

CITY OF HIGH POINT

AGENDA ITEM



Title: Public Hearing for Proposed Financing of Downtown Multi-Use Sports and Entertainment Facility

From: Jeffrey A. Moore, Financial Services Director **Meeting Date:** September 18, 2017

Public Hearing: 9/18/2017 **Advertising Date:** 9/5/2017

Advertised By: City Clerk

Attachments: Notice of Public Hearing; Resolution Making Certain Findings and Determinations Regarding the Proposed Financing of a Downtown Multi-Use Sports and Entertainment Facility and Requesting the Local Government Commission to Approve the Financing Agreement

PURPOSE:

In accordance with State law, the City Council must conduct a public hearing to receive comments with regards to City Council's consideration of an installment financing contract through the issuance of limited obligation bonds to pay for the Downtown Multi-use Sports and Entertainment Facility.

BACKGROUND:

The issuance of any debt obligation (bonds, notes, financing agreements, and leases) of the City requires the authorization of the City Council. The issuance of an installment financing contract, in this case through limited obligation bonds, is authorized by G.S. 160A-20.

The statute requires approval of the Local Government Commission because the proposed transaction will be collateralized by real property. As required for that body's approval, a public hearing on the proposed financing must be conducted by the City Council.

The Notice of Public Hearing was established at the August 21, 2017 City Council meeting and was properly advertised for September 18, 2017 at 5:30pm.

BUDGET IMPACT:

N/A

RECOMMENDATION / ACTION REQUESTED:

The Financial Services Department recommends that the City Council conduct the public hearing on Monday September 18, 2017 at 5:30pm pursuant to NC General Statute 160A-20 for the consideration of financing the Downtown Multi-use Sports and Entertainment Facility through the issuance of limited obligation bonds.

Upon closing the public hearing, the City Council will consider approving the Resolution Making Certain Findings and Determinations Regarding the Proposed Financing of a Downtown Multi-Use Sports and Entertainment Facility and Requesting the Local Government Commission to Approve the Financing Agreement.

The City Council of the City of High Point, North Carolina met in a regular meeting in the High Point Parks & Recreation Administrative Office Building located at 136 Northpoint Avenue in High Point, North Carolina at 5:30 p.m. on September 18, 2017.

Present: William “Bill” Bencini, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

The Mayor announced that this was the hour and day of the public hearing on a trust agreement or similar financing agreement (the “Agreement”) to be entered into by the City of High Point, North Carolina (the “City”) pursuant to Section 160A-20 of the General Statutes of North Carolina providing for the issuance of limited obligation bonds in an aggregate principal amount not to exceed \$35,000,000 for the purpose of providing funds, together with any other available funds, to pay or reimburse the cost of the acquisition, construction and equipping of a downtown multi-use sports and entertainment facility and related appurtenances (the “Project”). If the City enters into the proposed Agreement, it will secure its obligations thereunder by executing and delivering a deed of trust granting a lien on all or a portion of the site of the Project, together with all improvements or fixtures located or to be located thereon, subject to permitted encumbrances.

Section 160A-20(g) of the General Statutes of North Carolina requires that the City hold a public hearing prior to entering into the Agreement.

The Mayor acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in said City and directed the City Clerk to attach the affidavit showing publication in said newspaper on a date at least ten (10) days prior to the date hereof as Exhibit A.

The Mayor then announced that the City Council would immediately hear anyone who might wish to be heard on the proposed Agreement as described above.

A list of all persons making comments and a summary of such comments are attached as Exhibit B.

The public hearing was closed.

All statements and comments by participants of the public hearing were duly considered by the City Council.

Thereupon, Council Member _____ introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE PROPOSED FINANCING OF A DOWNTOWN MULTI-USE SPORTS AND ENTERTAINMENT FACILITY AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT

BE IT RESOLVED by the City Council (the “City Council”) of the City of High Point, North Carolina (the “City”) as follows:

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

(a) The City has determined to pay or reimburse the cost of the acquisition, construction and equipping of a downtown multi-use sports and entertainment facility and related appurtenances (the “Project”).

(b) After a public hearing and due consideration, the City has determined to enter into a Master Trust Agreement and a First Supplemental Trust Agreement (collectively, the “Trust Agreement”) between the City and U.S. Bank National Association, as trustee (the “Trustee”), pursuant to which the City will issue taxable limited obligation bonds thereunder in an aggregate principal amount not to exceed \$35,000,000 (the “Bonds”) to provide funds, together with any other available funds, to (i) pay or reimburse the cost of the Project and (ii) pay the fees and expenses incurred in connection with the sale and issuance of the Bonds.

(c) In order to secure its obligations under the Trust Agreement, the City will execute and deliver a Deed of Trust (the “Deed of Trust”) for the benefit of the Trustee granting a lien on all or a portion of the site of the Project, together with any improvements or fixtures located or to be located thereon, subject to permitted encumbrances.

(d) It is in the best interest of the City to enter into the Trust Agreement and to issue the Bonds pursuant thereto in that such plan of finance will result in the financing of the Project in an efficient and cost effective manner and achieve debt service savings for the City.

(e) Entering into the Trust Agreement and issuing the Bonds pursuant thereto is preferable to a general obligation bond and revenue bond issue in that (i) the City does not have sufficient constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the City has not retired a sufficient amount of general obligation debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing of the Project; (ii) the nature of the financing does not allow for the issuance of revenue bonds to finance the Project; (iii) the cost of financing the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to

finance the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of the Project by several months; and (v) there can be no assurances that the issuance of general obligation bonds to finance the Project would be approved by the voters and the current interest rate environment dictates the financing of the Project be accomplished in a timely and expedient manner.

(f) Based upon information provided to the City Council, the costs of the financing described above is reasonably comparable to the costs associated with other alternative means of financing and is acceptable to the City Council.

(g) Counsel to the City will render an opinion to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(h) The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

(i) No valorem tax rate increase is currently expected to be necessary to pay principal of and interest on the Bonds.

Section 2. The City Council hereby authorizes and approves the filing of an application with the Local Government Commission for approval of the Bonds and the Trust Agreement and requests the Local Government Commission to approve the Bonds and the Trust Agreement and the proposed financing in connection therewith.

Section 3. This resolution shall take effect immediately upon its adoption.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Lisa B. Vierling, MMC, City Clerk of the City of High Point, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on September 18, 2017, as it relates in any way to the holding of a public hearing and the adoption of the foregoing resolution relating to a proposed financing of a downtown multi-use sports and entertainment facility and that said proceedings are recorded in the minutes of said City.

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

WITNESS my hand and the official seal of said City this 18th day of September, 2017.

City Clerk

[SEAL]

EXHIBIT A

[Attach publisher's affidavit evidencing publication of the Notice of Public Hearing]

EXHIBIT B

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert “None”.]