

**TOWN OF BISCOE
BOARD OF COMMISSIONERS MEETING
March 10, 2014**

The Town of Biscoe Board of Commissioners met in a regular session on March 10, 2014 at 7:00 pm in the Municipal Building. Present were: Mayor Jimmy Blake, Mayor Pro-Tem Jerry Smith, Commissioners Gene Anderson, Jimmy Cagle, John Beard, and Eddie Reynolds. Town Manager Brooks Lockhart and Town Clerk Laura Morton were also present.

Call to Order

Mayor Jimmy Blake called the meeting to order at 7:00 p.m.

Consent Agenda

A motion was made by Commissioner (Mayor Pro-tem) Smith, seconded by Commissioner Beard, and so the motion carried unanimously to approve the following consent agenda items:

1. Approval of Minutes 02.10.14
2. Recognition of Officer Glover
3. February Monthly Financial Report

Public Hearing: Conditional Use Permit-Durban Development

Town Manager Lockhart said an application has been filed for a Conditional Use Permit by Durban Development (for Family Dollar) out of Charlotte. They are requesting 3 variances to a proposed retail store to be located on Highway 24/27, directly east of Anytime Carwash. This lot is zoned Residential Business (RB), the mixed use district created in 2005 which allows for either Residential 12 or Highway Business (HB) uses. This proposed retail store would be in compliance with the HB portion of the RB zone. A public hearing, convened by the Board of Adjustment, is required in considering any variance. In Biscoe, the Town Board serves as the Board of Adjustment. As such this hearing will require the Town Board to acknowledge that they are closing their regular meeting and convening a Board of Adjustment Hearing. The Board of Adjustment will vote to approve or deny the variances and close their hearing. The Town Board will reconvene and approve or deny the proposed Conditional Use Permit. This public hearing has been advertised and the neighboring landowners have been notified.

A motion was made by Commissioner (Mayor Pro-tem) Smith, seconded by Commissioner Beard, and so the motion carried unanimously to recess the regular session, call to order a meeting of the Biscoe Board of Adjustment, and open the public hearing to hear the Variances (rear set-back and parking) from Durban Development (Family Dollar).

In accordance with the Town of Biscoe Zoning Ordinance, variances must meet the 6 standards reflected below. A charge shall be made to the appellant according to town policy in order to cover administrative and advertising costs (section 3). A public hearing shall be held at which the following conditions must be found to exist:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- 2) Granting the variance requests will not confer upon the applicant any special privileges that are denied to other residents of the zoning district in which the property is located.

Total Construction & Engineering Cost: \$1,643,312.00

Owner Elective Emergency Generator: (\$ 96,049.00)

Total Construction & Engineering Without Emergency Generator: \$1,547,263.00

CWMTF Share of Cost (\$585,000.00) Total Town of Biscoe Cost: \$962,263.00

We attribute the increased cost over our original estimate to the following factors:

- Clarifier requires construction in site conditions with ground water essentially at grade adding significantly to cost of excavation and additional concrete to prevent buoyancy in the event the clarifier were to be drained in the future.
- Soils in the area of the clarifier are not expected to be usable for backfill, requiring contractor to provide additional offsite materials for backfill to be paid on a unit cost of \$11/CY for an estimated 1300 CY.
- Addition of backflow protection device on water supply and associated water piping to new screen for screening washing system.
- All contractors bidding the work are from some distance from Biscoe adding costs for travel and living expenses for construction crews.

One option available for potential cost savings is to request the selected contractor provide any "value engineering" options that he might identify of modifications or options for cost savings. Sometimes a contractor (or equipment supplier) may identify potential cost savings options. It should be noted that the following items are not included within this project that will be needed in the future:

- Additional aerators within Aeration Basin #1.
- Effluent recycles piping serving as an alternate source of water for the disinfection / dechlorination system.
- Repairs to existing aeration basin overflow baffles.
- Removal and disposal of bio solids accumulations currently present in the sludge holding tank and aeration basins.
- Future repair of existing clarifier when unit can be dewatered and evaluated.

A motion was made by Commissioner Anderson, seconded by Commissioner (Pro-Tem) Smith, and so the motion carried unanimously to table the award of bid contract and allow Town Manager Brooks Lockhart to pursue an RFP for funding.

Golden Leaf Project Update

We have filed all reports and a request for a pull-down of funding of 80%. We will need to formally approve the amended budget.

A motion was made by Commissioner Cagle, seconded by Commissioner Beard, and so the motion carried unanimously to approve the amended budget for Project Budget for the Golden Leaf Project. The Budget is as follows:

Budget category	Total Project Budget	Expenditures	
		Expenditures	Expenditures
3,000 Linear Feet Gravity Sewer Pump Station and 15,800 Linear Feet of 8" Force Main	\$554,793.00	\$100,188.00	\$454,604.00
	\$1,481,256.00	\$628,232.00	\$737,205.00

Construction and Engineering	\$209,523.00	\$71,580.00	\$239,260.00
Contingency (Rock Bore, Etc.)	\$0.00	\$0.00	\$0.00
NC Sales Tax	\$9,163.00	\$0.00	\$9,163.00
County Sales Tax	\$4,225.00	\$0.00	\$4,225.00
TOTAL	\$2,258,960.00	\$800,000.00	\$1,444,458.66

CDBG Project Update

In the last week of March, Wright Foods held their required pre-construction meeting for the CDBG grant for Building Reuse/Development for their location on Industrial Drive. With this meeting a timetable has been set for the construction and job creation. They are working on an aggressive timetable to be in full production in Biscoe by September. As such, this gives the Town some notice to carry out some additional upgrades at the WWTP. Specifically, we need to proceed with getting the new aerators (4 of them) installed. We will discuss funding sources in the next agenda item.

Sale of Land

The Board received an offer of \$1,410 for .47 acres of Town Property located adjacent to a flood plain. An advertisement for upset bids ran in the Montgomery Herald on February 26th; it has been 10 business days and we have not received an upset bid. The Board may formally motion to sell this parcel.

A motion was made by Commissioner (Pro-Tem) Smith, seconded by Commissioner Cagle, and so the motion carried unanimously to approve the Sale of Land in the amount of \$1,410 (.47 acres).

New Sewer Projects and Funding Sources

CDBG- Inflow and Infiltration Repairs

This grant is designed to assist with infrastructure in Low to Moderate income areas. Due to Census data skewing our data as too high we will need to conduct community surveys door-to-door to qualify. The target area for our Inflow and Infiltration Study would qualify; as such, this grant is ideal for us to seek our funding for these repairs. To apply for this grant we will need to hold 2 public hearings by April 1st or May 1st. This grant will require substantial staff time during the application process.

**RESOLUTION AUTHORIZING CDBG FUNDING APPLICATION
TO NCDENR FOR THE TOWN OF BISCOE**

WHEREAS, Title I of the Federal Fair Housing and Community Development Act of 1974, as amended, has established the US Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure program portion of the state grant monies received from the US HUD CDBG program by Session Law 2013-360, Section 15.15(a), as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The Town of Biscoe has need for and intends to rehabilitate a portion of its wastewater collection system described as the Biscoe Eastside Sanitary Sewer Rehabilitation Project, and

WHEREAS, The Town of Biscoe intends to request state loan and/or assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BISCOE:

That Town of Biscoe, the Applicant, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the systems.

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

That Allen Brooks Lockhart, Town Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto. Adopted this the March 10th, 2014 at Biscoe, North Carolina.

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Biscoe does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners of the Town of Biscoe duly held on the 10th day of March, 2014; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of March 2014.

State Revolving Fund- Wastewater Treatment Plant Upgrades

This program is a revolving loan fund which provides subsidized lower interest loans that can generally be obtained. This program would be ideal for the purchasing and installation of the aerators for the WWTP. Below is the resolution necessary to apply for this loan.

RESOLUTION AUTHORIZING FUNDING APPLICATION
TO THE NC DENR – DIVISION OF WATER INFRASTRUCTURE
FOR THE TOWN OF BISCOE WWTP IMPROVEMENTS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of the evaluation and construction of improvements to wastewater systems; and

WHEREAS, The Town of Biscoe has need for and intends to complete improvements to its publicly-owned wastewater treatment plant; and

WHEREAS, The Town of Biscoe intends to request loan and grant funding assistance from the NCDENR – Division of Water Infrastructure for the project.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BISCOE:

That Town of Biscoe will arrange financing for all remaining costs, if any, of the project, if approved for funding.

That the Town of Biscoe will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system.

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

That Allen Brooks Lockhart, Town Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Biscoe with the State of North Carolina for a grant to aid in the completion of the study described above.

That Allen Brooks Lockhart, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 10th day of March, 2014 at Biscoe, North Carolina.

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting as Town Clerk of the Town of Biscoe does hereby certify:

That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of a grant funding application with the NCDENR – Division of Water Infrastructure, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 10th day of March, 2014; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of March, 2014.

A motion was made by Commissioner Anderson, seconded by Commissioner Beard, and so the motion carried unanimously to allow Town Manager Brooks Lockhart to pursue funding.

A motion was made by Commissioner Anderson, seconded by Commissioner Smith, and so the motion carried unanimously to allow Town Manager Brooks Lockhart to move forward the paperwork and request for approval of the SRF Loan to including engineering fees.

Public Forum

No one spoke during the public forum.

Commissioner/Staff Reports

Mayor Blake provided his Mayor Minutes and mentioned the groundbreaking for the new Emerywood Apartments should be held in the near future. Commissioner Beard thanked Public Utilities Director Sam Stewart for his help with the beaver.