



Biscoe Town Council Meeting Agenda
April 8, 2019
7:00 pm

1. Call to Order, Pledge of Allegiance & Moment of Silence **Mayor Blake**
Conflict of Interest Statement:
“In keeping with the Conflict of Interest Laws outlined in Chapter 138A of the North Carolina Board of Ethics, any conflicts of interest or appearance of conflict with matters coming before the Board of Commissioners should be declared.” “Having received our agenda for this evening’s meeting, are there any conflicts of interest to be announced? If so please, state them at this time.”

2. Consent Agenda **Mayor Blake**
 - a) Approval of the Agenda
 - b) Approval of March 11, 2019 Regular Meeting Minutes
 - c) Approval of April Monthly Financial Report

3. Public Hearing #1 - Conditional Use Permit Request– Albemarle Oil **Brandon Holland**

4. Public Hearing #2 - Game Room Application Demetrius Stancil **Brandon Holland**

5. Public Hearing #3 - National Flood Insurance Plan **Brandon Holland**
 - a) Public Hearing for NFIP Ordinance
 - b) Adoption of the National Flood Insurance Plan Ordinance
 - c) Approval of Agreement with the Montgomery County for Inspections
 - d) Approval of a the Resolution of Intent
 - e) Approval of Application for Participation

6. Trash Can Ordinance Discussion **Mayor Blake**

7. OSFM Grant **Fire Chief Sam Stewart**

8. Habitat for Humanity **Mayor Blake**

9. Manager’s Report
 - a) Upcoming Budget Meeting
 - b) Arbor Day – Tree Dedication in Memory of Commissioner Cagle
 - c) Community Clean Sweep Event

10. Mayor’s Minutes - Commissioner Reports - Staff Reports
11. Public Comment
12. Closed Session – Pursuant to NCGS 143-318.11 (5) – Property and NCGS 143-318.11 (6) - Personnel.
13. Adjournment

TOWN OF BISCOE
BOARD OF COMMISSIONERS MEETING
March 11, 2019

The Biscoe Town Board of Commissioners met in a regular session on Monday, March 11, 2019 at 7:00 pm in the Municipal Building. Present were: Mayor Jimmy Blake, Mayor Pro-Tem Jerry Smith, Commissioners Gene Anderson, Kay Cagle Kinch and John Beard. (James Cagle, Jr. "Jimmy" Cagle's seat is vacant due to his death on December 30, 2017).

Members of Management Present: Town Manager Brandon Holland, Town Clerk Laura Morton, Public Works Director Sam Stewart and Police Chief Brent Tedder.

Call to Order/Pledge of Allegiance

Mayor Blake called the meeting to order at 7:00 pm. The Pledge of Allegiance to the American Flag was recited and a moment of silence was observed.

Conflict of Interest Statement

"In keeping with the Conflict of Interest Laws outlined in Chapter 138A of the North Carolina Board of Ethics, any conflicts of interest or appearance of conflict with matters coming before the Board of Commissioners should be declared," "Having received our agenda for this evening's meeting, are there any conflicts of interest to be announced? If so, please, state them at this time."

Commissioner Anderson announced he would need to abstain for the Proposed ABC Resolution voting because he is Biscoe's appointment to the ABC Board.

Approval of the Consent Agenda

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

- a) Approval of the Agenda
- b) Approval of February 11, 2019 Regular Meeting Minutes
- c) Approval of March Monthly Financial Report
- d) Appointment of the Fair Housing Committee¹
- e) Request for Approval of the Arbor Day Proclamation²
- f) Transfer of Funds from First Bank to NC Capital Management Trust³

¹*Approved Fair Housing Committee Members*

Brandon Holland – Town Manager
Laura B. Morton – Town Clerk
Sam Stewart – Public Works Director
Brent Tedder - Police Chief
Laura Jordan – Deputy Clerk
Elsa De Los Angeles – Office Assistant
Christina Marcelino – Office Assistant
TJ Latham – Biscoe Fire Department

Rev. Josh Powers – First Baptist Church of Biscoe
Beth Deberry – Fidelity Bank
Andrew Gardner – Montgomery Community College
Wayne Wooten – County Commissioner
Sarah Johnson – Citizen
Linda K. Johnson – Citizen
Jessica Latham – MCC

²*Arbor Day Proclamation*

Proclamation

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, James E. Blake, Mayor of the Town of Biscoe, do hereby proclaim, April 26, 2019 as



in the Town of Biscoe, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 11th day of March 2019.

³*Transfer of Funds from First Bank to NC Capital Management Trust*

- Closing 2 CDs and Opening 2 New NCCMT Term Account (when the CDs are open to avoid a penalty)
- Transfer \$50,000 from Money Market to NCCMT – General Needs
- Transfer \$50,000 from Money Market to NCCMT – Water Needs

AYES: 4; NAYS: 0

Set a Public Hearing for a Conditional Use Permit for April 8, 2019

Manager Holland presented the requests for Conditional Use Permits from Albemarle Oil (Drive-thru) and Demetrius Stancil (Internet Café).

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Kinch, and so the motion carried unanimously to schedule separate Public Hearings for the April 8, 2019 meeting to receive comments for the separate Conditional Use Permit requests from Albemarle Oil (Drive-thru) and Demetrius Stancil (Internet Café).

AYES: 4; NAYS: 0

Set a Public Hearing for the Proposed National Flood Insurance Program Ordinance

A motion was made by Commissioner Beard, seconded by Commissioner Anderson, and so the motion carried unanimously to schedule a Public Hearing for the April 8, 2019 meeting to receive comments for the Proposed National Flood Insurance Program Ordinance.

AYES: 4; NAYS: 0

Request for Approval of Resolution - Change in the November 2019 Election

A motion was made by Commissioner Beard, seconded by Mayor Pro-tem Smith, and so the motion carried unanimously to approve the following Resolution to Change the November 2019 Election:

Resolution
Change in November 5, 2019 Election Ballot

WHEREAS, on November 7, 2017, James R. Cagle, Jr. was re-elected into a seat on the Biscoe Town Council as Town Councilman;

WHEREAS, on December 11, 2017, Commissioner James R. Cagle, Jr. was given the oath of office by Biscoe Town Clerk Laura B. Morton;

WHEREAS, on December 31, 2017, Commissioner James R. Cagle, Jr. passed away unexpectedly;

WHEREAS, Commissioner James R. Cagle, Jr.'s seat has been vacant from that time;

WHEREAS, North Carolina General Statute 160A-63 requires the Town Council to call for a vote to place the vacant seat on the November 2019 election ballot. This seat is for 2 years;

NOW, THEREFORE BE IT RESOLVED, the Biscoe Town Council agrees to direct the Montgomery County Board of Elections to include this vacant seat (2 year term) on the November 5, 2019 election ballot;

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Biscoe, North Carolina to be affixed the 11th day of March 2019.

AYES: 4; NAYS: 0

Request for Approval of Resolution – Records Retention and Disposition

A motion was made by Commissioner Anderson, seconded by Commissioner Beard, and so the motion carried unanimously to approve the following Resolution to Update the Town Records Retention & Disposition:

RESOLUTION 2019 LOCAL GOVERNMENT AGENCIES GENERAL RECORD RETENTION AND DISPOSITION SCHEDULE

WHEREAS, Town Clerk Laura B. Morton received notification from the NC Department of Natural and Cultural Resources stating changes in the Records Retention and Disposition Schedule; the changes are included in the document named “2019 Local Government Agencies General Record Retention and Disposition Schedule”;

WHEREAS, the records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. *Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.*

Whereas, all local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when “*reference value ends.*” All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction “*destroy when reference value ends.*” If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction “*destroy when reference value ends.*”

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes

the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

NOW, THEREFORE BE IT RESOLVED, the Biscoe Town Council hereby approves the new 2019 Local Government Agencies General Record Retention and Disposition Schedule this 11th Day of March 2019. In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Biscoe, North Carolina to be affixed the 11th day of March 2019.

AYES: 4; NAYS: 0

Request for Approval of Resolution – ABC Control System

Commissioner Anderson spoke to the Town Council regarding a request for approval of a resolution of Support of the ABC Control System. Mr. Anderson is the Town Council's representative to the ABC Board. He explained the State is interested in making changes in the ABC System to be able to sale liquor in all stores. He said the ABC Board is against this because they have better controls on who is purchasing the liquor (specifically those under the age of 21). Mr. Anderson said this resolution supports the current ABC system.

A motion was made by Commissioner Beard, seconded by Commissioner Kinch, and so the motion carried 3-0 to approve the following Resolution in Support of the ABC Control System:

AYES: 3; NAYS: 0 (Commissioner Anderson abstained because he is the Town's appointment to the ABC Board)

RESOLUTION

IN SUPPORT OF THE CURRENT ABC CONTROL SYSTEM FOR THE SALE OF LIQUOR

WHEREAS, the citizens of the Town of Biscoe voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina's control system for the sale of spirituous liquors;

WHEREAS, North Carolina is a "control" state and private retail liquor stores are prohibited;

WHEREAS, the General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, The PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications", released on February 11, 2019, (1) did not recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization.

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13

million; Local Law Enforcement \$8.8 million; Rehabilitation Services \$5 million; Operation of ABC Commission/Warehouse \$17.7 million.

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes.

WHEREAS, the citizens of the Town Biscoe, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold retail outlets where beer and wine are sold;

WHEREAS, No State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, Of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC's ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, when Washington State privatized its liquor system the number of retail outlets increased from 328 to over 1400, hours of sale/week increased from 73 to 140 hours, and Washington State received only \$30.75 million from auctioning off the rights to apply for retail spirits permits at 167 stores;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion and significantly more consumption; and the 9,000 outlets in NC that sell beer/wine off-premises could be permitted to sell liquor in a privatized system;

WHEREAS, local revenue from ABC stores operations is important to the Town of Biscoe;

WHEREAS, local control over the sale of liquor is an important function.

NOW THEREFORE, BE IT RESOLVED:

That the Town of Biscoe desires to retain North Carolina's current control system for the sale of liquor and believes that privatization of liquor will lead to many adverse effects.

Request for Approval of Resolution – CDBG-I Bruton Street

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Kinch, and so the motion carried unanimously to approve the following Resolution for the CDBG-I Bruton Street Project:

TOWN OF BISCOE
RESOLUTION APPROVING COMPLIANCE PLANS FY2017 CDBG INFRASTRUCTURE
"Sanitary Sewer System Rehabilitation Project"

WHEREAS, the Town of Biscoe wishes to carry out its FY2017 CDBG Infrastructure Program in accordance with established state and federal administrative guidelines.

NOW THEREFORE, the Town of Biscoe Board of Commissioners hereby collectively adopts the following Compliance Plans and resolves that the attached documents be executed and utilized during the administration of the FY2017 CDBG Infrastructure Grant Program:

- a) Procurement Standards Policy and Plan (updated)
- b) Fair Housing Plan
- c) Resolution to Commitment to Further Fair Housing naming Brandon Holland the Town's Fair Housing Officer

TOWN OF BISCOE

Procurement Standards Policy and Plan Policy

The Town of Biscoe will comply with the terms and conditions of Federal funding that is awarded and accepted, including, but not limited to, the terms and conditions of the Grant Contract, and the *Procurement Policy of the North Carolina Department of Environmental Quality's Water Infrastructure Division, Community Development Block Grant-Infrastructure Program (Procurement Policy)*, attached. The States were advised by HUD to develop their own procurement policies, and the CDBG-Infrastructure Program has developed and adopted the attached policy as reference for its grantee communities, using the 2 CFR Part 200 federal regulations, supplemented with NC General Statutes 143-64.31, 143-129, and 143-131 as guidance. The Town of Biscoe, as the recipient of Federal CDBG funds, acknowledges its responsibility to and will adhere to the aforesaid Procurement Policy of the North Carolina Department of Environmental Quality's Water Infrastructure Division.

The Town of Biscoe will, to the extent applicable, follow methods of procurement, procure by contracting with small, minority firms, women's business enterprises, and labor surplus area firms, when those entities offer the best level of knowledge, skills and abilities for professional services, and when those entities offer the knowledge, skills and abilities and are the lowest cost responsive, responsible bidders in building trade and related services. Additionally, the Town of Biscoe will demonstrate contract cost and price awareness and adhere to awarding agency contract provisions (2 CFR Part 200, Appendix II, except for items F and J, which were not adopted by the CDBG-Infrastructure Program, as allowed under 2 CFR Part 200.101(d)(1)).

Plan:

All procurement of goods and services by the Town of Biscoe with CDBG grant funds shall be accomplished in accordance with the requirements of the *Procurement Policy*, and HUD implementing regulations at 24 CFR Part 570.489 (g) and (h), which prohibits cost plus a percentage of construction cost method of contracting for services. In addition, all purchase orders and contracts shall include any clauses required by Federal Statutes, Executive Orders, and implementing regulations including the Section 3 clause, per 24 CFR 570.489(g) and 24 CFR 135.38, or the North Carolina General Statutes Chapter 143 applying to procurement in general by North Carolina municipalities and counties.

When Federal and State regulations are different, the more restrictive regulation shall apply to the procurement in question, as outlined in the *Procurement Policy*. Additionally, the Town of Biscoe will adhere to the following guidelines during procurement of goods and services using Federal funds:

In all cases where goods or services are procured based on one bid or proposal received, the Town of Biscoe will follow established principles to verify the reasonable cost of the procurement and shall contact the State Agency supervising the grant program before making any contract award based on non-competitive negotiation. *The Town of Biscoe shall follow all noticing and advertising requirements prior to accepting the single source respondent. Written permission from the CDBG-1 Program shall be obtained prior to entering into a single source contract.*

Section 3 Certified businesses, and historically underutilized businesses, including women-owned and minority-owned enterprises shall be included on bidders' or professional services' lists maintained by the Town of Biscoe. Firms shall be solicited for all competitive negotiations, small purchases, and informal and formal bids when such firms are potential competitive sources for goods and services.

Professional Services Contracts: Professional services shall be procured through the use of Request for Proposals (administrative services) or Request for Qualifications (engineering services). Respondents offering administrative services shall be selected on the basis of the best qualified respondent/*or the price*. Respondents offering engineering services shall be selected on the basis of the best qualified respondent, *without regard for price*. A written selection procedure shall be used to evaluate respondents, and those records maintained in the procurement files.

The Town of Biscoe shall develop a written scope of work for each service to be awarded on the basis of competitive negotiation, which shall include descriptions of tasks to be completed, project timetables, and an outline of fee proposal requirements. The selected engineering services respondent and the Town of Biscoe shall then enter into competitive negotiations to arrive at a mutually agreeable price for engineering services. All contracts awarded through competitive negotiations shall be awarded strictly on the basis of the written selection procedure.

Construction Services: Construction services shall be competitively bid using sealed bids, with the award going to the lowest responsive, responsible bidder. A minimum of three bids shall be received prior to opening the sealed bids.

Prior to any contract award, the Town of Biscoe shall verify the contractor's eligibility to participate in a federally assisted program.

No consultant or bidder shall assist in the development of the Request for Proposals nor in the Request for Qualifications posting in which the consultant or bidder has a direct or indirect interest.

No consultant or bidder shall assist in the evaluation of proposals or bid packages for contracts in which that consultant or bidder has a direct or indirect interest. The Town of Biscoe shall adhere to all applicable Federal and State conflict of interest regulations in making contract awards.

The Town of Biscoe shall request references or check references of contractors or firms who are awarded contracts with Federal grant funds and will request a written warranty for all goods and services provided through the small purchases procedure.

The Town of Biscoe shall not award any contract for federally-assisted projects on a contingency or cost-plus-percentage of construction basis.

The Town of Biscoe shall hold a pre-bid meeting and a pre-construction meeting for each construction project bid competitively using CDBG-Infrastructure funds. Evaluation criteria for the bids may add points for attending the pre-bid meeting of contractors, but it is not a prerequisite.

To the best of its knowledge and belief, the statements and information contained herein are true, accurate, and complete and the program participant has developed this analysis in compliance with the requirements of 24 C.F.R. § 5.152 or comparable replacement regulations of the Department of Housing and Urban Development;

The program participant will take meaningful actions to further the goals identified in its analysis conducted in accordance with the requirements in 24 C.F.R. § 5.152 and 24 C.F.R. §§ 91.225(a)(l), 91.325(a)(l), 91.425(a)(l), 570.487(b)(l), 570.601, 903.7(0), and 903.IS(d), as applicable.

*TOWN OF BISCOE
RESOLUTION TO COMMITMENT TO FURTHER FAIR HOUSING*

WHEREAS, the Town of Biscoe Board of Commissioners is familiar with Title VIII, Civil Rights Act of 1968, amended by the Housing and Community Development Act of 1974; and

WHEREAS, the Town of Biscoe Board of Commissioners is aware that they are obligated to be in compliance with the "State Fair Housing Act", (under Chapter 41A of the General Statutes of North Carolina); and

WHEREAS, the Town of Biscoe Board of Commissioners will administer programs and activities relating to housing and urban development in a manner to affirmatively further fair housing.

NOW, THEREFORE, LET IT BE RESOLVED that the Town of Biscoe Board of Commissioners agrees to commit to fair housing within Biscoe's jurisdiction and will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable in their efforts to further fair housing within Biscoe.

BE IT FURTHER RESOLVED, that Brandon Holland, Town Manager, is hereby named Fair Housing Officer in order to provide counseling and referral services to persons having complaints about housing discrimination and housing conditions within Biscoe.

WHEREAS, the Town of Biscoe Board of Commissioners has established the following complaint procedures:

Any person or persons wishing to file a complaint of housing discrimination in Biscoe may do so by informing the Fair Housing Officer of the facts and circumstances of the alleged discriminatory acts or practice.

Upon receiving a housing discrimination complaint, the Fair Housing Officer shall acknowledge the complaint within 10 days in writing and inform the North Carolina Human Relations Commission (217 W. Jones St., Raleigh, NC 27603-1334, 919-733-7996) about the complaint.

When a housing complaint cannot be resolved at the local level, the Fair Housing Officer shall offer assistance to the Human Relations Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in Biscoe.

The Town shall publicize in the local paper that the Fair Housing Officer is the local official to contact with housing discrimination complaints.

AYES: 4; NAYS: 0

Highway Map Adoption Request

Mr. Kelly Larkins said In March 2018, the Piedmont Triad Rural Planning Organization (PTRPO) requested from the Transportation Planning Division of North Carolina Department of Transportation (NCDOT) to amend the 2012 Montgomery County Comprehensive Transportation Plan (CTP). A CTP is a long-range multi-modal planning document which identifies transportation needs and develops long term solutions for the next 25 to 30 years. The mode of transportation evaluated as part of this amendment only included the highway network and does not cover routine maintenance or minor operations issues. After several months of discussions with NCDOT, elected officials, local staff, and a 30-day public comment period, a revised highway map is now ready for local adoption.

A motion was made by Commissioner Beard, seconded by Mayor Pro-tem Jerry Smith, and so the motion carried unanimously to approve the Amended Resolution (originally approved in 2012).

AYES: 4; NAYS: 0

Budget Amendment Request

A motion was made by Commissioner Anderson, seconded by Commissioner Kinch, and so the motion carried unanimously to approve the following Budget Amendment request:

Budget Amendment #1

Increase

21-3991-000	Fund Balance Appropriation	\$50,000.00
21-8100-980	Transfer to General Fund	\$50,000.00

(Budgeted in Fund 10, but not in Fund 21)

AYES: 4; NAYS: 0

Request Approval of Property Tax Refund

Manager Holland presented a request for Approval of Property Tax Refund for Triple A Enterprises. It was recently discovered that the property is outside of town limits but being charged for property taxes in town limits. Triple A Enterprises has been charged this since the County started collecting taxes. This information is based on the 2002 Powell Act Map. The refund will only include years 2014 through 2018. The following is the breakdown:

<u>Year</u>	<u>Amounts</u>
2014	\$930.16
2015	\$930.16
2016	\$930.16
2017	\$930.16
2018	<u>\$930.16</u>
Total	\$4,650.80

A motion was made by Mayor Pro-tem Smith, seconded by Commissioner Beard, and so the motion carried unanimously to approve a request for a Property Tax refund for Triple A Enterprises in the amount of \$4,650.80.

AYES: 4; NAYS: 0

Schedule Budget Meetings

A motion was made by Commissioner Beard, seconded by Commissioner Anderson, and so the motion carried unanimously to schedule a budget meeting for Monday, April 15 at 6 pm. *(If another meeting is necessary, one will be scheduled.)*

AYES: 4; NAYS: 0

Mayor's Minutes - Commissioner Reports - Staff Reports

The Mayor presented the following report:

- Attended School Health Advisory Committee Meeting in Troy
- Attended Workshop in Kernersville on Manager Evaluations with Brandon, Laura, Gene & Kay.
- Gave Speech at the Solar Farm about Biscoe
- Attended meeting with Mayors and Managers in Troy with Commissioner Matheny, Commissioner Robinson, Matthew Woodard, and Tammy Dunn.
- 4 hours on the phone regarding the meeting
- Rode around Town with Brandon
- Attended COG Executive Meeting in Kernersville

Commissioner Kinch said there are still issues on Bruton Street with the properties not being cleaned up. She also said the trash at the house on Hunsucker has been moved to the back of the house; but still needs to be cleaned up. She talked about the need for educating people who live in these areas to know what their responsibilities are. Manager Holland thanked Commissioner Kinch for the idea of educating people.

Commissioner Kinch said there is also an issue of housing in the recruitment of teachers. Manager Holland said this is actually an issue the Fair Housing Committee is working on with LKC Engineering to hopefully get funding to our community for housing.

Public Works Director Sam Stewart (who also is Fire Chief) announced the upcoming Fire Department Fundraiser on March 30th. The cost of a plate is \$8. He invited everyone to attend.

Mr. Stewart also asked the Mayor to contact the Solar Farm on behalf of the Fire Department. He said we have not toured their property. Stewart explained the importance of a tour in case there is a fire, the fire department would be familiar with the property.

Public Comment

The following spoke during the public forum:

Ms. Wendy Clegg spoke to the Board. Ms. Clegg asked the Board who owns the Old Biscoe School. Mayor Blake said the Allen family; but they have asked the Town if we are interested in purchasing the property.

Closed Session- Pursuant to NCGS 143-318.11 (5) - Property & NCGS 143-318.11 (6) Personnel

A motion was made by Commissioner Beard, seconded by Commissioner Kinch, and so the motion carried unanimously to recess the regular meeting and call to order a Closed Session – Pursuant to NCGS 143-318.11 (5) – Property and NCGS 143-318.11 (6) - Personnel.

A motion was made by Commissioner Kinch, seconded by Commissioner Anderson, and so the motion carried unanimously to adjourn the closed session and reconvene the regular meeting.

AYES: 4; NAYS: 0

The Board came out of the Public Hearing with nothing to report.

Adjournment

There being no further business to bring before the Board, Commissioner Beard made the motion to adjourn, and Commissioner Kinch made the second. All voted in favor. Meeting adjourned at 8:45 p.m.

Mayor



Town Clerk

BISCOE MONTHLY FINANCIAL REPORT

FIRST BANK ACCOUNTS 2019 MONTHLY FINANCIAL REPORT			
ACCOUNT	INTEREST RATE	BALANCE	STATUS
MONEY MARKET - Bank 3	.05%	\$1,815,018.17	RECONCILED THRU FEBRUARY 2019
GENERAL FUND 10 – CD 54 - Bank 102	.15%	\$237,052.90	RECONCILED THRU MARCH 2019
FUND 21 – CAP. RES. CD 49 - Bank 104	.15%	\$34,655.13	RECONCILED THRU MARCH 2019
FUND 72 LEO – CD 30 - Bank 105	.15%	\$50,958.02	RECONCILED THRU MARCH 2019
TOTAL FIRST BANK ACCOUNTS		<u>\$2,137,684.22</u>	

FIDELITY BANK ACCOUNTS 2019 MONTHLY FINANCIAL REPORT			
ACCOUNT	INTEREST RATE	BALANCE	STATUS
CENTRAL DEPOSITORY - Bank 1	.10%	\$103,972.00	RECONCILED THRU MARCH 2019
PAYROLL ACCOUNT - Bank 4	.10%	\$108,908.09	RECONCILED THRU FEBRUARY 2019
NATIONAL NIGHT OUT **NEW Bank 120	.03%	\$1,030.25	RECONCILED THRU MARCH 2019
CDBG-I BRUTON STREET **NEW Bank 119	.50%	\$136,424.83	RECONCILED THRU MARCH 2019
TOTAL FIDELITY BANK ACCOUNTS		<u>\$1,169,845.88</u>	

2019 NC CAPITAL MANAGEMENT TRUST INVESTMENT ACCOUNTS			
ACCOUNT	INTEREST RATE	BALANCE	STATUS
NC DEBT SET-OFF GOVT - Bank 108 (Bank Statement Not Received)	2.28%	\$8,110.53	RECONCILED THRU FEBRUARY 2019
PAYROLL (GF) GOVT. - Bank 112 (Bank Statement Not Received)	2.28%	\$107,720.31	RECONCILED THRU FEBRUARY 2019
POWELL BILL ACCOUNT – GOVT. - Bank 116 (Bank Statement Not Received)	2.28%	\$128,688.58	RECONCILED THRU FEBRUARY 2019
CEMETERY (GF) TERM - Bank 113 (Bank Statement Not Received)	2.45%	\$51,636.16	RECONCILED THRU FEBRUARY 2019
HALLOWEEN IN THE PARK (GF) TERM Bank 114 (Bank Statement Not Received)	2.45%	\$25,876.78	RECONCILED THRU FEBRUARY 2019
GENERAL NEEDS (GF) TERM - Bank 115 (Bank Statement Not Received)	2.45%	\$110,979.08	RECONCILED THRU FEBRUARY 2019
WATER IMP. (WS) TERM Bank 111 (Bank Statement Not Received)	2.45%	\$2,508.97	RECONCILED THRU FEBRUARY 2019
TOTAL NCCMT INVESTMENT ACCOUNTS		<u>\$435,520.41</u>	

**Please Note In Addition to the Above Bank Accounts, Town Clerk/Finance Officer Reconciles
The Following Accounts Each Month for Biscoe Fire Department.**

FIRE DEPARTMENT - 2019 MONTHLY FINANCIAL REPORT			
ACCOUNT	INTEREST RATE	BALANCE	STATUS
BISCOE FIRE DEPARTMENT (checking) FIRST BANK - Bank 101	.10%	\$83,351.60	RECONCILED THRU MARCH 2019
BISCOE FIRE RELIEF FUND FIRST BANK - Bank 109	.10%	\$16,615.44	RECONCILED THRU MARCH 2019
BISCOE FIRE STATE RELIEF FUND FIDELITY BANK – restricted - Bank 110	.05%	\$2,050.03	RECONCILED THRU MARCH 2019
BISCOE FIRE DEPT CD FIDELITY BANK - Bank 117	.15%	\$34,906.01	RECONCILED THRU MARCH 2019
BISCOE FIRE DEPT SUPPLEMENTAL RETIREMENT ACCT. – restricted - Bank 118	.12%	\$49,527.64	RECONCILED THRU MARCH 2019
TOTAL FIRST BANK & FIDELITY BANK ACCOUNTS		<u>\$186,450.72</u>	

NCCMT RATES CONTINUE TO INCREASE
RATES AS OF 04.03.2018
 Rates for Government Portfolio Increased from **2.28**
 Rates for Term Portfolio Increased from **2.45**

SEWER ACROSS THE BYPASS

Golden Leaf Funds – (Grant no pay back) - \$800,000.00
 Town Funds - \$1,458,960.00
 Total Project - \$2,258,960.00

WASTEWATER TREATMENT PLANT

Clean Water Management Trust Fund Grant \$ 584,000.00
 State Revolving Loan – Interest Rate 0.00% \$1,323,106.00 Annual Payment of \$66,155.30.
 As of June 30, 2018, the Town owes approximately \$1,124,640.10. (To Be Paid Off May 1, 2036)

The annual payment is \$66,155.30. The next payment annual payment will be made in May of 2019. This will leave a balance of \$1,124,640.10. Total Project - \$1,190,795.40

INDUSTRIAL PUMP STATION - FIRST BANK

First Bank Commercial Loan – Interest Rate 1.75% Loan Total \$350,000.00
 Last payment of \$6,198.91 posted on March 4, 2019, the Town owes approximately \$116,074.46.

LADDER TRUCK LOAN – FIDELITY BANK

Fidelity Bank Commercial Loan – Interest Rate 3.75% Loan/Principal Total \$175,000.00 Annual Payment Amount: \$21,366.91.
 First Payment Due in May 2019. Loan is for 10 years. To be Paid in full May of 2028.

BRUTON STREET PUMP STATION

The Town of Biscoe has received a grant award of \$1,865,000 for their CDBG Infrastructure Application for the “Sanitary Sewer System Rehabilitation” project. The RFP for Administrative Services was awarded to LKC Engineering.

TAX PAYMENTS RECEIVED (Property & Vehicle Tax)

Tax Payments from Montgomery County Tax Department have been received through JANUARY 2019.

\$7,268.35	JULY 2018
\$111,999.09	AUGUST 2018
\$100,199.47	SEPTEMBER 2018
\$93,017.67	OCTOBER 2018
\$83,398.53	NOVEMBER 2018
\$251,018.15	DECEMBER 2018
\$91,965.42	JANUARY 2019
\$21,883.89	FEBRUARY 2019
NOT RECEIVED	MARCH 2019
NOT RECEIVED	APRIL 2019
NOT RECEIVED	MAY 2019
NOT RECEIVED	JUNE 2019
\$760,750.57	TOTAL RECEIVED AS OF DATE ABOVE

SALES & USE TAX RECEIVED

BUDGET CODE - 10-3230-000

\$34,735.17	JULY 2018
\$37,100.83	AUGUST 2018
\$39,630.70	SEPTEMBER 2018
\$35,810.73	OCTOBER 2018
\$34,904.21	NOVEMBER 2018
\$35,137.83	DECEMBER 2018
\$35,339.35	JANUARY 2019
\$37,178.25	FEBRUARY 2019
\$39,382.87	MARCH 2019
NOT RECEIVED	APRIL 2019
NOT RECEIVED	MAY 2019
NOT RECEIVED	JUNE 2019
\$329,219.94	TOTAL RECEIVED AS OF DATE ABOVE

SOLID WASTE DISPOSAL TAX RECEIVED

BUDGET CODE - 10-3270-000

\$241.32	AUGUST 2018
\$307.90	NOVEMBER 2018
\$310.31	FEBRUARY 2019
NOT RECEIVED	MAY 2019
NOT RECEIVED	JUNE 2019
\$859.53	TOTAL RECEIVED AS OF DATE ABOVE

TELECOM SALES TAX RECEIVED

BUDGET CODE - 10-3224-350

\$2,882.44	SEPTEMBER 2018
\$2,068.65	DECEMBER 2018
\$2,112.40	MARCH 2019
NOT RECEIVED	JUNE 2019
\$7,063.49	TOTAL RECEIVED AS OF DATE ABOVE

UTILITY FRANCHISE TAX RECEIVED

Budget Code - 10-3324-000

\$54,093.27	SEPTEMBER 2018
\$53,893.76	DECEMBER 2018
\$59,772.15	MARCH 2019
NOT RECEIVED	JUNE 2019
\$167,759.18	TOTAL RECEIVED AS OF DATE ABOVE

VIDEO PROGRAMMING TAX RECEIVED

Budget Code - 10-3324-350

\$1,414.60	SEPTEMBER 2018
\$1,360.17	DECEMBER 2018
\$1,353.97	MARCH 2019
NOT RECEIVED	JUNE 2019
\$4,128.74	TOTAL RECEIVED AS OF DATE ABOVE

TOWN OF BISCOE, NC
100,000 GALLON ELEVATED

OPTION B
SHOP TANK

WATER TANK MAINTENANCE SCHEDULE OF WORK & FEES

Year #1 2016	Year #2 2017	Year #3 2018	Year #4 2019	Year #5 2020	Year #6 2021	Year #7 2022	Year #8 2023	Year #9 2024	Year #10 2025	Year #11 2026	Year #12 2027	Year #13 2028	Year #14 2029
Exterior Lead Abatement & Interior Renovation & Engineering Report	Visual Inspection & Engineering Report	Washout Inspection & Engineering Report	Visual Inspection & Engineering Report	Washout Inspection & Engineering Report	Visual Inspection & Engineering Report	Washout Inspection & Engineering Report	Visual Inspection & Engineering Report	Washout Inspection & Engineering Report	Exterior Renovation & Engineering Report	Washout Inspection & Engineering Report	Visual Inspection & Engineering Report	Washout Inspection & Engineering Report	Interior Renovation & Engineering Report
\$50,000.00	\$57,891.00	\$57,891.00	\$57,891.00	\$57,891.00	\$10,968.00	\$11,288.00	\$11,687.00	\$12,101.00	\$12,529.00	\$812,968.00	\$13,422.00	\$13,892.00	\$14,379.00

- * Under the Asset Management Service, the tank is painted on the exterior every 8-10 years and coated on the interior every 12 to 14 years. The annual fee that you pay each year covers all future renovations, repairs, emergency services, and engineering & permitting related to the water tank.
- * The schedule of work is based upon the current condition of the tank and the tank's projected rate of deterioration and can be pushed forward if conditions warrant it.
- *** Asset Management Service Includes:
 - Two (2) Complete Interior Renovations
 - Two (2) Complete Exterior Renovations
 - Five (6) Washout Engineering Inspections
 - Five (5) Visual Engineering Inspections
 - All coating systems, emergency services, and repairs from top of vent system down to the leg foundation and everything in between is covered under this program.

The Town of Biscoe
FLOOD DAMAGE PREVENTION ORDINANCE

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The Town of Biscoe
FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of Biscoe, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Town of Biscoe are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) Protect human life, safety, and health;

- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood”: See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the initial effective date of the floodplain management regulations adopted by the community January 14, 2019.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community January 14, 2019.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and

sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building’s lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations January 14, 2019 and includes any subsequent improvements to such structures.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after January 2, 2008, the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before January 2, 2008, the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

(For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Biscoe.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 16, 2009 for Montgomery County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Town of Biscoe are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood

Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Biscoe or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. . Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Biscoe from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Town Manager, or designee hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;

- (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) The certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met.
- (g) The flood openings requirements, if in Zones A, AE, AH, AO, A99.
- (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) **Certification Requirements.**

- (a) Elevation Certificates
 - (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - (ii) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation,

it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- (iii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing

certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures that are 150 square feet or less or \$3,000 or less and meeting requirements of Article 5, Section B(8).

(4) **Determinations for existing buildings and structures.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a

mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other

enforcement action.

- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) That the building or property is in violation of the floodplain management regulations;
 - (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least **180** calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take

corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Biscoe Town Council as established by Town of Biscoe, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable federal, state and local laws.
 - (e) The Town of Biscoe has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.

(2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) Shall not be temperature-controlled or conditioned;
- (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection

Elevation; and

- (d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

(ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 1 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

(ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(6) Recreational Vehicles. Recreational vehicles shall either:

(a) Temporary Placement

(i) Be on site for fewer than 180 consecutive days; or

(ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)

(b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours

before landfall of a hurricane or immediately upon flood warning notification);

- (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$3,000 recommended or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article

5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
 - (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) The anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) The encroachment standards of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least a minimum of 2 feet and 4 feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section B(2).

- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. RESERVED.

SECTION B. RESERVED.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective January 14, 2019.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Town Council of Biscoe, North Carolina, on the 14th day of January, 2019.

WITNESS my hand and the official seal of Laura B. Morton, this the 14th day of January, 2019.

James E. Blake, Mayor



Laura B. Morton, Town Clerk

Interlocal Agreement Between Montgomery County and the Town of Biscoe

This resolution/agreement, made and entered into this the _____ day of _____, by and between the Town of Biscoe, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part and hereinafter referred to as the TOWN and Montgomery County, a political subdivision of the State of North Carolina established and operating pursuant to the laws of the State of North Carolina, Party of the Second Part and hereinafter referred to as the COUNTY;

WITNESSETH:

WHEREAS, the TOWN and the COUNTY, pursuant to the authority granted by the North Carolina General Statutes 160A-461, hereby covenant and agree as follows:

1. That the TOWN hereby contracts with the COUNTY to use the services of the Inspections Department of the COUNTY to enforce the North Carolina Building Code in accordance with the provisions adopted by the Building Code Council and the Commissioner of Insurance within the corporate limits and extra-territorial jurisdiction of the TOWN.
2. That the services of the Inspections Department shall be performed at no cost to the TOWN. However, should any claims arise out of the services provided by the COUNTY under this agreement, the TOWN agrees to indemnify and hold the COUNTY, its employees, agents and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, costs or attorney's fees resulting from any action brought against Montgomery County, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf of the TOWN that are the subject matter of this Agreement.
3. That all development to take place within the TOWN's corporate limits or extra-territorial jurisdiction shall be subject to the rules and regulations set forth in the Town of Biscoe Flood Damage Prevention Ordinance. The TOWN will make the flood zone determination for all development. The COUNTY will confirm the flood zone determination for all applicable buildings, so that a building permit may be issued and the necessary building standards are met. If the property is located within the Special Flood Hazard Area and if the structure is to be constructed within the flood hazard area, preliminary and final elevation certificates will be required.
4. Montgomery County Inspections Department is not directly responsible for enforcing the Town of Biscoe's Flood Damage Prevention Ordinance; however any violations observed should be reported immediately to the TOWN.
5. Any amendment to the Town of Biscoe's Flood Damage Prevention Ordinance must be presented to the COUNTY and the North Carolina Department of Public Safety, prior to adoption.
6. That this Agreement shall continue until such time as either the TOWN or COUNTY resolves to discontinue the Agreement and presents sixty (60) days

written notice to the other party of said termination or upon mutual agreement of both parties. Any permit received during this sixty day period will continue until completion.

7. This Agreement may only be modified in writing and executed by both parties.
8. That the effective date of this Interlocal Agreement shall be _____, 2019.

IN WITNESS WHEREOF, the Town of Biscoe has caused this Agreement to be signed in its name by its Mayor, attested by its Clerk, and its Official Seal to be hereunto affixed, and Montgomery County has caused this agreement to be signed in its name by the Chair of the Board of Commissioners and attested by the Clerk of its Board and its Official Seal to be hereunto affixed, the day and year first above written.

Town of Biscoe

By _____
James E. Blake, Mayor

Attest _____
Laura B. Morton, Clerk

Montgomery County

By _____
Wayne Wooten, Chairman
Board of Commissioners

Attest _____
Clerk

RESOLUTION OF INTENT
For the Town of Biscoe

WHEREAS, certain areas of the Town of Biscoe are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of this BOARD to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to the land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that this BOARD hereby:

Assures the Federal Insurance Administration (FIA) that it will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

Vests the Town Manager or designee with the responsibility, authority, and the means to:

- (a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood or flood-related erosion hazards.
- (b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (d) Upon occurrence, notify the FIA Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Appoints the Town Manager or designee to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRMs, any certificates of flood-proofing, and

information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed.

Agrees to take such other official action as may be reasonably necessary to carry out the objective of the program.

Adopted on this day, January 14, 2019.



By: _____
James E. Blake, Mayor

Certified by: _____
Laura B. Morton, Clerk

Date Passed: January 14, 2019

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

O.M.B. NO. 1660-0004
Expires: 09/30/2017

APPLICATION FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 4 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing, and submitting the form. This collection of information is required to obtain or retain benefits. You are not required to submit to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, and Paperwork Reduction Project (1660-0004). **NOTE: Do not send your completed form to this address.**

APPLICANT COMMUNITY NAME (City, town, etc.)	DATE
---	------

COUNTY, STATE

COMMUNITY OFFICIAL - CHIEF EXECUTIVE OFFICER (CEO)	E-MAIL ADDRESS	TELEPHONE # (Include area code)
--	----------------	---------------------------------

ADDRESS (Street or box no. city, state, zip code)

PROGRAM COORDINATOR (Official, if different from above, with overall responsibility for implementing program)	E-MAIL ADDRESS	TELEPHONE # (Include area code)
---	----------------	---------------------------------

ADDRESS (Street or box #., city, state, zip code)

LOCATION OF COMMUNITY REPOSITORY FOR PUBLIC INSPECTION OF NFIP MAPS

ADDRESS

ESTIMATES FOR THOSE AREAS PRONE TO FLOOD AND/OR MUDSLIDE AS OF THE DATE OF THIS APPLICATION

AREA IN ACRES	POPULATION	NUMBER OF 1-4 FAMILY STRUCTURES	NUMBER OF ALL OTHER STRUCTURES

ESTIMATES OF TOTALS IN ENTIRE COMMUNITY

POPULATION	NUMBER OF 1-4 FAMILY STRUCTURES	NUMBER OF ALL OTHER STRUCTURES

FOR FEMA REGIONAL USE ONLY

FEMA REGIONAL OFFICE	NAME OF CONTACT	TELEPHONE NUMBER
----------------------	-----------------	------------------

LEVEL OF 44 CFR 60.3 REGULATION ADOPTED (Check one) <input type="checkbox"/> 60.3 <input type="checkbox"/> 60.3(b) <input type="checkbox"/> 60.3(c) <input type="checkbox"/> 60.3(d) <input type="checkbox"/> 60.3(e)	CHECK APPROPRIATE BOX: <input type="checkbox"/> EMERGENCY PHASE <input type="checkbox"/> REGULAR PHASE
--	---

IF REGULAR PROGRAM, SPECIFY FIRM INDEX DATE. IF USING ANOTHER COMMUNITY'S FIRM, GIVE COMMUNITY NAME, CID, FIRM INDEX DATE AND MAP PANEL NUMBER DEPICTING COMMUNITY
--

2019 Volunteer Fire Fund Application

Fire Grant Application

Organization

Biscoe Fire Department

Application Started

01/02/2019

Submitted Date

02/21/2019

Applicant

Name

Timothy James Latham

Phone

(336) 596-5424

Email

timothy.latham@townofbiscoe.com

Secondary Contact

Name

Timothy Latham

Day Phone

(336) 596-5424

Evening Phone

(336) 596-5424

Email

timothy.latham@townofbiscoe.com

Department

Department Phone

(910) 428-4541

Active Members

25

Department Is

City Agency: owned and operated by a town or city

Our files indicate that you provide the following:

Fire

Rescue

State EMS

County EMS

Are you reporting to NFIRS?

Chief

Name

Sammy Ray Stewart

Work Phone

(910) 428-4541

Home Phone

Mobile Phone

(910) 220-7176

Email

sam.stewart@townofbiscoe.com

Secondary Email

wildlandfire09@gmail.com

Mailing Address

110 W. Main Street

Line 2

Zip Code

27209

City

Biscoe

State

NC

Application

Charter On File With OSFM

Written Contract or City Owned

All Volunteer

Paid Personnel

0

Salary Paid By

Total Annual Salary \$

Current Vehicles

null

If organization provides multiple services, (i.e, fire, rescue, EMS), all vehicles need to be included.

Model**Year****Mileage** **VIN**

Application Financial Biscoe Fire Department - Montgomery

Total County Funding (\$) 21,500.00 **Total City Funding (\$)** 140,610.00 **Total Funding (\$)** 162,110.00

County

Montgomery

County Funding (\$)

21,500.00

City Funding (\$)

140,610.00

Donations (\$)

15,660.00

Fund Drives (\$)

EMS Billing (\$)

Non OSFM Grants (\$)

Source

County Finance Officer

C.D. Crepps

County Fin Officer Phone

(910) 572-4221

County Fin Officer Email

cris.crepps@montgomerycountync.com

City Finance Officer

Laura Morton

City Fin Officer Phone

(910) 428-4112

City Fin Officer Email

laura.morton@townofbiscoe.com

Dept Chairman Board of Directors Name

Wayne Wooten

Chair Phone

(910) 572-4221

Chair Email

wayne.wooten@montgomerycountync.com

Mayor/Town Manager

Brandon Holland

Mayor Phone

(910) 428-4112

Mayor Email

manager@townofbiscoe.com

Attested

Primary

Attestation: I hereby attest that I have contacted the county official(s) whose name and title is listed above to verify the county/municipal population. I declare that the above statement is true and accurate to the best of my knowledge.

Application Contract Biscoe Fire Department - Montgomery

Enter contract information for each city or county

<u>City Manager</u>	<u>City Name</u>	<u>City Owned</u>	<u>County</u>	<u>County Manager</u>	<u>Verified</u>	<u>Primary</u>
Brandon Holland	Biscoe	Y	Montgomery	Matthew Woodard	Y	Y

Application Population null

Enter population totals for each county served by your department

Total Population 0

<u>County</u>	<u>Population</u>	<u>Name</u>	<u>Title</u>	<u>Verified</u>	<u>Primary</u>
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Roster Entry Biscoe Fire Department - Montgomery

If the organization provides multiple services, i.e, Fire, Rescue, EMS - All members need to be included

Roster Count 25

Name

Name

Wade Auman

Paul Asbill

Mike Barrington

Mike Brewer

Jeremiah Rodriguez

Ryan Leach

Jay Maness

Jeremy Smith

Kyle Morris

Tee Jay Morris

Seth Greene

Zack Brewer

Sam Stewart

Tripp Myrick

David Asbill, Jr.

Kenneth Lynthacum

Andres Hernandez

David Steele

Timothy Latham

Kelly Kellam

Cameron Stewart

Wayne Saunders

Bryan Lemonds

John Lemonds

Hunter Boles

List of Equipment Biscoe Fire Department - Montgomery

You will only be able to select equipment consistent with the services your department provides.

Total Cost (\$) 52,178.75

<u>Category</u>	<u>Equipment</u>	<u>Count</u>	<u>Item Cost</u>	<u>Total</u>
Capital Improvement	Building, Capital Improvements (Call DOI)	1	44,848.30	44,848.30

<u>Category</u>	<u>Equipment</u>	<u>Count</u>	<u>Item Cost</u>	<u>Total</u>
Communications	Portable Radio (Specify Band VHF, UHF, 800, Marine)	1	3,533.25	3,533.25
Personal Protective	Turnout Gear, Boots NFPA 1971	5	333.96	1,669.80
Personal Protective	Turnout Gear, Gloves NFPA 1971	5	84.48	422.40
Personal Protective	Turnout Gear, Helmets NFPA 1971	5	305.00	1,525.00
Personal Protective	Turnout Gear, Hood NFPA 1971	5	36.00	180.00

Grant Funds**Biscoe Fire Department - Montgomery**

Based on currently provided information, the equipment you requested has a total cost of \$52,178.75.

If the grant is awarded, the grant will fund \$26,089.38 and your department will be responsible for providing \$26,089.38 in matching funds.

Note - The above grant funds information is based on current grant application's financial and equipment sections.



TREE CITY USA®

NATIONAL

TOWN OF
BISCOE



ARBOR DAY

TREE PLANTING CEREMONY

APRIL 26, 2019

10 am

Deaton-Monroe Park

221 Mill St.—Biscoe NC



**A Tree Will Be Planted
at Biscoe Park
in Memory of
Commissioner
Jimmy Cagle, Jr.**

Sponsored by the

TOWN OF BISCOE & MONTGOMERY COUNTY 4-H

Special Speaker: Brad Thompson, Extension Agent, Agriculture—Horticulture



For More Information Contact Brandi Harris at 910.428.2978

www.townofbiscoe.com



Mayor's Minutes

- Met with Mt Gilead Mayor Chip Miller regarding Small Town Mayors
- Attended Retired Attorney, Russ Hollers 80th Birthday Party
- Looked at private property with Nancy Rupert regarding private citizens clean up
- Toured the Old School with Sam, Alex, and Reid
- Attended the 50th Anniversary Celebration of PTRC at the Garner Center in Troy with Commissioner Kinch, Mayor Pro Tem Smith, and town employees
- Attended the Biscoe Fire Department BBQ Chicken Fundraiser
- Spoke with Michael Fox, Chairman of the NC State Highway Board of Transportation
- Attended the Legislative Brunch at MCC