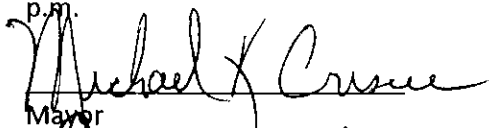
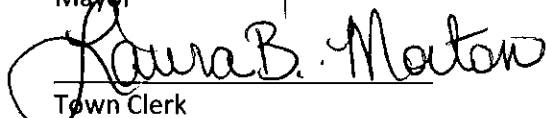


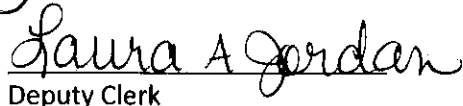
## **Adjournment**

There being no further business to bring before the Board, Commissioner Beard made the motion to adjourn, and Mayor Pro Tem Smith made the second. All voted in favor. Meeting adjourned at 7:52

p.m.

  
Mayor

  
Town Clerk

  
Deputy Clerk

### **TOWN OF BISCOE BOARD OF COMMISSIONERS MEETING March 11, 2013**

The Town of Biscoe Board of Commissioners met in a regular session on February 11, 2013 at 7:00 pm in the Municipal Building.

Present were: Mayor Michael Criscoe, Mayor Pro-Tem Jerry Smith, Commissioners, Gene Anderson, John Beard and Jimmy Blake. Town Manager Brooks Lockhart and Deputy Clerk Laura Jordan were also present.

#### **Call to Order**

Mayor Michael Criscoe called the meeting to order at 7:00 pm.

#### **Public Forum**

Audrey McDowell spoke regarding the cemetery clean up and policies. Ms. McDowell stated she had been following the newspaper regarding the cemetery. She discussed her concerns regarding what she read including the proposal of the rules and regulations changing of previously purchased plots, flowers not being allowed except in vases on tombstones, and the removal of benches from gravesides. Ms. McDowell's concerns regarding the benches comes from speaking with some of the elderly residents of Biscoe who like to go and spend a lot of time at the cemetery. She felt they would not be able to spend the quality time they are used to for not being able to sit on the benches if they are removed. Her concern of the proposal of the rules and regulations changing on previously purchased plots is that there were no stipulations when the plots were purchased. Ms. McDowell feels the rules and regulations should not be changed on the previously purchased plots. She then discussed the option of posting clean ups on the gate at the cemetery or in the newspaper prior to clean up to let the citizens know and give them the option of removing items they do not want thrown away.

Barbara Hayes spoke regarding her letters she submitted to the Montgomery Herald and her concerns regarding the cemetery. She also stated it could be a liability for the Town if something were to happen. She proposed the question of what if someone collapsed. She felt that could put a black eye on Biscoe. She then stated she did not want to see anything jeopardize the reputation of Biscoe. The Town Manager responded to this stating it would only be a liability if there were roots showing or if it were unstable to walk to and from the gravesides. Ms. Hayes

visited her husband and fathers' graves on January 9, 2013 and stated they were stripped of everything she and her mother had recently placed on the graves. She also stated the cemetery was the most dismal place she had ever seen.

Commissioner Blake asked her what specifically had been removed from the graves where she responded everything, flowers, a gold basket, and trinkets. She stated the only thing that remained was the Philips Funeral Home marker. She did find her things and removed them from the black trash bag at the edge of the woods. Mayor Pro-Tem Smith asked about wind damage around the time of the clean up where Ms. Hayes stated there had been no wind damage because she had visited the cemetery every day. Ms. Hayes then went on to say that she had come to the Town Hall as soon as she realized everything had been removed from the graves. She spoke to a man at the window who informed her that Sam Stewart would be able to answer all of her questions but he was out the entire week with the flu and would give her a call when he returned on Monday. She left her name and number with the gentleman who assured her Sam would give her a call. Ms. Hayes then said that Sam had not called her.

At that time the Town Manager addressed a couple of the ladies concerns including that some of the existing benches were sitting on the incorrect graves and that he was checking with the Town Attorney regarding the the cemetery.

Jim Williams spoke regarding his concerns of the cemetery. He questioned that if lawnmowers damaged the foot stones that are not flush to the ground who would pay for it? His recommendation is that the foot stones be 2 – 3 inches above the ground even though he knew the grounds crew would then have to weed-eat. He then stated that the grounds crew does a great job and that he appreciates the flags being replaced. His recommendation for the cemetery is to post along with the clean up signs what you can and can not do that way everyone will know and abide by the rules.

#### **Consent Agenda**

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A motion was made by Commissioner Blake, seconded by Mayor Pro-tem Smith, to make a correction. A motion was made by Commissioner Beard, seconded by Commissioner Anderson and so the motion carried unanimously to approve the following consent agenda items with corrections:

- a) Approval of Minutes 02-11-13
- b) Annual Audit Contract
- c) Regional Hazard Mitigation Plan
- d) Multiple Sclerosis Awareness Week

A motion was made by Commissioner Anderson and seconded by Commissioner Cagle to close the regular meeting and go into Public Hearing.

#### **Public Hearing**

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Rezoning: Emerald Forest Apartments

This public hearing is to consider an application for rezoning of a portion of land belonging to CRV/CVS Investment Property, LLC bounded on the east by the Food Lion Shopping Center, on the south by McCaskill Street Extension, on the west Daniel Hurley, and on the north by Emerywood Forest and Harold Vanderveer. The southern 10 acre portion of the 50.5 acre tract (IL) Light Industrial is being requested to be re-zoned to (R12-CU) Residential Conditional Use. This request is being made by United Property Management, LLC.

If approved, the total tract of approximately 10 acres would allow for the placement of a multifamily housing as described in the PDF file attached to your agenda email; color copies will be provided to the Board at the meeting.

R-12 is an adjacent use and this 10 acre rezoning is in compliance with local ordinance and state laws and would not constitute spot zoning.

Mark Morgan was present and spoke on behalf of MC Morgan and Associates. Mr. Morgan stated the following regarding the apartments: 2-story family dwellings, on-site management, 2, 3, and 4 bedrooms available with pricing from 495.00 which can fluctuate with construction, brick and vinyl throughout, curb and gutter throughout, energy star efficiency, below ground utilities, outside storage, sidewalks, lighted entry ways and walk ways, cameras for safety, community building which will house maintenance and management staff, washer and dryers, and kitchen.

Commissioner Blake asked if Mr. Morgan saw the property increasing in value or depreciating. Mr. Morgan stated they are investing a large amount of money into the apartments so they hoped they would increase in value. Commissioner Blake then asked about the construction of the apartments and when it would be completed. Mr. Morgan stated that it would not be done in stages it would be done all at one time. He hoped to have all the paperwork ready by August so they could start construction at the beginning of next year and renting out in the Fall of next year.

When asked if anyone had questions regarding the property Mr. Harold Vanderveer asked for a direct location as he owns property adjacent to the north side. His concern was the residence staying on their side of the property and not coming onto his side of the property. He also asked about fencing in which Mr. Morgan stated if fencing was needed it could be put up. Mr. Vanderveer stated he had spoken with other property owners and that he did not have any real objection to the construction of the apartments.

A motion was made by Commissioner Beard and seconded by Mayor Pro-tem Smith to close the Public Hearing.

A motion was made by Commissioner Beard and seconded by Mayor Pro-tem Smith to return to regular session.

A motion was made by Commissioner Cagle and seconded by Commissioner Anderson to approve with the rezoning of Light Industrial to R12.

**Variance: Martin Street**

This public hearing is to consider an application variances for Joseph and Robin Espinosa on Parcel number 7568 18 42 9105 on Martin Street.

Two variances are being requested in response to hardships which are not the result of actions taken by the current landowners. First, the total tract of approximately .42 an acre of (AR) Agricultural Residential does not meet the minimum lot size for AR of 1 acre; this land previously had a domicile and was previously grandfathered in. Second, the previous domicile was a single-wide trailer. The request before the Board will be to consider allowing the placement of a single-wide trailer on a non-conforming lot where one was previously located.

When asked if anyone had questions regarding the variance Ms. Nancy Baldwin asked if the land ran directly into the Cal Martin land. Ms. Baldwin was just curious as to where the land-line was located. It was resolved that the land in question did not run into the Cal Martin land.

A motion was made by Commissioner Beard and seconded by Commissioner Cagle to close the Public Hearing.

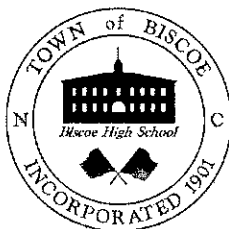
A motion was made by Commissioner Cagle and seconded by Mayor Pro-tem Smith to return to regular session.

A motion was made by Commissioner Beard and seconded by Commissioner Anderson to approve the variances on Martin Street.

### **Economic Development Incentive Policy Update**

In March 2008, we adopted an economic Development policy that was identical to the one offered by Montgomery County.

This past month, the county has discussed modifications to their policy. The primary catalyst to this discussion was about the design of the polices; they were written on a scale which had more value placed on a combination of job creation and investment. The policy did not reward just investment or just job creation. The new proposed policy will enable a more equitable share of incentives. A business in Biscoe made the request to the county to consider a new incentives structure. Attached below is our current policy adopted in March 2008. Following our policy is a draft of the amendments which the county has been weighing. Please review these changes. I anticipate receiving additional changes from the county prior to our meeting and will be providing you copies at the meeting.



### **TOWN OF BISCOE** ***Economic Development Incentive Policy*** **Adopted March 10, 2008**

**WHEREAS**, the Town of Biscoe Board of Commissioners feel that it is the best interest for Town of Biscoe to provide economic development incentives to new and expanding industries within Town of Biscoe and;

**WHEREAS**, economic development incentives to new and expanding industries based on project investment and job creation as determined by the Board of Town Commissioners, and;

**WHEREAS**, the Town of Biscoe has decided to emulate the proactive example set by the County in the adoption of an Economic Development Incentive Policy, and;

**WHEREAS**, the Town of Biscoe Board of Commissioners hereby establishes the following Economic Development Incentive Plan:

New or expanding industries may qualify to receive a financial incentive grant based upon the actual value, schedule and payment of local property taxes for a period of up to five tax years. The Town

will require the industry to "pay in full" annually total property taxes due. If the industry has met specific criteria as outlined in a formal agreement, a portion of the property taxes paid by that industry to the Town each year for five consecutive tax years would be returned to the industry in the form of a local economic development incentive grant.

<b>Number of New Jobs Created</b>					
New or Expansion Amount	5 to 24	25 but less than 50	50 but less than 75	75 but less than 100	100 and over
\$250,000-\$499,000	25%				
\$500,000 - \$3 million		50%	55%	60%	65%
\$3 million - \$10 million		55%	65%	70%	75%
\$10 million and up		60%	70%	75%	80%

**WHEREAS**, the Town of Biscoe Board of Commissioners reserve the right to consider each project individually and to adjust the incentive package based on current conditions or circumstances.

**NOW THEREFORE BE IT RESOLVED**, that this Economic Development Incentive Policy may be offered to new and expanding industries within Town of Biscoe that meet the above qualifications and are willing to sign an incentive agreement which describes the responsibilities and obligations of all parties.

**Montgomery County Economic Development Policy**

In accordance with the authority provided by North Carolina General Statute 158-7.1, the Montgomery County Board of Commissioners considers it beneficial to incentivize economic development that results from job creation and capital investment by new and existing businesses. Key objectives of this policy are to encourage job creation and expansion of the ad valorem tax base. In arriving at the amount of incentives a project receives, the Board may consider the expected increase in the ad valorem tax base, prospective increase in sales tax receipts and the economic contribution of additional wages to the local economy. Following are guidelines to be used in evaluating the incentives to be applied to specific projects.

All appropriations and expenditures pursuant to this policy shall be subject to the provisions of the Local Government Budget and Fiscal Control Acts of North Carolina General Statutes for counties and shall be listed in the annual financial report the county submits to the Local Government Commission. At the end of each fiscal year, the total expenditure for economic development incentives may not exceed one-half of one percent (0.5%) of the outstanding assessed property tax valuation for the county as of January 1 preceding the beginning of the fiscal year. Any appropriation or expenditure pursuant to this policy must be approved by the Board of Commissioners after a public hearing. The county shall publish notice of the public hearing at least ten days before the hearing is held.

New or existing businesses may qualify to receive a financial incentive grant based on the actual value, schedule and payment of ad valorem taxes for a period of up to five tax years. The tax year is the calendar year. Businesses that do not pay ad valorem taxes will not qualify for any Montgomery County financial incentive program.

The Board of Commissioners considers that any capital investment or creation of any qualifying jobs will be of benefit through increasing the population, taxable property, agricultural or manufacturing industries or business prospects of the county. Therefore, these guidelines are applicable to all

types of businesses, regardless of the North American Industrial Classification System (NAICS) code; including, but not limited to, industrial, agricultural, retail, energy, commercial and residential development. They apply to both commercial property landlords and tenant businesses where applicable. For example a commercial property owner may make a capital investment so a tenant business can expand. Or a tenant business may invest in additional business personal property, or create new jobs. Incentives apply to commercial and residential real estate development, however, the incentives apply only to the property upon which the developer pays ad valorem taxes and for the period such taxes are paid.

These guidelines are not binding on the county, but may be used as the basis for a contract between the business and the county, which, when executed, will be binding on both parties. Such contract shall clearly state the respective responsibilities of the county and the party being incentivized, including provisions regarding remedies for a breach of responsibilities on the part of either party.

The Montgomery County Economic Development Corporation, in close cooperation with county staff, shall act as the agent for the county in developing incentive agreements recommended for approval by the Board of Commissioners.

When a business wishes to apply for incentives, a baseline will be established for the ad valorem tax value of the applicant's applicable real and business personal property and the base employment level. These values will be obtained from the Montgomery County Tax Office and the North Carolina Department of Commerce. The base figures will be established for an agreed upon date in the base year of the agreement. Incentive awards will then be calculated on each anniversary date of the agreement. When an existing business is bought by a new owner, incentive eligibility for additional jobs or capital investment will be based on the ad valorem tax values of real and business personal property, and the employment level existing at the selling company at the time of sale.

The county will require the business to pay in full annually total ad valorem taxes due. If the business has met specific criteria as outlined in a formal agreement, an economic development incentive grant, based on a percentage of ad valorem taxes paid, will be paid to the business.

The amount of the incentive grant will be computed on a look back basis. Actual then year numbers for ad valorem tax bases and employment levels as of the established anniversary date of the current tax year will be compared with the base numbers established in the original agreement. Incentive grant payments will be based on actual values achieved for job creation and capital investment compared with the base, regardless of values expected in the contract. If minimum thresholds are not achieved and maintained, then no incentives will be paid. As incentives are paid only on a look back basis, there is likely to be no penalty to the business for failing to meet expected goals.

The incentives for capital investment and job creation are computed separately and are not interdependent. A company may qualify for incentive grants for capital investment only; for job creation only; or both capital investment and job creation.

#### Capital Investment:

The threshold for receiving incentives for capital investment is established as a \$100,000.00 increase in the ad valorem tax base for real and/or business personal property for the requesting company. For companies purchasing buildings that have been vacant for one or more years, the tax base for such real property will be assumed to be zero and the purchasing company may receive incentives for an investment based on the entire ad valorem tax value of the property. If a landlord leases a

building for business use that has been vacant for one year or more, an incentive agreement with the landlord may be considered based on the ad valorem tax value of the building.

**Job Creation:**

The threshold for receiving incentives for job creation is one net additional qualifying job located in Montgomery County that remains in place for a minimum of one year (twelve month period). A qualifying job is one that is full time with a salary equal to or greater than the average wage for the county as reported by the North Carolina Department of Commerce, and with benefits that include the payment by the employer of at least 50% of medical insurance for the employee. The grant for job creation will be capped at \$1,000 per job or the designated percentage of the ad valorem taxes paid, whichever is less. The incentive grant will be increased by 25% for employing residents of Montgomery County.

**Incentive Guidelines**

**New Capital Investment:**

Amount of Investment	Percentage of Tax as Grant	Number of Years Paid
\$100,000 to \$500,000	10% to 19%	3
\$500,000 to \$1,000,000	20% to 29%	4
\$1,000,000 to \$5,000,000	30% to 39%	5
\$5,000,000 and Up	40%	5

Note: The amount of investment is computed each year as the additional ad valorem tax value as compared to the base value established at the beginning of the agreement. Depreciation of business personal property may decrease the amount considered for incentives year over year. In the event of a real property revaluation during the term of the agreement, the starting base will be adjusted to reflect a "revenue neutral" value. The percentage of tax as a grant will be computed on a prorated basis as indicated.

**Job Creation:**

Number of Net New Jobs	Percentage of Tax as Grant	Number of Years Paid
1 to 5	10% to 19%	3
5 to 10	20% to 29%	4
10 to 25	30 % to 39%	5
25 or more	40%	5

Note: The number of jobs is computed each year and compared with the base year to determine the amount of incentive due, and the period for which it will be paid. The percentage of tax as a grant will be prorated. For example, should a company be credited with a net increase of 20 jobs over the base employment level in any given year, the incentive would be 36% of the ad valorem taxes paid for that year, or \$20,000, whichever is less, and for a period of up to five years. The incentive will be increased by 25% for adding employees who are residents of Montgomery County. Should a company plan additional expansion in capital investment or employment any time during the period of the original contract, or following expiration of the original contract, a new agreement may be executed based on the ad valorem tax base and the employment level at the time the new agreement is executed.

The Town Manager is hesitant to have board approve the policy. His recommendation is to table until next month pending upon the County. Mayor Mike Criscoe questioned when they get the money back. The Town Manager explained that the information is verified by the County then the