights in certain adjoining property and the appropriation, expenditure and repayment of the certain grant funds, and further setting out the appropriation and expenditure of REC loan funds for a construction loan to the Company, which is the matter that has been presented to the Board today;

NOW, THEREFORE, BE IT RESOLVED that subject to the decision of the manufacturing company to expand its operations in Halifax County, in addition to the incentives, appropriations and expenditures authorized by the Board on July 13, 2020, additional authorization is given to appropriate and expend the anticipated REC loan funds in the form of a construction loan to the Company, all subject to the terms and conditions as substantially set forth in the proposed form of Economic Development Agreement attached to this resolution, PROVIDED, that all such incentives, appropriations and expenditures, shall comply in all manner with the statutory provisions of G.S. 158-7.1.

Adopted this ____ day of October, 2020.

Vernon J. Bryant Chairman
Halifax County Board of Commissioners

Andrea H. Wiggins, MMC
Clerk to the Board



AGENDA
Halifax County Board of Commissioners
Regular Meeting

TO: Halifax County Board of Commissioners

FROM: M. Glynn Rollins, Jr., County Attorney

PRESENTER: M. Glynn Rollins, Jr., County Attorney

SUBJECT: Donation of Surplus Vehicles to Town of Halifax

DATE: October 19, 2020 Regular Meeting

SUPPORTING INFORMATION:

Halifax County owns a 2003 Ford F150 extended cab truck and a 2001 Toyota Echo, neither of which are of any benefit to the County and may be declared surplus property. The Town of Halifax has requested that these vehicles be donated to the Town pursuant to G.S. 160A-288. The County Operations Director and county management recommend that the requested donation be authorized. Public notice of intention to donate these vehicles to the Town has been posted at least five days before the consideration of this action.

ATTACHMENTS:

Description

- ▢ Letter Requesting Donation
- ▢ Public Notice of Proposed Donation of Surplus Property
- ▢ Resolution

TOTAL COST:N/A

COUNTY COST:N/A

REQUEST: Consider adoption of the attached "Resolution Declaring Certain County Personal Property to be Surplus and Authorizing the Donation of that Surplus Property to the Town of Halifax."



Town of Halifax

First in Freedom

Po Box 222
24 King St.
Halifax, NC 27839

7/1/2020

To Ed Johnson,

I am writing to request a donation of a Toyota Echo, and the F150 extended-cab truck in the County surplus for use as Public Works vehicles.

The vehicles would be greatly helpful in replacing a current Town vehicle that is only semi-operational.

Thank you for all of your help.

Sincerely,

John L. White, Mayor
Town of Halifax
PO Box 222
Halifax, NC 27839
252-583-6571

COUNTY OF HALIFAX

PUBLIC NOTICE

PROPOSED DONATION OF SURPLUS PERSONAL PROPERTY

Pursuant to GS 160A-280(a) public notice is hereby given that the Halifax County Board of Commissioners will consider a request to declare certain personal property to be surplus property and a further request that such property be donated to the Town of Halifax. The personal property under consideration are:

1. 2003 Ford F150 extended cab truck, VIN 2FTRX17W53CB11403
2. 2001 Toyota Echo, VIN JTDBT123010139589

The Board will take action on this matter at its next regular meeting on Monday, October 19, 2020, at 5:30 o'clock p. m., in the Commissioners Meeting Room located on the second floor of the Historic Courthouse, Halifax, North Carolina. All persons interested in this matter are invited to attend this meeting of the Halifax County Board of Commissioners. The County of Halifax will provide reasonable accommodation and service for any qualified disabled person who wishes to attend the meeting. To request such accommodations please contact Andrea H. Wiggins, Clerk to the Board, at (252) 583-1131 three (3) days prior to the meeting.

Andrea H. Wiggins, MMC
Clerk to the Board
Halifax County Commissioners

POSTED: _____

(NOTE: MUST BE POSTED AT LEASE FIVE DAYS BEFORE THE MEETING)

A RESOLUTION DECLARING CERTAIN COUNTY PERSONAL PROPERTY TO
BE SURPLUS AND AUTHORIZING THE DONATION OF THAT SURPLUS
PROPERTY TO THE TOWN OF HALIFAX

WHEREAS, Halifax County (the County) is the owner of certain personal property, to wit: a 2003 Ford F150 extended cab truck, VIN 2FTRX17W53CB11403, and a 2001 Toyota Echo, VIN JTDBT123010139589 (the Property); and

WHEREAS, the County has determined that the Property is no longer of any benefit to the County the County desires to declare the Property to be surplus; and

WHEREAS, pursuant to G.S. 160A-288 the County has the authority to donate surplus property to another unit of local government after posting notice of its intention to do so; and

WHEREAS, the Town of Halifax (the Town) has requested that the County consider donating the Property to the Town; and

WHEREAS, the County desires to donate the Property to the Town; and

WHEREAS, the County has caused public notice of its intention to donate the Property to the Town at least five days before the adoption of the Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Halifax County Board of Commissioners hereby declares the above referenced Property as surplus and authorizes the County Manager and other appropriate staff to execute such documents as may be necessary to donate the Property to the Town of Halifax.

The 19th day of October, 2020.

Vernon J. Bryant, Chairman
Halifax County Board of Commissioners

ATTEST:

Andrea H. Wiggins, MMC, Clerk
Halifax County Board of Commissioners



AGENDA
Halifax County Board of Commissioners
Regular Meeting

TO: Halifax County Board of Commissioners

FROM: M. Glynn Rollins, Jr., County Attorney

PRESENTER: M. Glynn Rollins, Jr., County Attorney

SUBJECT: Proposed Installment Financing Through Roanoke Electric Membership Corporation

DATE: October 19, 2020 Regular Meeting

SUPPORTING INFORMATION:

The County proposes to borrow \$1,000,000.00 from Roanoke Electric Membership Corporation (REC) pursuant to G.S. 120A-20. This will be a zero interest loan. The proceeds will be used to fund a proposed zero interest construction loan to a company that intends to locate in the Halifax Corporate Park (the Company). This economic development project is currently identified as "Project Kitch." The REC loan will be secured by assignment and pledge of the note and deed of trust associated with the County loan to the Company. The REC loan must be approved by the Local Government Commission. The cost of issuance of the REC loan must be paid from other revenues. Attached for your consideration is a resolution approving the proposed installment financing and other related matters, including the adoption of a project ordinance for this transaction.

ATTACHMENTS:

Description

- ▢ Resolution Approving Installment Financing
- ▢ Project Ordinance-Project Kitch Loans

TOTAL COST: \$1,002,116.00 (est.)

COUNTY COST: \$2,116.00 (est.)

REQUEST: Consider the adoption of the attached "Resolution of the County of Halifax, North Carolina, Approving Installment Financing and Providing for Certain Other Related Matters."

A RESOLUTION OF THE COUNTY OF HALIFAX, NORTH CAROLINA,
APPROVING INSTALLMENT FINANCING AND PROVIDING FOR CERTAIN
OTHER RELATED MATTERS

WHEREAS, the County of Halifax, North Carolina (the “County”) is a duly and regularly created, organized and validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the “State”);

WHEREAS, the County has the power, pursuant to Section 158-7.1 of the General Statutes of North Carolina, to appropriate and expend public funds for economic development purposes, and that such appropriations may be funded by the allocation of revenues whose use is not otherwise restricted by law;

WHEREAS, the County intends to enter into an economic development agreement with a company that intends to locate a new manufacturing facility in Halifax County (the “Company”), the terms of which include a zero interest loan not to exceed one million dollars by the County to the Company (the “Company Loan”) for a portion of the cost of construction of the Company’s manufacturing facility (the “Project”);

WHEREAS, the Company Loan will be evidenced by a promissory note (the “Company Note”) and secured by a first lien deed of trust on the real property where the construction improvements are to be located (the “Company Deed of Trust”);

WHEREAS, the County has the power, pursuant to Section 160A-20(b) of the General Statutes of North Carolina, as amended, to finance the construction of improvements on real property by County Notes that create, in some or all of the real property on which the improvements are made, a security interest to secure repayment of the moneys advanced for that construction;

WHEREAS, the Board of Commissioners of the County (the “Board”), hereby determines that it is in the best interests of the County to receive an advance of funds in an aggregate principal amount of not more than \$1,000,000 by entering into promissory note (the “County Note”) with Roanoke Electric Membership Corporation (the “Lender”) in order to fund the Company Loan in support of the Project;

WHEREAS, the Project will be located on land now owned by the County which will be conveyed to the Company by fee simple determinable title prior to commencement of construction by the Company;

WHEREAS, the County hereby determines that the Project will increase the population, taxable property, employment opportunities, industrial output and business prospects of the County;

WHEREAS, the County hereby further determines that the Project is essential to the County’s proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project has or will provide an essential use and has or will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the County Note is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the estimated cost of the Project is an amount not to exceed \$1,000,000 and that such cost of the Project exceeds the total amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Project pursuant to the County Note is expected to exceed the cost of financing the Project pursuant to a bond financing for the same undertaking, the County

hereby determines that the cost of financing the Project pursuant to the County Note and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (a) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (b) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Project; and (c) insufficient revenues are produced by the Project so as to permit a revenue bond financing;

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

WHEREAS, the obligation of the County to make Installment Payments under the County Note is a limited obligation of the County payable solely from currently budgeted appropriations of the County and does not constitute a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation;

WHEREAS, the County will enter into a security agreement for the benefit of the Lender, under the terms of which the County will pledge and assign the Company Note and the Company Deed of Trust as collateral for the repayment of the County Note and make other commitments with regard to the collection and enforcement of the Company Note and Deed of Trust (the County Security Agreement”);

WHEREAS, the County does not anticipate future property tax increases solely to pay installment payments falling due under the County Note in any fiscal year during the term of the County Note;

WHEREAS, the County Attorney will render an opinion to the effect that entering into the County Note and County Security Agreement, and the transactions contemplated thereby, are authorized by law and constitute a purpose for which public funds may be expended pursuant to the Constitution and laws of the State;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the County Note, and the taxing power of the County will not be pledged in any way directly or indirectly or contingently to secure any moneys due under the County Note;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County’s budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles in preparing its Annual Budget Ordinance;

WHEREAS, past audit reports of the County indicate that its debt management and County Note obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the “LGC”), external auditors or any other regulatory agencies in connection with such debt management and County Note obligation payment policies;

WHEREAS, a public hearing on the County Note and the financing of the Project after publication of a notice with respect to such public hearing must be held and the Board conducted such public hearing at this meeting;

WHEREAS, the County must file an application with the LGC for approval of the LGC with respect to the County entering into the County Note in an aggregate principal amount of not to exceed \$1,000,000, and the County hereby determines that all findings, conclusions and determinations of the County in this resolution are subject to such approval by the LGC;

WHEREAS, there has been presented to the Board the form of the County Note and the Security Agreement which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at the Interest Rate (as defined in the County Note) and for a maximum principal amount of \$1,000,000.00 as specified in the County Note; and

WHEREAS, it appears that each of the County Note and the Security Agreement (collectively, the "Instruments") is in appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, a project ordinance for the financing contemplated by this resolution, including cost of issuance (the Project Ordinance), has been presented to the Board for adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HALIFAX, NORTH CAROLINA, AS FOLLOWS:

Section 1. Ratification of Prior Actions. All actions of the County Manager, the Finance Director of the County and the Clerk to the Board of Commissioners and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the County Note.

Section 2. Application For Approval by Local Government Commission. As required under Section 160A-20(e), appropriate County staff are authorized and directed to file an application for approval of the financing contemplated by this resolution.

Section 3. Approval, Authorization and Execution of Instruments. The County hereby approves the financing of the Project in accordance with the terms of the Instruments, which will be valid, legal and binding obligations of the County in accordance with their respective terms. The County hereby approves the amount to be advanced by the Lender to the County pursuant to the County Note in an aggregate principal amount not to exceed \$1,000,000, such amount to be repaid by the County to the Lender as provided in the County Note. The form, terms and content of the Instruments are in all respects authorized, approved and confirmed, and each of the Chairman of the Board, the County Manager, the Finance Director of the County and the Clerk to the Board of Commissioners or their respective designees are authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the County, including necessary counterparts, in substantially the forms presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Instruments, each of the Chairman of the Board, the County Manager, the Finance Director of the County and the Clerk to the Board of Commissioners or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

Section 4. Further Actions. Each of the Chairman of the Board, the County Manager, and the Finance Director of the County are hereby designated as the County's representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and each of the Chairman of the Board, the County Manager, and the Finance Director of the County are authorized and directed to proceed with the financing of the Project in accordance with the terms of the Instruments and to seek

opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Chairman of the Board, the County Manager, and the Finance Director of the County are hereby authorized to designate one or more employees of the County to take all actions which each of the Chairman of the Board, the County Manager, and the Finance Director of the County are authorized to perform under this Resolution, and each of the Chairman of the Board, the County Manager, the Finance Director of the County or their designees are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. Each of the Chairman of the Board, the County Clerk, the County Manager, and the Finance Director of the County are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution.

Section 5. Related Actions. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 6. Repealer. All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 7. Severability. If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. The Project Ordinance as presented is adopted.

Section 9. Effective Date. That this Resolution is effective on the date of its adoption.

Adopted this _____ day of October, 2020.

Vernon J. Bryant, Chairman
Halifax County Board of Commissioners

Attest:

Andrea H. Wiggins
Clerk to the Board

**Project Ordinance
Project Kitch (Loans)
Halifax County, North Carolina**

Be it ordained by the Halifax County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted:

Section 1: The project authorized is “Project Kitch” which includes in installment financing with loan proceeds from Roanoke Electric Membership Corporation to Halifax County, d/b/a Roanoke Electric Co-operative (REC), to be used to fund a loan from Halifax County to a manufacturing company desiring to locate in Halifax County (the Company).

Section 2: The officers of this unit of government are hereby directed to proceed with the project within the terms of the Economic Development Agreement between the County and the Company, the loan agreements between the County (as Borrower) and REC (as Lender), and the loan agreements between the Company (as Borrower) and the County (as Lender).

Section 3: The following revenues are anticipated to be available to complete this project:

| | |
|---|-----------------------|
| Roanoke Electric Membership Corporation (REC) – Loan Proceeds | \$1,000,000.00 |
| Halifax County | \$2,116.00 |
| | |
| | |
| Total | \$1,002,116.00 |

Section 4: The following expenditure are anticipated for this project:

| | |
|---|-----------------------|
| Construction Loan to from Halifax County to Company | \$1,000,000.00 |
| Application fee – Local Government Commission | \$1,250.00 |
| Recording fees | \$116.00 |
| Contingency | \$750.00 |
| Grand Total | \$1,002,116.00 |

Section 5: The Finance Director is hereby directed to maintain within the Project Fund sufficient detailed account to provide such accounting as may be required by law or the agreements.

Section 6: If all agreements identified in this project ordinance are in proper order, funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7: Copies of this Project Ordinance shall be entered into the minutes of the governing board within five days after adoption and be filed with the Finance Director, Budget Officer, County Manager, and the Clerk to the Board.

Adopted this ____ day of _____, 2020.

Vernon J. Bryant, Chairman
Halifax County Board of Commissioners

ATTEST: _____
Andrea H. Wiggins, Clerk to the Board



AGENDA
Halifax County Board of Commissioners
Regular Meeting

TO: Halifax County Board of Commissioners

FROM: M. Glynn Rollins, Jr., County Attorney

PRESENTER: M. Glynn Rollins, Jr., County Attorney

SUBJECT: Proposed Additional Incentives Project Kitch

DATE: October 19, 2020 Regular Meeting

SUPPORTING INFORMATION:

On July 13, 2020, the Board approved certain incentives, appropriations and expenditures in support of Project Kitch, a manufacturing company (the Company) that intends to locate in the Halifax Corporate Park. Since that date, the County has the opportunity to receive a zero interest loan from Roanoke Electric Membership Corporation (REC) in the amount of \$1,000,000.00. It is proposed that those loan funds be used to offer a zero interest construction loan to the Company as a further incentive. Pursuant to G.S. 158-7.1(a), you have conducted a public hearing concerning this additional economic development incentive. A resolution concerning the proposed construction loan to the Company is attached.

ATTACHMENTS:

Description

▣ Resolution

TOTAL COST:\$1,002,116.00 (est.)

COUNTY COST:\$2,116.00 (est.)

REQUEST: Consider adoption of the attached "Resolution Authorizing the Additional Appropriation and Expenditure of Funds for a Construction Loan to a Manufacturing Company."

Resolution Authorizing the Additional Appropriation and Expenditure of Funds
For a Construction Loan to a Manufacturing Company
(*Project Kitch*)

WHEREAS, a certain manufacturing company (the Company) is considering location of its manufacturing operations in Halifax County (the County); and

WHEREAS, G.S. 158-7.1(a) authorizes the County to make appropriations for economic development purposes if it is determined by the Board of County Commissioners (the Board) that such appropriations will increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the county; and

WHEREAS, such appropriations may be funded by property taxes or by the allocation of other revenues whose use is not otherwise restricted by law; and

WHEREAS, on July 13, 2020, the County approved, in substance, certain incentives to the Company including, among other things, the conveyance of land to be used by the Company as the location of its manufacturing facility;

WHEREAS, after further negotiations, the County intends to offer additional incentives to the Company, the terms of which include a zero interest loan from the County to the Company in an amount not to exceed one million dollars (the "Company Loan"), to be used by the Company to defray a portion of the cost of construction of its manufacturing facility (the "Project"); and

WHEREAS, the Company Loan is to be evidenced by a promissory note (the "Company Note") and secured by a first lien deed of trust on the real property where the improvements are being constructed (the "Company Deed of Trust"), collectively, the "Company Note and Deed of Trust"; and

WHEREAS, the County has the authority to make the loan to the Company pursuant to Section 158-7.1 of the North Carolina General Statutes; and

WHEREAS, in order to fund the Company Loan in support of the Project, Roanoke Electric Membership Corporation, d/b/a Roanoke Electric Cooperative ("REC"), has agreed to make a loan of funds to the County in the principal amount of \$1,000,000.00, evidenced by a promissory note (the "County Note"), to be repaid to REC at zero interest (the "County Loan"); and

WHEREAS, the Halifax County Board of Commissioners held a public hearing to consider the proposed appropriation and expenditure of the REC loan funds for a construction loan from the County to the Company as an additional economic development incentive; and

WHEREAS, it is anticipated that the manufacturing company will make an additional taxable investment including real property improvements, machinery and equipment in Halifax County of not less than \$5,000,000.00; and

WHEREAS, it is anticipated that the manufacturing company will create not less than 50 new permanent jobs in Halifax County which will pay wages that exceed the current average hourly wage for Halifax County, the current average hourly wage in Halifax County being \$15.79; and

WHEREAS, the location of this manufacturing company in Halifax County will stimulate, diversify, and stabilize the local economy, promote business in Halifax County, increase the population

and taxable property in Halifax County, and result in the creation of a substantial number of good paying jobs in Halifax County; and

WHEREAS, a proposed form of Economic Development Agreement is attached hereto setting out the previously approved terms and conditions related to the conveyance of certain property, the grant of preemptive rights in certain adjoining property and the appropriation, expenditure and repayment of the certain grant funds, and further setting out the appropriation and expenditure of REC loan funds for a construction loan to the Company, which is the matter that has been presented to the Board today;

NOW, THEREFORE, BE IT RESOLVED that subject to the decision of the manufacturing company to expand its operations in Halifax County, in addition to the incentives, appropriations and expenditures authorized by the Board on July 13, 2020, additional authorization is given to appropriate and expend the anticipated REC loan funds in the form of a construction loan to the Company, all subject to the terms and conditions as substantially set forth in the proposed form of Economic Development Agreement attached to this resolution, PROVIDED, that all such incentives, appropriations and expenditures, shall comply in all manner with the statutory provisions of G.S. 158-7.1.

Adopted this ____ day of October, 2020.

Vernon J. Bryant Chairman
Halifax County Board of Commissioners

Andrea H. Wiggins, MMC
Clerk to the Board



AGENDA
Halifax County Board of Commissioners
Regular Meeting

TO: Halifax County Board of Commissioners

FROM: Dia H. Denton, Deputy County Manager

PRESENTER: Dia H. Denton, Deputy County Manager

SUBJECT: Back Up PSAP Building Update

DATE: October 19, 2020 Regular Meeting

SUPPORTING INFORMATION:

1. Two major tasks need to be completed for the back up PSAP Building at 536 Jackson Street in Roanoke Rapids to be fully functional.
2. The first task is the phone system. This is part of a state-wide initiative to bring all PSAPs onto a new VoIP system called ESINet through AT&T. This is no cost to the county as it is all state funded. Our "Go Live" Date is currently scheduled for April 14, 2021.
3. The second task is to install radio consoles at BOTH the primary PSAP and the back up PSAP. The sites are required to mirror each other. The current radio consoles in the primary PSAP are obsolete and we are no longer able to find parts to make any repairs or upgrades. Therefore, both sites must be upgraded to new and technologically advanced equipment.
4. There are some funds in the County's 911 Fund Balance. The NC 911 Board has not reconciled the PSAP report for 2019 or 2020, so our current June 30, 2020 911 Fund Balance is \$218,087. This likely will change as NC 911 Board staff continues to work on PSAP reports from across the state. These funds could be put towards the project in whole, but we do not have final figures from the NC 911 Board on what the final figure will total.

ATTACHMENTS:

Description

No Attachments Available

TOTAL COST:\$1,076,543 **COUNTY COST:**\$900,000 (worst case estimate)

REQUEST: Request Commissioners provide staff direction on how to proceed with project.