

## PROPOSED AGENDA

### Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, August 8, 2023 at 4:30 p.m.

A. Pledge of Allegiance

B. Roll Call

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

C. The minutes of the July 11, 2023 meeting will be presented for approval.

D. Departmental Reports

1. Chief of Skyland Fire and Rescue
2. Chief of Police Chris Beddingfield
3. Public Works Director Harry Buckner
4. Town Planner Tony Williams
5. Town Manager Jonathan Kanipe

E. New Business

1. Consideration of Greenwood Park Improvements  
*Grading and Paving for New Parking Lot and Pathways*
2. Consideration of Brooklawn Park Clean-Up and Trail Design
3. Cedar Hill Road Stabilization/Stream Restoration Project Update
4. Review Zoning Ordinance Amendment Recommendations  
*Ch. 153.034 – Landscaping and Grading Plans, Land Disturbance, and Sedimentation Control*  
*Ch. 153.050 – Tree Preservation (New Section to Replace Ch. 93 in Town Code)*  
*Ch. 153.060 – Buffers, Screening, and Landscaping Requirements*
5. RFQ Submissions for Master Planning for Facilities Improvements

F. Public Comment

G. Adjourn

For those interested in viewing the Board meeting remotely, please utilize the following information:  
<https://us02web.zoom.us/j/82228455470?pwd=SG9WU0FwUjFSc0ZveS95b3pLTUIHdz09>

Meeting ID: 822 2845 5470

Passcode: 966757

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD JULY 11, 2023

Be it remembered by those that follow these proceedings that the Governing Board of the Town of Biltmore Forest met and conducted the following business:

Roll call taken by the Clerk:

Mayor George F. Goosmann, III, present  
Commissioner Doris P. Loomis, present  
Commissioner E. Glenn Kelly, present  
Commissioner Fran Cogburn, present

Mr. Jonathan Kanipe, the Town Manager, and Mr. William Clarke, the Town Attorney, were also present.

Mayor Goosmann called the meeting to order at 4:30 pm.

The Pledge of Allegiance was conducted.

Commissioner Cogburn made a motion to approve the amended minutes from June 6, 2023. Commissioner Kelly seconded the motion. The motion was unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were a total of 32 calls for the month. The annual report was also addressed. There are 113 rostered members of the Skyland Fire Department.

Firefighters are crossed trained in many different areas. There were a total of 7,000 classes Skyland personnel attended. There were a total of 2,093 EMS calls and 1,514 fire calls. The average response time for a call in Biltmore Forest is 5 minutes and 40 seconds. This meets the standards that fire departments have.

Friday between 4pm-5pm is the busiest day of the year with the most calls. July is usually the busiest month of the year. The Fourth of July, Santa on Christmas Eve, New Years event, the

fire department was on standby for the fireworks, and numerous birthday parties were just a number of events that the fire department assisted with throughout the year.

Chief Lance discussed the Budget report. The top three expenditures are personnel, facilities and maintenance, and vehicles. The Fire Department purchased two new vehicles, received a ladder truck and engine. The total operation expenditure was \$8,179,092.

The total capital expenditure was \$680,000. This includes contract money and tax money. There is also an app people can download on their phone for the Skyland Fire Department. There will be an upcoming safety day for the community on August 19<sup>th</sup> from 11am-3pm at the Biltmore Church parking lot at 35 Clayton Road in Arden. Mayor Goosmann thanked Chief Lance for his report and thanked him for doing such a good job.

Chief Chris Beddingfield gave the report for the Police Department. There were a total of 613 calls. There were two misdemeanor arrests. There was a significant bicycle crash at the temporary speed bump due to the speed of the bicyclist.

There have been some challenges with protestors at the Doubletree hotel.

Coyotes have been an issue lately. North Carolina Wildlife was notified, and messages have been sent via the Police Department app to inform residents.

Speed enforcement was discussed. Many citations have been written due to the complaints of speeders. Chief Beddingfield said they received data from the speed signs and one of the overwhelming areas of complaints was from Browntown Road and the speeders in that area. They believe it has a lot to do with the cars coming off Hendersonville Road. There have been many speed bump requests. We have several residents we have been in contact with regarding this and what we need to do about speed bumps. The maximum speed on Browntown Road was 44mph which is very fast. The average speed was 24 mph. There were 1,500 cars measured during this study. The maximum speed on Hendersonville Road was 97 mph. The average speed is 45 mph. On Stuyvesant Road, the maximum speed is 58 mph. The average is 21 mph. There were 12,000

vehicles traveling on Stuyvesant Road. There are a significant number of vehicles traveling through Biltmore Forest and officers are being very proactive by properly enforcing. Mayor Goosmann thanked Chief Beddingfield for all the Police Department does.

Mr. Harry Buckner gave the report for the Public Works Department. Mr. Buckner said there was a tree down on Eastwood Road late Saturday evening. The Fire Department opened one lane. The Police Department and Fire Department did an amazing job and made Public Works' job much easier.

The Independence Day celebration turned out very well and was a great event. Mr. Buckner said three Public Works facilities were visited for site visits which were the Metropolitan Sewerage District, City of Asheville facility, and the Town of Weaverville. Mr. Buckner is consolidating this information based on the direction he had last month from the Board.

Mr. Buckner Followed up with Metropolitan Sewerage District regarding the stormwater project. They are going to implement an improvements project to work on the sewer concurrently with our stormwater project to improve service between the Lone Pine and Stuyvesant Road area.

Next month, Mr. Daniel Rice will be returning to work. The temporary employee, Mr. Matt Cline, will be leaving at the end of the month.

Paving and striping is tentatively scheduled for August.

Commissioner Kelly asked who enforces tree inspection. Mr. Buckner said Public Works does this. Commissioner Kelly asked who enforces the Country Club. Mr. Buckner said Mr. Kanipe usually does this.

Commissioner Cogburn asked what the advancement of the bridges is particularly in Greenwood Park. Mr. Buckner said they have a structural engineer on Board, and he has an appointment with an engineer to make sure the abutments are secure. Mr. Buckner says he is waiting for the final designs so it can be built. Greenwood Park specifically will move forward

with building the pavilion. Mr. Buckner said they have reached out to multiple contractors as well. There will be a total of nine parking spaces with two handicapped spaces.

Mayor Goosmann suggested putting “no parking” signs up to still park in the current area. Mr. Buckner said they will prepare a schedule of a timeline of the project.

Ms. Evelyn Pfeiffer on Forest Road asked about the new water service on Forest Road. Mr. Buckner said they were installing a new irrigation system at a residence on Forest. Mayor Goosmann thanked Mr. Buckner for all of their hard work.

Mr. Tony Williams, Town Planner, gave the report regarding Planning, Zoning, and Code Enforcement. Mr. Williams is reviewing plans for the upcoming Board of Adjustment meeting. Phone calls, emails, in-person meetings and conducting on site visits with the Board of Adjustment members and Planning Commission staff. Six violations were issued, and five have been resolved. There were a total of eleven complaints. There were eleven plans reviewed and five overall approved permits.

Commissioner Kelly asked Mr. Williams if anyone has been cited for having an unkept yard. Mr. Williams said yes. It was at 1 Cedarcliff. Commissioner Kelly asked about Mr. Williams looking at 61 Forest Road. Mr. Williams said he will look at this property.

Commissioner Loomis asked about the review of potential subdivisions. The Ramble is looking to add offices. Commissioner Loomis asked Mr. Williams how he notifies people about removing signs that are in violation. In one instance, Mr. Williams spoke with the people on site regarding removing these signs. They did not remove them so Mr. Williams removed them. Commissioner Loomis thanked Mr. Williams for doing this.

Commissioner Cogburn asked about violation stickers. Mr. Williams said those are used in different jurisdictions. The main reason we would use them in the Town is for the Junk Vehicle Ordinance. Mayor Goosmann thanked Mr. Williams for all his hard work.

Mr. Jonathan Kanipe gave the report on the Town. The Audio-Visual Project that was approved by the Board will be starting work at the end of July and the funding is through the American Recovery Plan for this work.

The permanent speed bump has been installed on the 7<sup>th</sup>, between Hilltop and Eastwood Roads on Stuyvesant Road. Multiple people are appreciative of this speed bump.

The 4<sup>th</sup> of July event went very well and Mr. Kanipe thanked Town staff for doing a great job and working well together. On July 21<sup>st</sup>, the Town will have the first movie night at Rosebank Park. The movie will be *The Princess Bride*. There will be free popcorn and water.

New Business was conducted, and the first matter discussed was the Consideration of Request for Qualifications on the Facility Master Plan and Programming. The plan was attached to the packet for the Board to view. Submissions can be turned in by August 4<sup>th</sup> and will be contingent on Mr. Clarke's review.

The next topic of discussion is the Consideration of Revision to the Fiscal Year 24 Fee Schedule. There was an error on the Zoning fee. Commissioner Cogburn asked about the extension fee, and specifically whether the Town could institute a full fee charge after the first six (6) month extension. Commissioner Kelly made a motion to approve the Consideration of Revision to the FY 24 Fee Schedule. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe gave the project update on the Cedar Hill Road Stabilization and Stream Restoration. They are moving forward very well with the boulder installation. Mr. Buckner has been checking on the work being done, and they are moving quickly now. Mr. Kanipe has posted updates of what is being done on the Town's website.

The Consideration of Planning Commission Appointment for Mrs. Angela Newnam was discussed. Mayor Goosmann said she would be an excellent candidate. Commissioner Cogburn

made a motion to approve the appointment, Commissioner Loomis seconded the motion and was unanimously approved.

PUBLIC COMMENT

Mr. Paul Zimmerman made Public Comment and spoke for residents about concern for a walking trail which has been discussed by the Board many times and Mr. Zimmerman wanted to know when this would be implemented.

Mr. Zimmerman also discussed the New Resident Planning Guide for new residents that he created. He would like to see this given to new residents.

Ms. Evelyn Pfieffer agreed and is in support of the walking trail(s).

The meeting was adjourned at 5:50 pm. The next meeting is scheduled for Tuesday, August 8, 2023 at 4:30 pm.

ATTEST:

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Laura Jacobs  
Town Clerk

George F. Goosmann, III  
Mayor





# Skyland Fire & Rescue

## Biltmore Forest Valley Springs Station



Phone: (828) 684-6421    Address: PO Box 640 Skyland NC 28776    Fax (828) 684-1010  
[www.skylandfire.com](http://www.skylandfire.com)

### Biltmore Forest Valley Springs Station

### Incident Response

July 2023

Station: 4 - BILTMORE FOREST STATION	
111 - Building fire	1
311 - Medical assist, assist EMS crew	13
322 - Motor vehicle accident with injuries	3
511 - Lock-out	1
550 - Public service assistance, other	1
554 - Assist invalid	1
611 - Dispatched & cancelled en route	2
622 - No incident found on arrival at dispatch address	2
743 - Smoke detector activation, no fire - unintentional	1
800 - Severe weather or natural disaster, other	1
<b># Incidents for 4 - Biltmore Forest Station:</b>	<b>26</b>

Respectfully Submitted,

*Trevor C. Lance*

Chief Trevor C. Lance  
Skyland Fire Rescue

Biltmore Forest Police  
355 Vanderbilt Road  
Biltmore Forest, NC 28803  
828-274-0822  
Chief M. Chris  
Beddingfield



George F. Goosmann, III, Mayor  
Doris P Loomis, Mayor-Pro Tem  
E. Glenn Kelly, Commissioner  
Fran Cogburn, Commissioner  
Jonathan Kanipe, Town Manager

## **Biltmore Forest Police Department August 8th, 2023 Commission Report**

### **July 2023 Data**

#### **Total Calls For Service:**

480 (613 last month)

#### **Arrests:**

0-Felony Arrest-

3-Misdemeanor Arrests-One for Driving While Impaired from a traffic stop, One for Drug Paraphernalia from a suspicious person call, One for Assault on Officer, Resist Arrest and Damage to Property from a vandalism call.

#### **Citations:**

8-Citations for various traffic violations (34 last month)

#### **Time Consumption Summary:**

##### *Approximations:*

Business Checks- 4 hours

House Checks- 4 hours

Radar Operation- 4 hours

Vehicle Crash Investigation- 3 hours

#### **Notable Calls and Projects:**

National Night Out (August 1<sup>st</sup>)-We had 150-200 people attend. An excellent event that allowed us to interact and partner with our residents.

Interesting Arrest-Subject spray-painting Parkway Bridge over Hendersonville Road. Officers caught the person committing the crime. The subject was also having mental issues and was entered as a missing person.

Two dirt bike/motorcycle chases on Hendersonville Rd. Both were discontinued for safety reasons.

Continue to have multiple issues with the homeless population.

**Biltmore Forest Police Department**  
**355 Vanderbilt Rd**  
**Biltmore Forest , NC 28803**

July 2023 Calls for Service

<b>BILTMORE FOREST POLICE DEPARTMENT</b>	<b>Count</b>	<b>Percent</b>
ALARM	11	2.29%
ANIMAL CONTROL	14	2.92%
ASSIST MOTORIST	10	2.08%
ASSIST NON-RESIDENT	2	0.42%
ASSIST OTHER AGENCY	3	0.63%
ASSIST RESIDENT	6	1.25%
BUSINESS CHECK	178	37.08%
CHASE	2	0.42%
CRIME PREVENTION	2	0.42%
DEPARTMENT OTHER	5	1.04%
DISTURBANCE	2	0.42%
FIRE	1	0.21%
FIREWORKS COMPLAINT	1	0.21%
FOLLOW-UP INVESTIGATION	3	0.63%
HOUSE CHECK	116	24.17%
IMPROPER PARKING	4	0.83%
LARCENY	1	0.21%
MEDICAL EMERGENCY	9	1.88%
NOISE COMPLAINT	1	0.21%
ORDINACE VIOLATION	4	0.83%
PROPERTY DAMAGE	2	0.42%
RADAR OPERATION	16	3.33%
ROAD BLOCKED	2	0.42%
SEXUAL ASSAULT	1	0.21%
SPECIAL CHECK	1	0.21%
SUSPICIOUS ACTIVITY	2	0.42%
SUSPICIOUS PERSON	9	1.88%
SUSPICIOUS VEHICLE	29	6.04%
TALK WITH OFFICER	4	0.83%
TOWN HALL BUSINESS	1	0.21%
TRAFFIC CONTROL	1	0.21%
TRAFFIC STOP	20	4.17%
TREE DOWN	3	0.63%
VEHICLE ACCIDENT	4	0.83%
WELFARE CHECK	10	2.08%
<b>Total Records For BILTMORE FOREST POLICE DEPARTMENT</b>	<b>480</b>	<b>Dept Calls/Total Calls 100.00%</b>
<b>Total Records</b>	<b>480</b>	



## MEMORANDUM

**To:** Jonathan Kanipe, Town Manager  
Mayor and Board of Commissioners

**From:** Harry B. Buckner, PE, Director of Public Works

**Re:** Public Works Department  
July 2023 Monthly Report

**Date:** August 4, 2023

*HB*

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### **Recurring Activities:**

The Public Works Department has completed the following activities during the month of July:

- Collected 36.22 tons of garbage.
- Diverted 14.12 tons of recycled goods from garbage.
- Picked up 16 loads of brush (approximately 480 cubic yards) over 10 days.
- Responded to 52 total utility locate requests, comprised of 35 new requests (including 3 rush and 1 emergency request) and 17 updates.
- Visited 4 residences for Tree Assessments, approving the removal of 12 trees, and requiring the installation of 27 trees.
- Completed daily chlorine residual tests across town and passed the required two (2) bacteriological tests.
- Used the Beacon/Badger Meter automated meter reading system to monitor water leaks daily and attempted to contact residents of suspected leaks.
- We continue to perform litter pick-ups as needed, focusing on the entrances.
- Normal brush collection was performed on the North Route beginning on July 17<sup>th</sup>, and the South Route beginning on July 31<sup>st</sup>. Pick-ups will continue as scheduled with one pick-up per month per route until further notice.

### **Miscellaneous Activities in July**

- Training with our two new Public Works employees is continuing. They continue to perform very well, and we continue to be pleased with their work.
- Daniel Rice returned to work on July 31. We are very happy to have him back at work, healthy, and productive.
- We released our temporary employee upon Daniel's return.
- We continue our weekly routine maintenance of all public spaces including mowing and general clean-up.

- The Department took delivery of a new 2023 Ford F150 work truck to replace our existing 2006 Ford F150. We appreciate the Board's support of the department through the provision of new and appropriate equipment.
- We completed an extensive clean-up in Greenwood Park, including replacing the PlaySafe mulch around the play structures, extensive weeding around the plant material placed in the park, and string trimming the buffer along the stream.
- PlaySafe mulch was placed around the play structures in Rosebank Park.
- There was extensive removal of invasive weeds, vines, and shrubs along the banks of Rosebank Park.
- We removed a large fallen tree in Lower Vanderbilt Park.
- We responded to two (2) trees across the roads this month – one at 105 Stuyvesant Road and one at 112 Stuyvesant Road.
- We rebuilt the shoulder along Stuyvesant Road in front of 2 Holly Hill Road. This section of road shoulder was improperly restored by Duke Energy and required extensive reworking and stabilization.
- Shoulder clearing occurred in the following locations:
  - 413-417 Vanderbilt
  - 449-443 Vanderbilt
  - 20-22 Southwood Road
  - Brookside Road near Cedar Hill Road
- We weeded and renewed the mulch in the Forest Road and Holly Hill Road islands and removed weeds from the two pachysandra islands on Hilltop Road. We also weeded the Bell Gate island at Busbee and Cedarcliff Road.
- Staff continued to string trim and mow larger areas of Brookside Park in a continuation of efforts to reduce invasive plants and weeds.
- We repaired two raveled shoulder areas near 18 Cedar Hill Road and 16 Stuyvesant Road.
- Carter Asphalt and Sealing installed the new permanent speed hump on Stuyvesant Road between Eastwood Road and Hilltop Road on July 7<sup>th</sup>, 2023.
- I attended the Friends of Biltmore Forest committee meeting on July 10<sup>th</sup>.
- We assisted the Friends of Biltmore Forest committee with preparations for Movie Night on July 21<sup>st</sup>.
- We performed a special litter pick-up effort at the bus stops on Hendersonville Road.
- The team replenished the large mulch beds in the Busbee Triangle area.
- I, along with Manager Kanipe and Chief Beddingfield, participated in a voluntary OSHA consultative visit on Thursday, July 27. The visit lasted approximately 7 hours and the consultant visited every location on the Town Hall complex. We received a great deal of feedback and will be working with the consultant to address any concerns identified during the consultation.

## **Larger/Capital Projects Updates**

### **Cedar Hill Road Stream Stabilization Project**

- A final inspection walk-through occurred on August 4, 2023, and construction activities are finished. Final plantings will occur in the fall planting season.

### **Master Plan Project Area 1 & Area 9 – Vanderbilt/Stuyvesant/Lone Pine Stormwater Project**

- The Metropolitan Sewerage District is finalizing their design of sewer replacement plans along Stuyvesant Road from Lone Pine Road south to the crest of the hill. These improvements will be constructed by MSD construction crews just ahead of our stormwater project.
- We will be attending a coordination meeting next week between MSD and our consultant to review the proposed sewer line design and then adjust the stormwater project as necessary.
- We still anticipate releasing the project for bids late this summer for construction this fiscal year.

### **Streetlight LED Conversions and Service Upgrades**

- MB Haynes has been working on a total of ten (10) non-functioning streetlights this month. Of those ten, two (2) have power supply problems on the Duke Energy side of our service, and two (2) have been repaired, leaving eight (8) lamps out of service out of 64 total streetlights in the Town.
- Haynes is continuing to work on the remaining six (6) out-of-service lights this month.
- In conjunction with the Police Department, we will be assisting with the LPR camera installations, and we will be working with Haynes Electric to complete conversions as necessary and improvements to the desired locations.

### **Greenwood and Brookside Park Pedestrian Bridges**

- Borings for the bridge abutments in Greenwood Park were completed on July 28, and one boring was completed in Brookside. The geotechnical engineer will have to return next week with an ATV rig to perform the last boring in Brookside due to limited access on the south side of the park.
- We have a design engineer on board for the pedestrian bridge designs and will be meeting with him in early August to bring options for the design back to the Board for consideration.
- Manager Kanipe has a separate agenda item reviewing the additional improvements underway for Greenwood Park.

## **Upcoming in August**

- We are continuing training of our two new employees this month. Specifically, there will be a training session on the backhoe and loader.

- Staff will complete the monthly bacteriological testing and quarterly disinfection byproducts testing on the water system.
- Normal brush collection will continue with the North Route on August 15<sup>th</sup>, and the South Route on August 30<sup>th</sup>.
- We will be sending the leaf vacuum to Virginia for a complete mechanical overhaul. It will be returned from the repair facility by October 15<sup>th</sup> for use in the coming leaf season.
- We will be completing basic service on our other fleet vehicles this month as well as completing required federal inspections.
- The Isuzu garbage truck is having significant brake and air conditioning repairs performed this month.
- The air conditioning on the brush truck has failed and will be repaired this month.
- We will have four (4) new rear tires installed on the back-up garbage truck this month.
- We will be listing the 2006 Ford F150 for sale on govdeals.com.
- We anticipate releasing the annual paving project for bids late this month. The project is approximately 3800 feet of Vanderbilt Road from Rosebank Park to Southwood Road with a budget of approximately \$215,000.
- We anticipate our annual striping contract will happen this month, weather pending. This includes striping approximately 7,195 feet of roads as identified in the previously approved Master Road Striping Plan for FY 23/24.
- We anticipate performing significant shoulder repairs in the vicinity of 78 Forest Road. There is a large drop-off along the edge of pavement and erosion in the ditch line in this area.
- We will be continuing to perform routine maintenance on the water system including the replacement of meters and meter boxes.
- We are continuing our work from last year on controlling invasive plant species in Brookside Park.
- Repair parts for the streetlight at 394 Vanderbilt Road have been received and we anticipate rebuilding the light and placing it back in service in August.

As always, please do not hesitate to contact me with any questions or feedback.



## MEMORANDUM

**To:** Jonathan Kanipe, Town Manager  
Mayor and Board of Commissioners

**From:** Tony Williams, Town Planner

**Re:** July Monthly Report

**Date:** July 31, 2023

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### Recurring

- Check PD reports daily for code violations, make contact as needed to homeowners and contractors.
- Field inspections are conducted multiple times a week.
- Review plans for the Board of Adjustment for meeting packets
- Conducted site visits with the Board of Adjustment Members for all projects to be heard.
- Attended Board of Adjustment meeting (Planning Board Cancelled)
- Communicate weekly with all who submit plans for approval.
- Weekly advising homeowners and contractors of the ordinances.
- Issuing permits as needed

### Monthly Breakdown

- Review of potential subdivisions: 0
- Land use conferences virtual/on site: 33
- Notice of violations verbal/written: 8
- Resolved violations: 7
- Complaints: 7
- Permitted projects finished: 2
- Plans reviewed: 18
- Plans reviewed for BOA: 3
- Plans reviewed for Design Review Board: 5
- Approved Permits: 7

### Miscellaneous

- Working with Chief Beddingfield on welcome packet
- Registered for NC CZO Certification (North Carolina Certified Zoning Official)
- Became a Member of the NCAZO (North Carolina Association of Zoning Officials)





## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

AUGUST 8, 2023

#### AGENDA ITEM D-5 TOWN MANAGER'S MONTHLY REPORT

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##### **Town Hall Improvements**

###### Audio-Visual Project in Social Room

The large A-V project in the Town's social room began at the end of July. Due to shipping issues with the two poles for the large television screens, final installation was delayed by a week. The project is anticipated to conclude by Friday, August 11<sup>th</sup>.

###### Associated Furniture for Social Room

In addition to the audio-visual installation, several pieces of furniture (credenza to hold the A/V rack, modular council tables, and council chairs) are being ordered through Young Office. This will enable the Town and any of its Boards to hold meetings in this room if necessary, without significant disruption and constant re-arranging of Town Hall facilities.

###### Painting Project for Town Hall

The interior and exterior painting projects for Town Hall are anticipated to begin in mid to late August. The entirety of the buildings interior and exterior will be painted, with colors chosen to match the existing stucco buildings (for the exterior) and to provide a warm environment within the Town Hall.

##### **Stuyvesant/Vanderbilt/Lone Pine Stormwater Project**

The Town's large stormwater project continues to move forward. Public Works Director Harry Buckner coordinated a meeting with MSD and the Town's consulting engineers to collaborate on any sewer line repairs that may be accomplished while work is being performed. MSD has almost completed their proposed sewer plans and will forward them to the Town and McGill next week to ensure the sewer plans are compatible with stormwater. MSD will be moving the Stuyvesant Road sewer line to the road which will allow stormwater full reign in the ditch.

## **OSHA Consultative Visit**

The Town invited OSHA's consultative services division to visit the Town on Thursday, July 27. The consultative visit provides an opportunity for the Town to receive feedback from OSHA specialists regarding areas where safety and occupational needs must be improved. All town facilities (Town Hall, Police Department, Public Works, Public Works storage building) and town equipment were inspected and reviewed. The consultant provided safety reports this week and the Town will respond to those reports with necessary improvements by the end of August. This is a beneficial program that allows the Town to stay in compliance with all workplace standards and make improvements for the benefit of all our employees where necessary.

## **Upcoming Centennial Events**

The Town's Centennial Committee continues to have fun family events planned for the end of summer and fall. The first "Movie Night in the Park" went great with good attendance and nice, comfortable weather. The Centennial Committee, in conjunction with the Friends of Biltmore Forest, will be working to finalize events for the remainder of the year very soon.

Upcoming events are noted below:

- A recurring, bi-weekly event is the "Biltmore Forest Running Club" coordinated by resident Gabriel Holl.
- The beginning of each month, resident Leslie Brazil hosts the "Sunday Stretch Class" at the Town Hall.
- The family fitness committee is hosting a family field day in conjunction with the Food Truck Friday scheduled for Friday, August 25.
- A special event in late September is the Southeastern Classic XXXVI, an annual regional event for Austin Healey Clubs located in the southeast United States. The group will be having events at the Doubletree and be around the area from September 20-24. In conjunction with the Town's centennial and to provide more fun activities for our residents, they will hold their (non-advertised) car show with over a hundred Austin Healeys in Rosebank Park, on September 23 from 9:30-12:30. In addition to the Austin Healeys, the Town will also be offering our residents the ability to enter their cars in the car show as well.

**REVENUE & EXPENDITURE STATEMENT**

07/01/2023 To 07/31/2023

Town of Biltmore Forest

FY 2023-2024

\*100 in the % Used column indicates that no budget exists

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>3010 Ad Valorem Tax</b>						
<b>Revenue</b>						
<b>3010 Ad Valorem Tax</b>						
10-3010-0000 AD VALOREM TAXES (PROPERTY)	2,980,215.00	0.00	0.00	0.00	2,980,215.00	0
10-3010-0100 AD VALOREM TAXES (DMV)	122,399.00	0.00	0.00	0.00	122,399.00	0
10-3010-0200 TAX INTEREST & PENALTIES	5,000.00	2.72	2.72	0.00	4,997.28	0
<b>3010 Ad Valorem Tax Subtotal</b>	<b>\$3,107,614.00</b>	<b>\$2.72</b>	<b>\$2.72</b>	<b>\$0.00</b>	<b>\$3,107,611.28</b>	<b>0</b>
<b>Revenue Subtotal</b>	<b>\$3,107,614.00</b>	<b>\$2.72</b>	<b>\$2.72</b>	<b>\$0.00</b>	<b>\$3,107,611.28</b>	<b>0</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$3,107,614.00</b>	<b>\$2.72</b>	<b>\$2.72</b>	<b>\$0.00</b>	<b>0</b>
<b>3020 Unrestricted Intergovernm</b>						
<b>Revenue</b>						
<b>3020 Unrestricted Intergovernm</b>						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	235,200.00	0.00	0.00	0.00	235,200.00	0
10-3020-0100 ALCOHOL BEVERAGE TAX	6,500.00	0.00	0.00	0.00	6,500.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	835,550.00	0.00	0.00	0.00	835,550.00	0
10-3020-0300 1/2 CENT SALES TAX A.40	358,260.00	0.00	0.00	0.00	358,260.00	0
10-3020-0400 1/2 CENT SALES TAX A.42	443,961.00	0.00	0.00	0.00	443,961.00	0
10-3020-0600 SALES TAX REFUND	15,000.00	0.00	0.00	0.00	15,000.00	0
10-3020-0700 GASOLINE TAX REFUND	5,000.00	0.00	0.00	0.00	5,000.00	0
<b>3020 Unrestricted Intergovernm Subtotal</b>	<b>\$1,899,471.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,899,471.00</b>	<b>0</b>
<b>Revenue Subtotal</b>	<b>\$1,899,471.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,899,471.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$1,899,471.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3030 Restricted Intergovernmen</b>						
<b>Revenue</b>						
<b>3030 Restricted Intergovernmen</b>						
10-3030-0000 SOLID WASTE DISPOSAL TAX	1,133.00	0.00	0.00	0.00	1,133.00	0
10-3030-0100 POWELL BILL	67,210.00	0.00	0.00	0.00	67,210.00	0
10-3030-0200 ILLICIT SUBSTANCE TAX	18.00	-4.00	-4.00	0.00	22.00	-22
<b>3030 Restricted Intergovernmen Subtotal</b>	<b>\$68,361.00</b>	<b>-\$4.00</b>	<b>-\$4.00</b>	<b>\$0.00</b>	<b>\$68,365.00</b>	<b>0</b>
<b>Revenue Subtotal</b>	<b>\$68,361.00</b>	<b>-\$4.00</b>	<b>-\$4.00</b>	<b>\$0.00</b>	<b>\$68,365.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$68,361.00</b>	<b>-\$4.00</b>	<b>-\$4.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3040 Permits &amp; Fees</b>						
<b>Revenue</b>						
<b>3040 Permits &amp; Fees</b>						
10-3040-0000 ZONING PERMITS	30,000.00	496.00	496.00	0.00	29,504.00	2
10-3040-0100 DOG LICENSE FEE	1,300.00	15.00	15.00	0.00	1,285.00	1
<b>3040 Permits &amp; Fees Subtotal</b>	<b>\$31,300.00</b>	<b>\$511.00</b>	<b>\$511.00</b>	<b>\$0.00</b>	<b>\$30,789.00</b>	<b>2</b>
<b>Revenue Subtotal</b>	<b>\$31,300.00</b>	<b>\$511.00</b>	<b>\$511.00</b>	<b>\$0.00</b>	<b>\$30,789.00</b>	<b>2</b>

**REVENUE & EXPENDITURE STATEMENT**

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Town of Biltmore Forest

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$31,300.00</b>	<b>\$511.00</b>	<b>\$511.00</b>	<b>\$0.00</b>	<b>2</b>
<b>3050 Investment Earnings</b>						
<b>Revenue</b>						
<b>3050 Investment Earnings</b>						
10-3050-0000 INTEREST EARNED	148,800.00	0.00	0.00	0.00	148,800.00	0
	<b>3050 Investment Earnings Subtotal</b>	<b>\$148,800.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$148,800.00</b>	<b>0</b>
	<b>Revenue Subtotal</b>	<b>\$148,800.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$148,800.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$148,800.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3060 Miscellaneous</b>						
<b>Revenue</b>						
<b>3060 Miscellaneous</b>						
10-3060-0100 AMERICAN TOWER AGREEMENT	46,365.00	400.00	400.00	0.00	45,965.00	1
10-3060-0200 MISCELLANEOUS	20,000.00	1,705.93	1,705.93	0.00	18,294.07	9
	<b>3060 Miscellaneous Subtotal</b>	<b>\$66,365.00</b>	<b>\$2,105.93</b>	<b>\$2,105.93</b>	<b>\$0.00</b>	<b>\$64,259.07</b>
	<b>Revenue Subtotal</b>	<b>\$66,365.00</b>	<b>\$2,105.93</b>	<b>\$2,105.93</b>	<b>\$0.00</b>	<b>\$64,259.07</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$66,365.00</b>	<b>\$2,105.93</b>	<b>\$2,105.93</b>	<b>\$0.00</b>	<b>3</b>
<b>3290</b>						
<b>Revenue</b>						
<b>3290</b>						
30-3290-0000 INTEREST EARNED	4,000.00	0.00	0.00	0.00	4,000.00	0
	<b>3290 Subtotal</b>	<b>\$4,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$4,000.00</b>	<b>0</b>
	<b>Revenue Subtotal</b>	<b>\$4,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$4,000.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$4,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3350 Commissions, Sw Chg Coll</b>						
<b>Revenue</b>						
<b>3350 Commissions, Sw Chg Coll</b>						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	8,000.00	0.00	0.00	0.00	8,000.00	0
	<b>3350 Commissions, Sw Chg Coll Subtotal</b>	<b>\$8,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$8,000.00</b>	<b>0</b>
	<b>Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$8,000.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3500 Other Financing</b>						
<b>Other Financing Source</b>						
<b>3500 Other Financing</b>						
10-3500-0000 SALE OF PERSONAL PROPERTY	10,000.00	0.00	0.00	0.00	10,000.00	0
10-3500-0300 TRANSFER FROM FUND BALANCE	1,213,866.00	0.00	0.00	0.00	1,213,866.00	0
10-3500-0700 INTERGOVERNMENTAL LOAN (RESTRIC	292,000.00	0.00	0.00	0.00	292,000.00	0
	<b>3500 Other Financing Subtotal</b>	<b>\$1,515,866.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,515,866.00</b>	<b>0</b>
	<b>Other Financing Source Subtotal</b>	<b>\$1,515,866.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,515,866.00</b>	<b>0</b>

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After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$1,515,866.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>3710 Water Sales</b>						
<b>Revenue</b>						
<b>3710 Water Sales</b>						
30-3710-0100	MSD CHARGES	493,425.00	1,250.98	1,250.98	0.00	492,174.02 0
30-3710-0200	AMI TRANSMITTER CHARGES	7,700.00	0.00	0.00	0.00	7,700.00 0
	<b>3710 Water Sales Subtotal</b>	<b>\$501,125.00</b>	<b>\$1,250.98</b>	<b>\$1,250.98</b>	<b>\$0.00</b>	<b>\$499,874.02 0</b>
	<b>Revenue Subtotal</b>	<b>\$501,125.00</b>	<b>\$1,250.98</b>	<b>\$1,250.98</b>	<b>\$0.00</b>	<b>\$499,874.02 0</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$501,125.00</b>	<b>\$1,250.98</b>	<b>\$1,250.98</b>	<b>\$0.00</b>	<b>0</b>
<b>3730 Water Tap &amp; Connect Fees</b>						
<b>Revenue</b>						
<b>3730 Water Tap &amp; Connect Fees</b>						
30-3730-0000	WATER TAP AND CONNECTION FEES	6,000.00	30.00	30.00	0.00	5,970.00 1
	<b>3730 Water Tap &amp; Connect Fees Subtotal</b>	<b>\$6,000.00</b>	<b>\$30.00</b>	<b>\$30.00</b>	<b>\$0.00</b>	<b>\$5,970.00 1</b>
	<b>Revenue Subtotal</b>	<b>\$6,000.00</b>	<b>\$30.00</b>	<b>\$30.00</b>	<b>\$0.00</b>	<b>\$5,970.00 1</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$6,000.00</b>	<b>\$30.00</b>	<b>\$30.00</b>	<b>\$0.00</b>	<b>1</b>
<b>3800</b>						
<b>Revenue</b>						
<b>3800</b>						
10-3800-0000	LAW ENF.BLOCK GRANT	24,500.00	0.00	0.00	0.00	24,500.00 0
	<b>3800 Subtotal</b>	<b>\$24,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$24,500.00 0</b>
	<b>Revenue Subtotal</b>	<b>\$24,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$24,500.00 0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$24,500.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>4000</b>						
<b>Revenue</b>						
<b>4000</b>						
40-4000-1100	ARP DISTRIBUTION	451,275.58	0.00	0.00	0.00	451,275.58 0
	<b>4000 Subtotal</b>	<b>\$451,275.58</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$451,275.58 0</b>
	<b>Revenue Subtotal</b>	<b>\$451,275.58</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$451,275.58 0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$451,275.58</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>4200 Administration</b>						
<b>Expenditure</b>						
<b>4200 Administration</b>						
10-4200-0200	SALARIES	321,633.00	29,615.64	29,615.64	0.00	292,017.36 9
10-4200-0300	OVERTIME	3,000.00	0.00	0.00	0.00	3,000.00 0
10-4200-0500	FICA	24,605.00	2,205.97	2,205.97	0.00	22,399.03 9
10-4200-0600	HEALTH INSURANCE (MEDICAL)	42,598.00	3,042.34	3,042.34	0.00	39,555.66 7
10-4200-0650	DENTAL, VISION, LIFE INSURANCE	10,500.00	669.18	669.18	0.00	9,830.82 6

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10-4200-0675 HEALTH REIMBUSEMENT ACC	7,500.00	500.00	500.00	0.00	7,000.00	7
10-4200-0700 LGERS RETIREMENT	62,815.00	5,400.57	5,400.57	0.00	57,414.43	9
10-4200-0800 401K SUPP RETIREMENT	16,232.00	1,368.20	1,368.20	0.00	14,863.80	8
10-4200-1000 ACCOUNTING & TAXES	51,400.00	22,553.96	22,553.96	0.00	28,846.04	44
10-4200-1200 POSTAGE, PRINTING, STATIONARY	10,140.00	500.00	500.00	0.00	9,640.00	5
10-4200-1400 MILEAGE & BOARD SALARY	21,600.00	3,600.00	3,600.00	0.00	18,000.00	17
10-4200-1500 BLDG & GRNDS MAINTENANCE	20,000.00	935.36	935.36	0.00	19,064.64	5
10-4200-3300 SUPPLIES AND EQUIPMENT	10,000.00	788.60	788.60	0.00	9,211.40	8
10-4200-5300 DUES & FEES	5,070.00	2,711.00	2,711.00	0.00	2,359.00	53
10-4200-5700 MISCELLANEOUS	1,000.00	50.69	50.69	0.00	949.31	5
10-4200-6500 STAFF DEVELOPMENT	21,395.00	4,164.46	7,519.21	3,354.75	13,875.79	35
<b>4200 Administration Subtotal</b>	<b>\$629,488.00</b>	<b>\$78,105.97</b>	<b>\$81,460.72</b>	<b>\$3,354.75</b>	<b>\$548,027.28</b>	<b>13</b>
<b>Expenditure Subtotal</b>	<b>\$629,488.00</b>	<b>\$78,105.97</b>	<b>\$81,460.72</b>	<b>\$3,354.75</b>	<b>\$548,027.28</b>	<b>13</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$629,488.00</b>	<b>-\$78,105.97</b>	<b>-\$78,105.97</b>	<b>-\$3,354.75</b>	<b>12</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$629,488.00</b>	<b>-\$78,105.97</b>	<b>-\$78,105.97</b>	<b>-\$3,354.75</b>	<b>12</b>
<b>5100 Police Department</b>						
<b>Expenditure</b>						
<b>5100 Police Department</b>						
10-5100-0200 SALARIES	1,013,718.00	88,781.25	88,781.25	0.00	924,936.75	9
10-5100-0300 OVERTIME	30,412.00	0.00	0.00	0.00	30,412.00	0
10-5100-0400 SEPARATION ALLOWANCE	16,445.00	1,265.02	1,265.02	0.00	15,179.98	8
10-5100-0500 FICA	77,549.00	6,753.71	6,753.71	0.00	70,795.29	9
10-5100-0600 HEALTH INSURANCE (MEDICAL)	144,832.00	12,097.36	12,097.36	0.00	132,734.64	8
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	35,700.00	1,883.60	1,883.60	0.00	33,816.40	5
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	2,000.00	2,000.00	0.00	23,500.00	8
10-5100-0700 LGERS RETIREMENT	210,651.00	17,136.78	17,136.78	0.00	193,514.22	8
10-5100-0800 401K SUPP RETIREMENT	50,686.00	4,274.04	4,274.04	0.00	46,411.96	8
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	20,000.00	0.00	0.00	0.00	20,000.00	0
10-5100-1600 MAINT/REPAIR - EQUIPMENT	1,000.00	640.00	640.00	0.00	360.00	64
10-5100-1700 MAINT/REPAIR - VEHICLES	10,000.00	231.44	231.44	0.00	9,768.56	2
10-5100-3100 MOTOR FUELS	24,600.00	594.59	594.59	0.00	24,005.41	2
10-5100-3300 SUPPLIES	10,080.00	755.99	755.99	0.00	9,324.01	7
10-5100-3600 UNIFORMS	15,000.00	0.00	567.10	567.10	14,432.90	4
10-5100-3700 SOFTWARE	18,725.00	0.00	0.00	0.00	18,725.00	0
10-5100-3800 TECHNOLOGY	58,740.00	5,334.78	5,334.78	0.00	53,405.22	9
10-5100-5700 MISCELLANEOUS	8,265.00	7,105.65	7,308.60	202.95	956.40	88
10-5100-5800 PHYSICAL EXAMS	2,000.00	70.00	70.00	0.00	1,930.00	4
10-5100-6500 STAFF DEVELOPMENT	15,000.00	183.72	1,527.22	1,343.50	13,472.78	10
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	169,000.00	0.00	9,535.00	9,535.00	159,465.00	6

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<b>5100 Police Department Subtotal</b>	<b>\$1,957,903.00</b>	<b>\$149,107.93</b>	<b>\$160,756.48</b>	<b>\$11,648.55</b>	<b>\$1,797,146.52</b>	<b>8</b>
<b>Expenditure Subtotal</b>	<b>\$1,957,903.00</b>	<b>\$149,107.93</b>	<b>\$160,756.48</b>	<b>\$11,648.55</b>	<b>\$1,797,146.52</b>	<b>8</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,957,903.00</b>	<b>-\$149,107.93</b>	<b>-\$149,107.93</b>	<b>-\$11,648.55</b>	<b>8</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,957,903.00</b>	<b>-\$149,107.93</b>	<b>-\$149,107.93</b>	<b>-\$11,648.55</b>	<b>8</b>
<b>5200 Fire Services</b>						
<b>Expenditure</b>						
<b>5200 Fire Services</b>						
10-5200-0000 FIRE CONTRACT	425,000.00	106,250.00	106,250.00	0.00	318,750.00	25
<b>5200 Fire Services Subtotal</b>	<b>\$425,000.00</b>	<b>\$106,250.00</b>	<b>\$106,250.00</b>	<b>\$0.00</b>	<b>\$318,750.00</b>	<b>25</b>
<b>Expenditure Subtotal</b>	<b>\$425,000.00</b>	<b>\$106,250.00</b>	<b>\$106,250.00</b>	<b>\$0.00</b>	<b>\$318,750.00</b>	<b>25</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>-\$106,250.00</b>	<b>-\$106,250.00</b>	<b>\$0.00</b>	<b>25</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>-\$106,250.00</b>	<b>-\$106,250.00</b>	<b>\$0.00</b>	<b>25</b>
<b>5600 Public Works</b>						
<b>Expenditure</b>						
<b>5600 Public Works</b>						
10-5600-0200 SALARIES	211,888.00	16,709.29	16,709.29	0.00	195,178.71	8
10-5600-0300 OVERTIME	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5600-0500 FICA	16,209.00	957.59	957.59	0.00	15,251.41	6
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	68,156.00	2,621.11	2,621.11	0.00	65,534.89	4
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	10,500.00	541.14	541.14	0.00	9,958.86	5
10-5600-0675 HRA HEALTH REIMB ACCT	7,500.00	437.50	437.50	0.00	7,062.50	6
10-5600-0700 LGERS RETIREMENT	41,382.00	2,436.49	2,436.49	0.00	38,945.51	6
10-5600-0800 401K SUPP RETIREMENT	10,594.00	551.11	551.11	0.00	10,042.89	5
10-5600-1300 STREETLIGHTS ELECTRIC	7,000.00	593.71	593.71	0.00	6,406.29	8
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	9,600.00	612.54	612.54	0.00	8,987.46	6
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	35,000.00	2,280.00	2,280.00	0.00	32,720.00	7
10-5600-1700 MAINT/REPAIR - VEHICLES	10,000.00	170.49	170.49	0.00	9,829.51	2
10-5600-3100 MOTOR FUELS	20,000.00	455.66	455.66	0.00	19,544.34	2
10-5600-3300 SUPPLIES	10,000.00	261.63	261.63	0.00	9,738.37	3
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	200.00	200.00	0.00	800.00	20
10-5600-3600 UNIFORMS	8,650.00	0.00	0.00	0.00	8,650.00	0
10-5600-3800 TECHNOLOGY	9,500.00	0.00	0.00	0.00	9,500.00	0
10-5600-5200 PARKS	60,000.00	8,181.11	12,253.94	4,072.83	47,746.06	20
10-5600-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5600-5900 MISCELLANEOUS	1,000.00	426.34	426.34	0.00	573.66	43
10-5600-6000 CAPITAL OUTLAY	8,000.00	0.00	0.00	0.00	8,000.00	0
10-5600-6500 STAFF DEVELOPMENT	0.00	987.00	987.00	0.00	-987.00	*100
40-5600-7401 ARP CAPITAL PROJECTS	451,275.58	0.00	0.00	0.00	451,275.58	0

**REVENUE & EXPENDITURE STATEMENT**

07/01/2023 To 07/31/2023

Town of Biltmore Forest

FY 2023-2024

\*100 in the % Used column indicates that no budget exists

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>5600 Public Works Subtotal</b>	<b>\$1,002,754.58</b>	<b>\$38,422.71</b>	<b>\$42,495.54</b>	<b>\$4,072.83</b>	<b>\$960,259.04</b>	<b>4</b>
<b>Expenditure Subtotal</b>	<b>\$1,002,754.58</b>	<b>\$38,422.71</b>	<b>\$42,495.54</b>	<b>\$4,072.83</b>	<b>\$960,259.04</b>	<b>4</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,002,754.58</b>	<b>-\$38,422.71</b>	<b>-\$38,422.71</b>	<b>-\$4,072.83</b>	<b>4</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,002,754.58</b>	<b>-\$38,422.71</b>	<b>-\$38,422.71</b>	<b>-\$4,072.83</b>	<b>4</b>
<b>5700 Streets &amp; Transportation</b>						
<b>Expenditure</b>						
<b>5700 Streets &amp; Transportation</b>						
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5700-2200 CONTRACTS- PAVING & STRIPING	255,000.00	7,850.00	7,850.00	0.00	247,150.00	3
10-5700-2300 SUPPLIES	10,000.00	215.92	215.92	0.00	9,784.08	2
10-5700-2400 TRAFFIC SIGNS	500.00	0.00	0.00	0.00	500.00	0
10-5700-2500 STORM WATER DRAINAGE	1,400,000.00	0.00	476.97	476.97	1,399,523.03	0
10-5700-3800 TECHNOLOGY	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5700-6500 STAFF DEVELOPMENT	1,000.00	41.00	41.00	0.00	959.00	4
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	19,200.00	0.00	0.00	0.00	19,200.00	0
10-5700-7500 ENGINEERING	50,000.00	0.00	0.00	0.00	50,000.00	0
<b>5700 Streets &amp; Transportation Subtotal</b>	<b>\$1,745,700.00</b>	<b>\$8,106.92</b>	<b>\$8,583.89</b>	<b>\$476.97</b>	<b>\$1,737,116.11</b>	<b>0</b>
<b>Expenditure Subtotal</b>	<b>\$1,745,700.00</b>	<b>\$8,106.92</b>	<b>\$8,583.89</b>	<b>\$476.97</b>	<b>\$1,737,116.11</b>	<b>0</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,745,700.00</b>	<b>-\$8,106.92</b>	<b>-\$8,106.92</b>	<b>-\$476.97</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,745,700.00</b>	<b>-\$8,106.92</b>	<b>-\$8,106.92</b>	<b>-\$476.97</b>	<b>0</b>
<b>5800 Sanitation &amp; Recycling</b>						
<b>Expenditure</b>						
<b>5800 Sanitation &amp; Recycling</b>						
10-5800-0200 SALARIES	141,376.00	16,861.42	16,861.42	0.00	124,514.58	12
10-5800-0300 OVERTIME	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5800-0500 FICA	11,198.00	1,280.98	1,280.98	0.00	9,917.02	11
10-5800-0600 HEALTH INSURANCE (MEDICAL)	68,156.00	2,031.38	2,031.38	0.00	66,124.62	3
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	6,300.00	334.92	334.92	0.00	5,965.08	5
10-5800-0675 HRA HEALTH REIMB ACCT	4,500.00	375.00	375.00	0.00	4,125.00	8
10-5800-0700 LGERS RETIREMENT	27,611.00	3,112.55	3,112.55	0.00	24,498.45	11
10-5800-0800 401K SUPP RETIREMENT	7,069.00	809.55	809.55	0.00	6,259.45	11
10-5800-1500 GENERAL REPAIRS & MAINTENANCE	0.00	87.30	87.30	0.00	-87.30	*100
10-5800-1700 MAINT/REPAIRS - VEHICLES	40,000.00	0.00	0.00	0.00	40,000.00	0
10-5800-3100 MOTOR FUELS	30,000.00	582.60	582.60	0.00	29,417.40	2
10-5800-3300 SUPPLIES	1,000.00	0.00	0.00	0.00	1,000.00	0
10-5800-3600 UNIFORMS	1,000.00	0.00	0.00	0.00	1,000.00	0
10-5800-3800 TECHNOLOGY	3,000.00	0.00	0.00	0.00	3,000.00	0
10-5800-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5800-5900 MISCELLANEOUS	1,000.00	0.00	0.00	0.00	1,000.00	0



**REVENUE & EXPENDITURE STATEMENT**

07/01/2023 To 07/31/2023

Town of Biltmore Forest

FY 2023-2024

\*100 in the % Used column indicates that no budget exists

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
10-5800-6000 CAPITAL OUTLAY	80,000.00	0.00	0.00	0.00	80,000.00	0
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	50,000.00	4,172.45	4,172.45	0.00	45,827.55	8
10-5800-8100 RECYCLING	20,000.00	0.00	0.00	0.00	20,000.00	0
10-5800-8200 BRUSH & LEAF DISPOSAL FEES	31,200.00	900.00	900.00	0.00	30,300.00	3
<b>5800 Sanitation &amp; Recycling Subtotal</b>	<b>\$528,910.00</b>	<b>\$30,548.15</b>	<b>\$30,548.15</b>	<b>\$0.00</b>	<b>\$498,361.85</b>	<b>6</b>
<b>Expenditure Subtotal</b>	<b>\$528,910.00</b>	<b>\$30,548.15</b>	<b>\$30,548.15</b>	<b>\$0.00</b>	<b>\$498,361.85</b>	<b>6</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$528,910.00</b>	<b>-\$30,548.15</b>	<b>-\$30,548.15</b>	<b>\$0.00</b>	<b>6</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$528,910.00</b>	<b>-\$30,548.15</b>	<b>-\$30,548.15</b>	<b>\$0.00</b>	<b>6</b>
<b>6600 General Government</b>						
<b>Expenditure</b>						
<b>6600 General Government</b>						
10-6600-0400 OUTSIDE PROFESSIONAL SERVICES	45,959.00	0.00	0.00	0.00	45,959.00	0
10-6600-0401 LEGAL SERVICES	35,000.00	0.00	0.00	0.00	35,000.00	0
10-6600-1100 TECHNOLOGY	105,937.00	7,223.51	7,223.51	0.00	98,713.49	7
10-6600-1300 MUNICIPAL UTILITIES	40,000.00	1,534.83	1,534.83	0.00	38,465.17	4
10-6600-1500 GE. REPS. AND MAINT.	40,000.00	3,057.19	3,057.19	0.00	36,942.81	8
10-6600-2800 ELECTIONS	6,000.00	0.00	0.00	0.00	6,000.00	0
10-6600-5400 INSURANCE	110,000.00	900.00	900.00	0.00	109,100.00	1
10-6600-6000 CONTINGENCY	50,000.00	0.00	0.00	0.00	50,000.00	0
10-6600-6100 MISCELLANEOUS	10,000.00	0.00	0.00	0.00	10,000.00	0
10-6600-6300 COMMUNITY EVENTS	55,000.00	5,986.09	7,261.09	1,275.00	47,738.91	13
10-6600-6301 4TH OF JULY	10,000.00	4,266.34	4,266.34	0.00	5,733.66	43
10-6600-6302 NATIONAL NIGHT OUT	7,000.00	0.00	0.00	0.00	7,000.00	0
10-6600-6303 HOLIDAY LIGHTING	21,500.00	0.00	0.00	0.00	21,500.00	0
10-6600-6304 ARBOR DAY EVENT	2,000.00	0.00	0.00	0.00	2,000.00	0
10-6600-6400 WILDLIFE MANAGEMENT	5,000.00	0.00	0.00	0.00	5,000.00	0
10-6600-6500 FOREST MANAGEMENT	60,000.00	2,750.00	2,750.00	0.00	57,250.00	5
<b>6600 General Government Subtotal</b>	<b>\$603,396.00</b>	<b>\$25,717.96</b>	<b>\$26,992.96</b>	<b>\$1,275.00</b>	<b>\$576,403.04</b>	<b>4</b>
<b>Expenditure Subtotal</b>	<b>\$603,396.00</b>	<b>\$25,717.96</b>	<b>\$26,992.96</b>	<b>\$1,275.00</b>	<b>\$576,403.04</b>	<b>4</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$603,396.00</b>	<b>-\$25,717.96</b>	<b>-\$25,717.96</b>	<b>-\$1,275.00</b>	<b>4</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$603,396.00</b>	<b>-\$25,717.96</b>	<b>-\$25,717.96</b>	<b>-\$1,275.00</b>	<b>4</b>
<b>6700 Debt Service</b>						
<b>Expenditure</b>						
<b>6700 Debt Service</b>						
10-6700-0100 Police Dept Renovations-Principal	23,334.00	5,833.33	5,833.33	0.00	17,500.67	25
10-6700-0200 Street Improvements-Principal	6,667.00	1,666.67	1,666.67	0.00	5,000.33	25
10-6700-0500 Public Works Building-Principal	84,211.00	0.00	0.00	0.00	84,211.00	0
10-6700-0600 2020 POLICE CARS-PRINCIPAL	14,600.00	0.00	0.00	0.00	14,600.00	0
10-6700-1100 Police Dept Renovations-Interest	556.00	222.25	222.25	0.00	333.75	40

**REVENUE & EXPENDITURE STATEMENT**

07/01/2023 To 07/31/2023

Town of Biltmore Forest

FY 2023-2024

\*100 in the % Used column indicates that no budget exists

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
10-6700-1200 Street Improvements-Interest	159.00	63.50	63.50	0.00	95.50	40
10-6700-1500 Public Works Building-Interest	14,855.00	0.00	0.00	0.00	14,855.00	0
<b>6700 Debt Service Subtotal</b>	<b>\$144,382.00</b>	<b>\$7,785.75</b>	<b>\$7,785.75</b>	<b>\$0.00</b>	<b>\$136,596.25</b>	<b>5</b>
<b>Expenditure Subtotal</b>	<b>\$144,382.00</b>	<b>\$7,785.75</b>	<b>\$7,785.75</b>	<b>\$0.00</b>	<b>\$136,596.25</b>	<b>5</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$144,382.00</b>	<b>-\$7,785.75</b>	<b>-\$7,785.75</b>	<b>\$0.00</b>	<b>5</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$144,382.00</b>	<b>-\$7,785.75</b>	<b>-\$7,785.75</b>	<b>\$0.00</b>	<b>5</b>
<b>8100 Water Dept.</b>						
<b>Expenditure</b>						
<b>8100 Water Dept.</b>						
30-8100-0200 SALARIES	169,693.00	10,833.45	10,833.45	0.00	158,859.55	6
30-8100-0400 PROFESSIONAL SERVICES	5,000.00	113.17	3,162.70	3,049.53	1,837.30	63
30-8100-0500 FICA	12,981.00	815.05	815.05	0.00	12,165.95	6
30-8100-0600 HEALTH INSURANCE (MEDICAL)	0.00	1,818.65	1,818.65	0.00	-1,818.65	*100
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	0.00	274.28	274.28	0.00	-274.28	*100
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	0.00	312.50	312.50	0.00	-312.50	*100
30-8100-0700 LGERS RETIREMENT	27,611.00	2,076.65	2,076.65	0.00	25,534.35	8
30-8100-0800 401K SUPP RETIREMENT	8,485.00	652.20	652.20	0.00	7,832.80	8
30-8100-1200 POSTAGE, PRINTING,& STATIONARY	5,000.00	660.42	660.42	0.00	4,339.58	13
30-8100-1500 GENERAL REPAIRS	25,000.00	403.75	403.75	0.00	24,596.25	2
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	80.30	80.30	0.00	14,919.70	1
30-8100-3800 TECHNOLOGY	5,000.00	0.00	0.00	0.00	5,000.00	0
30-8100-4800 WATER PURCHASES	204,750.00	2,441.55	2,441.55	0.00	202,308.45	1
30-8100-4900 SEWER PURCHASES	396,000.00	0.00	0.00	0.00	396,000.00	0
30-8100-5000 AMI TRANSMITTER FEES	7,700.00	0.00	0.00	0.00	7,700.00	0
30-8100-5700 MISCELLANEOUS	6,196.00	0.00	0.00	0.00	6,196.00	0
30-8100-6000 CAPITAL RESERVE	178,891.00	0.00	0.00	0.00	178,891.00	0
30-8100-6500 STAFF DEVELOPMENT	5,000.00	470.00	470.00	0.00	4,530.00	9
30-8100-7400 CAPITAL IMPROVEMENT	19,200.00	0.00	0.00	0.00	19,200.00	0
<b>8100 Water Dept. Subtotal</b>	<b>\$1,091,507.00</b>	<b>\$20,951.97</b>	<b>\$24,001.50</b>	<b>\$3,049.53</b>	<b>\$1,067,505.50</b>	<b>2</b>
<b>Expenditure Subtotal</b>	<b>\$1,091,507.00</b>	<b>\$20,951.97</b>	<b>\$24,001.50</b>	<b>\$3,049.53</b>	<b>\$1,067,505.50</b>	<b>2</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,091,507.00</b>	<b>-\$20,951.97</b>	<b>-\$20,951.97</b>	<b>-\$3,049.53</b>	<b>2</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,091,507.00</b>	<b>-\$20,951.97</b>	<b>-\$20,951.97</b>	<b>-\$3,049.53</b>	<b>2</b>
<b>GRAND TOTAL</b>	<b>-\$296,363.00</b>	<b>-\$461,100.73</b>	<b>-\$484,978.36</b>	<b>-23,877.63</b>	<b>\$188,615.36</b>	<b>164</b>



## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

AUGUST 8, 2023

#### AGENDA ITEM E-1

#### CONSIDERATION OF GREENWOOD PARK IMPROVEMENTS FOR PARKING AREA, WALKING PATH, AND PAVILION CONSTRUCTION

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##### Background

The Town's Master Plan for Greenwood Park includes substantial investment in the infrastructure in the park, specifically creating new, safe parking areas, a walking path, and a picnic shelter. The Town Board of Commissioners has previously agreed upon spending a significant portion of the Town's American Recovery Plan (ARP) funds on the upgrades within this park. The Town's remaining ARP funds are just over \$400,000 and must be committed for expenditure by April 30, 2024 with projects finished by April 30, 2026.

##### Recommendation for Paving and Walking Path Construction

The master plan, which is attached, includes the original proposed layout for these parking spaces and walking path. Last month, the Board directed staff to reduce the overall number of parking spaces installed and shift the parking area to the west. This change is included in the attached project proposal. The walking path shown on the master plan is 8 feet wide and constructed of asphalt/concrete. Staff requests the Board to decide whether you would like to reduce the width of this path from 8 feet to 5 feet and determine what material you would like to use to construct the path. Additionally, there was discussion regarding reducing the overall amount of walking path by eliminating the northernmost portion of the path and the connector over to Stuyvesant Road. This would reduce the amount of materials/labor associated with the project. Once these decisions are made by the Board, staff can direct the contractor how to finalize the project. Staff recommends the Board award this project to Lonesome Mountain Paving for a price not to exceed \$110,244.

##### Recommendation for Picnic Shelter Construction

Staff has worked to find a vetted contractor to construct the pavilion/picnic shelter on the north side of the creek, and one who can perform the work in a timely manner. Wright Family Custom Homes, who have performed a significant amount of work in Biltmore Forest, has the ability to do this work soon and has provided the attached estimate for the job. Staff has reviewed the project with them extensively and recommends awarding this work to them based on the estimate attached.

To Town of Biltmore Forest  
 Attn Harry Bukner  
 Job Name Park  
 Plans Dated  
 Date Quoted 7/30/2023



Please note Pricing is estimated quantities only

Quantity	Description	Hourly Rates	Unit	Unit Price	Total
1	Excavator		HR	\$ 95.00	\$ 95.00
1	Skid Steer		HR	\$ 90.00	\$ 90.00
1	Motor Grader		HR	\$ 110.00	\$ 110.00
1	Full Size Dump Truck		HR	\$ 100.00	\$ 100.00
1	1 Ton Dump		HR	\$ 75.00	\$ 75.00
1	Roller		HR	\$ 75.00	\$ 75.00
1	ABC Stone		TN	\$ 30.00	\$ 30.00
1	Silt Fence		LF	\$ 8.00	\$ 8.00
1	Import Dirt		CY	\$ 30.00	\$ 30.00
1	Seeding Matting		SY	\$ 8.00	\$ 8.00
1	Wheel Stops		EA	\$ 90.00	\$ 90.00
1	Handicap Signs		EA	\$ 225.00	\$ 225.00
1	Geo Grid		SY	\$ 8.00	\$ 8.00
				\$ -	\$ -
				<b>Section Total</b>	<b>\$ 944.00</b>
Quantity	Estimated Quantities	Unit	Unit Price	Total	
	Estimated Quantities			\$ -	\$ -
120	Excavator	HR	\$ 95.00	\$ 11,400.00	
120	Skid Steer	HR	\$ 90.00	\$ 10,800.00	
20	Motor Grader	HR	\$ 110.00	\$ 2,200.00	
160	Full Size Dump Truck	HR	\$ 100.00	\$ 16,000.00	
40	1 Ton Dump Truck	HR	\$ 75.00	\$ 3,000.00	
40	Roller	HR	\$ 75.00	\$ 3,000.00	
500	ABC Stone	TN	\$ 30.00	\$ 15,000.00	
200	Silt Fence	LF	\$ 8.00	\$ 1,600.00	
300	Import Dirt	CY	\$ 30.00	\$ 9,000.00	
500	Seeding Matting	SY	\$ 8.00	\$ 4,000.00	
10	Wheel Stops	EA	\$ 90.00	\$ 900.00	
2	Handicap Signs	EA	\$ 225.00	\$ 450.00	
1	Striping	LS	\$ 750.00	\$ 750.00	
1300	Asphalt Paving	SY	\$ 24.00	\$ 31,200.00	
				\$ -	\$ -
				\$ -	\$ -
				<b>Section Total</b>	<b>\$ 109,300.00</b>

**Total \$ 110,244.00**

**Estimated Days to Complete This is a estimated time 20 and is not guaranteed**

**Excluded From Proposal:**

- Bonds
- 3rd Party Testing
- Erosion Control
- Permits
- Surveying
- Rock Excavation \$275 CY

Accepted By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Date: \_\_\_\_\_

Wright Family Custom Homes

P.O. Box 25067  
Asheville, NC 28813

# Estimate

Date	Estimate #
7/25/2023	208

Name / Address
Town of Biltmore Forest 355 Vanderbilt Rd Biltmore Forest, NC 28803

Project

Description	Qty	Cost	Total
Grading	1	500.00	500.00
Erosion Control	1	200.00	200.00
Concrete flat work	1	5,200.00	5,200.00
Backfill	1	499.00	499.00
Framing Labor	1	6,520.00	6,520.00
Framing Material	1	18,200.00	18,200.00
Timber Trusses/Bkts	1	3,250.00	3,250.00
Misc Steel	1	500.00	500.00
Roof	1	14,230.00	14,230.00
Overhead	1	4,900.00	4,900.00
Profit	1	4,900.00	4,900.00
		<b>Total</b>	\$58,899.00

Customer Signature \_\_\_\_\_

# GREENWOOD PARK

## MASTER PLAN CONCEPT





## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

AUGUST 8, 2023

#### AGENDA ITEM E-2

#### CONSIDERATION OF BROOKLAWN PARK CLEAN UP AND TRAIL DESIGN

---

##### Background

Staff was directed to review potential methods of cleaning up a significant portion of Brooklawn Park and the associated reconstruction of trails within this area. Staff contacted multiple trail design companies in the area to determine whether they could perform this work as a “turn-key” operation or just providing ideas for how the work could best be performed. Only one contractor returned the requests for information, and Public Works Director Harry Buckner met with him on site to review the overall project for consideration. In addition, Mr. Buckner met with Kris Wetmore from Family Tree Care to review the possibility of cleaning up the park, felling dangerous trees that were hung up in other trees or otherwise hazardous, and removing/chipping materials when possible. All this information is included below in the Staff recommendation.

##### Staff Recommendation

Staff recommends moving forward with the proposal from Family Tree Care to perform ten (10) days worth of clean-up work in Brooklawn Park, at a cost not to exceed \$45,000. This is a daily rate of \$4,500 per day, and will include a 6-7 person crew working for the ten days. Town staff will assess the work status along with the tree company after day 5 to assess the prior work and consider any changes, alterations, or other focal points for clean-up. Town Public Works Staff has done a great job of working along the outer edges of Brooklawn Park and cleaning these areas up, but the interior is a much larger scope of work and requires much more manpower and dedicated equipment.

Staff also recommends contracting with Long Cane Trails, Inc. to conduct the attached scope of work, specifically, “professional services of field flagging/locating on approximately 1-mile of walking trail on the 17 acre parcel. This will include one (1) trailhead with parking with one (1) on-site meeting after flagging with interested stakeholders to review the proposed route. Then once the alignment is generally agreed upon, preparation of a detailed cost estimate/proposal to perform the construction of the recommended trail system will be provided.” The cost for this work is \$2,500.00 and will allow the Town to fully evaluate the best route within Brooklawn Park for any trail construction or re-construction that will be established after clean-up occurs.



P.O. box 1701  
Pisgah Forest, N.C.  
28768.

Long Cane Trails can provide the professional services of field flagging/locating on approximately 1-mile of walking trail on the 17 acre parcel. This will include one (1) trailhead with parking with one (1) on-site meeting after flagging with interested stakeholders to review the proposed route. Then once the alignment is generally agreed upon, preparation of a detailed cost estimate/proposal to perform the construction of the recommended trail system will be provided.

Our cost for this project would be \$2,500.00

Thanks,

Todd Branham  
Long Cane Trails  
828-606-5107



**From:** [Harry Buckner](#)  
**To:** [Jonathan Kanipe](#)  
**Cc:** [Mike Dale](#)  
**Subject:** FW: Brookside green space cleanup  
**Date:** Wednesday, August 02, 2023 2:23:25 PM  
**Attachments:** [image001.png](#)

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Jonathan – We can discuss the details of the scope and guidance we gave Kris on the amount and type of cutting to be done at your convenience.

Thanks!

**Harry B. Buckner, PE**

Director of Public Works  
Town of Biltmore Forest  
355 Vanderbilt Road  
Asheville, NC 28803

Office: 828.274.3919

Email: [hbuckner@biltmoreforest.org](mailto:hbuckner@biltmoreforest.org)



*All email correspondence to and from this address is subject to public review under the NC Public Records Law.*

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**From:** Kris Wetmore <kriswetmore@yahoo.com>  
**Sent:** Wednesday, August 02, 2023 12:19 PM  
**To:** Harry Buckner <hbuckner@biltmoreforest.org>  
**Subject:** Brookside green space cleanup

**WARNING:**This email originated from outside of the Town of Biltmore Forest Network.

Harry,

I am willing to bring a 6/7 man crew to work for 10 days in the Brookside Road green space for \$45,000. That equals out to \$4500/day. We will evaluate halfway in and adjust pace or scope to accomplish goals.

Regards,

Kris Wetmore

Wetmore Tree Care, Inc  
DBA Family Tree Care  
(828) 337-0735  
[kriswetmore@yahoo.com](mailto:kriswetmore@yahoo.com)



## **BOARD OF COMMISSIONERS MEETING**

### **STAFF MEMORANDUM**

**AUGUST 8, 2023**

#### **AGENDA ITEM E-3**

#### **CEDAR HILL ROAD STABILIZATION/STREAM RESTORATION PROJECT**

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##### **Background**

Baker Construction was awarded this project by the Town in March 2023 and began construction in early June. Weather and logistical delays in mid to late June slowed progress, but the contractors were able to move quickly in July. The construction portion of the project wrapped up on Friday, August 4, with the Town, contractor, and consulting engineer performing a walk-through of the full site. Staff and the consulting engineer are pleased with the work that has been accomplished thus far, and we have received many plaudits from neighbors regarding the work.

##### **Next Phase**

While construction activity has concluded, there is still work left to be done. The planting along the stream and along Cedar Hill Drive will take place in mid-November as plant materials become available. This work will include consultation with the neighboring homeowner and Town staff, and we will ensure there are no plantings in the road right of way which may obstruct sight lines or views of the road. Photos on the next page are a small sample of the work that has been completed prior to planting.





## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

AUGUST 8, 2023

#### AGENDA ITEM E-4

#### REVIEW ZONING ORDINANCE AMENDMENT RECOMMENDATIONS

*CHAPTERS 153.034; 154.050-059; 153.060-070*

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#### **Background**

Since October 2022, the Planning Commission has reviewed the Town's existing ordinances related to landscaping, buffering, and tree preservation. The Planning Commission met in June to review final drafts of three ordinances to consider making a recommendation to the Board of Commissioners. The three attached draft ordinances are the result of their work and their recommendation to the Board of Commissioners is to approve these ordinances.

#### **Zoning Ordinance Amendment Process - Public Hearing Requirement**

As with previous amendment recommendations, Town staff is providing the ordinances to the Board of Commissioners one month ahead of any public hearing. This will allow the Mayor and Board opportunity to review the recommendation, ask questions, and meet with staff, the Town Attorney, or Planning Commission members to discuss the proposals. The public hearing is scheduled for Tuesday, September 12.

#### **Planning Commission's Rationale for Recommending Changes**

1. The tree ordinance proposal addresses the very high importance many Biltmore Forest residents (per 2021 survey) placed on larger, mature trees (as a forest in general) by preserving, replenishing, and promoting a healthy, diverse, and multilayered canopy.
2. The tree ordinance recommendation has been directly incorporated into the zoning code to not only avoid confusion but also to ensure its applicability and legality, as well as ensure future adjustments or amendments are deliberatively and publicly legislated. Any amendments to the Zoning Ordinance statutorily require a public hearing before consideration by the Board of Commissioners. The Planning Commission felt the public's interest in tree preservation, and desire to be involved in the process, is evidenced by the survey results which befit placement in the Zoning Ordinance. The Commission also felt the inherent impact of new construction and other land development activities

on tree protection confirmed the Zoning Ordinance is the appropriate place for the Town's Tree Protection Ordinance to reside.

3. The draft incorporates different compliance requirements for different land uses. For example, regulations for residential vs nonresidential allow not only more specific expectations depending on land use type, but also allow for better monitoring and administrative capabilities to ensure compliance. Additionally, companion amendments within the Town's landscaping ordinance (153.034) require more stringent review and approval requirements for additions to existing structures as well as all new construction on undeveloped lots. This provides the Town greater ability to review and approve landscaping plans, including tree removal, and lead to more fully developed plans by applicants.

4. The tree ordinance specifically targets the importance of preserving the trees and buffering vegetation along the roadways and lot perimeters as expressed in the original Tree Protection Ordinance. The original ordinance specifically indicated that buffering between different land uses (residential versus non-residential) was important as well as buffering from the street. The new ordinance strengthens this original purpose through the enhanced replacement requirements noted "inside" the setback area.

5. The Planning Commission requested staff research other municipalities to adapt best practices and avoid possible legal limitations. Highlighting native species and amounts of preferred trees for additional attention are just one example of this. The Planning Commission felt the recommended ordinances adapt these best practices for Biltmore Forest and our specific needs, including being one of (if not the only) local government in North Carolina to regulate tree removal on private property.

#### **Attachments**

1. Chapter 153.034 – Landscaping and Sedimentation Control DRAFT
2. Chapter 153.050-059 – New Tree Preservation Ordinance DRAFT
3. Chapter 153.060-070 – Buffering, Screening, and Landscape Ordinance DRAFT with revisions to include all new construction activities, including residential, based on certain thresholds.

PLANNING COMMISSION RECOMMENDATION  
JUNE 27, 2023

DRAFT AMENDMENT TO EXISTING LAND DISTURBANCE  
AND SEDIMENTATION CONTROL

§ 153.034 LANDSCAPING AND GRADING PLANS, LAND DISTURBANCE, AND  
SEDIMENTATION CONTROL.

(A) Plans Required. A landscaping and grading plan, as defined in the Town's Zoning Application process, are required for any or all of the following activities.

- (1) Any land-disturbing activity, such as grading projects or removal of natural vegetation, that involves the disturbance of 20% or more of the land area of any lot. Prior to commencing such activity in a public service district, any land-disturbing activity, such as grading projects or removal of natural vegetation other than routine maintenance, shall be subject to approval by the Town Board of Adjustment regardless of the area to be disturbed.
- (2) Any residential construction activity that results in an addition of greater than five-hundred (500) square feet of roof coverage.
- (3) Any non-residential construction activity as defined in § 153.061 of the Town of Biltmore Forest Zoning Ordinance.

(B) All landscape and grading plans shall demonstrate compliance with the Town's Tree Protection and Preservation regulations as found in §153.050-153.059 and §153.061(C) for existing residential and non-residential tree maintenance and new construction activities, respectively.

(C) Maintain as natural open space areas. The intent of this requirement is to ensure that these areas are to be maintained as natural open space areas, and that any disturbance such as the building of roads, public utilities, and other such activities be designed and constructed so as to maintain the natural scenic character of these districts. A landscape plan shall be submitted and approved by the Board of Adjustment prior to any land-disturbing activity.

(D) Pre-construction conference and supervision.

- (1) Prior to the commencement of any pre-construction land-clearing or soil disturbance, a pre-construction conference will take place between a representative of the Town and the applicant to review procedures for protection and management of protected trees and other landscape elements identified in the approved landscape plan. The applicant will designate one or more persons responsible for ensuring the protection of new or existing landscaping elements to be preserved. The responsible person shall be present on site whenever activity is taking place that could damage or disturb such landscape elements, and will notify the Ordinance Administrator that such activity is taking place.
- (2) The applicant shall provide the following at least seven (7) days prior to the pre-construction conference:
  - a) Approved landscaping plan, showing all protected and unprotected trees to be removed, and all replacement trees to be planted.
  - b) Chart showing the quantity of trees, scientific species name, and tree designation (protected, unprotected, or tree of preference) and replacement quantities required.

PLANNING COMMISSION RECOMMENDATION  
JUNE 27, 2023

- c) Final grading plan showing tree preservation limits and limits of disturbance.
- d) The Town shall have developed sites inspected periodically to ensure work is conforming to the approved landscape plan and the applicable sections of this subchapter.
- e) Prior to the commencement of any pre-construction land-clearing or soil disturbance, the developer/contractor shall be required to sign a document agreeing to abide by the conditions stipulated in this subchapter. At the option of the Town, a compliance bond may be required.

(E) Compliance with G.S. § 113A-54. Where applicable, all proposed development projects or land-disturbing activities shall comply with G.S. § 113A-54, and Rules and Regulations for Erosion and Sediment Control as established by the State Sedimentation Control Commission, State Department of Natural Resources and Community Development.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

DRAFT



PLANNING COMMISSION RECOMMENDATION  
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Chapter 153.050 Tree Preservation

Tree Protection

153.050 Purpose

153.051 Definitions

153.052 Removal of protected trees

153.053 Applications for removal of more than ten (10) protected trees

153.054 Removal of unprotected trees

153.055 Enforcement

153.056 Drip line protection

153.057 Replacement of trees

153.058 Inspections, Appeals, Bond, and Penalty

TREE PROTECTION

§ 153.050 PURPOSE.

(A) In order to maintain the unique characteristics of the Town of Biltmore Forest as a residential neighborhood with a history beginning as part of the Vanderbilt Estate, it is necessary to preserve the traditional appearance of Biltmore Forest as a true forest. This is particularly true of trees along the roads and around the perimeter of lots. Reference is hereby made to § 153.034 of the Town Zoning Ordinance relating to removal of natural vegetation, which section is routinely involved when residences or other structures are placed on a lot.

(B) Trees provide buffer and a natural canopy, and are a hallmark of the Town requiring protection. Preservation and appropriate replacement of trees is the intent of this subchapter. This subchapter shall apply to all properties within the Town of Biltmore Forest except as noted in part C below. The Town is focused on maintaining the current health of the forest and increasing species diversity, with a primary goal to replace hardwood trees, other native trees, and trees of preference more quickly. Trees provide shade, cooling, noise and wind reduction, prevent soil erosion, produce oxygen, filter dust, and absorb carbon dioxide. Trees also provide natural habitat and aesthetic enhancement in the Town.

(C) Exemptions. This subchapter does not apply to properties owned, leased, or controlled by the Town of Biltmore Forest. This subchapter does not apply to properties that perform forestry activity on forestland taxed on the basis of its present-use value as forestland under Article 12, Chapter 105, of the N.C. General Statutes. Once an active forestry management plan is no longer in place, the exception for the property will be removed. Property owners with an active forestry management plan shall provide a current copy of this plan to the Town each calendar year by January 31.

PLANNING COMMISSION RECOMMENDATION  
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Non-residential properties where the primary purpose is for outdoor recreation activities, as defined below, are exempt from the replacement requirements of this ordinance outside the setback areas. The Town recognizes that such properties are inherently different operationally. Notification shall be provided to the Town prior to removal of any tree in this exempt area.

(2013 Code, § 19-1) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 153.051 DEFINITIONS.

**NON-RESIDENTIAL USES.** For the purposes of this chapter, non-residential uses may include specific uses found throughout the Town that do not encompass single-family or multi-family residential dwellings. These uses may exist within a residential zoning district, but by actual use, are not residential in nature. Examples of these uses include, but are not limited to, public or private schools; country, athletic, and social clubs; medical or dental offices and campuses.

**ORDINANCE ADMINISTRATOR.** For the purposes of this chapter, the ordinance administrator charged with administration, inspection, review, and enforcement is the Town Manager or his/her designee.

**OUTDOOR RECREATION ACTIVITIES.** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment, and taking place at prescribed non-residential places, sites, or fields. Active recreational uses and supporting services include swimming, tennis, golf, baseball and other field sports, track, and playground activities.

**PROTECTED TREE.** A protected tree is any tree six inches or more in diameter at a height of four and a half feet from the ground (DBH-diameter at breast height) that is in sound, healthy condition.

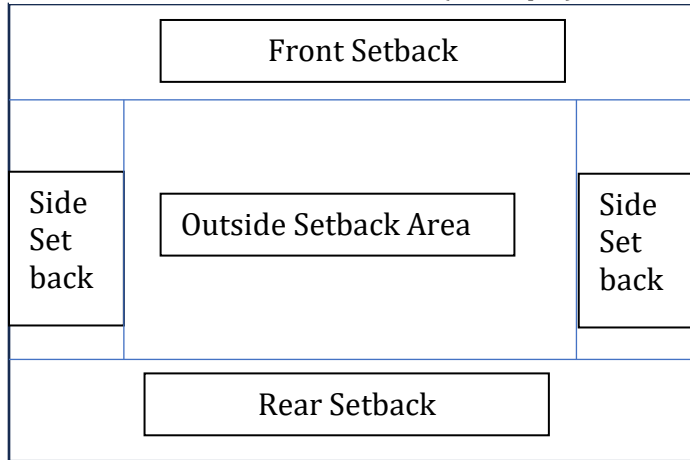
**RECOMMENDED PLANTING LIST (RPL).** A list developed and updated by the Town Arborist that includes preferred species based on the tree being removed and acceptable replacement locations. For all replanting requirements, a minimum of fifty (50) percent of the total replacement trees must come from the RPL with twenty-five (25) percent of the total replacement trees being those species identified as trees of preference, as defined below. A minimum of one (1) tree scheduled for replacement shall come from the Tree of Preference (TOP) list as defined below. The replanting list may be updated periodically and is available on the Town's website.

**RESIDENTIAL USES.** For the purposes of this chapter, residential uses include single-family detached dwelling units found within the R-1, R-2, and R-3 zoning districts and includes attached multi-family residential units found within the R-1, R-2, and R-3 zoning districts.

**SETBACKS.** For the purposes of this chapter, setback refers to the minimum yard setback requirement found in § 153.007 "DIMENSIONAL REQUIREMENTS" of the Town Zoning Ordinance. "INSIDE SETBACK AREA" is the length found from the street or property line, and "OUTSIDE SETBACK AREA" is the remainder of the property area. An example of setback locations are shown below.

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*Setback Determination (Example)*



**TREES OF PREFERENCE (TOP).** Trees that warrant additional attention and regulation due to being a preferred native species or having distinctive height and/or diameter. Trees of preference include any healthy, living tree with the following characteristics:

- (A) Has a trunk diameter at breast height (DBH) of thirty-six (36) inches or more;
- (B) Any tree native to North Carolina per the United States Department of Agriculture Natural Resource Conservation Service Plants Database with a trunk DBH of thirty (30) inches or more.

**UNREGULATED TREE.** A tree that is less than six (6) inches in diameter, regardless of height or species, is to be unregulated and not subject to the provisions of this chapter.

**UNPROTECTED TREE.** A tree that is six inches or more in diameter at a height of four and a half feet from the ground, and is dead, produces no foliage during normal growing seasons, or a tree that is diseased or damaged to the extent that it is structurally compromised and poses a safety hazard, or a tree that, for any other reason, poses a safety hazard. Safety hazard concerns are evaluated by the Town Arborist in accordance with best management practices developed by the International Society of Arboriculture (ISA).

(2013 Code, § 19-2) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 153.052 REMOVAL OF PROTECTED TREES.

(A) No person shall remove or in any way damage any protected tree on a property without receiving approval from the appropriate regulatory review body for the removal and paying any applicable fee. Any protected trees removed shall be replaced as outlined in § 153.058 below.

(B) If the Ordinance Administrator concludes the removal of the number of protected trees requested would be undesirable, and not within the letter or intent of this subchapter, he or she may refuse to approve such removal, or permit the removal of a lesser number of protected trees. Further, in his or her discretion, the Ordinance Administrator may require that the applicant provide a tree survey showing the location, size, and type of protected trees on a property, including common

**PLANNING COMMISSION RECOMMENDATION  
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scientific names. The tree survey shall clearly indicate which protected trees are indicated for removal and which will be left undisturbed. In the case of new construction, the site plan must show the location of building, driveways, terraces, and other structures on the property. All protected trees must be clearly tagged as to retention or removal. The Ordinance Administrator may also require an applicant to provide documentary evidence, in the form of a survey or other documentation sufficient, in the opinion of the Ordinance Administrator, to confirm that the protected tree(s) are on the applicant's property. An applicant has the right to appeal a decision of the Ordinance Administrator to the Board of Adjustment within five (5) business days of the decision.

(2013 Code, § 19-3) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

**§ 153.053 APPLICATIONS FOR REMOVAL OF MORE THAN TEN (10) PROTECTED TREES.**

An application to remove more than ten (10) protected trees in twelve (12) successive months shall be made to the appropriate regulatory review authority as shown below. A fee for this application shall be paid along with the application.

*Table 1 - Residential Tree Replacement Requirements*

Protected Trees Requested for Removal	Regulatory Review Body
1-10 Trees	Ordinance Administrator
11-30 Trees	Board of Adjustment
31+ Trees	Board of Commissioners

(Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

**§ 153.054 REMOVAL OF UNPROTECTED TREES.**

(A) An unprotected tree may be removed by the property owner after notifying the Town of the plans to remove the tree(s) and receiving approval to do so from the Ordinance Administrator.

(B) The Ordinance Administrator may require the property owner to retain a certified arborist to render an opinion as to the health and structural integrity of the tree(s) in question and report the findings, in writing, to the Town before final approval is given. The Town reserves the right to consult with its own tree specialist to confirm the health and condition of any tree(s) prior to removal.

(C) Any unprotected trees removed shall be replaced as defined in § 153.058 below.

(Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

**§ 153.055 ENFORCEMENT.**

**PLANNING COMMISSION RECOMMENDATION  
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Any unauthorized removal, cutting, or damage to protected or unprotected tree(s) may result in the Ordinance Administrator placing a stop-work order on any activity on the property. This order shall remain in effect until all corrections are made to bring the property into compliance with this chapter, up to and including a final landscaping plan showing the full tree replacement as required by 153.057 below.

(2013 Code, § 19-5) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 153.056 DRIP LINE PROTECTION.

The health of protected trees requires the prevention of soil disturbance within the drip line of the trees. Covering this area with pavement or other materials, including excess soil, can affect the health of the tree. Final landscape plans shall protect this area around the tree and denote tree save areas on the plan.

(2013 Code, § 19-6) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 153.057 REPLACEMENT OF TREES.

(A) The replacement of protected and unprotected trees and trees of preference shall be established in accordance with the following requirements:

<i>Table 2 - Residential Tree Replacement Requirements</i>								
SIZE OF TREE REMOVED (DBH)	INSIDE SETBACK AREA				OUTSIDE SETBACK AREA			
	PROTECTED		UN-PROTECTED		PROTECTED		UN-PROTECTED	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	1	2"	1	2"	1	2"	x	x
19"-36"	1*	3"	1	2"	1	2"	x	x
36"+ <sup>T</sup>	1**	3"	1*	3"	2	2"	1	2"
* must include a minimum of 3 screening/buffering trees as defined in RPL								
** must include a minimum of 5 screening/buffering trees as defined in RPL								
<sup>T</sup> If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements								

**PLANNING COMMISSION RECOMMENDATION  
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*Table 3 - Non- Residential Tree Replacement Requirements*

SIZE OF TREE REMOVED (DBH)	INSIDE SETBACK AREA				OUTSIDE SETBACK AREA			
	PROTECTED		UN-PROTECTED		PROTECTED		UN-PROTECTED	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	x	x	x	x	x	x
13"-18"	2	2"	x	x	1	2"	x	x
19"-36"	2*	3"	1	2"	1	3"	x	x
36"+ <sup>T</sup>	2**	4"	1*	3"	1	4"	1	3"

\* must include a minimum of 3 screening/buffering trees as defined in RPL  
 \*\* must include a minimum of 5 screening/buffering trees as defined in RPL  
<sup>T</sup> If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements

(B) A replacement tree may be planted up to one (1) year prior to the removal of any tree in order to count toward replacement. Replacement trees planted after existing tree removal shall be in the ground within six months of removal of the original tree. The Ordinance Administrator may, for good cause shown, and in his or her sole discretion, extend this period for an additional six months.

(C) The Town’s Recommended Planting List (RPL) shall be utilized by applicants when determining what species of trees are to be replanted. A minimum of fifty (50) percent of the total replacement trees shall come from the RPL with a minimum of twenty-five (25) percent of total replacement trees coming from the Trees of Preference (TOP) list. A minimum of one (1) tree scheduled for replacement shall come from the Tree of Preference (TOP) list. Variation from these requirements must be granted by the Ordinance Administrator prior to approval and planting.

(D) See the above charts for the minimum replacement size for all deciduous trees. Evergreen trees that are planted as replacement trees shall be a minimum of eight (8) feet in height at the time of planting.

(E) Depending on the proximity of other trees and/or structures, lesser quantities of replacement trees may be authorized by the Ordinance Administrator or by the Board of Adjustment (in the case of an appeal to the Town) or the Ordinance Administrator may authorize the replanting or replacement of trees in a location or locations where such replacement trees are more likely to survive. For existing residential lots where mature canopies remain after tree removal, replacement requirements may be amended regarding location and species to provide the best opportunity for healthy growth. This replacement requirement amendment is meant solely to allow for maintenance of existing residential lots where the canopy is thick and growing new trees would be impractical

PLANNING COMMISSION RECOMMENDATION  
JUNE 27, 2023

and/or difficult. This allowance is not intended for new residential construction. For non-residential lots, if replanting inside a setback area results in an adverse condition to Town roads, other public property, other private property, or results in an undue hardship for an outdoor recreation activity, a variance application may be filed with the Board of Adjustment to replant the appropriate number of trees in a different location.

(F) The Town encourages a diversity of species during replanting, with a focus on replenishing hardwood trees within the forest. However, to provide appropriate screening and buffering, particularly among non-residential uses, trees that have a lower canopy (height) at maturity are also encouraged for inclusion in a replanting plan. This combination will ensure the canopy is varied in both height and species.

(G) Replacement trees shall not be planted within the Town's right-of-way or in an area to obstruct the view of traffic.

((2013 Code, § 19-7) (Ord. passed - - ; Ord. 2019-02, passed 9-17-2019; Ord. 2021-01, passed 1-12-2021)

§ 153.058 INSPECTIONS, APPEALS, BOND, AND PENALTY.

(A) All protected trees designated to remain, pursuant to a tree survey, plus any replacement trees shall be inspected by the Ordinance Administrator six months following any construction to ensure the trees are in a healthy condition. The Ordinance Administrator may require replacement or replanting of replacement trees if the appropriate replacement trees are not in place during this review

(B) Any person aggrieved by a decision made under this subchapter by the Ordinance Administrator may file, within five (5) days after the date of such decision, a petition to have such decision reviewed and acted upon by the Board of Adjustment. The decision of the Board of Adjustment shall be subject to review by the Board of Commissioners.

(C) At the option of the Town, a bond or other type of guarantee can be required of the property owner and/ or applicant when submitting a tree removal application to ensure all replanting requirements are met to the satisfaction of the Town.

(D) Any violation of this chapter shall be subject to the penalty provisions found in §153.999 of the Town of Biltmore Forest Zoning Ordinance.

PLANNING COMMISSION RECOMMENDATION  
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BUFFERS, SCREENING, AND LANDSCAPING REQUIREMENTS

§ 153.060 PURPOSE AND INTENT.

- (A) The town has an abundant and diverse tree and vegetative cover that is essential to the aesthetic value of the town and provides numerous ecological and economic benefits.
- (B) Landscape requirements for new construction and substantial additions are set forth below, in order to:
  - (1) Encourage the preservation of existing trees and vegetation on undeveloped residential lots and ensure the reforestation of the lot when tree removal is required for any construction activities.
  - (2) Ensure landscape plans presented to the Town include considerations for native species, reforestation, environmental protection, and effective stormwater management.
- (C) The landscape and buffering standards set forth below require buffers and landscaping between dissimilar land uses, along public rights-of-way, and within parking lots, in order to:
  - (1) Encourage the preservation of existing trees and vegetation and replenish removed vegetation;
  - (2) Protect and improve the visual quality of the town and minimize the negative impacts of development such as noise, dust, litter, glare of lights, traffic, heat, overcrowding, odor, and views of unsightly parking lots, utilities, and mechanical systems and buildings;
  - (3) Provide environmental benefits such as climate modification, decreased energy consumption, reduced stormwater runoff, decreased erosion, improved water and air quality, and protection of wildlife habitat;
  - (4) Provide a transition between dissimilar land uses to protect abutting properties from potential negative impacts of neighboring development and to preserve the character and value of property and to provide a sense of privacy; and
  - (5) Improve standards for quantity, location, size, spacing, protection, and maintenance of plants and other screening materials to assure a high level of quality in the appearance of the town while allowing flexibility to promote well-designed and creative landscape plantings.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.061 GENERAL INFORMATION.

- (A) Applicability.



**PLANNING COMMISSION RECOMMENDATION  
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(1) Buffer strip plantings, street trees, and parking lot trees and shrubs are required for developments within the town limits.

(2) The following developments are required to be in full compliance with this section:

(a) New residential development, including additions, exceeding more than 500 square feet of roof coverage, and all nonresidential development, including special uses; and

(3) New parking spaces or lots shall comply with the provisions of § 153.064.

(B) Landscape and grading plan required. Applicants are advised to meet with Town staff in order to review all ordinance requirements and procedures and receive a copy of the plan checklists. As required in § 153.034, a landscape and grading plan meeting Town requirements shall be reviewed and approved prior to any grading.

(C) Tree Replacement Requirements.

The following tree replacement requirements are in place for all developments as defined in (A)(2).

*Table 1 - New Construction Tree Replacement Requirements*

SIZE OF TREE REMOVED (DBH)	INSIDE SETBACK AREA				OUTSIDE SETBACK AREA			
	PROTECTED		UN-PROTECTED		PROTECTED		UN-PROTECTED	
	Qty	Size	Qty	Size	Qty	Size	Qty	Size
6"-12"	1	2"	1	2"	1	2"	x	x
13"-18"	2	2"	1	2"	2	2"	1	2"
19"-36"	2*	3"	2	2"	2	3"	2	2"
36"+ <sup>T</sup>	2**	4"	2*	3"	2	4"	2	3"

\* must include a minimum of 3 screening/buffering trees as defined in RPL  
 \*\* must include a minimum of 5 screening/buffering trees as defined in RPL  
<sup>T</sup> If removed trees include identified trees of preference (TOP) species, replanting requirements will follow 36"+ DBH requirements

(C) Alternative compliance.

(1) The landscape requirements are intended to set minimum standards for quality development and environmental protection and are not intended to be arbitrary or inhibit creative solutions. Site conditions or other reasons may justify the need to request an alternate method of compliance with the landscape requirements. The Board of Adjustment, in consultation with the Design Review Board,

**PLANNING COMMISSION RECOMMENDATION**  
**JUNE 27, 2023**

may alter the requirements of this section as long as the existing or added landscape features of the development site comply with the intent of this chapter.

(2) Requests for alternative compliance shall be accepted if one or more of the following conditions are met:

(a) Topography, geologic features, drainage channels or streams, existing natural vegetation, overhead or underground utilities, or other conditions make it unreasonable or meaningless to plant a buffer or meet other landscape requirements;

(b) Space limitations, unusually shaped lots, unique relationships to other properties, and/or prevailing practices in the surrounding neighborhood (such as use of a specific type of vegetation) may justify alternative compliance when changing the use type of an existing building in an established mature neighborhood; or

(c) An alternative compliance proposal is equal or better than normal compliance in its ability to fulfill the intent of the ordinance, and exhibits superior design quality.

(4) The property owner must submit a plan of the area for which alternative compliance is requested to the Town Manager 14 days prior to the meeting of the Design Review Board at which the request will be considered. The site plan shall show existing site features and any additional material the property owner will plant or construct to meet the intent of the buffer, street tree, and parking lot tree requirements.

(5) In addition, the applicant must submit a written statement explaining and justifying the need for alternative compliance. The Design Review Board shall make a recommendation of approval, approval with conditions, or denial within ten working days of reviewing the request for alternative compliance. The Design Review Board's recommendation shall then be considered by the Board of Adjustment. Alternative compliance shall be limited to the specific project being reviewed and shall not establish a precedent for acceptance in other cases.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

**§ 153.062 EXISTING VEGETATION.**

(A) Preserving trees can improve the aesthetic quality of the site and improve property values, provide environmental benefits, and mitigate the impacts of development on the community. It is recommended that groups of trees be preserved, as well as individual trees. Existing trees and shrubs designated for preservation may be credited towards required buffer trees, street trees, and parking lot trees.

(B) As required in § 153.052, no person shall remove or in any way damage any protected trees without first filing an application for the removal and receiving approval from the Town. This requirement is applicable to both residential and non-residential uses within the town.

(C) Special attention shall be given to protected trees located within 20 feet of the of the rear or side property line of property meeting the definition of an incompatible land use.

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(1) Credits and other incentives to preserve vegetation within non-residential land use.

(a) Vegetation located in the buffer strip. One existing evergreen shrub over four feet high located in the buffer strip may be credited for two new shrubs, also on a case-by-case basis by the Board of Adjustment.

(b) Vegetation located elsewhere on the property.

1. Trees designated for preservation may be credited at the rate of the following.

2-inch to 6-inch caliper tree = 1 tree

7-inch to 12-inch caliper tree = 2 trees

13-inch to 18-inch caliper tree = 3 trees

19-inch to 24-inch caliper tree = 4 trees

25-inch and greater = 5 trees

2. One existing shrub over four feet high may be credited for two new shrubs. In order to receive credit, vegetation designated for preservation shall be in good health and condition. Trees and shrubs designated to be preserved shall be indicated on the landscape and grading plan, as well as all protective barriers. If a tree or shrub designated for preservation dies within five years of the project's completion, it must be replaced with the total number of trees or shrubs which were credited to the existing tree or shrub.

(2) Protection of existing trees and shrubs during construction.

(a) 1. No grading or other land-disturbing activity shall occur on a site with existing trees or shrubs which are designated to be preserved in order to meet the landscaping requirements until the landscape and grading plan has been approved by the Board of Adjustment and protective barriers are installed by the developer and approved by the Zoning Administrator. Trees designated for preservation which are counted toward the landscape and buffering requirements shall be protected by barriers, while trees designated for preservation which do not count toward the landscape and buffering requirements are encouraged to be protected by barriers. The diameter of the trees designated for preservation and the location of protective barriers shall be shown on the landscape and grading and site plans with the dimensions between the tree trunk and barrier indicated.

2. Protective barriers shall be placed around the root protection zone of trees designated for preservation that are within 50 feet of any grading or construction activity. Protected ground areas for shrubs shall consist of an area twice the diameter of the shrub. All protective barriers shall be maintained throughout the building construction process.

(b) 1. All contractors shall be made aware of the areas designated for protection.

2. No disturbance shall occur within the protective barriers, including:

a. Grading;

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b. Filling, unless an aeration system which is certified by a registered landscape architect, certified arborist, or state cooperative extension specialist is installed to protect the tree from suffocation;

c. Temporary or permanent parking;

d. Storage of debris or materials, including topsoil;

e. Disposal of hazardous wastes or concrete washout; and

f. Attaching of nails, ropes, cables, signs, or fencing to any tree designated for preservation.

3. If any area within the root protection zone will be disturbed for any reason, a registered landscape architect, certified arborist, or state cooperative extension specialist shall recommend measures to minimize any potential impact and certify that the activity will not damage the tree under normal circumstances.

4. The developer shall coordinate with the utility companies early in the design process to resolve potential conflicts about the placement of utilities and buffer and screening requirements in § 153.063(B)(5). The Zoning Administrator shall approve the placement of the utilities either outside of the root protection zone or tunneled at least two feet directly below the tree roots to minimize root damage.

5. If silt fencing is required to control sedimentation, the fencing must be placed along the uphill edge of a tree protection zone in order to prevent sediment from accumulating in the drip line area.

(c) Tree protection zone signs shall be installed on the tree protection barriers visible on all sides of the protection area (minimum one on each side and/or every 300 linear feet). The size of each sign shall be a minimum of two feet by two feet and shall contain the following language: "TREE PROTECTION ZONE, KEEP OUT" or "TREE SAVE AREA, KEEP OUT".

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.063 BUFFER STRIP AND SCREEN REQUIREMENTS.

(A) Certain land uses are defined in this chapter as being an incompatible land use when developed adjacent to other less intensive land uses. A buffer strip can serve to lessen adverse impacts when development occurs.

(B) The installation of the applicable buffer strip shall be the responsibility of the owner of the developing land use. Buffer strips shall be located on the property of the developing land use between the property line and any vehicular use areas, buildings, storage, service areas, or other area of activity. The buffer strip shall extend along the entire rear and/or side property line which abuts an incompatible land use, up to any required street tree planting strip.

(1) Use of buffer strips. Required buffers shall not be disturbed for any reason except for approved driveway openings and other passive or accessory uses compatible with the general

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separation of land uses and; provided, that the total number of required plantings are still met. Approval from the Town Manager is required prior to initiating any disturbance of the buffer.

(2) Placement of buffer plantings. The exact placement of the required plants shall be the decision of the developer or designer, but shall be reviewed by the Town Manager and approved by the Board of Adjustment. Plants shall be placed in a manner to serve as an effective screen year-round when viewed from any area accessible to the public or from adjacent properties. Trees or shrubs should be planted at least five feet away from the property line to ensure maintenance access and to avoid encroaching upon neighboring property.

(3) Composition of buffer plantings. A buffer consisting of two staggered rows of evergreen shrubs or sheared evergreen trees, planted 48 inches apart (as measured from the central stem) in a 20-foot wide strip shall be installed to screen the nonresidential use from neighboring residential properties. The trees or shrubs shall be between four and five feet high at time of planting. During times of extended dry weather, the applicant may petition the Board of Adjustment to reduce the required size of vegetation to be planted in order to better ensure its survival. It is suggested that a mixture of two to three shrubs selected from the recommended species list be planted to encourage healthier plants.

(4) Coordination with stormwater drainage provisions. If the buffer strip is to be used as part of the area for required stormwater runoff absorption as outlined in Ch. 52, then the shrubs and trees within the buffer shall be water tolerant.

(5) Coordination with utility easements. In circumstances when the property to be developed is adjacent to a utility easement, the buffer requirement of division (C) above maybe altered to be only ten feet wide at the discretion of the Board of Adjustment, based on the factors of space, feasibility, and other considerations which may make it difficult to provide a 20-foot buffer.

(6) Additional buffering. The Board of Adjustment has the authority to require that a wall or fence be constructed next to property used for residential purposes when the Board determines that the buffer strip alone does not provide adequate buffering. The fence or wall shall be constructed in a durable fashion of wood, stone, masonry materials, or other materials if deemed appropriate and shall be built of material compatible with the principal building. When concrete block is utilized, it shall be finished with stucco on both sides. The materials and design shall be approved by the Board of Adjustment on a case-by-case basis. The finished side of the fence or wall shall face the abutting property. A chain link fence may not be used to satisfy the requirements of this section. Shrubs shall be planted on the applicant's side of the property at the rate of 25 per 100 linear feet; their placing and arrangement shall be the decision of the applicant.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.064 PARKING LOT LANDSCAPING REQUIREMENTS.

Trees and shrubs are required in and around parking lots with more than five spaces to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, help absorb runoff, reduce glare from parking lots, and to help filter exhaust from vehicles.

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(A) There shall be a continuously-maintained growing strip planted with grass or similar low-growing vegetation, measured from the back of the curb and extending ten feet perpendicular to the road. The purpose of this growing strip is to provide a clear line of sight for motorists, pedestrians, and cyclists entering and leaving commercial properties.

(B) (1) Where parking areas with more than five spaces adjoin a public right-of-way, a landscaped planting strip ten feet wide shall be established and continuously maintained between the growing strip and parking area(s).

(2) Street trees shall be planted within the landscaped planting strip in accordance with § 153.066 and parking areas within 50 feet of the right-of-way shall have a visually modifying screen or barrier that meets one of these standards:

(a) Evergreen shrubs shall be planted 36 inches apart as measured from the center and attain a height of at least 48 inches within four years of installation;

(b) There shall be a fence or wall three feet high constructed of the same material as the principal building; or

(c) There is an earthen berm at least two feet high, with a minimum crown width of two feet and a width to height ratio of no greater than 2:1; shrubs shall be planted on top of the berm that will attain a height of at least 36 inches within four years of installation and shall be planted 36 inches apart.

(3) No screen is required at parking lot entrances or exits, and no screen shall obstruct vision within 50 feet of an entrance, exit, or intersection. The landscaped planting strip shall be covered with living material, including groundcover and/or shrubs, except for mulched areas directly around the trees, so that no soil is exposed.

(C) (1) (a) Parking areas with more than five spaces shall have at least one large-maturing deciduous tree for every three parking spaces, with some appropriate clustering of trees permitted, and six-foot by 18-foot projecting landscaped islands generally between ten and 12 parking spaces.

(b) Whenever possible, interior parking spaces should have a continuous planter strip six feet wide between rows of parking.

(2) Where appropriate, provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas. In all cases, at least one large maturing deciduous tree shall be provided for a parking lot regardless of the number of spaces provided. No parking space shall be located more than 50 feet from the trunk of a large-maturing deciduous tree. When calculating the number of trees required, the applicant shall round up to the nearest whole number.

(D) All landscaped areas shall be bordered by a concrete curb that is at least six inches above the pavement and six inches wide or a granite curb that is at least six inches above the pavement and four inches wide.

(E) To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of asphalt, allowing a bumper overhang while maintaining the required parking dimensions.

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(F) When more than the required number of parking spaces is provided, the applicant shall provide two times the required number of trees for the spaces provided above the ordinance requirement.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.065 SCREENING OF DUMPSTERS, LOADING DOCKS, OUTDOOR STORAGE AREAS, AND UTILITY STRUCTURES.

(A) All dumpsters, loading docks, outdoor storage areas, or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or buffer strip. Landscaping shall not interfere with the access and operation of any such structure or facility. Trash and storage areas shall be well-maintained, including prompt repair and replacement of damaged gates, fences, and plants.

(B) Openings of trash enclosures shall be oriented away from public view or screened with sturdy gates wide enough to allow easy access for trash collection, where practical. The consolidation of trash areas between businesses and the use of modern disposal techniques is encouraged. All dumpsters shall be located a minimum of 50 feet from a residential dwelling. All unenclosed outdoor storage areas greater than 25 square feet shall also be screened from adjacent properties and streets.

(C) Screen types include:

(1) A continuous hedge of evergreen shrubs planted in a five-foot strip spaced a maximum of 36 inches apart; and

(2) A wall or fence six feet high, with the finished side of the fence or wall facing the abutting property or street. Fences longer than 25 linear feet shall be landscaped with trees and/or shrubs planted in a minimum five-foot planting area, except around access areas, spaced no farther than eight feet apart in order to screen at least 50% of the fence or wall.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.066 STREET TREES.

(A) (1) Street trees are required for all developments meeting the applicability requirements of § 153.061(A). Street trees shall be required at the rate of one large-maturing tree (over 35 feet in height) for every 40 linear feet of property abutting a street.

(2) In the event that overhead utility lines are present, then one small-maturing tree (less than 35 feet in height) may be planted for every 30 feet of property abutting a street.

(3) This does not imply that trees must be spaced exactly 30 or 40 feet apart.

(4) The exact placement of the required tree or trees may be established with input from the reviewing boards in order to fit in with sign placement and other building issues.

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(B) Trees shall be planted within a landscaped planting strip adjacent to the growing strip as outlined in § 153.064(A) and also according to regulations from the State Department of Transportation.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.067 CERTIFICATION OF COMPLETION.

(A) Landscaping shall be installed and inspected prior to receiving a certificate of completion. Vegetation shall be planted to ensure the best chance of survival and to reduce the potential expense of replacing damaged plant materials. If the season or weather conditions prohibit planting the materials, the developer may provide an irrevocable letter of credit, or other financial surety in an amount equal to 110% of the cost of installing the required landscaping to guarantee the completion of the required planting.

(B) Upon approval of the financial surety, the certificate of completion shall be issued. The financial surety shall be canceled and/or returned upon completion.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.068 MAINTENANCE.

(A) The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall shall constitute a zoning violation and shall be subject to the penalty provisions in § 153.999 if not replaced within 30 days of notification.

(B) If an act of God or other catastrophic event occurs which destroys a large quantity of vegetation, the owner or lessee shall have 120 days to replant. Replaced plant material shall be in compliance with the minimum size, spacing, and quantity standards of the ordinance requirements in effect at the time of project approval.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

§ 153.069 RESIDENTIAL SCREENING OF UTILITY STRUCTURES.

It is required that all new utility structures, whether they are part of a new dwelling or are being added to an existing dwelling, located out of doors, including, but not limited to, heat pumps, air conditioning units (with the exception of window units), and generators shall be screened on all sides except the side closest to the dwelling. The screening shall consist of evergreen shrubs planted a maximum of 36 inches apart, with a height of 18 to 24 inches at time of planting. The shrubs may be planted three feet away from the utility structures so they do not interfere with proper functioning.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)



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§ 153.070 PLANT SPECIFICATIONS.

(A) Recommended plant species. Plants may be chosen from the recommended plant species list available from the Town. The list encourages the use of plant materials which are indigenous to this region and are readily available from local nurseries. Plant materials which are not on the list may be used following approval from the Board of Adjustment.

(B) Minimum plant size requirements.

(1) Large-maturing deciduous tree. Greater than 35 feet at maturity. Minimum size at planting shall be 12 to 14 feet in height and two inches caliper (diameter);

(2) Small-maturing deciduous tree. Smaller than 35 feet at maturity. The tree shall be at least one and one-half inch caliper and eight to ten feet high at time of planting;

(3) Evergreen tree. Minimum height of eight (8) feet at time of planting; and

(4) Evergreen shrub. Minimum three gallon container or ten-inch root ball with a height of 18 to 24 inches at time of planting.

(C) Plant standards.

(1) All plants shall meet the requirements of the most recent edition of the American Standards for Nursery Stock, ANSI 260.1.

(2) Plants shall be healthy, well-branched, and free of disease and insect infestation.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)



## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

AUGUST 8, 2023

#### AGENDA ITEM E-5

#### RFQ Submissions for Master Planning for Facilities Improvements

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##### Background

The Board approved a Request for Qualifications (RFQ) for master planning for facility improvements last month, specifically related to the Police Department and Public Works Storage facility. The due date for those RFQ submissions was Friday, August 8, 2023 at 2pm. The Town received qualification submissions from the following firms (in alphabetical order):

C Design

Clark Nexsen

DP3 Architects

McMillan Pazdan Smith Architecture

Moseley Architects

Walter Robbs Architecture

##### Next Steps

All received RFQs are being provided to the Mayor, Board members, and Town Attorney. The RFQ schedule reflects to select preferred firms to interview by August 9, 2023. The interviews for these firms will take place at the Town Hall and are tentatively scheduled for the week of August 14-18. In order to meet this schedule, the Board should develop a tentative list of firms to interview by the Board meeting on August 8. Once the Board determines the firms to interview, Town staff will coordinate the interviews for the following week for times that fit everyone's schedule.


In preparation for the interviews, staff recommends developing 3-5 questions that you would like answered by each firm in order to help make the best decision possible. If you can provide questions to staff by Friday, August 11, 2023 we will submit those ahead of time to the preferred firms so they are prepared to fully answer questions during the interview process. Please let me know if you have any questions regarding this process or timeline.

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

MEMORANDUM

To: Mayor, Board of Commissioners, and Interested Parties  
From: Jonathan Kanipe, Town Manager   
Date: August 4, 2023  
Re: RFQ Submissions to Town of Biltmore Forest

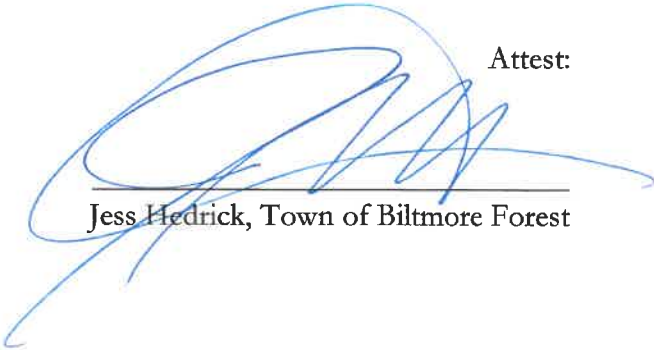
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This memorandum is to verify submissions received by the Town of Biltmore Forest in conjunction with the Request for Qualifications for the Master Plan for Police Department and Public Works Storage Facility Programming.

As of the due date, 2:00 p.m. on Friday, August 4, 2023, the Town received submissions from the following firms.

- C Design – Charlotte, N.C.
- Clark Nexsen – Asheville, N.C.
- DP3 Architecture – Greenville, S.C.
- McMillan Pazdan Smith Architecture – Asheville, N.C.
- Moseley Architects – Raleigh, N.C.
- Walter Robbs Architecture – Winston-Salem, N.C.



Attest:  
  
Jess Hedrick, Town of Biltmore Forest