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www.biltmoreforest.org



George F. Goosmann, III, Mayor Fran G. Cogburn, Mayor-Pro Tem E. Glenn Kelly, Commissioner Doris P. Loomis, Commissioner

> Jonathan B. Kanipe, Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Public Works Building Financing Schedule

Consideration of Resolution 2018-04 – Resolution Approving Application to Local

Government Commission for Installment Financing Agreement

Date: August 6, 2018

The Town has scheduled a public hearing to consider financing proposals for the Public Works Building renovation project. The public hearing will be held on Tuesday, August 21, 2018 at 4:00 p.m. in the Town Hall. It is assumed at this public hearing the Town will be able to provide proposals from financial institutions interested in funding \$800,000 worth of this project. As a reminder, the Town has committed \$700,000 from the Town fund balance for the remainder of the project cost.

The North Carolina Local Government Commission (LGC) requires specific steps to be completed before approving the installment financing project. The LGC must approve the project because it deals with real property, or improvements to real property. One step in this process is that the Board of Commissioners must approve a resolution authorizing the filing of the application with the LGC. Due to time constraints, it is advantageous for the Board to approve the application for this project and hold the public hearing next month. The application deadline is Tuesday, September 4, and this timeline will allow staff the ability to have all pertinent information submitted prior to this deadline. Proper advertisement was placed in the Asheville *Citizen-Times* on August 9, 2018 which meets the statutory deadline of ten days prior to the public hearing.

Staff recommends approval of the resolution. A proposed schedule with key dates and upcoming items are included below. Please let me know if you have any questions regarding the proposed schedule, the financing plan, or the application to the LGC.

8/1/8 – Issue RFP for Installment Financing

8/9/18 – Advertise Public Hearing

8/14/18 – BOC consideration of Public Hearing

8/21/18 – Public Hearing to Consider Financing Agreement

Week of 8/27-8/31 – Finalize LGC Application for submission

10/2/18 – LGC Hearing in Raleigh for Installment Financing Agreement

STATE OF NORTH CAROLINA)	TOWN OF BILTMORE FOREST				
)	BOARD OF COMMISSIONERS				
COUNTY OF BUNCOMBE)					

RESOLUTION 2018-04

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the Town of Biltmore Forest, North Carolina desires to renovate and repair its existing Public Works Building (the "Project") located at 355 Vanderbilt Road to better serve the citizens of Biltmore Forest and for the safety and welfare of its employees; and

WHEREAS, the Town of Biltmore Forest desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Biltmore Forest, North Carolina, meeting in regular session on the 14th day of August 2018, make the following findings of fact:

- 1. The proposed contract is necessary or expedient because the installment funding will provide the necessary means to complete the full renovation project for the Public Works building.
- 2. The proposed contract is preferable to a bond issue for the same purpose because the cost to issue general obligation bonds would be greater.
- 3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose.
- 4. The Town of Biltmore Forest's debt management procedures and policies are carried out in accordance with North Carolina law. Examination of the audit reports for the past three (3) fiscal years of the Town of Biltmore Forest reflect that the Town's debt management policies are in strict compliance these regulations and sounds fiscal policies.
- 5. It is not anticipated that any increase in taxes will be needed to fund the debt service requirements.
- 6. The Town of Biltmore Forest, North Carolina is not in default in any of its debt service obligations.

7. The attorney for the Town of Biltmore Forest has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to act on behalf of the Town of Biltmore Forest in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

Inis res	solution 18	effecti	ve upor	ı its adop	tion this i	4th day c	or August,	2018.	
The	motion	to	adopt	this	resolution	n was	made	by	Commissioner
				_,	secono	ded	by		Commissioner
				_ and pas	sed by a v	ote of	to)	·
							G	eorge l	F. Goosmann, III Mayor
Attest:									muyoz
Jonathan B. Town Mana	-								
This is to ce	rtify that	this is a	true an	d accurat	e copy of	Resoluti	on No		Adopted by
Anywhere	Board	of	Comr	nissioner	s on	the			day of
	, 20)							
[C	lerk/Secr	etary]		_				I	Date