

April 13, 2005 Reconvened Meeting

Present: Chairman C. Mort Hurst, Vice Chairman Tommy W. Bowen and Commissioners Elmo "Butch" Lilley, and Alphonzo Perry, County Manager W. Russell Overman, County Attorney J. Melvin Bowen and Clerk to the Board Linda G. Hardison.

Absent: Ronnie Smith.

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A recessed regular meeting of the Board of Commissioners for the County of Martin, North Carolina, was held in the Board of Commissioners Room in the Governmental Center located at 305 East Main Street, in Williamston, North Carolina, the regular place of meeting, at 7:00 P.M., on May 2, 2005 (the regular meeting of April 13, 2005 having been recessed to such time, date and place).

Present: Chairman C. Mort Hurst, presiding, and Commissioners Tommy W. Bowen,

Elmo "Butch" Lilley and Alphonzo Perry

Absent: Ronnie Smith

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Commissioner Bowen introduced the following order authorizing bonds which was read:

ORDER AUTHORIZING  
\$17,100,000 SCHOOL BONDS

WHEREAS, The Martin County Board of Education has certified to the Board of Commissioners for the County of Martin, North Carolina, a resolution passed by said Board of Education on March 7, 2005 showing that adequate school facilities are not now available in the Martin County Administrative Unit to comply with the requirements of Section 2 of Article IX of the Constitution of North Carolina for the maintenance of schools at least nine months in every year and that it is necessary, in order to maintain such term as required by said Section 2 of Article IX of the Constitution, to provide additional school facilities in said Unit by erecting additional school buildings and other school plant facilities, enlarging, reconstructing, renovating and replacing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings,

equipment and appurtenant facilities therefor, the estimated cost of which is at least \$17,100,000;

WHEREAS, said resolution requests said Board of Commissioners to take all necessary steps, by the issuance of bonds or otherwise, in order that funds may be provided for such school facilities; and

WHEREAS, said Board of Commissioners has carefully examined the facts and has determined and does hereby find as a fact that the statements made in said resolution are true and that it has become the duty of said Board of Commissioners, acting as an administrative agent of the State of North Carolina in providing a State system of public schools, to order the issuance of bonds of the County of Martin so that the school facilities mentioned in said resolution and in paragraph 1 of this order may be provided in order to maintain the school term in the County of Martin as required by Section 2 of Article IX of the Constitution; now, therefore,

BE IT ORDERED by the Board of Commissioners for the County of Martin:

1. That, pursuant to The Local Government Bond Act, as amended, and in order to maintain the school term in the County of Martin as required by Section 2 of Article IX of the Constitution, the County of Martin, 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 or authority to contract, and in evidence thereof to issue School Bonds in an aggregate principal amount not exceeding \$17,100,000 for the purpose of providing funds, with any other available funds, for erecting additional school buildings and other school plant facilities, enlarging, reconstructing, renovating and replacing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings, equipment and appurtenant facilities therefor, in order to provide additional school facilities in said County.
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 the 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 when approved by the voters of said County at a referendum as provided in said Act.

The Board of Commissioners thereupon designated the Finance Officer of the County as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Thereupon the Finance Officer filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

MOTION by Commissioner Bowen, SECOND by Commissioner Lilley, to approve the "Order Authorizing \$17,100,000 School Bonds" as read.

Thereupon the order entitled: "ORDER AUTHORIZING \$17,100,000 SCHOOL BONDS" was passed on first reading.

Ayes: Commissioners Hurst, Bowen, Lilley and Perry

Noes: None

On motion duly made by Commissioner Lilley, seconded by Commissioner Perry, and unanimously carried, the Board of Commissioners fixed 7:00 P.M. on May 11, 2005, in the Board of Commissioners Room in the Governmental Center located at 305 East Main Street, in Williamston, North Carolina, as the hour, day and place for the public hearing upon the foregoing order and directed the Clerk to the Board of Commissioners to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Enterprise not later than the sixth day before said date.

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TO THE PUBLISHER OF THE ENTERPRISE:

Please publish the following on May 5, after all blanks have been filled.

ORDER AUTHORIZING  
\$17,100,000 SCHOOL BONDS

WHEREAS, The Martin County Board of Education has certified to the Board of Commissioners for the County of Martin, North Carolina, a resolution passed by said Board of Education on March 7, 2005 showing that adequate school facilities are not now available in the Martin County Administrative Unit to comply with the requirements of

Section 2 of Article IX of the Constitution of North Carolina for the maintenance of schools at least nine months in every year and that it is necessary, in order to maintain such term as required by said Section 2 of Article IX of the Constitution, to provide additional school facilities in said Unit by erecting additional school buildings and other school plant facilities, enlarging, reconstructing, renovating and replacing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings, equipment and appurtenant facilities therefor, the estimated cost of which is at least \$17,100,000;

WHEREAS, said resolution requests said Board of Commissioners to take all necessary steps, by the issuance of bonds or otherwise, in order that funds may be provided for such school facilities; and

WHEREAS, said Board of Commissioners has carefully examined the facts and has determined and does hereby find as a fact that the statements made in said resolution are true and that it has become the duty of said Board of Commissioners, acting as an administrative agent of the State of North Carolina in providing a State system of public schools, to order the issuance of bonds of the County of Martin so that the school facilities mentioned in said resolution and in paragraph 1 of this order may be provided in order to maintain the school term in the County of Martin as required by Section 2 of Article IX of the Constitution; now, therefore,

BE IT ORDERED by the Board of Commissioners for the County of Martin:

5. That, pursuant to The Local Government Bond Act, as amended, and in order to maintain the school term in the County of Martin as required by Section 2 of Article IX of the Constitution, the County of Martin, 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 or authority to contract, and in evidence thereof to issue School Bonds in an aggregate principal amount not exceeding \$17,100,000 for the purpose of providing funds, with any other available funds, for erecting additional school buildings and other school plant facilities, enlarging, reconstructing, renovating and replacing existing school buildings and other school plant facilities and acquiring any necessary land, furnishings, equipment and appurtenant facilities therefor, in order to provide additional school facilities in said County.

6. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

7. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

8. That this order shall take effect when approved by the voters of said County at a referendum as provided in said Act.

The foregoing order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the County of Martin to be \$1,509,531,453 and the net debt thereof, including the proposed bonds, to be \$18,601,777. A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held at 7:00 P.M. on May 11, 2005 in the Board of Commissioners Room in the Governmental Center located at 305 East Main Street, in Williamston, North Carolina.

**Sworn Statement of Debt:** For historical value, the Sworn Statement of Debt is hereby incorporated into these minutes.

COUNTY OF MARTIN, NORTH CAROLINA

SWORN STATEMENT OF DEBT MADE PURSUANT  
TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Cindy Ange, Finance Officer of County of Martin, 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 . . . . .	\$ 9,436,000
a(2)	Bonds authorized by order introduced on August 16, 2004, but not yet adopted: School Bonds . . . . .	\$ 17,100,000
a(3)	Unissued bonds authorized by adopted orders . . . . .	\$ 0
a(4)	Outstanding debt, not evidenced by bonds . . . . .	\$ 1,501,777
a(5)	GROSS DEBT, being the sum of a(1), a(2), a(3) and	

a(4) . . . . .	\$ 28,037,777
(b) DEDUCTIONS	
b(1) Funding and refunding bonds authorized by orders introduced but not yet adopted . . . . .	\$ 0
b(2) Funding and refunding bonds authorized but not yet issued . . . . .	\$ 0
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 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 purposes . . . . .	\$ 9,436,000
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 Officer, 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) . . . . .	\$ 9,436,000
(c) NET DEBT	
(c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b) . . . . .	\$ 18,601,777
(d) APPRAISED VALUE	
(d) APPRAISED VALUE of property subject to municipal Taxation before the application of any assessment ratio, Being the value fixed in 2004 . . . . .	1,509,531,453
(e) Percentage which the NET DEBT (c) bears to the APPRAISED VALUE (d) . . . . .	\$ .012

The foregoing statement is true.

Chairman Hurst instructed the Clerk to allow 20 minutes on the agenda for the Public Hearing and to provide a sign-up sheet for the Public Hearing.

Chairman Hurst also called for a Special Meeting with the Martin County Board of Education to be held at 7:00 p.m. on May 19<sup>th</sup> at the Telecenter. The purpose of this meeting is a budget workshop with the Board of Education.

## **CLOSED SESSION – G.S. 143-318.11(a)(6), PERSONNEL**

MOTION by Commissioner Perry, SECOND by Vice Chairman Bowen, to go into Closed Session to discuss a personnel issue according to G.S. 143-318.11(a)(6). MOTION APPROVED by a unanimous vote of the Board. The Closed Session began at 7:45 p.m.

MOTION By Vice Chairman Bowen, SECOND by Commissioner Lilley, to go out of Closed Session. MOTION APPROVED and the Board returned to Open Session at 8:10 p.m.

## **OPEN SESSION**

Chairman Hurst informed everyone that no action was taken in Closed Session; however, this issue will be placed on the agenda for May 11, 2005 and there may be action at that time.

**Legislative Briefing:** Chairman Hurst stated that the Legislative Briefing is scheduled for May 25, 2005 in Raleigh. He stated that he will be unable to attend, but he encouraged each of the Commissioners to attend this legislative update.

Chairman Hurst also recommended that on a rotational system the Department Heads should be included in some of the informational meetings, such as the Legislative Briefing.

Commissioner Lilley asked the Clerk who was responsible for compiling the information in the notebook at his place. Ms. Hardison responded that Mr. Bobby Stalls has collected this information and wanted to share it with the Board. Chairman Hurst asked the Clerk to write Mr. Stalls expressing the Board's appreciation for the information.

**Self-Financing Bonds:** Manager Overman informed the Board that he and County Attorney J. Melvin Bowen had met with Mr. David Jones, attorney for Mr. Bill Horton and the DFI Project, and the Local Government Commission. They were told last Friday to take the Resolution for the DFI Project and self-financing bonds off the agenda for the May 11<sup>th</sup> meeting.

Chairman Hurst stated that the motion for this item tabled it specifically until the May 11<sup>th</sup> meeting and it had to stay on the agenda. He asked the Manager to explain at that time why the Resolution is not being acted upon. He wants the public to know that Mr. Horton's group requested no action, and it is not indecision on the part of the Commissioners.

## **ADJOURNMENT**

With no further business to discuss, MOTION by Commissioner Perry, SECOND by Vice Chairman Bowen, to adjourn the meeting. MOTION APPROVED by a unanimous vote of the Board, and the meeting was adjourned at 8:15 p.m.

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C. Mort Hurst, Chairman

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Linda G. Hardison, Clerk to the Board