

Adjourned Meeting
Mount Holly City Council
August 26, 1992

An adjourned regular meeting of the City Council of the City of Mount Holly, North Carolina, was held at 7:00 P.M. on August 26, 1992 at the City Hall, 131 South Main Street in Mount Holly, North Carolina, the regular place of meeting.

Present: Mayor Charles B. Black, Jr., presiding, Mayor Pro-Tem Faye S. Little, Councilwomen Lib Nichols and Phyllis Harris, Councilmen Archie Small and Jim Hope.

Absent: Bob Jessen
Mayor Pro-Tem Little introduced the following order which was read:

ORDER AMENDING AN ORDER AUTHORIZING
\$2,000,000 SANITARY SEWER BONDS

WHEREAS, the City Council of the City of Mount Holly introduced and passed on first reading on August 10, 1992 an order entitled: "ORDER AUTHORIZING \$2,000,000 SANITARY SEWER BONDS"; and the construction of one of the sewage mains to have been funded pursuant to said order and, accordingly, it is necessary to reduce the amount of bonds to be authorized pursuant to said order by \$600,000;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Mount Holly, North Carolina that said order introduced on August 10, 1992 is hereby amended by substituting "\$1,400,000" for "\$2,000,000" in the title and first paragraph of said order.

Thereupon, upon MOTION of Mayor Pro-Tem Little, seconded by Council Member Small and carried, the order entitled: "ORDER AMENDING AN ORDER AUTHORIZING \$2,000,000 SANITARY SEWER BONDS" was placed upon its passage. The vote upon the passage of said order was adopted unanimously.

The Mayor then announced that the order entitled: "ORDER AMENDING AN ORDER AUTHORIZING \$2,000,000 SANITARY SEWER BONDS" had been adopted.

Council Member Jessen joined the meeting at this time.

Thereupon, upon MOTION of Council Member Hope, seconded by Mayor Pro-Tem Little, the order introduced and passed on first reading on August 10, 1992, as amended, entitled: "ORDER AUTHORIZING \$1,400,000 SANITARY SEWER BONDS" was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was adopted unanimously.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$1,400,000 SANITARY SEWER BONDS" had been adopted.

Thereupon, upon MOTION of Mayor Pro-Tem Little, seconded by Council Member Hope, the order introduced and passed on first reading on August 10, 1992 entitled: "ORDER AUTHORIZING \$2,000,000 WATER BONDS" was read a second time by title and placed upon its final passage. The vote upon the final passage of said order was adopted unanimously.

The Mayor then announced that the order entitled: "ORDER AUTHORIZING \$2,000,000 WATER BONDS" had been adopted.

The City Manager and City Clerk was thereupon directed to publish said orders authorizing bonds, together with the appended statement as required by The Local Government Bond Act, as amended, once in the Mount Holly News.

Thereupon Mayor Pro-Tem Little introduced the following resolution, a copy of which had been provided to each Council Member and which was read by title:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MOUNT HOLLY, NORTH CAROLINA, DECLARING ITS
INTENTION TO REIMBURSE SAID CITY FROM THE
PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN
EXPENDITURES TO BE MADE IN CONNECTION WITH
CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, the City of Mount Holly, North Carolina (the "City") is a municipal corporation organized and existing under the laws of the State of North Carolina; and

WHEREAS, the City will make expenditures on and after the date hereof with respect to expenses incurred and to be incurred (the "Expenditures") in connection with projects described in Exhibit A attached hereto (the "Projects"); and

WHEREAS, the City Council of the City (the "City Council") has determined that the funds to be advanced to pay Expenditures are or will be available for a temporary period and it is necessary to reimburse the City for Expenditures made on and after the date hereof with respect to the Projects from the proceeds of one or more issues of tax-exempt bonds (the "Bonds"); and

WHEREAS, as of the date hereof, there are no funds of the City or of any other entity that is part of the controlled group of entities of which the City is deemed a part under Treasury Regulations sections 1.103-18 and

1.150-1(f) (the "Controlled Group"), that are, or are reasonably expected to be, allocated on a long-term basis, reserved or otherwise available pursuant to the budgets of the City or of any other entity that is part of the Controlled Group to finance the cost of the Projects that is to be financed from the proceeds of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Holly, North Carolina as follows:

Section 1. The City Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.103-18(c)(2)(i) and declares its intent to reimburse the City with the proceeds of a tax-exempt financing for Expenditures made on and after the date hereof with respect to the Projects.

Section 2. On the dates of the Expenditures, all reimbursable costs of the Projects will be of a type properly chargeable to a capital account under general federal income tax principles.

Section 3. The maximum principal amount of debt expected to be issued for the Projects is \$3,400,000, as set forth in Exhibit A which shows the maximum principal amount of debt expected to be issued for each of the Projects pursuant to a bond order adopted by the City Council on August 26, 1992 if such bond order is approved at a referendum to be held thereon.

Section 4. The passage of this resolution is consistent with the budgetary and financial circumstances of the City and all other entities that are part of the Controlled Group.

Section 5. Beginning no later than thirty days after the passage of this resolution and ending on the date on which the Bonds are issued, this resolution will be reasonably and continuously available for inspection by the general public, on each business day and during normal business hours, at the offices of the City Manager and City Clerk in the City Hall at 131 South Main Street in Mount Holly, North Carolina.

Section 6. This resolution shall take effect immediately upon its passage.

EXHIBIT A

DESCRIPTION OF PROJECTS

Enlarging, extending and improving the sanitary sewer system of the City, within and without the

corporate limits of the City, including the construction of additional sewage mains and lines and the acquisition of any necessary rights of way therefore - \$1,400,000

Enlarging, extending and improving the water system of the City, within and without the corporate limits of the City, including the construction of two additional elevated water storage tanks, the construction of additional water mains and lines and acquisition of any necessary rights of way therefore - \$2,000,000

Thereupon, upon MOTION of Mayor Pro-Tem Little, seconded by Council Member Jessen, the foregoing resolution entitled: "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT HOLLY, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE SAID CITY FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH CERTAIN CAPITAL IMPROVEMENTS" WAS ADOPTED BY UNANIMOUS VOTE.

Thereupon Council Member Jessen introduced the following resolution, a copy of which had been provided to each Council Member and which was read by title:

8-26-92B
RESOLUTION CALLING A SPECIAL
BOND REFERENDUM

BE IT RESOLVED by the City Council of the City of Mount Holly, North Carolina:

Section 1. A special bond referendum is hereby called to be held between 6:30 A.M. and 7:30 P.M., on Tuesday, November 3, 1992, at which there shall be submitted to the qualified voters of the City of Mount Holly, North Carolina, the questions stated in the notice of special bond referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Gaston County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution, (ii) the registrars, judges and other officers of election appointed by the Gaston County Board of Elections for the several precincts and voting places in said City shall be the election officers for such precincts and voting places and (iii) the precincts and voting places shall be those fixed by the Gaston County Board of Elections as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law. The Gaston County Board of Elections is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The City Manager and City Clerk shall cause a notice to be published in the Mount Holly News once at least fourteen days before October 5, 1992 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in Section 3 of this resolution) and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM
in the
CITY OF MOUNT HOLLY, NORTH CAROLINA

A special bond referendum will be held in the City of Mount Holly, North Carolina, between 6:30 A.M. and 7:30 P.M., on Tuesday, November 3, 1992, at which there will be submitted to the qualified voters of said City the following questions:

1.

Shall the order adopted on August 26, 1992, authorizing not exceeding \$1,400,000 Sanitary Sewer Bonds of the City of Mount Holly, North Carolina, for the purpose of providing funds, for enlarging, extending and improving the sanitary

sewer system of said City, within and without the corporate limits of said City, including the construction of additional sewage mains and lines and the acquisition of any necessary rights of way therefore, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

2.

Shall the order adopted on August 26, 1992, authorizing not exceeding \$2,000,000 Water Bonds of the City of Mount Holly, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the water system of said City, within and without the corporate limits of said City, including the construction of two additional elevated water storage tanks, the construction of additional water mains and lines and the acquisition of any necessary rights of way therefore, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

The questions hereinabove set forth contain a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the City of Mount Holly.

For said referendum the regular registration books for elections in the County of Gaston will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified persons from 8:30 A.M. until 5:00 P.M. on Monday through Friday, inclusive, of each week at the office of the Gaston County Board of Elections located at the 810 W. Mauney Avenue in Gastonia, North Carolina.

In addition, registration applications will be accepted by and qualified persons may register with the registrars and judges of elections for the several precincts in the County by appointment, with special registration commissioners designated by the Gaston County Board of Elections, by appointment, at the Gaston County Library and branches thereof, during regular library hours and at the Register of Deeds Office located at the Gaston County Courthouse in Gastonia, North Carolina, during regular business hours.

Also, registration applications will be accepted and qualified persons may register at the offices of the Division of Motor Vehicles located in the State when applying for, renewing or correcting drive licenses.

Furthermore, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces, and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21 of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

Those residents of the City who have not voted in either of one of the two most recent successive presidential elections or in any other election conducted in the period between said two elections will not be considered to be registered under Gaston County's permanent registration system.

Those residents of the City who are presently registered under Gaston County's permanent registration system and who have not changed residence from one precinct to another within the City since their registration will be permitted to vote in said referendum, provided that removal from one precinct to another shall not deprive any person of the right to vote in the precinct from which he has removed until thirty days after his removal and, further, that any person who has changed residence from one precinct to another more than thirty days prior to the special bond referendum may obtain a certificate of removal and record a change of address on the date of the referendum and vote in the office of the Gaston County Board of Elections mentioned above or at such other location as specified by the Gaston County Board of Elections.

The last day for new registration of those not now registered under Gaston County's permanent registration system is Monday, October 5, 1992.

Except as provided above, the last day on which registered voters who have changed residence from one precinct to another may transfer registration is Monday, October 5, 1992.

Any qualified voter of the City who is qualified to vote by absentee ballot in said special bond referendum may apply to the Gaston County Board of Elections for an absentee ballot. Any qualified voter who is qualified to vote by military absentee ballot pursuant to Section 163-245 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by Section 163-247 of the General Statutes of North Carolina.

Persons who are not certain whether they are registered to vote or qualified to vote by absentee ballot or who desire information concerning the registration process for said referendum should contact the Gaston County Board of Elections at the office of said Board mentioned above.

The registration books for elections in Gaston County will be open to inspection by any registered voter of the City during the normal business hours of the Gaston County Board of Elections on the days when the office of said Board is open, and such days are challenge days.

The registrars, judges and other officers of elections appointed by the Gaston County Board of Elections will serve as the election officers for said referendum.

The Gaston County Board of Elections will conduct said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

<u>PRECINCT</u>	<u>LOCATION</u>
Mount Holly #1	Mount Holly City Hall 131 S. Main Street
Mount Holly #2	Mount Holly Jr. High School 124 S. Hawthorne Street
Catawba Heights #25	Catawba Heights School 101 School Drive

D. Pat Craig
Chairman of the Gaston County
Board of Elections

Phillip G. Ponder, Jr.
City Manager and City Clerk of the City of
Mount Holly, North Carolina

Section 4. The form of the ballots to be used at said referendum and in the instructions to absentee voters shall be substantially as follows:

OFFICIAL BALLOT
SPECIAL BOND REFERENDUM
CITY OF MOUNT HOLLY, NORTH CAROLINA

November 3, 1992

Instructions

1. To vote in favor of an order, please complete the arrow to the right of the word "YES".

2. To vote against an order, please complete the arrow to the right of the word "NO".
3. If you tear or deface or wrongly mark this ballot, return it and get another.

1.

Shall the order adopted on August 26, 1992, authorizing not exceeding \$1,400,000 Sanitary Sewer Bonds of the City of Mount Holly, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the sanitary sewer system of said City, within and without the corporate limits of said City, including the construction of additional sewage mains and lines and the acquisition of any necessary rights of way therefore, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

YES

NO

2.

Shall the order adopted on August 26, 1992, authorizing not exceeding \$2,000,000 Water Bonds of the City of Mount Holly, North Carolina, for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the water system of said City, within and without the corporate limits of said City, including the construction of two additional elevated water storage tanks, the construction of additional water mains and lines and the acquisition of any necessary rights of way therefore, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

YES

NO

(Facsimile of signature)
Chairman of Gaston County
Board of Elections

Section 5. The City Manager and City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the Gaston County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

Thereupon, upon MOTION of Council Member Jessen, seconded by Council Member Small, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by unanimous vote.

Upon MOTION of Council Member Hope, seconded by Mayor Pro-Tem Little, and unanimously carried, the following ordinance was adopted:

ORDINANCE 8/26/92C

WATER DISTRIBUTION SYSTEM PROJECT BUDGET
ORDINANCE FOR ENLARGEMENT OF THE CITY OF
MOUNT HOLLY WATER DISTRIBUTION SYSTEM

WHEREAS, the City Council of the City of Mount Holly desires to adopt a capital project budget ordinance pursuant to and as provided by G.S. 159-13.2; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT HOLLY AS FOLLOWS:

Section 1. The amounts herein set forth are hereby appropriated for the enlargement and extension of the water distribution system of the City of Mount Holly as follows:

Elevated Water Tanks - North NC 273	\$1,565,000
and Catawba Heights	
16" Water Main - Northwest Loop	312,000
Beaty Road/Ferstl Avenue Water Line	108,000
Legal and Administration	15,000
Total	\$2,000,000

Section 2. It is estimated that the following revenues will be available during the project construction to meet the foregoing appropriations:

Proceeds from the Sale of Water Bonds	
Authorized by Bond Order Adopted	
August 26, 1992	\$2,000,000
Total	\$2,000,000

Section 3. This ordinance shall be effective as of August 26, 1992.

Upon motion of Council Member Hope, seconded by Council Member Small, and unanimously carried, the following ordinance was adopted:

ORDINANCE 8/26/92D

SANITARY SEWER PROJECT BUDGET ORDINANCE FOR
ENLARGEMENT OF THE CITY OF MOUNT HOLLY
SANITARY SEWER SYSTEM

WHEREAS, the City Council of the City of Mount Holly desires to adopt a capital project budget ordinance pursuant to and as provided by G.S. 159-13.2; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT HOLLY AS FOLLOWS:

Section 1. The amounts herein set forth are hereby appropriated for the enlargement and extension of the sanitary sewer system of the City of Mount Holly as follows:

Catawba River Basin Trunk Line	\$980,000
Dutchman's Creek Trunk Line to South Stanley Creek	407,000
<u>Legal and Administration</u>	<u>13,000</u>
Total	\$1,400,000

Section 2. It is estimated that the following revenue will be available during the project construction to meet the foregoing appropriations:

Proceeds from Sale of Sanitary Sewer Bonds Authorized by Bond Order Adopted August 26, 1992	\$1,400,000
Total	\$1,400,000

Section 3. This ordinance shall be effective as of August 26, 1992.

There being no further business, the meeting was adjourned.



City Clerk

Mayor
