

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest
Board of Commissioners

To be held Tuesday, September 8, 2020 at 4:30 p.m.

*HELD VIRTUALLY VIA ZOOM PLATFORM
LOG-IN INFORMATION AVAILABLE AT BILTMOREFOREST.ORG
AND REVERSE OF THIS PAGE*

A. Roll Call by the Clerk

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

B. Approval of the Minutes (*Roll Call Vote*)

1. The minutes of the regular meeting held on August 11, 2020 will be considered for approval.

C. Reports of Officers

1. Chief of Skyland Fire and Rescue
2. Police Department
3. Public Works Director
4. Town Manager

D. New Business

1. Consideration of FY21 Budget Amendment (*Roll Call Vote*)
2. Approval to Proceed with Informal Bidding for Stormwater Repair Project Review (*Roll Call Vote*)
3. Potential Changes to Existing Sign Ordinance
4. Review Potential Changes to Brush Collection Ordinance
5. Discussion - Potential Changes to Zoning Ordinance for Landscaping Rocks
6. Discussion – Organization of Planning Commission

E. Petitions, Motions, and Other Business

F. Public Comment

G. Adjourn

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The Town Board of Commissioners will receive public comments submitted in writing to townhall@biltmoreforest.org. In order to be provided to the Board, please send comments no later than noon on Monday, September 7, 2020.

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD AUGUST 11, 2020.

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 was present and Mr. William Clarke, the Town Attorney were also present.

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

Mayor Goosmann asked for a motion to approve the July 14, 2020 meeting minutes. The motion was made by Commissioner Loomis. The motion was seconded by Commissioner Kelly. Roll call was taken by the Clerk and the minutes were unanimously approved.

Chief Chris Beddingfield presented the monthly report for the Police Department. Chief Beddingfield discussed a home invasion that occurred on Amherst Road in 2013. A glove with sweat was submitted and there was a DNA match from the data base. The male subject was arrested in Tennessee and was picked up by Chief Beddingfield and Officer Anton. The male subject is now awaiting trial.

Chief Beddingfield said the remodeling of the communication center is coming along very well. Chief Beddingfield thanked Mr. Harry Buckner and the public works staff for helping the police department with this remodel project.

Chief Beddingfield said there have been some issues with COVID-19 at the police department. Three police personnel tested positive as well as two personnel having exposure. Chief Beddingfield said the entire department worked well as a team and he was appreciative of this. Chief Beddingfield thanked Mr. Kanipe and Ms. Jacobs for their assistance in helping out as well.

Chief Beddingfield reported information back to Commissioner Kelly regarding the number of miles driven by the police department in the month of July. They drove a total of 28,665 miles in the month of July and drove for 1,308 hours. Chief Beddingfield also thanked Chief Ryan Cole for getting the Town employees set up with the rapid COVID-19 testing.

Chief Ryan Cole presented the monthly report for the Skyland Fire Department. A crew returned from Eastern North Carolina where a tornado touched down. 26 homes were destroyed and many injuries occurred. Chief Cole was sent to Hyde County with an incident response team. During the storm they were redeployed to Brunswick and Bertie County. The storm did a great deal of damage. Mayor Goosmann thanked Chief Cole for all of their hard work. Commissioner Loomis also thanked Chief Cole and the staff.

Mr. Harry Buckner presented the monthly report for the Public Works Department. The size of the speed bumps on Hilltop Road was increased. Mr. Buckner said they are still waiting on chevrons to be painted but after this is done, that project will be complete. The Town received positive feedback from the neighbors.

In regards to brush pickup, the Town will have brush pickup twice a month for the entire town. Mr. Buckner said there has been good response with communicating to residents via CodeRed messaging and posting on the Town website.

The Brooklawn park project has been started. Mayor Goosmann said it is starting to look very good. Mr. Buckner said the public works staff is doing an excellent job with this.

Mr. Buckner also discussed the pedestrian bridge which is also in the works. Options will be discussed next month at the September meeting.

The Greenwood Park stream restoration is on schedule. The State verbally approved the engineering report. Stormwater master plans are almost finished. Mr. Buckner would like to wrap up easements this month. Informal bids will be conducted with invited contractors. This project will fall within informal bidding thresholds.

Mr. Buckner said they are just about done in dispatch area. There will be a contractor coming to replace the lighting in that area as well.

The sod project at Town Hall was completed. The shoulders on Brookside Road were also repaired. They will look next at Arboretum and Vanderbilt Roads.

Mr. Buckner said the Powell Bill was reported which is required by law.

Mr. Buckner said Mr. Austin Tucker will be retiring near the end of the year.

Commissioner Kelly asked about how televisions are disposed. Mr. Buckner told the Board about white goods pick up, but noted televisions are not are in a different recycling area. The County landfill may possibly take them.

Commissioner Cogburn asked when the date for white goods pickup will be. Mr. Buckner said a date has not been set yet but he was welcome to feedback from the Board as to when this should be. Mr. Kanipe suggested doing the pickup after the next newsletter goes out.

Commissioner Cogburn asked about public works employees using the Skyland Fire Department mule. Mr. Buckner said it comes in handy with various projects throughout Town.

Chief Cole said the more it is driven, the better it is. Chief Cole had no problem with the public works employees using the mule. Commissioner Cogburn thanked Mr. Buckner.

Mayor Goosmann thanked Mr. Buckner for the detailed report and appreciated Mr. Buckner.

Mr. Kanipe and the Board reviewed the existing sign ordinance. A Supreme Court ruling in 2015 changed how local governments regulate speech related to signage. Mr. Kanipe suggested amending the sign ordinance to comply.

Mr. Clarke said one can have reasonable regulation as to the size, placement, and location of a sign; and as to whether signs are lighted, electric, or temporary. These type of things, like keeping signs out of the public right-of-way or thirty feet back, are reasonable. There are regulations of political signs as to where they can be placed and the time limit. When one starts regulating content of a sign, it becomes more problematic and is subject to strict scrutiny which means there has to be a compelling governmental interest to regulate the sign. Mr. Clarke stated it is reasonable to allow when political signs can be displayed. Mr. Clarke suggested defining political signs as being part of an election. Mr. Clarke emphasized that the sign ordinance should state something such as, “one cannot regulate signs based on content.” Mayor Goosmann asked if the number of political signs can be regulated. Mr. Clarke said the number of signs can be regulated. Also, social issue signs cannot be prohibited.

Commissioner Cogburn suggested the sign distance be limited to a certain distance with all signs. Commissioner Cogburn emphasized she would like to see consistency of all signs being placed within a certain distance.

Mr. Kanipe discussed the review of potential changes to the Town brush ordinance. Mr. Kanipe showed the Board the potential proposed changes. Mr. Buckner said none of the changes are changing what staff does it just more accurately defines odds and ends to make this system more organized.

Mayor Goosmann suggested May and June may be a better time for bi-monthly brush pickup. Mr. Buckner agreed. Commissioner Loomis suggested not putting the months of pickup in the ordinance but leave it up to the discretion of the public works director and town manager as to when it needs to be picked up. Also, residents will be notified ahead of time as to when this will occur. Commissioner Cogburn also agreed and said that in event of a storm, a notice will be sent out for when brush pickup will occur.

Commissioner Loomis asked Mr. Buckner about where the brush should be placed in writing stating “no more and no less than.” Commissioner Loomis also suggested addressing pickup of Christmas trees in the ordinance. Mr. Buckner and Mr. Kanipe agreed.

The next topic of discussion was a zoning ordinance review related to Chapter 160-D implementation. Mr. Kanipe said these are required statutory changes. The dates have fluctuated and the first phase was going to be January 2021 which has now changed to August 1, 2021. The second timeline for the adoption of the Comprehensive Plan is July 1, 2022. Mr. Kanipe discussed this with Mr. Clarke, and their recommendation is to work on these two plans simultaneously. Mr. Clarke said a Comprehensive Plan has to be done in order for the Zoning Ordinance to be valid. Mr. Clarke also said the Planning Commission also has to be involved in this process as well in developing the Comprehensive Plan.

Mr. Jonathan Kanipe discussed the COVID-19 report. Governor Cooper extended phase two to September 11, 2020. The State authorized a second round of coronavirus relief funds to the Counties. Buncombe County will distribute on the same basis as the first round. \$42,310 will be received from the County. Requests must be submitted by August 21, 2020. The request for this round will include improvements to air circulation to public buildings, touchless door access, remote meeting infrastructure, and personnel expenses related to COVID-19.

The Town did not receive the clean diesel grant most likely due to how little the vehicles are driven. The Town is continuing to strive for grants for electric vehicle charging stations.

The Greenwood parks stream restoration is going well and going quickly. The slate roof repair at the police department should occur within the next two weeks. The repair will be done on the back of the building above Chief Beddingfield's office once the roof work is completed. Reliant Environmental has already performed their inspection. They have also looked at the other offices and found those to be ok.

Mr. Kanipe said dog waste is being placed in the road and would like to find locations centrally located within Town to put dog waste stations.

Commissioner Cogburn discussed speed bumps and Mr. Hyler's request of the Board several months ago. Mr. Hyler asked for consideration of speed bumps halfway down the hill on Stuyvesant Road between Hilltop and Southwood Roads. Mr. Hyler was concerned about the safety of residents. Mr. Buckner suggested having a more formal process for these requests. Commissioner Kelly was in favor of Mr. Buckner's suggestion. Commissioner Loomis said it would be a good to have a traffic study conducted as well.

The Consideration of Order for Tax Settlement for FY19-20 was presented.



**TAX COLLECTOR
ANNUAL SETTLEMENT
FY 2019-2020**

August 04, 2020

Pursuant to the provisions of NCGS 105-373, the following is the Tax Collector's Report of Settlement for 2019 taxes for Fiscal Year 2019-20 as of August 4th, 2020.

2019 Levy from Scroll (Real & Personal Property Tax)	2,645,380
Exemptions, Releases & Deferrals	(27,047)
Afterlist	
Public Service Companies	17,144
2019 Total Levy	2,635,477
Penalties, Cost & Interest	4,168
2019 Total Charges	2,639,645
Collected (2019 Real & Personal)	2,633,650
Uncollected (2019 Real & Personal)	5,995.31
Percentage of Levy Collected	99.773%
Prior Years Collected During Period	1,089
Overpayments/Prepayments	805

List of 2019 Delinquent Taxes - Real Property		
Bacon, Natalie Whiteman	964774334900000	3,695.93
Berry, Adam B	964694686500000	898.60
Pankow, John Field	964774933200000	1,151.46
Rector, Judith Eller	965608142100000	249.31

Total Delinquent Taxes by Year					
Year	2011	2012	2014	2015	2016
Amount	52.69	172.67	19.44	259.03	38.05

NCGS 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body as required by statute.

Commissioner Loomis made a motion to approve the Tax Collector Annual Settlement for FY 2019-2020. Commissioner Kelly seconded the motion. Roll call was taken by the Town Clerk. The motion was approved unanimously.

Consideration of Order for Tax Collection for FY 2020-21 was presented.



ORDER OF COLLECTION

State of North Carolina
Town of Biltmore Forest

Order of the Board of Commissioners
Pursuant to NCGS 105-321 for the
Collection of 2020 and Prior Years' Taxes

To the Tax Collector of the Town of Biltmore Forest:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Administration and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Biltmore Forest, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 11th day of August, 2020:

George F. Goosmann, III
Mayor, Town of Biltmore Forest

Attest:

Laura Jacobs
Clerk, Town of Biltmore Forest

The Order of Collection shall be entered into the minutes of the governing body as required by statute (NCGS 105-321(b)).

A motion was made by Commissioner Kelly to approve the Order of Collection of 2020 and Prior Years' Taxes. Commissioner Cogburn seconded the motion. Roll call was taken by the Town Clerk. The motion was unanimously approved.

Mr. Kanipe discussed the requests for increased traffic control devices on Cedarcliff Road. The majority of residents said they would like to see two additional stop sign on Cedarcliff Road at the intersection of Forest Road. Mr. Buckner said the residents have a legitimate concern. The majority of the issue are visitors to the Biltmore Estate that arrive at the Bell Gate thinking they have access to the Biltmore Estate. There are only two signs directing Biltmore Estate traffic in Town. Mr. Buckner said the majority of the issue would be solved if Apple Maps would respond like Google Maps by leading visitors in the correct direction. Mr. Buckner said putting in stop signs may not be the most helpful thing to do. The best thing to do right now would be to continue to work with Apple Maps and the Biltmore Estate. Commissioner Loomis agrees with Mr. Buckner and the information Mr. Buckner provided to the Board was persuasive. Commissioner Loomis wanted others to know that Mr. Buckner is being responsive about this issue. Commissioner Loomis suggested everyone get together and have a meeting about this in person. Commissioner Kelly agreed.

Public Comment

Mr. Richard and Ms. Judith Pigossi submitted a public comment encouraging the Town to support the City of Asheville's resolution regarding reparations. Mr. Kanipe stated Mr. and Ms. Pigossi had agreed to help lead community interest on this issue.

Mayor Goosmann adjourned the meeting at 5:58 p.m.

ATTEST:

Ms. 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

Biltmore Forest Valley Springs Station

Incident Response

August 2020

Station: 4 - BILTMORE FOREST STATION	
111 - Building fire	1
113 - Cooking fire, confined to container	2
311 - Medical assist, assist EMS crew	3
321 - EMS call, excluding vehicle accident with injury	4
322 - Motor vehicle accident with injuries	1
324 - Motor vehicle accident with no injuries.	1
400 - Hazardous condition, other	3
554 - Assist invalid	2
571 - Cover assignment, standby, moveup	1
600 - Good intent call, other	1
611 - Dispatched & cancelled en route	3
622 - No incident found on arrival at dispatch address	1
711 - Municipal alarm system, malicious false alarm	1
733 - Smoke detector activation due to malfunction	1
736 - CO detector activation due to malfunction	1

Incidents for 4 - Biltmore Forest Station: 26

Respectfully Submitted,

Ryan M. Cole
 Chief Ryan M. Cole
 Skyland Fire Rescue

BILTMORE FOREST POLICE DEPARTMENT
Department Head Report
September 8th, 2020 Board of Commissioners Meeting
Chris Beddingfield, Police Chief

Police Dept. Monthly Report 08/01/20-08/31/20

Calls for Service: 730

Officers responded to the following calls for service:

Accident - 3	Accident - PI - 0
Alarm - 22	Animal Carcass - 1
Assist EOC – 6	Assist Motorist - 5
Assist Other Agency - 8	Assist Resident - 9
Bear Report - 3	Business Check - 133
Crime Prev. – 24	Chase- 0
Direct Traffic – 1	Distressed Animal - 3
Disturbance - 4	Dog Complaint - 3
Domestic disturbance-0	Fire – 0
Fight- 0	Gun fire/Shots fired - 4
Hit and Run – 0	House Check - 101
Improper Parking- 6	Incomplete 911- 1
Investigation – 6	Intoxicated Driver- 0
Mental Patient - 0	Missing Person - 0
Noise Disturbance – 2	Ordinance Violation - 18
Person Down – 0	Power Outage - 1
Radar Operation – 30	Road Blocked - 8
Service of Car - 2	Sign Ord Violation - 2

Special Assignment – 1	Special Check - 14
Speed/Reckless Driving- 1	Suspicious Person - 19
Suspicious Vehicle – 36	Vandalism - 0
Vehicle Stop – 51	Well-being Check – 5

Total Number Of Calls: 730

Arrests:

1-Felony Arrest-Possession of Methamphetamine and Marijuana. Possession of drug paraphernalia. This was the result of a traffic stop.

1-Misdemeanor Arrest- One arrest on outstanding warrants for Larceny and Trespassing. This was the result of a traffic stop.

Time Consumption Summary:

Approximations

Business Checks- 7 hours

House Checks- 4 hours

Radar Operation- 24 hours

Vehicle Crash Investigation- 4 hours

Notable Calls and Projects:

Several reports of vehicles being gone through. All of these vehicles were left unlocked and unsecured. We have sent out several informational bulletins reminding residents to secure their vehicles at night. We have upped both foot and vehicle patrols in these areas. We have developed a suspect and are working toward charges.

Communication Center remodel is very close to completion. Looks amazing and we are excited to move in.

Several issues in town of someone leaving notes on the doors of numerous residences. We have increased high visibility patrols in response to this.

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

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

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

A handwritten signature in dark ink, appearing to read "HBB", is written over the name Harry B. Buckner.

Re: Public Works Department August 2020 Monthly Report

Date: September 4, 2020

Recurring Activities:

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

- Collected 34.98 tons of garbage.
- Diverted 18.43 tons of recycled goods from garbage.
- Picked up 25 loads of brush (approximately 750 cubic yards) over 12 days.
- Responded to 36 utility locate requests.
- Visited 11 residences for Tree Inspections, approving the removal of 30 trees.
- Completed daily chlorine residual tests across town and passed the required two bacteriological tests.
- The Public Works facility is cleaned weekly by staff.
- Used the Beacon/Badger Meter automated meter reading system to monitor for water leaks daily and informed residents of suspected leaks.
- We continue to perform litter pick-ups daily and blow the streets clean as needed.
- We are mowing the parks, entryways, and islands as needed, now that growth has slowed from the heat.
- We are mowing and trimming the road shoulders as needed.

Coronavirus (COVID-19) Related Activities:

- The Town's buildings remains closed to the public, but the playgrounds will be opened September 5th.

- We are continuing to track any additional costs and activities associated with complying with the COVID-19 response effort.
- We are logging employee temperatures and keeping self-reporting documents daily.

Miscellaneous Activities in August

- Our two new employees, Cody Bartlett and John Divello have been added to the on-call roster.
- Work has continued on the street condition assessment, however, I am behind schedule completing the report due to unforeseen maintenance activities requiring my attention. I anticipate completing the assessment in the month of September.
- Town staff replaced approximately 80 feet of storm drain and a drop inlet fronting 10 Buena Vista.
- Town staff repaired a failed joint on a storm drain and sinkhole at 124 Stuyvesant.
- Town staff repaired a collapsed storm drain pipe and sinkhole at 105 Stuyvesant.
- The Metropolitan Sewerage District is completing a basin-wide study that encompasses the Town and Biltmore Estate area. This includes extensive smoke testing, some cleaning and jetting of the system, and performing point repairs as necessary. I have made contact with both the smoke testing crew and the repair crew this month, and reached out to the Maintenance Director to establish a good line of communication.
- I have completed the Class B Water Distribution license review course and submitted my application to take the exam on September 29th.
- Staff has completed miscellaneous repairs in the parks.
- Re-painting the fire hydrants continues.
- I have completed some initial training, with more to continue, on the new work order and asset management software package. I am currently working with the DSI on-boarding team to collect and enter basic data to establish the initial set-up. This will likely continue for an additional one to two months.
- Our connections at Duke Power have proven beneficial and they have completed repairs to correct the long standing issue with the street light at Forest and East Forest. The light at Vanderbilt and Hendersonville Rd was also evaluated, and the ballast needs to be bypassed and converted to LED by our staff.
- On September 3, Town staff completed the removal of the exposed rebar posts in the existing split-rail fence along Brookside Road.
- We repaired five water meters that were not connecting to the automatic meter reading system, and are continuing to troubleshoot additional installations as time allows.
- We completed a full evaluation and routine maintenance repairs on the Town Hall slate and flat roof, and the Police Department slate roof. This should have repaired any active leaks in these two buildings. As a part of those repairs, additional maintenance has been identified, and we are working on a repair schedule and budget with the roofing company.

- Completed manual water meter readings and assisted with the semi-monthly water billing.
- The installation of the conference room meeting equipment in the Public Works building was completed.
- Manager Kanipe and I have begun assessing the needs of the department in light of Mr. Tucker's upcoming retirement. We are compiling the desired skillset for that position so we can evaluate both our existing resources, and identify any needed skills we would like to cover in the department.

Larger/Capital Projects Updates

Brush Ordinance Compliance

Double brush pick-ups will continue through September, and we are using the Code Red system to notify registered residents of the schedule. Compliance seems to be generally improving, but we are continuing to field quite a few calls regarding clarifying the schedule.

Manager Kanipe and I completed a thorough round of recommended edits and clarifications to the brush ordinance, and there is a separate agenda item for more detailed discussion.

Area 4 Stormwater Project – Sinkhole at Cedar Hill Drive.

The Consultant has completed easement plats for the necessary easements and we have received verbal agreement from the property owners regarding them. The Town Attorney is still preparing formal easement documents for signature and recording. I have started a short list of contractors to invite to perform the work. The consultant has provided an updated project cost estimate. We are moving forward with the proposed schedule of inviting bidders and obtaining bids during the month of September; bringing a recommendation of Award to the Board at the November meeting, and completion of the work before Christmas. There is a separate agenda item for this topic.

Brooklawn Park Improvements and Bridge Replacement

The Public Works crew has been quite busy with other maintenance activities in August, so we have not been able to continue our clean-up of the park as planned. As time allows, we will continue the current approach of reclaiming the park.

I have attached a copy of the consultant's feasibility report for the replacement pedestrian bridge and have requested a separate agenda item for a broader discussion and review of that information to occur at the October meeting.

Cedarcliff Road Traffic Analysis and Changes

As a follow-up to last month's update on this item, we are still preparing communication with the Cedarcliff Road residents, and planning the implementation of the approved activities from the last Board meeting. As a summary, the approved recommendation were as follows:

- Requesting the police department increase speeding enforcement activities along Cedarcliff Road. <COMPLETED>
- Adding an additional 25mph speed limit sign midway between the Bell Gate and the Cedarcliff and Forest intersection for traffic departing the Bell Gate.
- Relocation of the digital speed sign on Cedarcliff to the proposed new speed limit sign to provide feedback to traffic leaving the Bell Gate.
- Additional, more conspicuous directional signage at the intersections of Cedarcliff and Vanderbilt, and Busbee and Vanderbilt directing Estate visitors to the main entrance.
- Continue frequent reporting directly through the Apple Maps app error reporting feature until the routes are corrected, including requesting the Estate to spearhead efforts with Apple Maps.

Please continue to report any incorrect GPS routing to the mapping companies.

Police Department Dispatch Area Renovations

All renovations to this area are complete, and since last month we also had additional mold remediation performed, repairs to the HVAC system completed, repairs to the slate roof completed, with additional repairs needed identified, and updated some of the computer equipment in the facility. In September, we will finish acquiring the new technology for the space, and move forward with the improvements to the teller window.

Greenwood Park Stream Restoration

No new activity this month. Project remains on-schedule.

Hilltop Road Speed Hump Installation

This project was completed in early August.

Upcoming in September

- We will complete the manual reading of the few meters that are not reporting through the automatic system, and continue troubleshooting these locations.
- Continue road shoulder repairs. The next area of focus will be the area of standing water along the intersection of Arboretum and Vanderbilt.
- Complete the Pavement Condition Rating study and street asset inventory.
- Complete the staffing and transition plan to prepare for upcoming changes in personnel.
- Continue set-up and deployment of the automated work order and asset management system. Additional updates will be provided to the Board once the software is up and running, but before implementation at scale.
- Continue brush and debris removal from Brooklawn Park. Schedule a public feedback meeting.
- Successfully complete my B-Water Distribution System license exam.
- We are sending two employees to school (online) to obtain their pesticides licenses.

- We will be replacing the toddler and infant swings in the parks.
- As always, I continue to request direct Board feedback on general appearance and maintenance items throughout the Town. I welcome any contact from you identifying areas needing extra attention or areas we may have inadvertently overlooked. I am happy to answer any questions and make sure your concerns, if any, are addressed.

As always, we welcome your feedback on the activities of the Public Works department.

August 21, 2020

Mr. Harry Buckner, P.E.
Director of Public Works
Town of Biltmore Forest
355 Vanderbilt Drive
Asheville, North Carolina 28803

RE: Brooklawn Park Pedestrian Bridge
Feasibility Analysis
Biltmore Forest, North Carolina

Mr. Buckner:

McGill Associates has completed the feasibility analysis of the Brooklawn Park pedestrian bridge. The proposed pedestrian bridge is located between Brookside Road and Hemlock Road within the Town of Biltmore Forest. McGill Associates conducted a site visit on August 3, 2020 to evaluate the existing conditions at the site. Currently there is an existing 27' long wooden framed bridge in the park to cross Fourmile Creek. The existing bridge has served the community for several years, however, the bridge is currently in an unsafe condition due to rotting decking and streambank erosion. The streambank has eroded to the end of the main timbers/poles that support the bridge and it could fail at any time. Currently the bridge is barricaded to block pedestrian traffic and we recommend that it remain barricaded.

The site was evaluated and due to floodplain width and streambank width it was determined that most suitable location for the proposed bridge is in the same location as the existing bridge. The proposed bridge will be elevated to have a low chord elevation of 2080' to provide 2' of vertical separation from the base flood elevation of 2078'. Raising the proposed bridge to provide vertical separation from the 100-year flood event will lower flood velocities under the bridge, reduce the amount of streambank and channel scour, and prevent lateral flood loads. The proposed bridge will be 50 linear feet clear span. This will allow approximately 12.5' between the abutment and the streambank to allow for future channel erosion. Two widths were evaluated, 6 feet and 8 feet. The 6' option provides a more cost-effective option while the 8' option allows a 72" mower to pass across the bridge for ease of property maintenance. An existing condition plan that shows the location of the existing bridge and a conceptual site plan that shows the location and size of the proposed bridge is attached to this report.

Two separate styles of bridges in two different widths were evaluated in this analysis, a timber frame, site-built bridge that was based off of a USFS standard trail bridge and a prefabricated, weathering steel bridge. The timber frame, site-built bridge cost estimate is approximately \$120,600 for the 6' width and \$135,300 for the 8' with. The prefabricated steel bridge cost estimate is approximately \$143,400 for the 6' width and \$154,500 for the 8' width. These costs include supply of all materials, fabrication, installation, engineering, design, bidding & award, and construction administration for the project. Although the timber frame bridge is a lower initial cost, the prefabricated steel bridge will provide a longer service life and will have a reduced cost of maintenance for the life of the bridge. Additionally, the timber frame bridge is

approximately 28" tall from the low chord elevation to the bridge deck. The pre-fabricated steel bridge is 9.5" tall from the low chord to top of deck. This would result in the timber frame bridge deck being approximately 6' above the adjacent ground and the pre-fabricated steel bridge deck would be approximately 4' above the adjacent ground. The timber frame bridge will require a greater length ramp to make up the elevation difference from existing grade to the proposed deck elevation. If the Town decides to further develop the park in the future and pave the ramps, they would most likely be required to be compliant with the Americans with Disabilities Act (ADA). This would result in an approximately 72 linear feet ramp for the timber frame bridge and 48 linear feet ramp for the prefabricated steel bridge. Cost estimates for both types of bridges in 6' and 8' widths are attached to this report.

In order to complete the project the following items will be required: Surveying of existing topography and existing bridge, geotechnical evaluation of existing soils, structural design of abutments, site design and construction plan creation, no-rise hydraulic study and associated permitting, construction documents, bidding and award, and construction. While a no-rise hydraulic study is not a common project cost, it is required due to the proposed construction being located within the non-encroachment area of Fourmile Brach as delineated by the National Flood Insurance Program (NFIP) on map panel 9646 of the Flood Insurance Rate Map (FIRM). The Code of Federal Regulations (44 CFR Section 60.3(d)(3)) states that a community shall "prohibit encroachments, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge." In order to comply with this regulation, the local floodplain administrator must be provided a certification and supporting hydraulic modeling prepared by a professional engineer. The submittal requirements for the certification of a no-rise study are as follows: Effective Model, Duplicate Effective Model, Corrected Effective Model, Existing Conditions Model, Proposed Conditions model, project narrative, topographic workmap, cross section plots, property survey, and the no-rise certification. An estimate of these services has been included on the project estimates.

Thank you for the opportunity to work with the Town of Biltmore Forest. Please call should you have any questions regarding the above information or if you need additional information.

Sincerely,
McGILL ASSOCIATES, P.A.

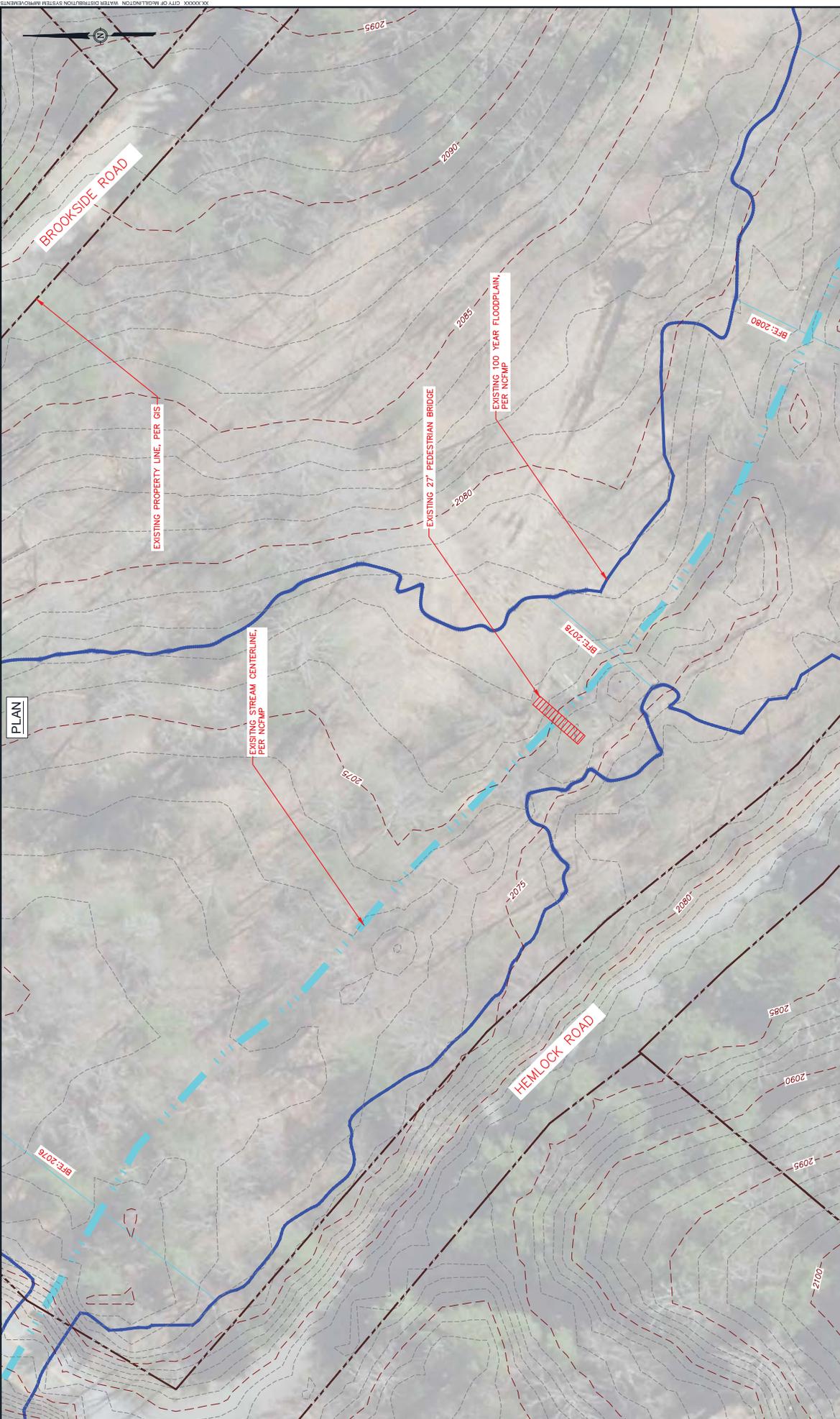


Ben Cathey, PE
Practice Area Leader

Enclosure

cc: Mark Cathey, PE, McGill Associates, PA

P:\2019\19.00155-BiltmoreForNC-On-Call Municipal Stormwat\Design\Reports & Planning\HBAug2020 Brooklawn Park Pedestrian Bridge.docx



PLAN

SHEET
CE-101

EXISTING CONDITIONS

DATE: AUGUST, 2020
PROJECT #: 19-00155
FOODING#: N/A

OFFICE MANAGER: M. CATHEY
PROJECT MANAGER: B. CATHEY
DESIGNER: A. WALDRUP
REVISOR: B. CATHEY

**BROOKLAWN PARK PEDESTRIAN BRIDGE
FEASIBILITY ANALYSIS**

TOWN OF BILTMORE FOREST
BUNCOMBE COUNTY, NORTH CAROLINA

NO.	DATE	BY	DESCRIPTION

FOR REVIEW ONLY

mcgill

55 Broad Street
Asheville, NC 28801
828.252.0275
NC Firm License # C-0459
mcgill.usd.com



**Timber Frame Construction Cost Estimate
50'x6'**

ITEM #	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL AMOUNT
GENERAL					
1	Mobilization/General Requirements	LS	1	\$2,500.00	\$2,500.00
2	Restoration of Surfaces	LS	1	\$2,000.00	\$2,000.00
3	Timber Frame Bridge (50' x 6')	LS	1	\$40,000.00	\$40,000.00
4	Concrete Abutments	LS	1	\$10,000.00	\$10,000.00
5	Demolish and Remove old Bridge	LS	1	\$2,000.00	\$2,000.00
6	Tree Cutting and Trimming	LS	1	\$3,500.00	\$3,500.00
7	Fine Grading	LS	1	\$4,500.00	\$4,500.00
8	CABC Stone	Ton	20	\$50.00	\$1,000.00
CONSTRUCTION SUBTOTAL					\$65,500.00
CONTINGENCY (20%)					\$13,100.00
SOFT COSTS					
9	Geotechnical Engineering	LS	1	\$3,000.00	\$3,000.00
10	Structural Engineering	LS	1	\$4,000.00	\$4,000.00
11	Construction Plans and Documents	LS	1	\$8,000.00	\$8,000.00
12	No-Rise Study & Permitting	LS	1	\$12,500.00	\$12,500.00
13	Survey	LS	1	\$3,500.00	\$3,500.00
14	Bidding & Award (informal)	LS	1	\$5,000.00	\$5,000.00
15	Construction Administration	LS	1	\$6,000.00	\$6,000.00
SOFT COST SUBTOTAL					\$42,000.00
TOTAL PROJECT COST					\$120,600.00
NOTES:					
1. The ENGINEER maintains no control of labor costs, materials, equipment or services furnished by others, the Contractor(s)' methods for determining prices, or competitive or market conditions. The estimates herein for project and construction costs represent the ENGINEER'S best judgment, and are based on his experience and qualifications as a Professional Engineer who possesses familiarity with the construction industry. The ENGINEER does not guarantee the accuracy of the cost estimates, which may vary from bids or actual project and construction costs.					



**Timber Frame Construction Cost Estimate
50'x8'**

ITEM #	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL AMOUNT
GENERAL					
1	Mobilization/General Requirements	LS	1	\$2,500.00	\$2,500.00
2	Restoration of Surfaces	LS	1	\$2,000.00	\$2,000.00
3	Timber Frame Bridge (50' x 8')	LS	1	\$48,000.00	\$48,000.00
4	Concrete Abutments	LS	1	\$13,000.00	\$13,000.00
5	Demolish and Remove old Bridge	LS	1	\$2,000.00	\$2,000.00
6	Tree Cutting and Trimming	LS	1	\$3,500.00	\$3,500.00
7	Fine Grading	LS	1	\$5,500.00	\$5,500.00
8	CABC Stone	Ton	25	\$50.00	\$1,250.00
CONSTRUCTION SUBTOTAL					\$77,750.00
CONTINGENCY (20%)					\$15,550.00
SOFT COSTS					
9	Geotechnical Engineering	LS	1	\$3,000.00	\$3,000.00
10	Structural Engineering	LS	1	\$4,000.00	\$4,000.00
11	Construction Plans and Documents	LS	1	\$8,000.00	\$8,000.00
12	No-Rise Study & Permitting	LS	1	\$12,500.00	\$12,500.00
13	Survey	LS	1	\$3,500.00	\$3,500.00
14	Bidding & Award (informal)	LS	1	\$5,000.00	\$5,000.00
15	Construction Administration	LS	1	\$6,000.00	\$6,000.00
SOFT COST SUBTOTAL					\$42,000.00
TOTAL PROJECT COST					\$135,300.00
NOTES:					
1. The ENGINEER maintains no control of labor costs, materials, equipment or services furnished by others, the Contractor(s)' methods for determining prices, or competitive or market conditions. The estimates herein for project and construction costs represent the ENGINEER'S best judgment, and are based on his experience and qualifications as a Professional Engineer who possesses familiarity with the construction industry. The ENGINEER does not guarantee the accuracy of the cost estimates, which may vary from bids or actual project and construction costs.					



**Pre-fabricated Bridge Construction Cost Estimate
50' x 6'**

ITEM #	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL AMOUNT
GENERAL					
1	Mobilization/General Requirements	LS	1	\$2,500.00	\$2,500.00
2	Restoration of Surfaces	LS	1	\$2,000.00	\$2,000.00
3	Pre-Fabricated Bridge (50' x 6')	LS	1	\$50,000.00	\$50,000.00
4	Bridge Installation	LS	1	\$10,000.00	\$10,000.00
5	Concrete Abutments	LS	1	\$10,000.00	\$10,000.00
6	Demolish and Remove old Bridge	LS	1	\$2,000.00	\$2,000.00
7	Tree Cutting and Trimming	LS	1	\$3,500.00	\$3,500.00
8	Fine Grading	LS	1	\$3,500.00	\$3,500.00
9	CABC Stone	Ton	20	\$50.00	\$1,000.00
CONSTRUCTION SUBTOTAL					\$84,500.00
CONTINGENCY (20%)					\$16,900.00
SOFT COSTS					
10	Geotechnical Engineering	LS	1	\$3,000.00	\$3,000.00
11	Structural Engineering	LS	1	\$4,000.00	\$4,000.00
12	Construction Plans and Documents	LS	1	\$8,000.00	\$8,000.00
13	No-Rise Study & Permitting	LS	1	\$12,500.00	\$12,500.00
14	Survey	LS	1	\$3,500.00	\$3,500.00
15	Bidding & Award (informal)	LS	1	\$5,000.00	\$5,000.00
16	Construction Administration	LS	1	\$6,000.00	\$6,000.00
SOFT COST SUBTOTAL					\$42,000.00
TOTAL PROJECT COST					\$143,400.00
NOTES:					
1. The ENGINEER maintains no control of labor costs, materials, equipment or services furnished by others, the Contractor(s)' methods for determining prices, or competitive or market conditions. The estimates herein for project and construction costs represent the ENGINEER'S best judgment, and are based on his experience and qualifications as a Professional Engineer who possesses familiarity with the construction industry. The ENGINEER does not guarantee the accuracy of the cost estimates, which may vary from bids or actual project and construction costs.					



**Pre-fabricated Bridge Construction Cost Estimate
50'x8'**

ITEM #	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL AMOUNT
GENERAL					
1	Mobilization/General Requirements	LS	1	\$2,500.00	\$2,500.00
2	Restoration of Surfaces	LS	1	\$2,000.00	\$2,000.00
3	Pre-Fabricated Bridge (50' x 8')	LS	1	\$55,000.00	\$55,000.00
4	Bridge Installation	LS	1	\$10,000.00	\$10,000.00
5	Concrete Abutments	LS	1	\$13,000.00	\$13,000.00
6	Demolish and Remove old Bridge	LS	1	\$2,000.00	\$2,000.00
7	Tree Cutting and Trimming	LS	1	\$3,500.00	\$3,500.00
8	Fine Grading	LS	1	\$4,500.00	\$4,500.00
9	CABC Stone	Ton	25	\$50.00	\$1,250.00
CONSTRUCTION SUBTOTAL					\$93,750.00
CONTINGENCY (20%)					\$18,750.00
SOFT COSTS					
10	Geotechnical Engineering	LS	1	\$3,000.00	\$3,000.00
11	Structural Engineering	LS	1	\$4,000.00	\$4,000.00
12	Construction Plans and Documents	LS	1	\$8,000.00	\$8,000.00
13	No-Rise Study & Permitting	LS	1	\$12,500.00	\$12,500.00
14	Survey	LS	1	\$3,500.00	\$3,500.00
15	Bidding & Award (informal)	LS	1	\$5,000.00	\$5,000.00
16	Construction Administration	LS	1	\$6,000.00	\$6,000.00
SOFT COST SUBTOTAL					\$42,000.00
TOTAL PROJECT COST					\$154,500.00
NOTES:					
1. The ENGINEER maintains no control of labor costs, materials, equipment or services furnished by others, the Contractor(s)' methods for determining prices, or competitive or market conditions. The estimates herein for project and construction costs represent the ENGINEER'S best judgment, and are based on his experience and qualifications as a Professional Engineer who possesses familiarity with the construction industry. The ENGINEER does not guarantee the accuracy of the cost estimates, which may vary from bids or actual project and construction costs.					

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P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Town Manager's Monthly Report

Date: September 4, 2020

Covid-19 Update

On Tuesday, September 1st, Governor Cooper announced that the State would move into Phase 2.5 of reopening. For the Town, the practical changes include the ability to open outdoor playgrounds. Staff intends to remove the temporary orange fencing from these playgrounds on Friday, September 5. The Governor's executive order also increased the maximum allowable size for indoor gatherings from 10 persons to 25 persons. The Town is reviewing our ability to safely provide social distancing before re-opening any public facilities. As noted in the budget amendment, the Town has received two disbursements from Buncombe County related to Covid-19 expenditures. I submitted a proposal for the second round of funding (just over \$40,000) that includes air purification, PPE, additional testing resources, and personnel expenditures.

Greenwood Park Stream Restoration Project

The Town's consultant continues work on the final design and bid specifications for this project. These are due to the State by November 2. We anticipate no difficulties with making this deadline, and staff will continue to keep the Board informed as we move closer to this date and more tangible portions of this project.

Town Action Regarding Employee Social Security Tax Deferral

On August 8, 2020, President Trump issued an executive order authorizing employers to defer withholding and deposit of the employee portion of the social security tax. Town staff began researching this issue at the time and attempted to find guidance related to the proposed implementation. On Friday, August 28, 2020, the IRS released guidance related to this issue before it was effective on Tuesday, September 1, 2020. The guidance was short, but stated the program was voluntary for employers, applied to those making less than \$4,000 on a bi-weekly basis, and the funds would be treated as a deferral, not a waiver. In other words, the bill becomes due after January 1, 2021.

While the employee is responsible for repaying this deferred amount, the employer (the Town) is responsible for collecting. In essence, if the Town opted in to this program we would defer employee's portions of this tax for three months and would then DOUBLE tax them for the first quarter of 2021 in order to recoup and pay these funds back to the Treasury. If for some reason an employee was no longer with the Town, the Town would then be obligated to pay that person's portion of the tax as well.

For the above reasons, and due to the administrative hurdles not even addressed herein (having a separate payroll module created for our accounting system, for starters) I made the decision for the Town not to participate in this deferral program. If Congress enacts a law approving a waiver of these taxes or otherwise making payroll tax adjustments, we will certainly proceed as necessary and perform those actions that will then be required by law. If you have any questions regarding my decision in this regard, or other concerns, please let me know. There are no other local governments within Buncombe County participating in this program and no known local governments in North Carolina that are enacting this deferral.

Additional Repairs at Police Department

The Town continues to make necessary repairs within the Police Department building not associated with the improvements recently finished in the dispatch center. As you recall, the Chief's office began experiencing a leak in mid-July along an exterior wall. Benton Roofing was on site two weeks ago and placed a temporary repair in this area. We are awaiting their overall quote for maintenance on the entirety of the Police Department roof. After this repair was completed, Reliant Environmental removed the section of sheet rock that had water damage and this will be replaced within the next week. Reliant Environmental also performed the mold remediation that was found on the HVAC diffusers in the drop ceiling in the dispatch area last month. A separate HVAC vendor came out to make repairs that should keep this from occurring in the future. Additionally, the hot water heater in the basement of the Police Department broke resulting in that replacement this week.

Police Vehicles

The two police vehicles approved by the Town for the FY21 budget have a production date of mid-September. We hope these vehicles are delivered to the Town by late October. The Town has sold one of the two vehicles authorized for disposal on GovDeals. The 2014 Ford Explorer returned an auction price of \$5,850.



Monthly Financial Report

August 2020

CASH ACCOUNTS

First Citizens Money Market Checking	343,333.52
NCCMT General Fund Term	2,417,889.57
NCCMT General Fund Government	242,049.38
NCCMT Water Fund Government	97,524.71
TOTAL	3,100,797.18

FIRST CITIZENS CHECKING (Monthly Transaction Report)

Beginning Balance	316,140.46
Cleared Checks	(58,650.28)
Cleared Deposits	40,297.11
Cleared Credits	268,919.04
Cleared Debits	(100,752.40)
Cleared E-payments	(117,826.68)
Change in Account Balance	31,986.79
Prelim balance	348,127.25
Outstanding Items	(4,793.73)
Ending Balance (F/L Balance)	343,333.52

2020 PROPERTY TAXES

Tax bills were mailed on Tuesday, August 25, 2020. Public service companies will be billed upon receipt of the certification from the NC Department of Revenue (mid-September).

2019 PROPERTY TAXES

Real Property	762,223,010
Personal Property (Including BUS & IND)	6,858,227
Personal Property (Public Service Companies)	
Total Assessed	769,081,237
Total Levy	2,653,330
Budgeted Levy	2,638,767

NORTH CAROLINA CASH MANAGEMENT TRUST

GENERAL FUND Government

Beginning Balance	483,656.90
Local Gov't Distribution (NCDOR)	8,381.63
Transfer to First Citizens Checking	(250,000.00)
Interest Earned	10.85
Ending Balance	242,049.38

GENERAL FUND Term

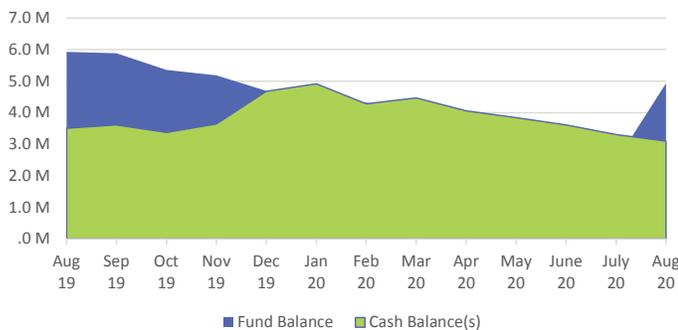
Beginning Balance	2,417,752.52
Interest Earned	137.05
Ending Balance	2,417,889.57

WATER FUND Government

Beginning Balance	97,521.16
Interest Earned	3.55
Ending Balance	97,524.71

Tax Collection To Date	Percent Collected	Budgeted Levy	Amount Collected*
Ad Valorem (2020)	0.00%	2,638,767	
	0.00%	2,653,330	
DMV Ad Valorem	16.58%	101,460	16,819

13 Month Cash Flow



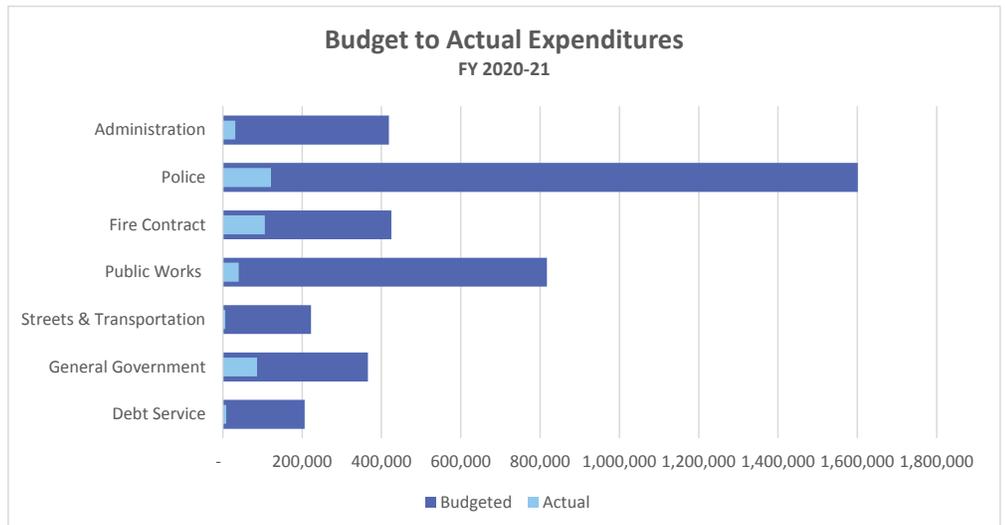
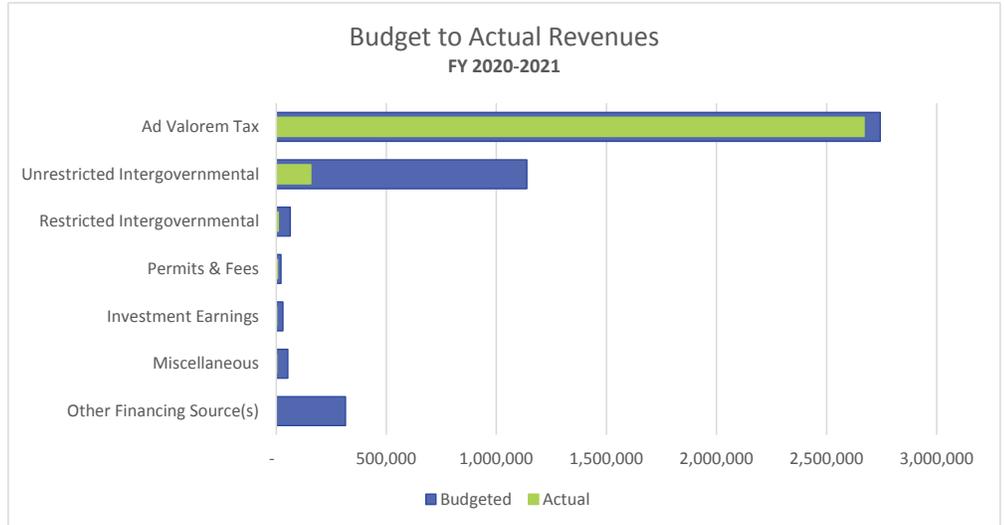
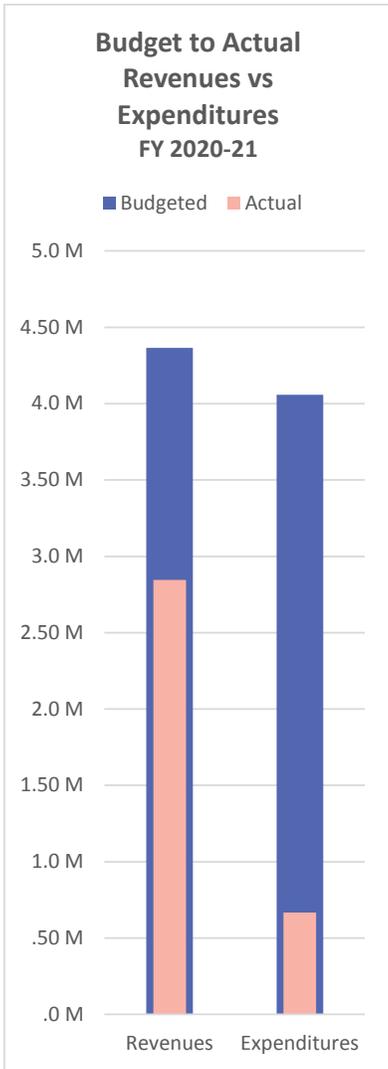
Investment Balances





Monthly Financial Report

August 2020



REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10 General Fund						
Revenue						
3010 Ad Valorem Tax Subtotal	\$2,663,108.12	\$2,670,411.12	\$0.00	\$2,743,227.00	97	
3020 Unrestricted Intergovernm Subtotal	\$83,533.76	\$157,199.05	\$0.00	\$1,138,733.00	14	
3030 Restricted Intergovernmen Subtotal	\$9,601.78	\$9,601.78	\$0.00	\$63,450.00	15	
3040 Permits & Fees Subtotal	\$1,952.00	\$6,142.00	\$0.00	\$21,400.00	29	
3050 Investment Earnings Subtotal	\$151.23	\$477.44	\$0.00	\$30,000.00	2	
3060 Miscellaneous Subtotal	\$778.33	\$1,815.36	\$0.00	\$52,645.00	3	
Revenue Subtotal	\$2,759,125.22	\$2,845,646.75	\$0.00	\$4,049,455.00	70	
Expenditure						
4200 Administration Subtotal	\$35,620.18	\$66,926.79	\$562.50	\$419,051.00	16	
5100 Police Department Subtotal	\$123,132.13	\$244,459.57	\$95,448.87	\$1,601,339.00	21	
5200 Fire Services Subtotal	\$0.00	\$106,250.00	\$0.00	\$425,000.00	25	
5600 Public Works Subtotal	\$43,095.46	\$83,086.65	\$6,666.55	\$817,263.00	11	
5700 Streets & Transportation Subtotal	\$14,975.11	\$21,471.79	\$2,875.09	\$222,446.00	11	
5800 Sanitation & Recycling Subtotal	\$23,943.89	\$39,167.59	\$0.00	\$307,182.00	13	
6600 General Government Subtotal	\$21,346.61	\$107,429.37	\$3,542.67	\$365,821.00	30	
6700 Debt Service Subtotal	\$29,905.76	\$38,548.76	\$0.00	\$206,353.00	19	
Expenditure Subtotal	\$292,019.14	\$707,340.52	\$109,095.68	\$4,364,455.00	19	
Before Transfers	Excess Of Revenue Subtotal	\$2,467,106.08	\$2,138,306.23	-\$109,095.68	-\$315,000.00	-644
Other Financing Source						
3500 Other Financing Subtotal	\$0.00	\$0.00	\$0.00	\$315,000.00	0	
Other Financing Source Subtotal	\$0.00	\$0.00	\$0.00	\$315,000.00	0	
After Transfers	Excess Of Revenue Subtotal	\$2,467,106.08	\$2,138,306.23	-\$109,095.68	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 30 WATER & SEWER

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
30 Water & Sewer Fund					
Revenue					
3290 Subtotal	\$3.55	\$9.46	\$0.00	\$1,000.00	1
3350 Commissions, Sw Chg Coll Subtotal	\$0.00	\$1,602.30	\$0.00	\$8,000.00	20
3710 Water Sales Subtotal	\$146,384.33	\$146,172.45	\$0.00	\$785,417.00	19
3730 Water Tap & Connect Fees Subtotal	\$120.00	\$2,330.00	\$0.00	\$9,000.00	26
Revenue Subtotal	\$146,507.88	\$150,114.21	\$0.00	\$803,417.00	19
Expenditure					
8100 Water Dept. Subtotal	\$20,898.63	\$21,167.22	\$0.00	\$803,419.00	3
Expenditure Subtotal	\$20,898.63	\$21,167.22	\$0.00	\$803,419.00	3
Before Transfers	Excess Of Revenue Subtotal	\$125,609.25	\$128,946.99	\$0.00	-\$2.00 ,447,350
After Transfers	Excess Of Revenue Subtotal	\$125,609.25	\$128,946.99	\$0.00	-\$2.00 ,447,350

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10 General Fund					
Revenue					
3010 Ad Valorem Tax					
10-3010-0000 AD VALOREM TAXES (PROPERTY)	2,653,349.82	2,653,349.82	0.00	2,638,767.00	101
10-3010-0100 AD VALOREM TAXES (DMV)	9,561.80	16,819.10	0.00	101,460.00	17
10-3010-0200 TAX INTEREST & PENALTIES	196.50	242.20	0.00	3,000.00	8
3010 Ad Valorem Tax Subtotal	\$2,663,108.12	\$2,670,411.12	\$0.00	\$2,743,227.00	97
3020 Unrestricted Intergovernm					
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	0.00	0.00	0.00	177,778.00	0
10-3020-0100 ALCOHOL BEVERAGE TAX	0.00	0.00	0.00	6,000.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	41,857.41	79,075.57	0.00	492,564.00	16
10-3020-0300 1/2 CENT SALES TAX A.40	19,468.63	36,320.74	0.00	191,837.00	19
10-3020-0400 1/2 CENT SALES TAX A.42	22,207.72	41,802.74	0.00	257,554.00	16
10-3020-0600 SALES TAX REFUND	0.00	0.00	0.00	10,000.00	0
10-3020-0700 GASOLINE TAX REFUND	0.00	0.00	0.00	3,000.00	0
3020 Unrestricted Intergovernm Subtotal	\$83,533.76	\$157,199.05	\$0.00	\$1,138,733.00	14
3030 Restricted Intergovernmen					
10-3030-0000 SOLID WASTE DISPOSAL TAX	247.87	247.87	0.00	950.00	26
10-3030-0100 POWELL BILL	0.00	0.00	0.00	62,500.00	0
10-3030-0300 COVID REIMBURSEMENTS	9,353.91	9,353.91	0.00	0.00	0
3030 Restricted Intergovernmen Subtotal	\$9,601.78	\$9,601.78	\$0.00	\$63,450.00	15
3040 Permits & Fees					
10-3040-0000 BUILDING PERMITS	1,947.00	6,137.00	0.00	20,000.00	31
10-3040-0100 DOG LICENSE FEE	5.00	5.00	0.00	1,400.00	0
3040 Permits & Fees Subtotal	\$1,952.00	\$6,142.00	\$0.00	\$21,400.00	29
3050 Investment Earnings					
10-3050-0000 INTEREST EARNED	151.23	477.44	0.00	30,000.00	2
3050 Investment Earnings Subtotal	\$151.23	\$477.44	\$0.00	\$30,000.00	2
3060 Miscellaneous					
10-3060-0100 AMERICAN TOWER AGREEMENT	400.00	800.00	0.00	37,645.00	2
10-3060-0200 MISCELLANEOUS	378.33	1,015.36	0.00	15,000.00	7
3060 Miscellaneous Subtotal	\$778.33	\$1,815.36	\$0.00	\$52,645.00	3
Revenue Subtotal	\$2,759,125.22	\$2,845,646.75	\$0.00	\$4,049,455.00	70
Expenditure					
4200 Administration					
10-4200-0200 SALARIES	19,829.88	39,143.66	0.00	218,357.00	18
10-4200-0300 OVERTIME	230.95	441.62	0.00	1,000.00	44
10-4200-0500 FICA	1,478.86	2,916.71	0.00	16,704.00	17
10-4200-0600 HEALTH INSURANCE (MEDICAL)	2,544.58	5,089.16	0.00	27,145.00	19
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	370.00	740.00	0.00	4,470.00	17
10-4200-0675 HEALTH REIMBURSEMENT ACC	375.00	750.00	0.00	3,750.00	20
10-4200-0700 LGERS RETIREMENT	3,422.10	6,615.81	0.00	36,457.00	18
10-4200-0800 401K SUPP RETIREMENT	1,003.37	1,979.93	0.00	10,918.00	18

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10-4200-1000 ACCOUNTING & TAXES	369.75	369.75	0.00	45,000.00	1
10-4200-1200 POSTAGE, PRINTING, STATIONARY	691.24	1,392.56	0.00	6,000.00	23
10-4200-1400 MILEAGE & BOARD SALARY	2,650.00	4,450.00	0.00	22,000.00	20
10-4200-3300 SUPPLIES AND EQUIPMENT	884.01	1,084.40	0.00	7,000.00	15
10-4200-5300 DUES & FEES	277.50	460.25	277.50	5,000.00	15
10-4200-5700 MISCELLANEOUS	192.94	192.94	0.00	2,500.00	8
10-4200-6500 STAFF DEVELOPMENT	1,300.00	1,300.00	285.00	12,750.00	12
4200 Administration Subtotal	\$35,620.18	\$66,926.79	\$562.50	\$419,051.00	16
5100 Police Department					
10-5100-0200 SALARIES	65,068.27	133,971.42	0.00	837,914.00	16
10-5100-0300 OVERTIME	4,883.18	7,501.91	0.00	42,000.00	18
10-5100-0400 SEPARATION ALLOWANCE	2,355.18	4,710.36	0.00	30,617.00	15
10-5100-0500 FICA	4,900.79	10,385.65	0.00	67,313.00	15
10-5100-0600 HEALTH INSURANCE (MEDICAL)	10,494.54	20,989.08	0.00	146,349.00	14
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	1,314.84	2,629.68	0.00	19,842.00	13
10-5100-0675 HRA HEALTH REIMB ACCT	2,000.00	4,000.00	0.00	24,000.00	17
10-5100-0700 LGERS RETIREMENT	11,666.17	23,417.87	0.00	146,508.00	16
10-5100-0800 401K SUPP RETIREMENT	3,355.62	6,873.44	0.00	42,721.00	16
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	8,155.88	8,279.88	1,126.15	25,000.00	38
10-5100-1600 MAINT/REPAIR - EQUIPMENT	196.00	1,440.00	84.00	11,250.00	14
10-5100-1700 MAINT/REPAIR - VEHICLES	364.76	997.47	1,727.87	15,000.00	18
10-5100-3100 MOTOR FUELS	1,749.22	1,749.22	0.00	13,650.00	13
10-5100-3300 SUPPLIES	572.58	711.99	5,097.31	10,000.00	58
10-5100-3600 UNIFORMS	1,167.80	1,213.80	1,064.20	11,250.00	20
10-5100-3700 SOFTWARE	2,106.41	6,408.41	0.00	34,000.00	19
10-5100-3800 TECHNOLOGY	2,363.11	3,496.61	5,736.58	23,425.00	39
10-5100-5700 MISCELLANEOUS	352.78	5,617.78	0.00	2,500.00	225
10-5100-5800 PHYSICAL EXAMS	65.00	65.00	0.00	500.00	13
10-5100-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	7,500.00	0
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	0.00	0.00	80,612.76	90,000.00	90
5100 Police Department Subtotal	\$123,132.13	\$244,459.57	\$95,448.87	\$1,601,339.00	21
5200 Fire Services					
10-5200-0000 FIRE CONTRACT	0.00	106,250.00	0.00	425,000.00	25
5200 Fire Services Subtotal	\$0.00	\$106,250.00	\$0.00	\$425,000.00	25
5600 Public Works					
10-5600-0200 SALARIES	21,619.66	42,429.72	0.00	256,719.00	17
10-5600-0300 OVERTIME	1,612.38	2,720.89	0.00	10,000.00	27
10-5600-0500 FICA	1,744.70	3,487.03	0.00	20,404.00	17
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	3,039.30	6,078.60	0.00	41,609.00	15
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	431.00	862.00	0.00	5,616.00	15
10-5600-0675 HRA HEALTH REIMB ACCT	625.00	1,250.00	0.00	7,500.00	17
10-5600-0700 LGERS RETIREMENT	3,909.97	7,640.58	0.00	44,329.00	17
10-5600-0800 401K SUPP RETIREMENT	1,155.80	2,303.21	0.00	13,336.00	17
10-5600-1000 OUTSIDE SERVICES	0.00	0.00	0.00	5,000.00	0

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10-5600-1300 STREETLIGHTS ELECTRIC	403.37	1,103.74	0.00	7,000.00	16
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	31.14	6,362.18	0.00	5,000.00	127
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	148.50	148.50	0.00	15,000.00	1
10-5600-1700 MAINT/REPAIR - VEHICLES	1,624.78	1,639.27	910.09	25,000.00	10
10-5600-3100 MOTOR FUELS	1,399.35	1,399.35	0.00	11,250.00	12
10-5600-3300 SUPPLIES	1,527.77	1,838.84	0.00	10,000.00	18
10-5600-3400 STREET SIGNS & NUMBERS	0.00	0.00	0.00	1,000.00	0
10-5600-3600 UNIFORMS	1,085.50	1,085.50	5,756.46	7,500.00	91
10-5600-3800 TECHNOLOGY	2,304.66	2,304.66	0.00	0.00	0
10-5600-5200 PARKS	157.50	157.50	0.00	15,000.00	1
10-5600-5202 GREENWOOD PARK STREAM RESTORA	0.00	0.00	0.00	300,000.00	0
10-5600-5900 MISCELLANEOUS	275.08	275.08	0.00	1,000.00	28
10-5600-6000 CAPITAL OUTLAY	0.00	0.00	0.00	10,000.00	0
10-5600-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	5,000.00	0
5600 Public Works Subtotal	\$43,095.46	\$83,086.65	\$6,666.55	\$817,263.00	11
5700 Streets & Transportation					
10-5700-0200 SALARIES	3,425.58	6,851.17	0.00	50,533.00	14
10-5700-0300 OVERTIME	0.00	0.00	0.00	5,000.00	0
10-5700-0500 FICA	262.08	524.16	0.00	3,866.00	14
10-5700-0600 HEALTH INSURANCE (MEDICAL)	582.36	1,164.72	0.00	7,440.00	16
10-5700-0650 DENTAL, VISION, LIFE INSURANCE	43.00	86.00	0.00	681.00	13
10-5700-0675 HRA HEALTH REIMB ACCT	125.00	250.00	0.00	1,500.00	17
10-5700-0700 LGERS RETIREMENT	576.52	1,128.88	0.00	8,399.00	13
10-5700-0800 401K SUPP RETIREMENT	171.28	342.56	0.00	2,527.00	14
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	47.38	-77.61	0.00	18,750.00	0
10-5700-2200 CONTRACTS- PAVING & STRIPING	0.00	0.00	0.00	35,000.00	0
10-5700-2300 SUPPLIES	2,959.28	2,959.28	2,645.04	10,250.00	55
10-5700-2400 TRAFFIC SIGNS	0.00	0.00	0.00	5,000.00	0
10-5700-2500 STORM WATER DRAINAGE	777.50	777.50	230.05	25,000.00	4
10-5700-3800 TECHNOLOGY	2,175.13	2,175.13	0.00	0.00	0
10-5700-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	1,000.00	0
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	0.00	1,460.00	0.00	10,000.00	15
10-5700-7500 ENGINEERING	3,830.00	3,830.00	0.00	37,500.00	10
5700 Streets & Transportation Subtotal	\$14,975.11	\$21,471.79	\$2,875.09	\$222,446.00	11
5800 Sanitation & Recycling					
10-5800-0200 SALARIES	8,896.44	17,712.37	0.00	118,318.00	15
10-5800-0300 OVERTIME	65.03	65.03	0.00	10,000.00	1
10-5800-0500 FICA	685.59	1,360.01	0.00	9,815.00	14
10-5800-0600 HEALTH INSURANCE (MEDICAL)	1,747.08	3,494.16	0.00	32,762.00	11
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	129.00	258.00	0.00	4,170.00	6
10-5800-0675 HRA HEALTH REIMB ACCT	375.00	750.00	0.00	4,500.00	17
10-5800-0700 LGERS RETIREMENT	1,508.22	2,929.82	0.00	21,326.00	14
10-5800-0800 401K SUPP RETIREMENT	453.85	904.35	0.00	6,416.00	14
10-5800-1700 MAINT/REPAIRS - VEHICLES	2,135.80	2,135.80	0.00	25,000.00	9

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10-5800-3100 MOTOR FUELS	2,071.86	2,071.86	0.00	13,125.00	16	
10-5800-3300 SUPPLIES	400.00	438.97	0.00	500.00	88	
10-5800-3600 UNIFORMS	0.00	0.00	0.00	500.00	0	
10-5800-3800 TECHNOLOGY	48.57	48.57	0.00	0.00	0	
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	4,479.49	6,050.69	0.00	49,500.00	12	
10-5800-8100 RECYCLING	947.96	947.96	0.00	11,250.00	8	
5800 Sanitation & Recycling Subtotal	\$23,943.89	\$39,167.59	\$0.00	\$307,182.00	13	
6600 General Government						
10-6600-0401 LEGAL SERVICES	2,712.50	2,712.50	0.00	40,000.00	7	
10-6600-1100 TECHNOLOGY	10,787.65	14,075.34	0.00	90,000.00	16	
10-6600-1300 MUNICIPAL UTILITIES	1,300.66	1,399.86	0.00	18,569.00	8	
10-6600-1500 GE. REPS. AND MAINT.	5,213.81	5,525.24	3,542.67	20,000.00	45	
10-6600-2800 ELECTIONS	0.00	0.00	0.00	6,000.00	0	
10-6600-5400 INSURANCE	182.00	75,261.44	0.00	90,000.00	84	
10-6600-6000 CONTINGENCY	0.00	0.00	0.00	13,252.00	0	
10-6600-6100 MISCELLANEOUS	795.00	1,100.00	0.00	5,000.00	22	
10-6600-6201 COVID EXPENDITURES	354.99	354.99	0.00	0.00	0	
10-6600-6301 4TH OF JULY	0.00	0.00	0.00	7,500.00	0	
10-6600-6302 NATIONAL NIGHT OUT	0.00	0.00	0.00	2,500.00	0	
10-6600-6303 HOLIDAY LIGHTING	0.00	0.00	0.00	5,000.00	0	
10-6600-6304 ARBOR DAY EVENT	0.00	0.00	0.00	3,000.00	0	
10-6600-6400 WILDLIFE MANAGEMENT	0.00	0.00	0.00	5,000.00	0	
10-6600-6500 FOREST MANAGEMENT	0.00	7,000.00	0.00	60,000.00	12	
6600 General Government Subtotal	\$21,346.61	\$107,429.37	\$3,542.67	\$365,821.00	30	
6700 Debt Service						
10-6700-0100 Police Dept Renovations-Principal	0.00	5,833.33	0.00	23,334.00	25	
10-6700-0200 Street Improvements-Principal	0.00	1,666.67	0.00	6,667.00	25	
10-6700-0400 2017 Garbage Truck-Principal	0.00	0.00	0.00	34,327.00	0	
10-6700-0500 Public Works Building-Principal	0.00	0.00	0.00	84,211.00	0	
10-6700-0600 2020 POLICE CARS-PRINCIPAL	28,326.38	28,326.38	0.00	29,506.00	96	
10-6700-1100 Police Dept Renovations-Interest	0.00	889.00	0.00	3,223.00	28	
10-6700-1200 Street Improvements-Interest	0.00	254.00	0.00	921.00	28	
10-6700-1400 2017 Garbage Truck-Interest	0.00	0.00	0.00	821.00	0	
10-6700-1500 Public Works Building-Interest	0.00	0.00	0.00	23,343.00	0	
10-6700-1600 2020 POLICE CARS-INTEREST	1,579.38	1,579.38	0.00	0.00	0	
6700 Debt Service Subtotal	\$29,905.76	\$38,548.76	\$0.00	\$206,353.00	19	
Expenditure Subtotal	\$292,019.14	\$707,340.52	\$109,095.68	\$4,364,455.00	19	
Before Transfers	Excess Of Revenue Subtotal	\$2,467,106.08	\$2,138,306.23	-\$109,095.68	-\$315,000.00	-644
Other Financing Source						
3500 Other Financing						
10-3500-0000 SALE OF PERSONAL PROPERTY	0.00	0.00	0.00	15,000.00	0	
10-3500-0700 INTERGOVERNMENTAL LOAN (RESTRIC	0.00	0.00	0.00	300,000.00	0	
3500 Other Financing Subtotal	\$0.00	\$0.00	\$0.00	\$315,000.00	0	

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
Other Financing Source Subtotal	\$0.00	\$0.00	\$0.00	\$315,000.00	0
After Transfers Excess Of Revenue Subtotal	\$2,467,106.08	\$2,138,306.23	-\$109,095.68	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 30 WATER & SEWER

Town of Biltmore Forest

08/01/2020 To 08/31/2020

FY 2020-2021

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
30 Water & Sewer Fund					
Revenue					
3290					
30-3290-0000 INTEREST EARNED	3.55	9.46	0.00	1,000.00	1
3290 Subtotal	\$3.55	\$9.46	\$0.00	\$1,000.00	1
3350 Commissions, Sw Chg Coll					
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	0.00	1,602.30	0.00	8,000.00	20
3350 Commissions, Sw Chg Coll Subtotal	\$0.00	\$1,602.30	\$0.00	\$8,000.00	20
3710 Water Sales					
30-3710-0000 WATER CHARGES	84,405.59	84,370.67	0.00	434,271.00	19
30-3710-0100 MSD CHARGES	60,583.22	60,406.26	0.00	343,446.00	18
30-3710-0200 AMI TRANSMITTER CHARGES	1,395.52	1,395.52	0.00	7,700.00	18
3710 Water Sales Subtotal	\$146,384.33	\$146,172.45	\$0.00	\$785,417.00	19
3730 Water Tap & Connect Fees					
30-3730-0000 WATER TAP AND CONNECTION FEES	120.00	2,330.00	0.00	9,000.00	26
3730 Water Tap & Connect Fees Subtotal	\$120.00	\$2,330.00	\$0.00	\$9,000.00	26
Revenue Subtotal	\$146,507.88	\$150,114.21	\$0.00	\$803,417.00	19
Expenditure					
8100 Water Dept.					
30-8100-0200 SALARIES	0.00	0.00	0.00	68,050.00	0
30-8100-0400 PROFESSIONAL SERVICES	85.00	145.00	0.00	4,000.00	4
30-8100-0500 FICA	0.00	0.00	0.00	5,206.00	0
30-8100-0600 HEALTH INSURANCE (MEDICAL)	0.00	0.00	0.00	17,977.00	0
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	0.00	0.00	0.00	2,718.00	0
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	0.00	0.00	0.00	2,250.00	0
30-8100-0700 LGERS RETIREMENT	0.00	0.00	0.00	11,310.00	0
30-8100-0800 401K SUPP RETIREMENT	0.00	0.00	0.00	3,403.00	0
30-8100-1200 POSTAGE, PRINTING,& STATIONARY	691.23	691.23	0.00	5,000.00	14
30-8100-1500 GENERAL REPAIRS	0.00	0.00	0.00	12,707.00	0
30-8100-3300 SUPPLIES & EQUIPMENT	0.00	177.29	0.00	20,000.00	1
30-8100-3800 TECHNOLOGY	2,175.13	2,175.13	0.00	0.00	0
30-8100-4800 WATER PURCHASES	17,076.38	17,076.38	0.00	237,275.00	7
30-8100-4900 SEWER PURCHASES	0.00	0.00	0.00	344,823.00	0
30-8100-5000 AMI TRANSMITTER FEES	739.59	739.59	0.00	7,700.00	10
30-8100-5700 MISCELLANEOUS	31.30	62.60	0.00	1,000.00	6
30-8100-6500 STAFF DEVELOPMENT	100.00	100.00	0.00	5,000.00	2
30-8100-7400 CAPITAL IMPROVEMENT	0.00	0.00	0.00	55,000.00	0
8100 Water Dept. Subtotal	\$20,898.63	\$21,167.22	\$0.00	\$803,419.00	3
Expenditure Subtotal	\$20,898.63	\$21,167.22	\$0.00	\$803,419.00	3
Before Transfers	Excess Of Revenue Subtotal	\$125,609.25	\$128,946.99	\$0.00	-\$2.00 ,447,350
After Transfers	Excess Of Revenue Subtotal	\$125,609.25	\$128,946.99	\$0.00	-\$2.00 ,447,350

355 Vanderbilt Rd | Biltmore Forest, NC
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www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners
From: Jonathan Kanipe, Town Manager
Re: Consideration of FY21 Budget Amendment
Date: September 3, 2020

The Town is receiving Coronavirus Relief Funds under the CARES Act as a sub-recipient of Buncombe County. Buncombe County is receiving these funds directly from the State of North Carolina, via the federal government. The Town entered into an interlocal agreement with Buncombe County in June that provided for the disbursement methods for these funds. Two separate pools of money are allocated to Buncombe County, and of those funds, a certain amount has been apportioned to Biltmore Forest. Buncombe County made this apportionment based on the ad valorem sales tax model used in sales tax distribution.

The first pool of money made eligible to the Town was in the amount of \$37,557.00. The Town has received two disbursements from Buncombe County totaling \$9,353.91. These funds have reimbursed the Town for personnel costs related to Covid-19, cleaning and disinfecting, and personal protective equipment. The second pool of money made eligible to the Town is in the amount of \$42,310.00. We have submitted our proposed use of these funds to Buncombe County and the State of North Carolina and have not yet had this formally approved. However, there is no reason to believe this approval will not occur.

To that end, the attached budget amendment for FY21 is included for review and consideration. This amendment shows \$79,867 coming in as restricted intergovernmental revenue, and the same amount being expended as Covid expenditures. Please let me know if you have any questions.



FY 2020-2021 BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED by the Governing Board of the Town of Biltmore Forest, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021.

Section 1. To amend the General Fund Revenues as follows:					
Account #	Account Description	Original Budget Amt	Increase	Decrease	Revised Budget Amt
10-3030-0300	Covid Reimbursements	-	79,867.00	-	79,867.00
Net Increase in General Fund Revenues					79,867.00
Section 2. To amend the General Fund Expenditures as follows:					
Account #	Account Description	Original Budget Amt	Increase	Decrease	Revised Budget Amt
General Government					-
10-6600-6201	Covid Expenses	-	79,867.00		79,867.00
Net Increase in General Fund Expenditures					79,867.00

Copies of this budget amendment shall be furnished to the Clerk, to the Governing Board, and to the Finance Officer for their direction.

Adopted this 8th day of September, 2020.

George F. Goosmann, III
Mayor

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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Approval to Proceed with Informal Bidding for Stormwater Repair Project

Date: September 3, 2020

The Town conducted a stormwater master plan over the course of the past two years. During this time, the Town prioritized ten projects that needed more immediate work and repairs. One of those projects increased in priority after a sink hole opened up and the Town has worked to develop a plan to make repairs to this area.

The Town's consultant, WithersRavenel, has finalized their design and delivered to the Town an Opinion of Probable Cost (OPC). This OPC is attached for your review. The Town will need to obtain easements from two property owners abutting this project. Public Works Director Harry Buckner and I met with these residents and have provided copies of the easement plats and both parties have agreed to the proposed easement. The Town Attorney is presently drafting these easement documents.

The next step for this process is for the Board of Commissioners to approve the project and allow us to move forward with procuring a contractor for this job. The OPC is well under formal bidding thresholds, enabling us to move forward with an informal bidding for this work. With the Board's approval, we will move forward and hope to have a contract for the Board's review and consideration at the next meeting on October 11. This will enable work to begin in time to, ideally, finish the project before Christmas. After reviewing the OPC and overall project design, please let me know what questions or concerns you may have.

Town of Biltmore Forest				Base Bid Schedule	
Cedar Hill Drive Stormwater Repairs					
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Price
1	Mobilization	LS	1	\$2,618.16	\$2,618.16
2	Construction Surveying	LS	1	\$1,500.00	\$1,500.00
3	Clearing and Grubbing	LS	1	\$2,000.00	\$2,000.00
4	Temporary Check Dam	EA	2	\$275.00	\$550.00
5	Silt Fence	LF	231	\$4.50	\$1,039.50
6	Bypass Operation	LS	1	\$7,500.00	\$7,500.00
7	Seeding and Mulching	AC	0.19	\$3,059.08	\$582.46
8	Demolition & Haul Away (Existing Pavement, Pipe Material, etc.)	LS	1	\$10,000.00	\$10,000.00
9	NCDOT 838.80 Endwall (36")	EA	1	\$5,400.00	\$5,400.00
10	NCDOT 838.80 Endwall (42")	EA	1	\$5,400.00	\$5,400.00
11	36" HDPE	LF	107	\$120.00	\$12,840.00
12	42" HDPE	LF	34	\$130.00	\$4,420.00
13	36" RCP	LF	64	\$135.00	\$8,640.00
14	NCDOT 840.31 Junction Box (10'-12' Deep)	EA	1	\$8,500.00	\$8,500.00
15	NCDOT 840.04 Open Throat Catch Basin (Grated, 0'-6' Deep)	EA	1	\$4,500.00	\$4,500.00
16	Riprap Dissipator (Geotextile, 78 Stone, Riprap, Machine Placement)	LS	1	\$10,000.00	\$10,000.00
17	Asphalt Repair	SY	40	\$110.00	\$4,400.00
18	Traffic Control	LS	1	\$2,000.00	\$2,000.00
	10% Contingency				\$9,189.01
				Total Base Bid	\$101,079.13

This cost opinion is approximate. Actual construction bids may vary significantly from this statement of probable costs due to timing of construction, changed conditions, labor rate changes, or other factors beyond the control of the engineer.

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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Review Potential Changes to Existing Sign Ordinance

Date: September 4, 2020

The Town Attorney is preparing draft amendments and a memorandum for the Board's review. This information will be emailed to each member when available and included in the agenda packet posted online at that time.

§93.01. POLICY REGARDING SIGNS

This section sets for the Town of Biltmore Forest policy and regulation regarding the size, type and location of signs. The policy is intended to regulate size, type and location of signs to ensure that signs are not located in the public right of way, do not pose a threat to public safety, do not unreasonably interfere with the aesthetic quality and are consistent with the nature of a primarily residential community. It is not the intent of this policy to regulate the content of signs or to limit an individual's right to free speech.

§ 93.02 SIGNS AND POSTERS GENERALLY.

Except as set forth herein, no sign of any kind, including posters, advertisements, billboards, announcements, and the like, shall be erected by any person in any district zoned R-1, R-2, R-3, R-4, or R-5 unless prior approval of the sign type, size and intended location are first obtained from the Board of Commissioners. Any sign erected in violation of this section shall be promptly removed by the Town. (2013 Code, § 15-2)

§ 93.03 SIGNS AND POSTERS; REQUIREMENTS.

(A) *Real Estate Signs.* No person, either as owner or real estate agent, shall post any sign on any residential lot to advertise the same for sale or rent or for any other purpose, except as follows:

- (1) One sign per lot, not to exceed six square feet in size, not to contain any electrical component and not to be lighted in any way;
- (2) If the sign is posted by a real estate agency, the wording shall be limited appropriately to indicate that the property is for sale or rent and the name and telephone number of the agency, the listing firm website, the multiple listing service number, texting code, or individual website assigned to the home for sale;
- (3) If the sign is posted by an owner, the wording shall be limited to appropriately indicate that the property is for sale or rent, the name of seller, if so desired, and a telephone number, and individual website assigned to the home for sale;
- (4) Wording shall be the same on both sides of the sign if both sides are exposed to the roadway;
- (5) The only sign, per division (A)(1) above, shall be set back at least 30 feet from the nearest edge of the pavement of the public road on which the house fronts or faces and in no event shall the sign be located within any public road right-of-way;
- (6) No portion of the sign shall extend more than four feet above the ground;
- (7) The sign shall be removed no later than three days after a sales contract is signed on the property advertised for sale by such sign; and
- (8) If a sign is for commercial use in the R-4 or R-5 Residential Zoning District and does not comply with the limitations herein, application must be made to the Board of Commissioners for approval.
- (9) The owner of a residential lot and the real estate agent placing a real estate sign on the residential lot shall each be responsible for any violation of division (A) above.

(B) *Construction Signs.*

- (1) On any residential lot on which construction has begun by a general contractor, neither the general contract nor the owner of the residential lot shall post nor permit to be posted more than one sign in addition to any sign required by law to be posted (i.e., building permits and the like).
- (2) The general contractor may place one sign on the residential lot on which construction has begun which sign shall not exceed six square feet in size and shall be limited in wording to the street number or address of the property and the name, address, and telephone number of the general contractor. The general contractor's sign shall also be subject to divisions (A) (1), (A) (4), (A) (5), and (A) (6) above. The general contractor's sign shall be removed from the property not later than three days from the completion of construction by the general contractor or occupancy by the owner of the property being constructed, whichever comes first.

(3) The owner of the residential lot and the general contractor shall be responsible for any violation of division (B) above.

(C) **Political and Ideological Signs.** Political and ideological signs are allowed on private property provided the signs are erected as follows.

(1) Each sign shall not exceed four square feet in size and not contain any electrical component or lighted in any way.

(2) The sign shall not be located within the Town owned public right of way or on Town property and must be set back at least thirty feet from the nearest edge of the paved road on which the house fronts or faces.

(3) No portion of the sign is to extend more than four feet above the ground.

(4) A sign located on private property requires the owner's approval.

(D) Signs Located in the R-4 and R-5 Zoning Districts.

(1) On any lot occupied by a business in the R-4 and R-5 Districts, on-premises signs are allowed provided the following definitions and permit requirements are met.

(2) For the purpose of this division (D), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ATTACHED SIGN. Any sign attached to, applied on, or supported by the front wall or wall Facing Street of a building.

CLEARANCE. The vertical distance from the established finished grade to the lowest edge of the sign.

DEVELOPMENT IDENTIFICATION SIGN. A sign bearing only the name of the multiple tenant development.

ERECT. To construct, build, raise, assemble, install, place, replace, locate, affix, attach, display, alter, use, create, paint, draw, illuminate, or in any other way bring into being or establish.

FREESTANDING POLE SIGN. A sign which is permanently affixed to the ground by a pole or other structure and which is not part of the building.

GRADE. The lowest point at which a sign is attached to the ground.

GROUND SIGN. A freestanding sign flush to the ground and not elevated upon poles or stanchions and not attached to the building.

HEIGHT. The vertical distance between the highest part of the sign or its supporting structure, whichever is highest, and the base of the sign at grade.

INTERNALLY ILLUMINATED. Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material, from a light source within the sign.

LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use.

MULTIPLE TENANT DEVELOPMENT. A development in which there exists a number of individual or separate activities and in which there are appurtenant-shared facilities (such as parking areas).

NONCONFORMING SIGN. Any sign, which was allowed when, erected or displayed but which does not conform with the standards of this division (D) and any sign, which was not allowed, but was nonetheless impermissibly created or displayed before the effective date of this division (D).

ON-PREMISES SIGN. Any sign used for the purpose of displaying advertising, identifying, or directing attention to a business, products, operations, or services sold or offered on the lots where the sign is located.

SETBACK. The horizontal distance between the leading face of the curb of a street and the closest point of a sign or sign structure on such lot. Where there is not a curb, the measurement shall be made from the edge of the pavement.

SIGN. Any words, lettering, numerals, parts of letters or numerals, figure, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is known, made of any material,

except live vegetation, including any surface, fabric, or other material background structure designed to carry such devices, as are used to designate or attract attention.

SIGN STRUCTURE. Any structure, which supports, has supported or is capable of supporting a sign.

SINGLE TENANT. A single business establishment, activity or use.

WALL SIGN. Any sign painted or attached flat against and parceled to the exterior wall or surface of a building or other structure and/or which projects from the wall or surface.

(3) *On-premises single-tenant signs.*

(a) Allowed within the R-4 and R-5 Zoning District may be either:

1. *Freestanding.* Pole or ground; or
2. *Attached.* Wall.

(b) Two business identification signs are allowed per lot, only one of which shall be a freestanding or ground sign. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 40 square feet per face, with two faces per freestanding or ground sign allowed. In the event the freestanding sign is less than the 40 square feet per face allowed, the size of the attached sign erected may be increased by that difference. Signs may be internally or externally illuminated.

(c) Additionally, the following requirements must be met based on the type of sign selected:

1. If freestanding pole or ground, then the sign shall be a maximum of eight feet in height with a minimum setback of ten feet; and
2. If wall, then the maximum projection from a wall shall be six inches.

(4) *On-premises multiple-tenant development signs.*

(a) On-premises multiple-tenant development signs allowed within the R-4 and R-5 zoning district may be either:

1. Freestanding; pole or ground attached; or
2. Wall.

(b) For a multiple-tenant development, the development itself is allowed one identification sign. For a freestanding sign, the total allowable area per face of selected sign shall not exceed 60 square feet with two faces per freestanding or ground sign allowed. If freestanding pole or ground, the sign shall be a maximum of 20 feet in height and minimum setback of 15 feet. Individual tenants within the development shall be allowed one attached wall sign not to exceed ten square feet, and at the due discretion of the Board of Commissioners, not more than two, not to exceed ten square feet. The maximum projection from a wall shall be six inches.

(E) The owner of the business establishment erecting a sign shall be responsible for violation of division (D) above.

(F) Any sign removed by the Town for violation of Divisions (A) and (B), above, shall be disposed of by the Town within five days from the date the sign is removed from the residential lot unless the residential lot owner, real estate agent or general contractor, as the case may be, claims said sign within the five-day period.

(G) This chapter was duly adopted by the Town Board of Commissioners on the September 15, 1987 and shall become effective on the October 1, 1987. This section as amended on December 18, 1990, shall become effective on the January 1, 1991. This section as amended on July 9, 2002, shall become effective on September 1, 2002.

(2013 Code, § 15-2) (Ord. passed 9-15-1987; Ord. passed 12-8-1990; Ord. passed 9--2002)

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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners
From: Jonathan Kanipe, Town Manager
Re: Review Potential Changes to Brush Collection Ordinance
Date: September 3, 2020

Last month, staff presented draft revisions to the existing brush collection ordinance. This draft was for discussion only, and the Board provided feedback that enabled staff to return this month with a more comprehensive draft for review. Notable changes include the following:

(1) Definitions were added for "*collection period*" and "*placement window*" and those terms were used throughout the ordinance to specify when brush would be picked up by the Town and when residents could place brush at the street.

(2) A defined amount in the allowable yard waste that the Town will pick up. In this case, the change was from "one dump truck load" to a "maximum of fifteen (15) cubic feet".

(3) Instead of stating when brush pick-up would occur during the year, we noted only that leaf collection occurs during a banded time from November 1-January 15. This allows the Town to perform brush collection throughout those months if a storm occurs and certainly clarifies that Christmas tree pickup will occur.

(4) In an effort to clarify where brush should be stored outside of the placement window, we have included language stating this "shall be kept on the residents' property a minimum of ten (10) feet from the street". This distance covers all rights of way within the Town.

(5) Clarity that during the placement window, brush shall be placed upon that portion of the residents' property immediately adjacent to the street.

(6) Language stating yard waste shall not be placed on public property or the property of an adjoining property owner.

A redline copy and clean copy of these ordinances are attached for your review. Please let me know whether you have questions or comments or need additional information.

CHAPTER 51: SOLID WASTES

Section

- 51.01 Definitions
- 51.02 Littering
- 51.03 Construction debris
- 51.04 Materials resulting from clearing land
- 51.05 Garbage collection
- 51.06 Garbage receptacles
- 51.07 Tree limbs, brush, leaves, and the like
- 51.08 Placement of limbs, brush, leaves, and the like
- 51.09 Grass clippings
- 51.10 Fees
- 51.11 Refuse not collected by the town
- 51.12 Accumulation of garbage, refuse, rubbish, and waste prohibited
- 51.13 Recycling and recyclable material
- 51.14 Notice of noncompliance

- 51.99 Penalty

Statutory reference:

Authority of town to regulate removal of garbage and trash, see G.S. § 160A-312

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAPS. Scrap building material from the construction, reconstruction, remodeling, or repair of a building, walkway, driveway, signs, and or other structures, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, or any other similar material used in construction or containers or wrappings therefor.

BULKY WASTE. Large items of solid waste such as furniture, white goods, large auto parts, stumps, and other oversize wastes whose large size precludes or complicates its handling by normal solid waste collection, processing, or disposal methods.

COLLECTION. The act of removing solid waste or recyclable material to a transfer station, processing facility, or disposal facility. For the purposes of this chapter, any collection receptacles or containers located on town property are considered to be in the stream of **COLLECTION**.

COLLECTION PERIOD. The period of time during which the Town picks up tree limbs, brush, leaves, and the like.

GARBAGE. Animal and vegetable matter resulting from the handling, preparation, cooking, and consumption of food, in cans, glassware, or other containers, rags, waste paper, includes all putrescible wastes, but excludes sewage and human waste.

HAZARDOUS WASTE. A solid waste or combination of solid wastes, including liquid or gaseous wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

MEDICAL WASTE. Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or the production of biologicals.

MIXED PAPER. Envelopes, catalogs, bulk mail, magazines, computer paper, copy paper, file folders, phone books, gray cartons, adding machine tapes, letters, scratch pads, soft-covered

books, and other material as defined by the Director of Public Works.

PATHOLOGICAL WASTE. Human tissues, organs, and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologics or in vivo testing of pharmaceuticals, or that humans died with a known or suspected disease transmissible to humans.

PLACEMENT WINDOW. The period of time during which tree limbs, brush, leaves, and the like may be placed by occupant upon that portion of residents' property immediately adjacent to the street.

PUTRESCIBLE. Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases; such as kitchen wastes, offal, and animal carcasses.

RECYCLE, RECYCLABLES, or RECYCLABLE MATERIAL. Those materials or that process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed or returned to use in the form of raw materials or products.

REFUSE. Solid waste that is non-putrescible waste collected from residences.

SHARPS. Needles, syringes, and scalpel blades

SOLID WASTE. Garbage refuse, including **SOLID WASTE** materials resulting from residential and business activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved materials in irrigation return flows, or other common water pollutants.

WHITE GOODS. Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

YARD TRASH/WASTE. Solid waste consisting solely of vegetative matter resulting from landscaping maintenance. Includes grass clippings, leaves, sod, tree limbs, and weeds.

(2013 Code, § 9-1)

§ 51.02 LITTERING.

This chapter provides that it shall be unlawful for any person to throw or deposit upon any street or street right-of-way (except as set forth in § 51.07), or upon any private property, any rocks, bricks, lumber, sawdust, bottles, jars, broken glass, or any plastic or paper bags, cups, or paper of any kind, or any trash, leaves, dirt, rubbish, or any-thing that may be unsightly or offensive or that may, in any way, be dangerous to traffic.

(2013 Code, § 9-2) Penalty, see § 51.99

§ 51.03 CONSTRUCTION DEBRIS.

All refuse, lumber, and debris remaining as a result of the repair of a building or the erection and completion of a new building shall be removed by the property owner within ten days from the date of completion of said work.

(2013 Code, § 9-3)

§ 51.04 MATERIALS RESULTING FROM CLEARING LAND.

No materials such as trees, shrubbery, or underbrush resulting from land being cleared shall be placed for collection by the town, but such materials shall be disposed of by the contractor or builder. In the event the contractor or builder fails to remove such material, the removal thereof shall be the responsibility of the owner of the property.

(2013 Code, § 9-4) Penalty, see § 51.99

§ 51.05 GARBAGE COLLECTION.

(A) Garbage shall be collected in the back yard of the resident. Collection of garbage shall be made by the town on a regular basis. A schedule of such times and routes of collection shall be posted in the Town Hall and may be changed from time to time as may be necessary in the discretion of the Director of Public Works and Town Manager.

(B) It shall be unlawful for any person to place or deposit at any location within the corporate limits of the town for collection by the town any solid waste of any type that was generated outside the corporate limits of the town.

(C) It shall be unlawful for any owner or occupant of any residence, dwelling unit, business, or commercial premises to allow any person to place or deposit for collection by the town any solid waste of any type which was generated outside the corporate limits of the town.

(2013 Code, § 9-5) Penalty, see § 51.99

§ 51.06 GARBAGE RECEPTACLES.

(A) Garbage receptacles shall be cans made substantially of metal, plastic, or plastic bags. Cans shall have tight-fitting covers and strong handles and the covers shall be kept on at all times, except when cans are being filled or emptied.

(B) Plastic bags shall be properly secured at the bag opening with a twist tie or other means to eliminate any spillage of contents.

(C) Containers shall not exceed 32 gallons or exceed 50 pounds in weight. Each household may have up to five garbage receptacles.

(D) Garbage cans shall not be located behind closed fences, inside closed buildings, or in any other inaccessible place. Garbage from dumpsters shall not be collected by the town.

(2013 Code, § 9-6) Penalty, see § 51.99

§ 51.07 TREE LIMBS, BRUSH, LEAVES, AND THE LIKE.

(A) The Town provides limb, brush, and leaf collection as a service to residents. This collection period shall occur on dates as determined by the Town.

(1) All trees or portions thereof to be picked up shall be cut up and reduced in lengths so that no portion shall be more than six feet in length. Limbs shall be no greater than six inches in diameter. ~~(distance through the limb).~~

(2) All limbs shall be cut from the main body of any limb or trunk. All such materials shall be neatly piled with the length of such items substantially parallel to the street.

(3) A maximum of fifteen (15) cubic yards per residence may be removed by the Town. ~~One dump truck load of limbs and brush shall be allowed each resident per two months without additional charges. Should the volume exceed one dump truck load, a fee will be charged for each two cubic yards or any portion thereof.~~

(4) Should the volume exceed the allowable amount, a fee may be charged for each additional removal. ~~(3) A fee, in an amount as set by the Board of Commissioners from time to time, per two cubic yards will be charged when limbs and brush have exceeded one dump truck load in a two-month period.~~

(5) The placement window for tree limbs, brush, leaves, and the like shall begin five (5) days prior to the collection period.

(B) Leaf collection and removal occurs November 1 through January 15.

(B) ~~Loose leaves shall be collected at roadside by town forces from November 1 through January 15.~~ (1) Leaves shall be free of sticks, rocks, and other debris, and not ~~placed in plastic bags bagged.~~

~~(C) Tree limbs and brush shall not be placed at roadside more than five days prior to the collection date.~~

~~(D) Limbs and brush shall not be placed at roadside from November 1 through January 15.~~

~~(C) (E) Removal of limbs, brush, leaves, and debris the likes of all types resulting from work of commercial tree services shall be the responsibility of the property owner, and not the town.~~

(D) Where such an accumulation of yard waste exists for any reason, the Town may summarily remove, abate, or remedy such accumulation and the expense of the action shall be a lien upon the land or premises and shall be collected as unpaid taxes.

(2013 Code, § 9-7)

§ 51.08 PLACEMENT OF LIMBS, BRUSH, LEAVES, AND THE LIKE.

(A) Limbs, brush, ~~and leaves,~~ and the like shall be placed by occupant upon that portion of residents' property immediately adjacent to the street during the placement window.

(1) Outside of the placement window, all limbs, brush, leaves, and the like shall be kept on the residents' property a minimum of ten (10) feet from the street. ~~right-of-way normally~~

used by vehicles, but at least three feet off of the pavement.

(B) Limbs, brush, leaves, and the like shall not be placed on public property or the property of an adjoining property owner.

(2013 Code, § 9-8)

§ 51.09 GRASS CLIPPINGS.

~~The town strongly discourages the deposit of grass clippings within the street rights-of-way adjacent to residences~~Grass clippings are not allowed to be deposited along the street or with other yard waste piles. The Town shall not remove grass clippings from private property;~~however, should an occupant of a residence place grass clippings within the street rights-of-way, the town may remove said grass clippings and, if so removed, shall bill the owner of said residence a flat fee in an amount as set by the Board of Commissioners from time to time.~~

(2013 Code, § 9-9)

~~§ 51.10 FEES.~~

~~(A) The following fees shall be charged and collected by the town:~~

~~—(1) Collection of limbs and brush in excess of one dump truck per two months, \$50 fee per two cubic yards;~~

~~—(2) One hundred dollar fee per dump truck load;~~

~~—(3) Twenty-five dollar fee for limbs and brush placed at roadside seven days prior to scheduled pickup;~~

~~—(4) One hundred fifty dollar flat fee for disposal of grass clippings;~~

~~—(5) Twenty-five dollar for placement of limbs, brush, and leaves in a location other than the street right-of-way immediately adjacent to the front of the residents' property; and~~

~~—(6) One hundred dollar fee for collection of construction debris or other items not collected by the town in addition to \$10 fee per each two cubic yards or any portion thereof collected.~~

~~(B) Solid waste collection fees shall be billed on the same billing as water and sewer fees. Any payment made on said bill shall first be applied to the payment of solid waste collection fees, water service fees, sewer fees, and finally to water fees.~~

~~(C) Where such an accumulation exists for any reason, the town may summarily remove, abate, or remedy such accumulation and the expense of the action shall be a lien upon the land or premises and shall be collected as unpaid taxes.~~

(2013 Code, § 9-10)

§ 51.11 REFUSE NOT COLLECTED BY THE TOWN.

The following is a list of refuse not ~~collection~~collected by the town. (*denotes refuse not accepted by the County Landfill. Asbestos not accepted unless prior arrangement with County Landfill personnel):

- (A) Asbestos*;
- (B) Ashes;
- (C) Batteries;
- (D) Bedding;
- (E) Building materials, including construction debris;
- (F) Flammable materials;
- (G) Gas tanks*;
- (H) Hazardous waste*;
- (I) Liquids*;
- (J) Materials resulting from clearing land;
- (K) Medical waste;
- (L) Paint;
- (M) Pathological waste;
- (N) Rocks;
- (O) Sharps;
- (P) Tires; and

(Q) White goods.

(2013 Code, § 9-11)

§ 51.12 ACCUMULATION OF GARBAGE, REFUSE, RUBBISH, AND WASTE PROHIBITED.

(A) No property owner or tenant shall allow the accumulation of garbage, refuse, rubbish, or waste upon land or premises owned or occupied by them so that such accumulation is dangerous or prejudicial to the public health.

(B) Where such an accumulation exists for any reason, the town may summarily remove, abate, or remedy such accumulation and the expense of the action shall be a lien upon the land or premises and shall be collected as unpaid taxes.

(2013 Code, § 9-12) Penalty, see § 51.99

§ 51.13 RECYCLING AND RECYCLABLE MATERIAL.

(A) *Recycling encouraged.* Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, or other place providing goods or services, or institution, church, camp, or school is strongly encouraged to remove recyclable materials from solid waste generated and make them available for recycling.

(B) *Containers.* The town provides each residence with a 95-gallon container. These containers are to be used for recycling materials only, and will be picked up once every two weeks by town staff. The containers remain the property of the town and remain with the residence if ownership is transferred. Anyone found to remove the container from the residence in violation of this section shall be charged the prevailing cost of a replacement container.

(C) *Recyclable materials.* Recyclable material shall consist of the following items and shall be prepared for recycling, prior to deposit in the town's recycling containers, as directed:

(1) *Jars and bottles.* All brown, clear, and green container (bottles and jars) glass));

(2) *Cans.* Aluminum beverage and bimetal (tin or steel) food cans;

(3) *Plastic containers.* Plastic containers No. 1 PETE (soda containers) and No. 2 HDPE (milk and shampoo containers) and No. 3, 5, and 7 (mixed plastic);

(4) *Corrugated containers and cardboard.* Must be flattened;

(5) *Newspapers.* May be bundled with string or left loose. Inserts may remain; and

(7) *Mixed paper.* See definition in § 51.01.

(D) *Prohibitions.*

(1) It shall be unlawful for any person to place or deposit at the town's recycling containers any recyclable material unless all such material can fit entirely within the appropriate container.

(2) It shall be unlawful for any person to place or deposit in the town's recycling containers any recyclable material of any type that was generated outside the corporate limits of the town.

(3) No person, other than persons authorized by the town, may remove recyclable material from a recycling container.

(2013 Code, § 9-13) Penalty, see § 51.99

§ 51.14 NOTICE OF NONCOMPLIANCE.

The town utilizes ~~red~~ tags to inform residents of receptacles that are not in compliance. A letter of warning shall be given on the first occasion of placement of tree limbs and brush more than five days prior to the date of collection.

(2013 Code, § 9-15)

§ 51.99 PENALTY.

(A) Any willful and knowing refusal to pay fees assessed in this chapter shall subject the offender to a civil penalty in the amount of \$50 payable to the town as law provided.

(B) Violation of this chapter shall constitute a misdemeanor for each day such violation occurs and subject the violator of this chapter to a fine of \$50 or 30 days imprisonment or both for each violation of this chapter.

(2013 Code, § 9-15)

CHAPTER 51: SOLID WASTES

Section

- 51.01 Definitions
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- 51.11 Refuse not collected by the town
- 51.12 Accumulation of garbage, refuse, rubbish, and waste prohibited
- 51.13 Recycling and recyclable material
- 51.14 Notice of noncompliance

- 51.99 Penalty

Statutory reference:

Authority of town to regulate removal of garbage and trash, see G.S. § 160A-312

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAPS. Scrap building material from the construction, reconstruction, remodeling, or repair of a building, walkway, driveway, signs, and or other structures, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, or any other similar material used in construction or containers or wrappings therefor.

BULKY WASTE. Large items of solid waste such as furniture, white goods, large auto parts, stumps, and other oversize wastes whose large size precludes or complicates its handling by normal solid waste collection, processing, or disposal methods.

COLLECTION. The act of removing solid waste or recyclable material to a transfer station, processing facility, or disposal facility. For the purposes of this chapter, any collection receptacles or containers located on town property are considered to be in the stream of **COLLECTION**.

COLLECTION PERIOD. The period of time during which the Town picks up tree limbs, brush, leaves, and the like.

GARBAGE. Animal and vegetable matter resulting from the handling, preparation, cooking, and consumption of food, in cans, glassware, or other containers, rags, waste paper, includes all putrescible wastes, but excludes sewage and human waste.

HAZARDOUS WASTE. A solid waste or combination of solid wastes, including liquid or gaseous wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

MEDICAL WASTE. Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or the production of biologicals.

MIXED PAPER. Envelopes, catalogs, bulk mail, magazines, computer paper, copy paper, file folders, phone books, gray cartons, adding machine tapes, letters, scratch pads, soft-covered

books, and other material as defined by the Director of Public Works.

PATHOLOGICAL WASTE. Human tissues, organs, and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologics or in vivo testing of pharmaceuticals, or that humans died with a known or suspected disease transmissible to humans.

PLACEMENT WINDOW. The period of time during which tree limbs, brush, leaves, and the like may be placed by occupant upon that portion of residents' property immediately adjacent to the street.

PUTRESCIBLE. Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases; such as kitchen wastes, offal, and animal carcasses.

RECYCLE, RECYCLABLES, or RECYCLABLE MATERIAL. Those materials or that process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed or returned to use in the form of raw materials or products.

REFUSE. Solid waste that is non-putrescible waste collected from residences.

SHARPS. Needles, syringes, and scalpel blades

SOLID WASTE. Garbage refuse, including **SOLID WASTE** materials resulting from residential and business activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved materials in irrigation return flows, or other common water pollutants.

WHITE GOODS. Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

YARD WASTE. Solid waste consisting solely of vegetative matter resulting from landscaping maintenance. Includes grass clippings, leaves, sod, tree limbs, and weeds.

(2013 Code, § 9-1)

§ 51.02 LITTERING.

This chapter provides that it shall be unlawful for any person to throw or deposit upon any street or street right-of-way (except as set forth in § 51.07), or upon any private property, any rocks, bricks, lumber, sawdust, bottles, jars, broken glass, or any plastic or paper bags, cups, or paper of any kind, or any trash, leaves, dirt, rubbish, or anything that may be unsightly or offensive or that may, in any way, be dangerous to traffic.

(2013 Code, § 9-2) Penalty, see § 51.99

§ 51.03 CONSTRUCTION DEBRIS.

All refuse, lumber, and debris remaining as a result of the repair of a building or the erection and completion of a new building shall be removed by the property owner within ten days from the date of completion of said work.

(2013 Code, § 9-3)

§ 51.04 MATERIALS RESULTING FROM CLEARING LAND.

No materials such as trees, shrubbery, or underbrush resulting from land being cleared shall be placed for collection by the town, but such materials shall be disposed of by the contractor or builder. In the event the contractor or builder fails to remove such material, the removal thereof shall be the responsibility of the owner of the property.

(2013 Code, § 9-4) Penalty, see § 51.99

§ 51.05 GARBAGE COLLECTION.

(A) Garbage shall be collected in the back yard of the resident. Collection of garbage shall be made by the town on a regular basis. A schedule of such times and routes of collection shall be posted in the Town Hall and may be changed from time to time as may be necessary in the discretion of the Director of Public Works and Town Manager.

(B) It shall be unlawful for any person to place or deposit at any location within the corporate limits of the town for collection by the town any solid waste of any type that was generated outside the corporate limits of the town.

(C) It shall be unlawful for any owner or occupant of any residence, dwelling unit, business, or commercial premises to allow any person to place or deposit for collection by the town any solid waste of any type which was generated outside the corporate limits of the town.

(2013 Code, § 9-5) Penalty, see § 51.99

§ 51.06 GARBAGE RECEPTACLES.

(A) Garbage receptacles shall be cans made substantially of metal, plastic, or plastic bags. Cans shall have tight-fitting covers and strong handles and the covers shall be kept on at all times, except when cans are being filled or emptied.

(B) Plastic bags shall be properly secured at the bag opening with a twist tie or other means to eliminate any spillage of contents.

(C) Containers shall not exceed 32 gallons or exceed 50 pounds in weight. Each household may have up to five garbage receptacles.

(D) Garbage cans shall not be located behind closed fences, inside closed buildings, or in any other inaccessible place. Garbage from dumpsters shall not be collected by the town.

(2013 Code, § 9-6) Penalty, see § 51.99

§ 51.07 TREE LIMBS, BRUSH, LEAVES, AND THE LIKE.

(A) The Town provides limb, brush, and leaf collection as a service to residents. This collection period shall occur on dates as determined by the Town.

(1) All trees or portions thereof to be picked up shall be cut and reduced in lengths so that no portion shall be more than six feet in length. Limbs shall be no greater than six inches in diameter.

(2) All limbs shall be cut from the main body of any limb or trunk. All such materials shall be neatly piled with the length of such items substantially parallel to the street.

(3) A maximum of fifteen (15) cubic yards per residence may be removed by the Town.

(4) Should the volume exceed the allowable amount, a fee may be charged for each additional removal.

(5) The placement window for tree limbs, brush, leaves, and the like shall begin five (5) days prior to the collection period.

(B) Leaf collection and removal occurs November 1 through January 15.

(i) (1) Leaves shall be free of sticks, rocks, and other debris, and not bagged.

(C) Removal of limbs, brush, leaves, and the like of all types resulting from work of commercial services shall be the responsibility of the property owner.

(D) Where such an accumulation of yard waste exists for any reason, the Town may summarily remove, abate, or remedy such accumulation and the expense of the action shall be a lien upon the land or premises and shall be collected as unpaid taxes.

(2013 Code, § 9-7)

§ 51.08 PLACEMENT OF LIMBS, BRUSH, LEAVES, AND THE LIKE.

(A) Limbs, brush, leaves, and the like shall be placed by occupant upon that portion of residents' property immediately adjacent to the street during the placement window.

(1) Outside of the placement window, all limbs, brush, leaves, and the like shall be kept on the residents' property a minimum of ten (10) feet from the street. (B) Limbs, brush, leaves, and the like shall not be placed on public property or the property of an adjoining property owner.

(2013 Code, § 9-8)

§ 51.09 GRASS CLIPPINGS.

Grass clippings are not allowed to be deposited along the street or with other yard waste piles. The Town shall not remove grass clippings from private property

(2013 Code, § 9-9)

(2013 Code, § 9-10)

§ 51.11 REFUSE NOT COLLECTED BY THE TOWN.

The following is a list of refuse not collected by the town. (*denotes refuse not accepted by the County Landfill. Asbestos not accepted unless prior arrangement with County Landfill personnel):

- (A) Asbestos*;
- (B) Ashes;
- (C) Batteries;
- (D) Bedding;
- (E) Building materials, including construction debris;
- (F) Flammable materials;
- (G) Gas tanks*;
- (H) Hazardous waste*;
- (I) Liquids*;
- (J) Materials resulting from clearing land;
- (K) Medical waste;
- (L) Paint;
- (M) Pathological waste;
- (N) Rocks;
- (O) Sharps;
- (P) Tires; and
- (Q) White goods.

(2013 Code, § 9-11)

§ 51.12 ACCUMULATION OF GARBAGE, REFUSE, RUBBISH, AND WASTE PROHIBITED.

(A) No property owner or tenant shall allow the accumulation of garbage, refuse, rubbish, or waste upon land or premises owned or occupied by them so that such accumulation is dangerous or prejudicial to the public health.

(B) Where such an accumulation exists for any reason, the town may summarily remove, abate, or remedy such accumulation and the expense of the action shall be a lien upon the land or premises and shall be collected as unpaid taxes.

(2013 Code, § 9-12) Penalty, see § 51.99

§ 51.13 RECYCLING AND RECYCLABLE MATERIAL.

(A) *Recycling encouraged.* Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, or other place providing goods or services, or institution, church, camp, or school is strongly encouraged to remove recyclable materials from solid waste generated and make them available for recycling.

(B) *Containers.* The town provides each residence with a 95-gallon container. These containers are to be used for recycling materials only, and will be picked up once every two weeks by town staff. The containers remain the property of the town and remain with the residence if ownership is transferred. Anyone found to remove the container from the residence in violation of this section shall be charged the prevailing cost of a replacement container.

(C) *Recyclable materials.* Recyclable material shall consist of the following items and shall be prepared for recycling, prior to deposit in the town's recycling containers, as directed:

- (1) *Jars and bottles.* All brown, clear, and green container (bottles and jars) glass));
- (2) *Cans.* Aluminum beverage and bimetal (tin or steel) food cans;
- (3) *Plastic containers.* Plastic containers No. 1 PETE (soda containers) and No. 2 HDPE (milk and shampoo containers) and No. 3, 5, and 7 (mixed plastic);
- (4) *Corrugated containers and cardboard.* Must be flattened;
- (5) *Newspapers.* May be bundled with string or left loose. Inserts may remain; and
- (7) *Mixed paper.* See definition in § 51.01.

(D) *Prohibitions.*

(1) It shall be unlawful for any person to place or deposit at the town's recycling containers any recyclable material unless all such material can fit entirely within the appropriate container.

(2) It shall be unlawful for any person to place or deposit in the town's recycling containers any recyclable material of any type that was generated outside the corporate limits of the town.

(3) No person, other than persons authorized by the town, may remove recyclable material from a recycling container.

(2013 Code, § 9-13) Penalty, see § 51.99

§ 51.14 NOTICE OF NONCOMPLIANCE.

The town utilizes tags to inform residents of receptacles that are not in compliance. A letter of warning shall be given on the first occasion of placement of tree limbs and brush more than five days prior to the date of collection.

(2013 Code, § 9-15)

§ 51.99 PENALTY.

(A) Any willful and knowing refusal to pay fees assessed in this chapter shall subject the offender to a civil penalty in the amount of \$50 payable to the town as law provided.

(B) Violation of this chapter shall constitute a misdemeanor for each day such violation occurs and subject the violator of this chapter to a fine of \$50 or 30 days imprisonment or both for each violation of this chapter.

(2013 Code, § 9-15)

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131
www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Discussion – Potential Changes to Zoning Ordinance for Landscape Rocks

Date: September 3, 2020

Recent discussion has occurred regarding allowing landscaping rocks (not located within the Town's right of way) in a front yard. The Town has approved several landscaping rock installations within the past year, and has applications coming forward within in the next two months regarding additional installations.

The existing definition for accessory structure is as follows:

ACCESSORY STRUCTURE. A structure incidental and subordinate to the principal use or building on the lot and located on the same lot with such principal use or building. **ACCESSORY STRUCTURES** include, but are not limited to, fences, walls, curbs, pools, play sets, statues, water features, playhouses, decorative walls, sculptures, solar collectors, residential street lamps, **rock and stone moved from its original location to any other location on the property**, and the like.

The inclusion of "rock and stone" within this definition means these are not allowed without variance or special use approval within a front yard, or technically, anywhere on the lot without a special use permit. Revisions to this ordinance, if desired, could be via administrative approval or through the Board of Adjustment in a manner similar to how driveway entrance columns are approved. Before proceeding with any revisions, staff requests feedback from the Board on this issue.

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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners
From: Jonathan Kanipe, Town Manager
Re: Discussion – Organization of Planning Commission
Date: September 3, 2020

The Board has discussed increasing the membership of the Planning Commission from three (3) members to five (5) members. This discussion occurred as staff and the Town Attorney began the process of complying with new North Carolina General Statutes related to planning and zoning. The separate phases include modernizing language within our zoning ordinance and performing a comprehensive planning process. The comprehensive plan must be completed in order for the Town to continue being able to enforce the zoning ordinance.

As I began my review to determine what was necessary to increase the membership, I found that there is no organizational section of the Zoning Ordinance (or Town Code) related to the Planning Commission. I did find the minutes from the Board of Commissioners meeting in 1982 where the Planning Commission was approved and created under NCGS 160A, Article 19. These minutes noted the Commission was to be comprised of six (6) members. I am uncertain as to when the membership was reduced, and whether this occurred at the Commissioners direction or vacant seats were simply not filled.

My recommendation is to use this as an opportunity to reaffirm the role of the Planning Commission and state the numbers of members, selection process, terms of office, and other pertinent duties that are found in NCGS 160A, Article 19. This establishment would be codified in the Zoning Ordinance similar to how the Board of Adjustment and Design Review Board is established. I have included the establishment language for each of these boards as an example. Please let me know any thoughts or questions you may have related to both the membership number as well as codifying the establishment of the Planning Commission within the Zoning Ordinance.

Existing "Establishment" Language for Board of Adjustment

§ 153.105 ESTABLISHMENT OF BOARD OF ADJUSTMENT.

(A) A Board of Adjustment is hereby established. The Board shall consist of five members appointed by the Town Board of Commissioners. The members of the Board of Adjustment who have served as members of the Board of Adjustment under a zoning ordinance which was in effect prior to the adoption of this chapter shall serve the balance of the term to which said members were appointed.

(B) Upon completion of these terms of office, additional appointments shall be made on a staggered- term basis with one member appointed for a term of one year; two members appointed for a term of two years and two members appointed for a term of three years. All additional appointments to the Board shall be for three-year terms.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

Existing "Establishment" Language for Design Review Board

§ 153.126 COMPOSITION OF DESIGN REVIEW BOARD AND MEETING PROCEDURE.

(A) The Town Board of Commissioners hereby establishes a Design Review Board.

(B) The Town Board of Commissioners shall appoint five resident members. A minimum of two members shall come from the disciplines of architecture, landscape architecture, landscape contractor, licensed general contractor, or like disciplines.

(C) Members of the Design Review Board shall serve for terms of three years, and may be reappointed. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only.

(D) The Board shall meet when it has business to discuss, and otherwise has no set meeting schedule.

(E) The Board of Commissioners shall also appoint one alternate member to serve on the Design Review Board in the absence, for any cause, of any regular member. Such alternate member, while attending any regular and or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all powers and duties of such regular member so absent.

(Ord. passed 10-19-1983; Ord. passed 8-12-2013)

The undersigned Mayor of the Town of Biltmore Forest does hereby call a Special Meeting of the Town Commissioners to be held at the Town Hall on Monday, March 22, 1982 at 5:30 p.m. The purpose of the Special Meeting is to consider calling and holding a public hearing at the next regular meeting of the Commissioners on April 20, 1982, at 7:30 p.m. in the Town Hall, concerning the creation of a Town Planning Agency, as provided for in North Carolina General Statute 160A, Article 19, and various sections thereunder.

This the 22 day of March, 1982

Cecil D. Smith
Mayor

WE CONSENT:

Robbie W. Hambricht
Commissioner
Alvin K. Batten
Commissioner
E. Dean Kelly
Commissioner

c.
ystem

9/21/82
Frie Lane 6105

The Commissioners of the Town of Biltmore Forest met in a specially called meeting at the Town Hall on March 22, 1982, at 5:30 P.M. The Mayor and all Commissioners were present, and signed consent to the Call for a Special Meeting.

After discussions, it was moved by Commissioner

E. Glenn Kelley and seconded by Commissioner _____
Philip W. Bitter that the Commissioners conduct a public hearing at the regular April meeting on April 20, 1982, and give consideration to the creation of a Town Planning Agency, pursuant to North Carolina General Statute 160A, Article 19. The Town attorney is directed to publish the required Notice of this public hearing. *Motion passed unanimously*

This the 22nd day of March, 1982.

Cain D. Smith
Mayor

ATTEST:

James H. Kelley
Town Clerk

File name 2005

AN ORDINANCE CREATING A PLANNING BOARD TO REVIEW THE EXISTING ZONING ORDINANCE

There is hereby created a Planning Board to review and study the existing Zoning Ordinance of the Town of Biltmore Forest, and the Zone Map, and after the completion of this review to report back to the Town Commission at earliest convenience with any recommendations it may make as to changes and revisions of the Zoning Ordinance and Zone Map;

That the Planning Board shall be composed of six (6) persons, all being residents of the Town of Biltmore Forest. Said Board may, if deemed necessary, employ such expert or professional assistance it may need to accomplish its purposes but after first submitting a proposed budget for such expenditure for approval by the Commissioners.

The following persons are hereby appointed to serve on the Planning Board:

- Robert B. Armstrong Phillip C. Brownell
Chairman
- Durward R. Everett, Jr. Mrs. Charles E. Cummings
- Mrs. Arthur J. Field Bruce H. Fitchett

The Chairman is requested to call the Committee together for its organizational meeting, and begin its work.

I move the adoption of the foregoing Ordinance:

J. Lee Kelly

I second the Motion:
Philip K. Bitter

Vote: For the Motion 3
Against the Motion 0

Motion PASSED
(Pass or failed) This, the 20th day of April, 1982.
Cecile D. Smith
MAYOR

ATTEST:
James J. Keener
TOWN CLERK

File Lane 0105

First Meeting, Biltmore Forest Planning Commission
July 15, 1982, 3:00 p.m., Town Hall

Chairman Robert Armstrong called the meeting to order at 3:00 p.m. and noted the following persons present:

Jeanne Cummings, Planning Commission
Bruce Fitchett, Planning Commission
Emmie Field, Planning Commission
Phil Brownell, Planning Commission (arrived late)
Canie Smith, Mayor
O. E. Starnes, Jr., Town Attorney
Helen Moore, Board of Adjustments
Frank Coxe, Board of Adjustments
James M. Coleman, Board of Adjustments
Jeff Fishbach, Planner, Department of Natural Resources and Community Development
Victor Josephs, Phd., Planner, Land of Sky Council of Governments
Jim Edwards, Planner, Land of Sky, Council of Governments
Durward Everett, of the Planning Commission was absent
R. M. Hudgins, Jr. of the Board of Adjustments was absent
Grady Byrd, Jr. of the Board of Adjustments was absent
Robert Musselwhite, Town Manager

Chairman Armstrong requested that Mayor Smith speak as to exactly what the roll of the Planning Commission was to be as to function and role.

Mayor Smith indicated that previous problems with the present zoning ordinance in terms of its weaknesses in terms of its defense in court, and that the ordinance, in 1943, simply needed to be examined and updated if necessary. The Mayor expressed doubts that the original ordinance protected the present day property owner as it and whether the ordinance would encourage the type town that most residents seem to desire and have come to expect.

The mayor explained that the board was charged with becoming well acquainted with the present ordinance, present problems, and then to recommend solutions to be put into local law by the town commission.

The overall objective, he explained, is to develop, modify, or readopt an ordinance that would protect the property owners of the town.

The chairman asked for comments from those present as to what they envisioned for the town in 15 to 25 years. Helen Moore expressed the opinion that the town should remain a quality, solid, residential area, non transient, and stable. Canie Smith expressed that he wanted to address the question of whether the town would allow non-single family structures to be built. Frank Coxe said that he wanted to keep the town as what we have now as is possible, and wanted a set of rules that are more specific than that the Board of Adjustments would not be continually challenged and lose in litigation. The subdivision of lots as a problem was discussed. Bruce Fritchett expressed his opinion as to whether the present ordinance did not allow more liberties with land than had already been taken. O. E. Starnes expressed his concern that those who developed the town in the past may not be the exclusive developers in the future. In addition Mr. Starnes felt that economic constraints would force people to utilize large homes in town, in ways that we do not expect now such as rentals.

It was determined that the present ordinance is inadequate and needs to be reworked or done away with. This decision was based upon the concerns and experience of those present including those responsible for the administration, and legal defense of the ordinance, and with regard to its adequacy for future development of land and use of land already developed.

Continued page 33.