

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, September 17, 2019 at 4:30 p.m.

A. Roll Call by the Clerk

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

B. Special Presentation

C. Approval of the Minutes

1. The minutes of the Regular meeting held on August 13, 2019 will be considered for approval.

D. Reports of Officers

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

E. New Business

1. Financial Reporting Awards for Town of Biltmore Forest
2. Special Separation Allowance Payment for Retiring Law Enforcement Officer
3. Construction Route Entrance(s) for Biltmore Forest
4. Review Amendments to Tree Protection Ordinance

F. Petitions, Motions, and Other Business

G. Public Comment

H. Adjourn



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 2019

Station: 4 - BILTMORE FOREST STATION	
111 - Building fire	1
311 - Medical assist, assist EMS crew	8
321 - EMS call, excluding vehicle accident with injury	1
463 - Vehicle accident, general cleanup	1
554 - Assist invalid	3
600 - Good intent call, other	1
611 - Dispatched & cancelled en route	2
622 - No incident found on arrival at dispatch address	3
700 - False alarm or false call, other	1
744 - Detector activation, no fire - unintentional	2
745 - Alarm system activation, no fire - unintentional	1
814 - Lightning strike (no fire)	1

Incidents for 4 - Biltmore Forest Station: 25

Respectfully Submitted,

Ryan M. Cole

Chief Ryan M. Cole
 Skyland Fire Rescue

BILTMORE FOREST POLICE DEPARTMENT

Department Head Report

September 17th, 2019 Board of Commissioners Meeting

Chris Beddingfield, Police Chief

Police Dept. Monthly Report 08/01/19-08/31/19

Calls for Service:614

Officers responded to the following calls for service:

Accident - 2	Accident - PI -0
Alarm - 24	Animal Carcass - 1
Assist EOC – 8	Assist Motorist - 8
Assist Other Agency - 8	Assist Resident - 25
Bear Report - 4	Business Check - 88
Busy - 3	Crime Prev. - 8
Chase- 0	Direct Traffic - 3
Distressed Animal - 0	Disturbance - 2
Dog Complaint - 16	Domestic disturbance- 0
Fire – 1	Fight- 2
Hit and Run - 0	House Check - 77
Improper Parking- 5	Incomplete 911- 2
Investigation – 10	Intoxicated Driver- 0
Mental Patient - 1	Missing Person - 0
Noise Disturbance – 1	Ordinance Violation - 11
Out of Service - 0	Out of Town - 1
Person Down – 0	Power Outage - 0
Radar Operation – 24	Road Blocked - 2

Service of Car - 1	Sign Ord Violation - 7
Special Assignment – 2	Special Check - 20
Speed/Reckless Driving- 0	Suspicious Person - 13
Suspicious Vehicle – 35	Vandalism - 0
Vehicle Stop – 60	Well-being Check – 6

Total Number Of Calls:614

Arrests:

1-Felony Arrest-1 Felony Breaking and Entering, Felony Larceny, Felony Fleeing to Elude

3-Misdemeanor Arrests-1 DWI, Driving While License Revoked, 2 Court Violations/Outstanding Warrants From Other Agencies

Time Consumption Summary:

Approximations

Business Checks-10 hours

House Checks- 12 hours

Radar Operation- 16 hours

Vehicle Crash Investigation- 1 hours

Notable Calls and Projects:

A couple of internal thefts-Cleaning crews or known people who have access to the inside of homes-One was over \$100,000. It was solved in about four hours but we spent a week tracking the suspect until he was arrested. Virtually all of that property was recovered.

Several incidents of motor vehicle break-ins-Every reported case the vehicle was left unlocked-We put out several alerts to be sure and secure vehicles at night. We have networked with both Asheville PD and Buncombe County Sheriff's Department as they have experienced a rash of these incidents as well. Current thought is that these crimes are connected to vagrancy/homeless issues. We have stepped up patrols tremendously on the Hendersonville Rd side of town.



Biltmore Forest Public Works Department

Terry Crouch
Director Of Public Works
355 Vanderbilt Road
Biltmore Forest NC, 28803

Phone: 274-3919
Fax: 274-3921
Mobile: 777-4466
Email: tcrouch@biltmoreforest.org

PUBLIC WORKS MONTHLY REPORT **AUGUST 11, 2019 TO SEPTEMBER 17, 2019**

- Completed all of the normal routine services to the residents on schedule, garbage collection, recycling and brush removal.
- Completed 2 water taps and road bores for the lot at 19 Eastwood road.
- We have collected a total of 25 loads of brush for the residents and transported them to Asheville Stump and Dump.
- Completed 2 water taps and road bores for the new lot on 24 Busbee road.
- Dug out and repaired a broke storm drain line at no. 7 Greenwood road and while we had it dug out MSD also repaired a broke sewer line underneath the drain.
- Finished up with the 4 way stop at Vanderbilt and Cedar Cliff road intersection.
- Completed 68 special requests from the residents, extra garbage collection, meter rereads, house no. signs, recycling request, etc and completed 35 utility locate request.
- Completed the 2 monthly bacteriological water samples for August 2019 and both were in compliance with the state.
- Charles has inspected 40 trees for the residents.

- Completed repairs to several pieces of Public Works equipment and removed the sander from the old GMC truck and reinstalled it on the newer GMC dump truck. The old truck has become very unsafe to drive.
- We collected a total of 34 tons of garbage and 16.5 tons of recycling for the month of August.
- Trimmed back the debris at Cedar Cliff and Hendersonville road and Busbee road south due to traffic not being able to see turning on to Hendersonville road..
- We have completed our annual fire hydrant inspections and will be repairing any problems that were found.
- We are still working on the annual inspections of the residents RPZ devices (backflow).
- A total of 545 hours were spent maintaining the Towns roads and road shoulders.
- 110 hours were spent maintaining the Town's parks and pond.
- Repaired 3 streetlights (general repairs).
- We are continuing to repair road shoulder ruts and road shoulders all over the Town due to vehicles. This seems to be an ongoing problem.
- We have been using the sickle bar mower to trim back some of the road shoulders for traffic visibility.
- We are continuing to clean up the fallen debris out of the woods off Brookside road when time allows.
- Completed all of the daily chlorine samples for the month of August and sent to the state as required.
- Mowed all of the road shoulders and parks as needed.
- We are continuing to check residents meters for leaks.
- We have removed the wood shields from both entrances to Bourne Lane.
- We have reinstalled the air compressor in the shop area of the new building.

- We have begun moving in to our new building at the first of September and still have a lot more moving to do.

Sincerely

Terry Crouch

Terry Crouch
Director of Public Works

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: Town Manger's Report

Date: September 10, 2019

Public Works Building Open House

The Open House for the Public Works Building will be held after the conclusion of the Commissioners' regular monthly meeting from 6:00-8:00 p.m. Staff members have moved a majority of items back to the building but will continue moving in throughout the next few weeks. We hope to have the Town Hall back to its normal operating functions within the same period. The Town is appreciative of all the contractors and staff members who worked diligently on this project. Additionally, the Town sincerely appreciates the patience and tolerance of our neighbors during the construction process. We are pleased with the result and hope the Town is pleased with this new and improved facility.

Police Department Painting and Maintenance

Painting is underway at the Police Department and likely to be completed within the next few weeks. The Town is also researching methods of fixing the flat roofs on each side of the building that present maintenance challenges and need to be repaired. This will be presented to the Board for consideration sometime within the next two months.

Greenwood Park Stream Restoration Project

Town staff, our grant consultant, and DEQ staff held a conference call in August to discuss this project. The first phase of the project is for the Town to issue an RFQ for design services for the stream restoration. This is in process and will be presented to the Board for approval at the regular October meeting. This selection is required no later than December 2019 to comply with the loan guidelines. DEQ staff is aware that this project is not as in depth as many others and may be finished well ahead of schedule.

2020 Census Rollout

Town staff is working with Buncombe County and other municipal staff to publicize and rollout information for the upcoming 2020 Census. In the coming weeks, residents will see

information related to the Census on the Town's website, in newsletters, and across local media outlets. The Town is partnering with the above local government jurisdictions and other interested parties to form a Complete Count Committee, with an aim to improve upon the 84 percent response rate from the 2010 Census. The Complete Count Committee and local Census office are also looking for temporary workers or volunteers to assist.

Community Deer Management Assistance Program

The Town received approval from the State of North Carolina Wildlife Resources Commission to enter the Community Deer Management Assistance Program. As you recall from last month, an amendment was made to the Town Code clarifying the Town's participation in this program. Town staff has met with a representative from the NC League of Municipalities regarding policies and procedures, and will implement these policies prior to any activity within the program. Please let me know if you have any questions.

Volkswagen Clean Diesel Grant

Town staff is finalizing the Volkswagen Clean Diesel grant. This application is due September 30. The grant announcement is not likely to occur before the middle of the fiscal year.

Eastwood Road Traffic Light

The traffic light at the intersection of Eastwood Road and Hendersonville Road was placed into full service by the NC Department of Transportation on Tuesday, September 10.

GovDeals Car Auction

The police vehicle auctioned on GovDeals is scheduled to conclude September 16. I will have an updated report for you at that time regarding the sale and proceeds derived from it. We will likely have Public Works items for sale on GovDeals within the next month or so as we begin reviewing inventory and moving it back into the new building.



Monthly Financial Report AUGUST 2019

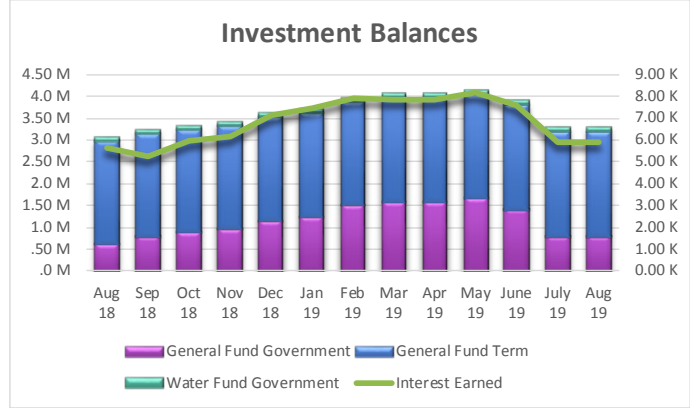
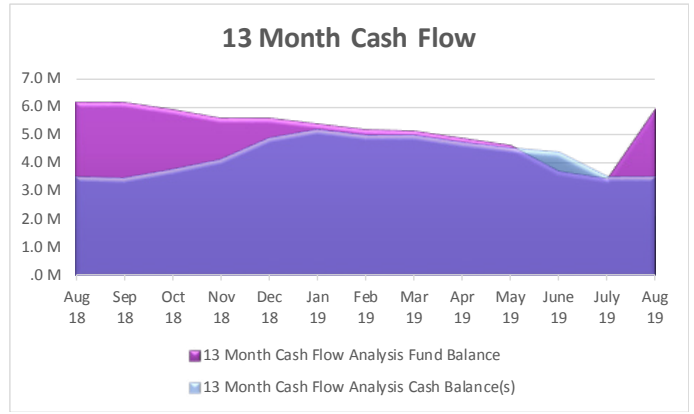
CASH ACCOUNTS	
First Citizens Money Market Checking	213,977.79
NCCMT General Fund Term	2,389,216.18
NCCMT General Fund Government	805,746.92
NCCMT Water Fund Government	96,601.77
TOTAL	3,505,542.66

FIRST CITIZENS CHECKING (Monthly Transaction Report)	
Beginning Balance	515,533.50
Cleared Checks	(95,584.67)
Cleared Deposits	87,160.70
Cleared Credits	25,227.48
Cleared Debits	(101,161.99)
Cleared E-payments	(105,261.40)
Change in Account Balance	(189,619.88)
Prelim balance	325,913.62
Outstanding Items	(111,935.83)
Ending Balance (F/L Balance)	213,977.79

NORTH CAROLINA CASH MANAGEMENT TRUST	
GENERAL FUND Government	
Beginning Balance	712,068.60
Local Gov't Distribution (NCDOR)	92,357.97
Transfer to First Citizens Checking	-
Interest Earned	1,320.35
Ending Balance	805,746.92
GENERAL FUND Term	
Beginning Balance	2,384,793.29
Interest Earned	4,422.89
Ending Balance	2,389,216.18
WATER FUND Government	
Beginning Balance	96,434.70
Interest Earned	167.07
Ending Balance	96,601.77

2018 PROPERTY TAXES	
Real Property	761,692,752
Personal Property (Including BUS & IND)	6,641,166
Personal Property (Public Service Companies)	-
Exemptions	(494,050)
Deferrals	(8,875,692)
Releases	-
Total Assessed	758,964,176
Total Levy	2,618,426
Budgeted Levy	2,593,341

Tax Collection To Date	Percent Collected	Budgeted Levy	Amount Collected*
Ad Valorem (2019)	0.15%	2,593,341	3,993
9/9/2019	0.15%	2,618,426	
DMV Ad Valorem	18.18%	101,548	18,460 *





Monthly Financial Report AUGUST 2019

2019 TAXES

The 2019 tax scroll was received from Buncombe County on August 12, 2019. Data was entered and validated and bills were printed and mailed on August 22, 2019. The total assessed value, net of exemptions and deferrals, was \$761,692,752 and the total levy, net of exemptions and deferrals was \$2,593,341.

The current billing does not include Public Service Companies (PSC). The PSC listing will be provided by the NC Department of Revenue in mid-September. For reference, the 2018 PSC assessed value was \$4,954,281.

The DMV Ad Valorem distribution received in August for June 2019 collections is inaccurate. The Town received funds in excess of the actual June collection; receiving \$18,460.12. In correspondence with Buncombe County, it was determined that the actual amount of collections for June was \$9,050.83. As a result, future payments will be reduced until the overpayment of \$9,409.29 has been satisfied.

TOP TEN ASSESSMENTS

Real Property	Assessed Value	% of Total Assessed Value
31 Stuyvesant Rd	11,707,400	1.54%
1 Biltmore Estate Dr	6,683,560	0.88%
7 Stuyvesant Rd	5,816,400	0.77%
24 Browntown Rd	5,613,700	0.74%
7 Brooklawn Chase	4,673,100	0.62%
21 Cedar Hill Dr	4,426,300	0.58%
398 Vanderbilt Rd	4,423,400	0.58%
41 Hilltop Rd	4,313,600	0.57%
396 Vanderbilt Rd	4,273,700	0.56%
1127B Hendersonville Rd	3,894,900	0.51%

SUPPLEMENTAL FINANCIAL INFORMATION

Award for Outstanding Achievement in Popular Annual Financial Reporting

The Town has received an Award for Outstanding Achievement in Popular Annual Financial Reporting for its Popular Annual Financial Report for the fiscal year ended June 30, 2018. An Award for Outstanding Achievement in Popular Annual Financial Reporting is valid for a period of one year only. The Town has received a Popular Award for the last two consecutive years.

The score for the Popular Annual Financial Report for fiscal year ended June 30, 2018 increased from the previous year in the Reader Appeal and Understandability categories.

Certificate of Achievement for Excellence in Financial Reporting

The Town has been awarded a Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the fiscal year ended June 30, 2018. A Certificate of Achievement for Excellence in Financial Reporting is valid for a period of one year only. The Town has been awarded a Certificate of Achievement for Excellence in Financial Reporting for the last four consecutive years.

OTHER

The Town was one of 163 who received perfect 10 scores for all three scorecards in the second quarter of 2019 for the NC State Health Plan. Scorecards evaluate qualifying life event & dependent audit compliance, exception statistics, and outstanding tasks list.

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10 General Fund					
Revenue					
3010 Ad Valorem Tax					
10-3010-0000 AD VALOREM TAXES (PROPERTY)	2,618,428.32	2,618,428.32	0.00	2,593,341.00	101
10-3010-0100 AD VALOREM TAXES (DMV)	18,460.12	26,836.57	0.00	101,548.00	26
10-3010-0200 TAX INTEREST & PENALTIES	10.38	10.38	0.00	2,500.00	0
3010 Ad Valorem Tax Subtotal	\$2,636,898.82	\$2,645,275.27	\$0.00	\$2,697,389.00	98
3020 Unrestricted Intergovernm					
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	0.00	0.00	0.00	215,488.00	0
10-3020-0100 ALCOHOL BEVERAGE TAX	0.00	0.00	0.00	6,000.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	47,169.36	95,444.86	0.00	597,047.00	16
10-3020-0300 1/2 CENT SALES TAX A.40	19,986.25	39,601.96	0.00	232,530.00	17
10-3020-0400 1/2 CENT SALES TAX A.42	24,944.93	50,336.13	0.00	312,187.00	16
10-3020-0700 GASOLINE TAX REFUND	3,891.02	3,891.02	0.00	4,000.00	97
3020 Unrestricted Intergovernm Subtotal	\$95,991.56	\$189,273.97	\$0.00	\$1,367,252.00	14
3030 Restricted Intergovernmen					
10-3030-0000 SOLID WASTE DISPOSAL TAX	257.43	257.43	0.00	950.00	27
10-3030-0100 POWELL BILL	0.00	0.00	0.00	62,500.00	0
3030 Restricted Intergovernmen Subtotal	\$257.43	\$257.43	\$0.00	\$63,450.00	0
3040 Permits & Fees					
10-3040-0000 BUILDING PERMITS	836.00	3,382.00	0.00	25,000.00	14
10-3040-0100 DOG LICENSE FEE	15.00	20.00	0.00	1,500.00	1
3040 Permits & Fees Subtotal	\$851.00	\$3,402.00	\$0.00	\$26,500.00	13
3050 Investment Earnings					
10-3050-0000 INTEREST EARNED	5,759.58	12,251.64	0.00	59,953.00	20
3050 Investment Earnings Subtotal	\$5,759.58	\$12,251.64	\$0.00	\$59,953.00	20
3060 Miscellaneous					
10-3060-0100 AMERICAN TOWER AGREEMENT	400.00	800.00	0.00	28,000.00	3
10-3060-0200 MISCELLANEOUS	275.50	366.50	0.00	15,000.00	2
3060 Miscellaneous Subtotal	\$675.50	\$1,166.50	\$0.00	\$43,000.00	3
Revenue Subtotal	\$2,740,433.89	\$2,851,626.81	\$0.00	\$4,257,544.00	67
Expenditure					
4200 Administration					
10-4200-0200 SALARIES	18,706.25	37,718.74	0.00	215,249.00	18
10-4200-0300 OVERTIME	264.19	264.19	0.00	1,000.00	26
10-4200-0500 FICA	1,395.46	2,794.12	0.00	16,543.00	17
10-4200-0600 HEALTH INSURANCE (MEDICAL)	2,503.42	5,006.84	0.00	25,852.00	19
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	428.52	841.08	0.00	4,361.00	19
10-4200-0675 HEALTH REIMBURSEMENT ACC	375.00	750.00	0.00	3,750.00	20
10-4200-0700 LGERS RETIREMENT	2,934.41	5,874.61	0.00	33,299.00	18
10-4200-0800 401K SUPP RETIREMENT	948.86	1,899.81	0.00	10,762.00	18
10-4200-1000 ACCOUNTING & TAXES	373.40	2,573.40	0.00	45,000.00	6
10-4200-1200 POSTAGE, PRINTING, STATIONARY	169.87	465.62	0.00	5,000.00	9

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10-4200-1400 MILEAGE & BOARD SALARY	1,800.00	5,400.00	0.00	22,000.00	25
10-4200-3300 SUPPLIES AND EQUIPMENT	605.02	1,202.51	0.00	5,000.00	24
10-4200-5300 DUES & FEES	0.00	341.00	0.00	5,000.00	7
10-4200-5700 MISCELLANEOUS	23.99	23.99	0.00	1,000.00	2
10-4200-6500 STAFF DEVELOPMENT	1,589.64	2,153.32	0.00	15,000.00	14
10-4200-6600 CAPITAL IMPROVEMENT & AMORT	0.00	0.00	0.00	20,000.00	0
4200 Administration Subtotal	\$32,118.03	\$67,309.23	\$0.00	\$428,816.00	16
4300					
10-4300-1000 CONTRACT	0.00	0.00	0.00	34,128.00	0
10-4300-1200 POSTAGE, PRINTING & STATIONARY	0.00	146.75	0.00	1,500.00	10
10-4300-3300 SUPPLIES & EQUIPMENT	0.00	0.00	0.00	500.00	0
10-4300-5300 DUES & FEES	0.00	0.00	0.00	100.00	0
10-4300-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	500.00	0
4300 Subtotal	\$0.00	\$146.75	\$0.00	\$36,728.00	0
5100 Police Department					
10-5100-0200 SALARIES	59,101.24	116,967.00	0.00	861,265.00	14
10-5100-0300 OVERTIME	4,930.44	12,911.43	0.00	42,000.00	31
10-5100-0400 SEPARATION ALLOWANCE	2,355.18	4,710.36	0.00	40,022.00	12
10-5100-0500 FICA	4,922.00	9,982.85	0.00	69,100.00	14
10-5100-0550 UNEMPLOYMENT INSURANCE	0.00	0.00	0.00	500.00	0
10-5100-0600 HEALTH INSURANCE (MEDICAL)	10,111.46	20,222.92	0.00	139,380.00	15
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	1,395.08	2,537.64	0.00	19,358.00	13
10-5100-0675 HRA HEALTH REIMB ACCT	1,750.00	3,500.00	0.00	24,000.00	15
10-5100-0700 LGERS RETIREMENT	9,784.77	20,051.04	0.00	141,112.00	14
10-5100-0800 401K SUPP RETIREMENT	3,089.09	6,328.63	0.00	43,888.00	14
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	85.00	85.00	2,168.60	10,000.00	23
10-5100-1600 MAINT/REPAIR - EQUIPMENT	105.00	105.00	203.30	15,000.00	2
10-5100-1700 MAINT/REPAIR - VEHICLES	1,046.15	1,046.15	1,212.67	20,000.00	11
10-5100-3100 MOTOR FUELS	0.00	962.94	0.00	18,000.00	5
10-5100-3300 SUPPLIES	423.31	779.98	0.00	10,000.00	8
10-5100-3600 UNIFORMS	70.00	70.00	2,714.63	12,500.00	22
10-5100-3700 TECHNOLOGY & SOFTWARE	180.00	2,770.50	0.00	15,000.00	18
10-5100-5700 MISCELLANEOUS	980.00	6,289.05	0.00	7,000.00	90
10-5100-5800 PHYSICAL EXAMS	0.00	0.00	0.00	1,500.00	0
10-5100-6500 STAFF DEVELOPMENT	1,417.50	1,482.38	6,638.20	15,000.00	54
10-5100-7400 EQUIPMENT PURCHASES	0.00	0.00	2,719.06	35,000.00	8
5100 Police Department Subtotal	\$101,746.22	\$210,802.87	\$15,656.46	\$1,539,625.00	15
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	20,617.00	40,368.97	0.00	293,310.00	14
10-5600-0300 OVERTIME	2,792.51	4,291.24	0.00	10,000.00	43

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10-5600-0500 FICA	1,768.59	3,394.93	0.00	23,203.00	15
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	3,168.20	5,767.76	0.00	39,628.00	15
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	352.58	690.08	0.00	5,479.00	13
10-5600-0675 HRA HEALTH REIMB ACCT	625.00	1,125.00	0.00	7,500.00	15
10-5600-0700 LGERS RETIREMENT	3,562.94	6,797.30	0.00	46,922.00	14
10-5600-0800 401K SUPP RETIREMENT	1,170.90	2,233.87	0.00	15,165.00	15
10-5600-1000 OUTSIDE SERVICES	0.00	0.00	0.00	10,000.00	0
10-5600-1300 STREETLIGHTS ELECTRIC	573.99	1,147.98	0.00	7,000.00	16
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	0.00	0.00	0.00	5,000.00	0
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	1,070.34	1,070.34	0.00	10,000.00	11
10-5600-1700 MAINT/REPAIR - VEHICLES	0.00	0.00	1,979.50	20,000.00	10
10-5600-3100 MOTOR FUELS	0.00	770.35	0.00	15,000.00	5
10-5600-3300 SUPPLIES	214.41	613.66	0.00	10,000.00	6
10-5600-3400 STREET SIGNS & NUMBERS	0.00	22.36	0.00	1,000.00	2
10-5600-3600 UNIFORMS	140.90	140.90	3,070.90	10,000.00	32
10-5600-5200 PARKS	0.00	0.00	0.00	30,000.00	0
10-5600-5201 GREENWOOD PARK	0.00	0.00	0.00	324,950.00	0
10-5600-5900 MISCELLANEOUS	75.00	75.00	0.00	5,000.00	2
10-5600-6000 CAPITAL OUTLAY	0.00	0.00	0.00	20,000.00	0
10-5600-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	5,000.00	0
5600 Public Works Subtotal	\$36,132.36	\$68,509.74	\$5,050.40	\$914,157.00	8
5700 Streets & Transportation					
10-5700-0200 SALARIES	3,360.68	6,658.51	0.00	49,898.00	13
10-5700-0300 OVERTIME	0.00	0.00	0.00	5,000.00	0
10-5700-0500 FICA	257.10	509.40	0.00	3,817.00	13
10-5700-0600 HEALTH INSURANCE (MEDICAL)	568.64	1,137.28	0.00	7,086.00	16
10-5700-0650 DENTAL, VISION, LIFE INSURANCE	54.04	106.46	0.00	664.00	16
10-5700-0675 HRA HEALTH REIMB ACCT	125.00	250.00	0.00	1,500.00	17
10-5700-0700 LGERS RETIREMENT	511.50	1,013.43	0.00	7,718.00	13
10-5700-0800 401K SUPP RETIREMENT	168.04	332.93	0.00	2,495.00	13
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	0.00	0.00	0.00	10,000.00	0
10-5700-2200 CONTRACTS- PAVING & STRIPING	0.00	5,300.00	0.00	80,000.00	7
10-5700-2300 SUPPLIES	63.66	256.23	0.00	20,500.00	1
10-5700-2400 TRAFFIC SIGNS	204.77	638.24	0.00	5,000.00	13
10-5700-2500 STORM WATER DRAINAGE	360.32	360.32	0.00	100,000.00	0
10-5700-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	1,000.00	0
10-5700-7400 EQUIPMENT PURCHASES	0.00	0.00	0.00	7,000.00	0
10-5700-7500 ENGINEERING	20,750.00	21,548.75	0.00	50,000.00	43
5700 Streets & Transportation Subtotal	\$26,423.75	\$38,111.55	\$0.00	\$351,678.00	11
5800 Sanitation & Recycling					
10-5800-0200 SALARIES	6,254.93	13,675.84	0.00	105,855.00	13
10-5800-0300 OVERTIME	286.96	394.14	0.00	10,000.00	4
10-5800-0500 FICA	500.48	1,076.43	0.00	8,863.00	12
10-5800-0600 HEALTH INSURANCE (MEDICAL)	1,137.28	2,818.20	0.00	31,202.00	9

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	102.48	257.22	0.00	4,068.00	6	
10-5800-0675 HRA HEALTH REIMB ACCT	250.00	625.00	0.00	4,500.00	14	
10-5800-0700 LGERS RETIREMENT	995.68	2,141.47	0.00	17,923.00	12	
10-5800-0800 401K SUPP RETIREMENT	327.09	703.48	0.00	5,793.00	12	
10-5800-1700 MAINT/REPAIRS - VEHICLES	45.00	45.00	0.00	15,000.00	0	
10-5800-3100 MOTOR FUELS	392.61	1,379.41	0.00	17,500.00	8	
10-5800-3300 SUPPLIES	112.22	173.27	0.00	1,000.00	17	
10-5800-5900 MISCELLANEOUS	166.83	166.83	0.00	1,000.00	17	
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	2,530.65	4,857.59	0.00	55,000.00	9	
10-5800-8100 RECYCLING	1,092.00	1,092.00	0.00	15,000.00	7	
5800 Sanitation & Recycling Subtotal	\$14,194.21	\$29,405.88	\$0.00	\$292,704.00	10	
6600 General Government						
10-6600-0401 LEGAL SERVICES	2,601.54	2,601.54	0.00	40,000.00	7	
10-6600-1100 TECHNOLOGY	3,401.02	9,642.84	0.00	85,000.00	11	
10-6600-1300 MUNICIPAL UTILITIES	1,690.03	2,931.31	0.00	16,881.00	17	
10-6600-1500 GE. REPS. AND MAINT.	331.56	1,317.87	0.00	20,000.00	7	
10-6600-2800 ELECTIONS	0.00	0.00	0.00	100.00	0	
10-6600-3300 SUPPLIES & EQUIPMENT	0.00	0.00	0.00	2,000.00	0	
10-6600-5400 INSURANCE	656.00	75,883.23	0.00	80,000.00	95	
10-6600-6000 CONTINGENCY	0.00	0.00	0.00	4,919.00	0	
10-6600-6100 MISCELLANEOUS	545.00	1,090.00	0.00	10,000.00	11	
10-6600-6301 4TH OF JULY	2,182.63	5,209.60	0.00	15,000.00	35	
10-6600-6302 NATIONAL NIGHT OUT	490.76	490.76	0.00	5,000.00	10	
10-6600-6303 HOLIDAY LIGHTING	0.00	0.00	0.00	2,500.00	0	
10-6600-6304 ARBOR DAY EVENT	0.00	0.00	0.00	3,000.00	0	
10-6600-6400 WILDLIFE MANAGEMENT	50.00	50.00	0.00	5,000.00	1	
10-6600-6500 FOREST MANAGEMENT	0.00	0.00	0.00	60,000.00	0	
6600 General Government Subtotal	\$11,948.54	\$99,217.15	\$0.00	\$349,400.00	28	
6700 Debt Service						
10-6700-0100 Police Dept Renovations-Principal	0.00	5,833.33	0.00	23,333.00	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	
10-6700-1100 Police Dept Renovations-Interest	0.00	1,111.25	0.00	4,112.00	27	
10-6700-1200 Street Improvements-Interest	0.00	317.50	0.00	1,175.00	27	
10-6700-1400 2017 Garbage Truck-Interest	0.00	0.00	0.00	1,625.00	0	
10-6700-1500 Public Works Building-Interest	0.00	0.00	0.00	39,986.00	0	
6700 Debt Service Subtotal	\$0.00	\$8,928.75	\$0.00	\$195,436.00	5	
Expenditure Subtotal	\$222,563.11	\$628,681.92	\$20,706.86	\$4,533,544.00	14	
Before Transfers	Excess Of Revenue Subtotal	\$2,517,870.78	\$2,222,944.89	-\$20,706.86	-\$276,000.00	-798
Other Financing Source						
3500 Other Financing						
10-3500-0000 SALE OF PERSONAL PROPERTY	2,885.90	2,885.90	0.00	15,000.00	19	

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10-3500-0500 GRANT (GOVERNMENTAL) FUNDS	0.00	0.00	0.00	181,000.00	0	
10-3500-0600 DONATION (LAND)	0.00	0.00	0.00	80,000.00	0	
3500 Other Financing Subtotal	\$2,885.90	\$2,885.90	\$0.00	\$276,000.00	1	
Other Financing Source Subtotal	\$2,885.90	\$2,885.90	\$0.00	\$276,000.00	1	
After Transfers	Excess Of Revenue Subtotal	\$2,520,756.68	\$2,225,830.79	-\$20,706.86	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 30 WATER & SEWER

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
30 Water & Sewer Fund					
Revenue					
3290					
30-3290-0000 INTEREST EARNED	167.07	348.56	0.00	1,500.00	23
3290 Subtotal	\$167.07	\$348.56	\$0.00	\$1,500.00	23
3350 Commissions, Sw Chg Coll					
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	0.00	1,587.20	0.00	8,000.00	20
3350 Commissions, Sw Chg Coll Subtotal	\$0.00	\$1,587.20	\$0.00	\$8,000.00	20
3710 Water Sales					
30-3710-0000 WATER CHARGES	95,012.96	94,796.05	0.00	384,355.00	25
30-3710-0100 MSD CHARGES	69,296.78	68,562.16	0.00	306,849.00	22
30-3710-0200 AMI TRANSMITTER CHARGES	1,391.96	1,391.96	0.00	7,700.00	18
3710 Water Sales Subtotal	\$165,701.70	\$164,750.17	\$0.00	\$698,904.00	24
3730 Water Tap & Connect Fees					
30-3730-0000 WATER TAP AND CONNECTION FEES	2,120.00	8,180.00	0.00	6,000.00	136
3730 Water Tap & Connect Fees Subtotal	\$2,120.00	\$8,180.00	\$0.00	\$6,000.00	136
Revenue Subtotal	\$167,988.77	\$174,865.93	\$0.00	\$714,404.00	24
Expenditure					
8100 Water Dept.					
30-8100-0200 SALARIES	0.00	0.00	0.00	26,363.00	0
30-8100-0300 OVERTIME	0.00	0.00	0.00	1,200.00	0
30-8100-0400 PROFESSIONAL SERVICES	85.00	170.00	220.00	4,000.00	10
30-8100-0500 FICA	0.00	0.00	0.00	92.00	0
30-8100-0600 HEALTH INSURANCE (MEDICAL)	0.00	0.00	0.00	5,707.00	0
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	0.00	0.00	0.00	884.00	0
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	0.00	0.00	0.00	750.00	0
30-8100-0700 LGERS RETIREMENT	0.00	0.00	0.00	4,078.00	0
30-8100-0800 401K SUPP RETIREMENT	0.00	0.00	0.00	1,318.00	0
30-8100-1200 POSTAGE, PRINTING, & STATIONARY	0.00	0.00	0.00	5,000.00	0
30-8100-1500 GENERAL REPAIRS	3,573.38	3,573.38	0.00	10,000.00	36
30-8100-3300 SUPPLIES & EQUIPMENT	5,369.36	5,503.16	8,163.89	10,000.00	137
30-8100-4800 WATER PURCHASES	20,139.80	40,094.47	0.00	239,636.00	17
30-8100-4900 SEWER PURCHASES	0.00	0.00	0.00	309,259.00	0
30-8100-5000 AMI TRANSMITTER FEES	721.79	721.79	0.00	7,700.00	9
30-8100-5700 MISCELLANEOUS	30.99	62.11	0.00	1,500.00	4
30-8100-6000 CAPITAL RESERVE	0.00	0.00	0.00	5,000.00	0
30-8100-6500 STAFF DEVELOPMENT	0.00	50.00	0.00	81,917.00	0
8100 Water Dept. Subtotal	\$29,920.32	\$50,174.91	\$8,383.89	\$714,404.00	8
Expenditure Subtotal	\$29,920.32	\$50,174.91	\$8,383.89	\$714,404.00	8
Before Transfers	Excess Of Revenue Subtotal	\$138,068.45	\$124,691.02	-\$8,383.89	0
After Transfers	Excess Of Revenue Subtotal	\$138,068.45	\$124,691.02	-\$8,383.89	0

REVENUE & EXPENDITURE STATEMENT FOR 40 CAPITAL PROJECT

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
40 Capital Project Fund					
Revenue					
4000					
40-4000-0000 FUND BALANCE	0.00	0.00	0.00	719,250.00	0
40-4000-1000 INSTALLMENT FINANCING	0.00	0.00	0.00	242,607.00	0
4000 Subtotal	\$0.00	\$0.00	\$0.00	\$961,857.00	0
Revenue Subtotal	\$0.00	\$0.00	\$0.00	\$961,857.00	0
Expenditure					
5600 Public Works					
40-5600-1000 DESIGN (ARCHITECTURAL SERVICES)	0.00	0.00	0.00	10,267.00	0
40-5600-2000 CONSTRUCTION (CONST MGR AT RISK)	7,059.00	7,314.93	1,162.50	951,590.00	1
40-5600-7400 CAPITAL OUTLAY/EQUIPMENT	3,238.05	3,238.05	0.00	0.00	0
5600 Public Works Subtotal	\$10,297.05	\$10,552.98	\$1,162.50	\$961,857.00	1
Expenditure Subtotal	\$10,297.05	\$10,552.98	\$1,162.50	\$961,857.00	1
Before Transfers	Deficiency Of Revenue Subtotal	-\$10,297.05	-\$10,552.98	-\$1,162.50	0
After Transfers	Deficiency Of Revenue Subtotal	-\$10,297.05	-\$10,552.98	-\$1,162.50	0

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10 General Fund						
Revenue						
3010 Ad Valorem Tax Subtotal	\$2,636,898.82	\$2,645,275.27	\$0.00	\$2,697,389.00	98	
3020 Unrestricted Intergovernm Subtotal	\$95,991.56	\$189,273.97	\$0.00	\$1,367,252.00	14	
3030 Restricted Intergovernmen Subtotal	\$257.43	\$257.43	\$0.00	\$63,450.00	0	
3040 Permits & Fees Subtotal	\$851.00	\$3,402.00	\$0.00	\$26,500.00	13	
3050 Investment Earnings Subtotal	\$5,759.58	\$12,251.64	\$0.00	\$59,953.00	20	
3060 Miscellaneous Subtotal	\$675.50	\$1,166.50	\$0.00	\$43,000.00	3	
Revenue Subtotal	\$2,740,433.89	\$2,851,626.81	\$0.00	\$4,257,544.00	67	
Expenditure						
4200 Administration Subtotal	\$32,118.03	\$67,309.23	\$0.00	\$428,816.00	16	
4300 Subtotal	\$0.00	\$146.75	\$0.00	\$36,728.00	0	
5100 Police Department Subtotal	\$101,746.22	\$210,802.87	\$15,656.46	\$1,539,625.00	15	
5200 Fire Services Subtotal	\$0.00	\$106,250.00	\$0.00	\$425,000.00	25	
5600 Public Works Subtotal	\$36,132.36	\$68,509.74	\$5,050.40	\$914,157.00	8	
5700 Streets & Transportation Subtotal	\$26,423.75	\$38,111.55	\$0.00	\$351,678.00	11	
5800 Sanitation & Recycling Subtotal	\$14,194.21	\$29,405.88	\$0.00	\$292,704.00	10	
6600 General Government Subtotal	\$11,948.54	\$99,217.15	\$0.00	\$349,400.00	28	
6700 Debt Service Subtotal	\$0.00	\$8,928.75	\$0.00	\$195,436.00	5	
Expenditure Subtotal	\$222,563.11	\$628,681.92	\$20,706.86	\$4,533,544.00	14	
Before Transfers	Excess Of Revenue Subtotal	\$2,517,870.78	\$2,222,944.89	-\$20,706.86	-\$276,000.00	-798
Other Financing Source						
3500 Other Financing Subtotal	\$2,885.90	\$2,885.90	\$0.00	\$276,000.00	1	
Other Financing Source Subtotal	\$2,885.90	\$2,885.90	\$0.00	\$276,000.00	1	
After Transfers	Excess Of Revenue Subtotal	\$2,520,756.68	\$2,225,830.79	-\$20,706.86	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 30 WATER & SEWER

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
30 Water & Sewer Fund						
Revenue						
3290 Subtotal	\$167.07	\$348.56	\$0.00	\$1,500.00	23	
3350 Commissions, Sw Chg Coll Subtotal	\$0.00	\$1,587.20	\$0.00	\$8,000.00	20	
3710 Water Sales Subtotal	\$165,701.70	\$164,750.17	\$0.00	\$698,904.00	24	
3730 Water Tap & Connect Fees Subtotal	\$2,120.00	\$8,180.00	\$0.00	\$6,000.00	136	
Revenue Subtotal	\$167,988.77	\$174,865.93	\$0.00	\$714,404.00	24	
Expenditure						
8100 Water Dept. Subtotal	\$29,920.32	\$50,174.91	\$8,383.89	\$714,404.00	8	
Expenditure Subtotal	\$29,920.32	\$50,174.91	\$8,383.89	\$714,404.00	8	
Before Transfers	Excess Of Revenue Subtotal	\$138,068.45	\$124,691.02	-\$8,383.89	\$0.00	0
After Transfers	Excess Of Revenue Subtotal	\$138,068.45	\$124,691.02	-\$8,383.89	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 40 CAPITAL PROJECT

Town of Biltmore Forest

08/01/2019 To 08/31/2019

FY 2019-2020

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
40 Capital Project Fund						
Revenue						
4000 Subtotal	\$0.00	\$0.00	\$0.00	\$961,857.00	0	
Revenue Subtotal	\$0.00	\$0.00	\$0.00	\$961,857.00	0	
Expenditure						
5600 Public Works Subtotal	\$10,297.05	\$10,552.98	\$1,162.50	\$961,857.00	1	
Expenditure Subtotal	\$10,297.05	\$10,552.98	\$1,162.50	\$961,857.00	1	
Before Transfers	Deficiency Of Revenue Subtotal	-\$10,297.05	-\$10,552.98	-\$1,162.50	\$0.00	0
After Transfers	Deficiency Of Revenue Subtotal	-\$10,297.05	-\$10,552.98	-\$1,162.50	\$0.00	0

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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

PLANNING AND CODE ENFORCEMENT AUGUST 2019

Staff completed 50 site inspections for potential ordinance violations or for active zoning permits.

Two Zoning Clearance Letters were issued to 23 Park Road and 125 Stuyvesant Road for interior renovations.

Six zoning permits were issued this month after approval from the Design Review Board or staff.

355 Vanderbilt Road – Panel replacements on cell tower. The project was approved by staff.

4 Ridgefield Place – Replacement of siding, roof, and front porch. The project was approved by the Design Review Board.

54 Forest Road – Replacement of a roof section with open trellis framing and addition of a storage area. The project was approved by the Design Review Board.

12 Holly Hill Road - Construction of an attached garage. The project was approved by the Design Review Board.

1065 Hendersonville Road – Installation of a solar array system. The project was approved by staff.

82 Chauncey Circle – Construction of single family home. The project was approved by the Design Review Board.

The Board of Adjustment met on August 26th at 4:00 p.m. at Town Hall to review two requests.

82 Chauncey Circle – A variance was requested for fencing around the rear of the property. The request was withdrawn until further notice.

25 Park Road – A Conditional Use Permit was requested for construction of a detached garage. A variance was requested for location in the side/rear yard setbacks and for exceeding the maximum allowed roof coverage. The project was withdrawn until the September Board of Adjustment meeting.

The Board of Adjustment will meet on September 16, 2019 at 4:00 p.m. to review three requests.

26 Ridgefield Place – A Conditional Use Permit is requested for replacement of a chain link fence with a wooden fence.

2 Stuyvesant Road – A Conditional Use Permit is requested for replacement of an existing fence with a deer fence.

25 Park Road – A Conditional Use Permit is requested for construction of a detached garage. A variance is requested for location of the garage in the side and rear yard setbacks and for exceeding the maximum allowed roof coverage and impervious surface coverage.

The Design Review Board will meet on September 19, 2019 at 5:30 p.m. The agenda is pending.

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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: Financial Reporting Awards for Town of Biltmore Forest

Date: September 12, 2019

The Town has worked diligently over the past several years to provide transparent and clear financial information to citizens and the Board. We have achieved recognition from the Government Finance Officers Association (GFOA) for this work in the fields of the Certified Annual Financial Report (CAFR), Popular Annual Financial Report (PAFR), and the Distinguished Budget Award.

The Town was informed last week that we have received the CAFR and PAFR certificates of excellence again for the fiscal year 2018. This work distinguishes the Town from other local government jurisdictions across the nation and provides our citizens the knowledge that staff is doing everything possible to be transparent about how tax dollars are spent. Ms. Helen Stephens, Assistant Finance Director, is owed credit for these awards. Ms. Stephens has done a tremendous job the past several years to improve the Town's financial reporting and it shows through the recognition received from these national agencies.



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Town of Biltmore Forest
North Carolina**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2018

Christopher P. Morill

Executive Director/CEO



Government Finance Officers Association

**Award for
Outstanding
Achievement in
Popular Annual
Financial Reporting**

Presented to

**Town of Biltmore Forest
North Carolina**

For its Annual
Financial Report
for the Fiscal Year Ended

June 30, 2018

Christopher P. Morill

Executive Director/CEO

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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: Special Separation Allowance Payment for Retiring Law Enforcement Officer

Date: September 12, 2019

North Carolina Law regarding Full Pension Eligibility

North Carolina law enforcement officers and other local government employees who serve (30) years in the local government retirement system are eligible to receive full pensions under state law. Additionally, North Carolina law requires a Special Separation Allowance be paid to any qualified law enforcement officer who retires with thirty (30) years of service and is between the ages of 53 and 62 ½. This special separation allowance is a small percentage of their annual income and is paid on a bi-weekly or monthly basis.

Recent Legislative Changes

The North Carolina General Assembly passed a bill in 2018 that allows law enforcement officers to retire at 25 years of service with a reduced pension. A law enforcement officer from the Biltmore Forest Police Department intends to utilize this new provision and retire with a reduced pension after twenty-five (25) years of service. Additionally, this bill provides new authority to local governments to consider paying early retirees a one-time, lump sum payment in lieu of the special separation allowance that would be mandated if they achieved full, 30-year retirement status. These statutory changes allow these payments at the local government's option. If the local government elects to make this lump sum payment, the legislation stipulates the payment cannot exceed the total amount available to the law enforcement officer if full retirement eligibility was achieved. As noted above, the payment must be made in one lump sum and from the Town's available funds. In other words, it cannot be paid on a monthly or bi-weekly basis to the employee over the course of multiple years.

Other Local Government Review

Staff's research and review of this situation has taken several months. We have spoken to representatives from the NC League of Municipalities, NC Retirement System, and other local governments to determine how this process is being handled within other jurisdictions. From our review, this is the first occasion in the State of North Carolina where a law enforcement officer is

taking an early retirement and the option is being presented to the Town to provide a special separation payment under the new statutory guidelines.

Action Requested

With this as background, the Board must determine whether to make any lump sum payment to the retiring law enforcement officer. This officer was hired full-time in 1995 when the Town operated a municipal fire department. All law enforcement officers hired at that time were required to serve as volunteer firefighters and attend training required to maintain the Town's certification under state fire department standards. Previous officers who have retired received the special separation allowance due to meeting statutory requirements for the special separation allowance.

The question for the Board is whether to extend a one-time, special separation allowance not to exceed \$105,000 to this retiring law enforcement officer. Please feel free to let me know if you have any questions or would like to move forward with providing a resolution to this question.

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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: Construction Route Entrance(s) for Biltmore Forest

Date: September 10, 2019

Background

The Town has reviewed traffic patterns and mitigation strategies over the past several years. One recommendation that received high praise from many residents was designating construction routes within the Town. Certainly, this would not prevent contractors or others from getting to a property. It would, however, require them to enter the Town through the largest corridors and help ensure that many narrow roadways are not utilized as entrances into the Town.

In order to accomplish this, the Board must consider whether to designate certain roads as construction entrances and how best to inform contractors about this change. Considerations include whether signage along the road should be installed, mailings provided to all contractors/landscape contractors, and when to implement this plan. From an administrative perspective, if the Board approves a designated route, staff can begin including this language and other maps in the zoning permits issued.

Please let me know how you would like to proceed or if you have any questions.

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George F. Goosmann, III, Mayor
Fran G. Cogburn, Mayor-Pro Tem
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Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners
From: Jonathan Kanipe, Town Manager
Re: Tree Protection Ordinance Amendments
Date: September 10, 2019

Background

The Board reviewed potential amendments to the Town's existing Tree Protection Ordinance during the August meeting. Commissioner Kelly asked whether any jurisdictions regulated tree protection and replacement by lot size. From my research, I did not find any jurisdictions that regulate tree protection on a sliding scale based on lot size. Many jurisdictions utilize sliding scales for impervious surface or landscaping based on lot size, but none that are specific to tree removal and replacement requirements.

Other Changes

I have attached a draft ordinance that includes changes presented last month as well as several changes provided by Commissioner Loomis. These changes are related to verbiage and clarity and do not impact the chart of replacement tree guidelines as found in Section 93.38. Please let me know if you have additional questions, would like further information, or need anything else.

ORDINANCE 2019-02
AN ORDINANCE TO AMEND CHAPTER 93 OF THE TOWN CODE
OF THE TOWN OF BILTMORE FOREST

WHEREAS, the Town of Biltmore Forest first created a Tree Protection Ordinance in 1989 to preserve the forested environment of the Town; and

WHEREAS, the protection and preservation of trees are vital to the natural habitat of animals, enhance the beauty of the Town, and provide shade, cooling, noise and wind reduction, prevent soil erosion, produce oxygen, filter dust, and absorb carbon dioxide.

NOW, THEREFORE BE IT ORDAINED, by the Board of Commissioners for the Town of Biltmore Forest that the following language known as the “Tree Protection Ordinance” replace the existing Town Code, Chapter 93 Section 93.30-93.41 in their entirety, as of the effective date of this ordinance.

TREE PROTECTION ORDINANCE

Section 93.30 Purpose

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

Preservation of trees is the intent of this Ordinance. This Ordinance shall apply to all properties within the Town of Biltmore Forest except properties owned, leased or controlled by the Town. Trees provide shade, cooling, noise and wind reduction, prevent soil erosion, produce oxygen, filter dust and absorb carbon dioxide. Trees also provide natural habitat and aesthetic enhancement in the Town. Trees provide buffer and a natural canopy, and are a hallmark of the Town requiring protection. Damage to and removal of trees requires regulation and control.

Section 93.31. Identification

For purposes of this Ordinance, a protected tree ("Protected Tree") is any tree six inches or more in diameter at a height of 4 ½ feet from the ground (DBH-Diameter at Breast Height), that is in sound, healthy condition. A tree that is dead, produces no foliage during normal growing season, or a tree that is diseased or storm damaged to the extent that it is structurally compromised and, thus, poses a safety hazard, or a tree that, for any other reason, poses a safety hazard, is an “Unprotected Tree.”

Section 93.32. Removal of Protected Trees

No person shall remove or in any way damage any Protected Tree on a property without first filing an application for said removal, receiving approval from the Town Manager or Town Arborist for the removal, and paying any applicable fee. The Town Manager, in his or her discretion, may allow the removal of up to three Protected Trees on the perimeter of a property or lot within the front, side or rear yard setbacks, as such setbacks are defined in the Town's Zoning Ordinance. Within the remaining central portion of a property or lot, and the portion on which structures or improvements may be located, the Town Manager, in his or her discretion, may allow up to ten Protected Trees to be removed. Any Protected Trees removed shall be replaced as outlined in Section 93.38 below.

If the Town Manager concludes that the removal of the number of Protected Trees requested would be undesirable, and not within the letter or intent of this Ordinance, he may refuse to approve such removal, or permit the removal of a lesser number of Protected Trees. Further, in his or her discretion, the Town Manager may require that the applicant provide a survey showing the location, size and type of Protected Trees on a property, including common scientific names. The survey shall clearly indicate which Protected Trees are indicated for removal and which will be left undisturbed. In the case of new construction, the site plan must show the location of building, driveways, terraces and other structures on the property. All Protected Trees must be clearly tagged as to retention or removal. The Town Manager may also require an applicant to provide documentary evidence, in the form of a survey or other documentation sufficient, in the opinion of the Town Manager, to confirm that the Protected Tree(s) are on the Applicant's property. An Applicant has the right to appeal a decision of the Town Manager to the Board of Adjustment within five (5) days of the Town Manager's decision.

Section 93.33. Applications for Removal of Protected Trees in Excess of Ten (10)

An application for a permit to remove between eleven (11) and twenty-nine (29) Protected Trees on a property must be presented directly to the Board of Adjustment. A non-refundable fee of \$50.00 shall accompany the application. Such applications will be considered on a case-by-case basis. As a part of its review, the Board of Adjustments may require replacement and replanting of trees as the Board determines necessary, including the specific location of replacement trees.

An application for the removal of thirty (30) or more Protected Trees on a property must be submitted to the Board of Commissioners for review and approval. A non-refundable fee of \$ 100.00 plus \$5.00 for each Protected Tree requested for removal shall accompany the application. Such applications will be considered on case-by-case basis. The cumulative removal of thirty (30) or more Protected Tees from a single property in one year will result in a formal review and must be approved by the Board of Commissioners. As a part of its review, the Board of Commissioners shall have the authority to require replacement and replanting of trees as the Board determines is necessary, including the specific location of replacement trees. The decision of the Board of Commissioners shall be final.

Section 93.34. Removal of Unprotected Trees.

An Unprotected Tree may be removed by the property owner after notifying the Town Manager of the plans to remove said tree(s) and receiving approval to do so from the Town Manager or Town Arborist. The Town Manager may also require an applicant to provide documentary evidence, in the form of a survey or other documentation sufficient, in the opinion of the Town Manager, to confirm that the Protected Tree(s) are on the Applicant's property. An Applicant has the right to appeal a decision of the Town Manager to the Board of Adjustment within five (5) days of the Town Manager's decision.

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

Any Unprotected Trees removed shall be replaced as defined in Section 93.38 below.

Section.93.35. Pre-Construction Conference & Supervision

Prior to the commencement of any pre-construction land-clearing or soil disturbance, a pre-construction conference will take place between a responsible representative of the Town and the applicant to review procedures for protection and management of all Protected Trees and other landscape elements identified in the approved landscape plan. The applicant will designate one or more persons responsible for ensuring the protection of new or existing landscaping elements to be preserved. The responsible person shall be present on site whenever activity is taking place that could damage or disturb such landscape elements, and will notify the Town Manager that such activity is taking place.

The Town Manager shall have developed sites inspected to ensure work is conforming to the approved landscape plan and the applicable sections of this ordinance.

Prior to the commencement of any pre-construction land-clearing or soil disturbance, the developer / contractor shall be required to sign a document agreeing to abide by the conditions stipulated in this ordinance. At the option of the town, a compliance bond may be required

Section 93.36. Enforcement

If any unauthorized removal, cutting or damage to trees takes place, the Town Manager may issue a Stop-Work Order which shall remain in effect until all corrections are made to bring the Property in compliance with this Chapter.

Section 93.37. Drip Line Protection

The health of Protected Trees requires the prevention of soil disturbance within the drip line of the trees. Covering this area with pavement or other materials, including excess soil, can

affect the health of the tree. Landscape plans, to the extent feasible, shall protect this area around the tree.

Section 93.38. Replacement of Trees

Any Protected or Unprotected Tree removed shall be replaced in that general area of the property as follows:

Minimum Size of Existing Tree	Replacement of Protected Tree	Replacement of Un-Protected Tree
6-12” DBH	2 trees	1 tree
13-18” DBH	3 trees	1 tree
19-30” DBH	4 trees	2 trees
30” DBH or greater	5 trees	3 trees

Any replacement tree shall be in the ground within eighteen (18) months of removal of the original trees.

The minimum size for replacement is two (2) inches diameter (measured from one foot above ground level) or eight (8) feet in height for evergreens. Additionally, the replanted trees shall meet the plant specifications of the Town Zoning Ordinance Section 153.070.

Depending on extenuating circumstances related to proximity of other trees and/or structures, lesser quantities of replacement trees may be authorized by the Town Manager or by the Board of Adjustment (in the case of an appeal from the Town) or the Town Manager may authorize the replanting or replacement of trees in a location or locations where such replacement trees are more likely to survive.

Section 93.39. Inspections

All Protected Trees designated to remain, pursuant to a tree survey, plus any replacement trees, shall be inspected by the Town Manager or his designee one year following replacement, to ensure the trees are in a healthy condition. The Town Manager can require replacement or replanting of replacement trees if necessary.

Section 93.40. Appeals

Any person aggrieved by a decision made under this Ordinance by the Town Manager or his designee may file, within five days after the date of such decision, a petition to have such decision reviewed and acted upon by the Board of Adjustment. The decision of the Board of Adjustment shall be subject to review by the Board of Commissioners.

Section 93.41. Penalties and Enforcement

Upon determining that a violation has occurred, the Town Manager shall record the nature of the violation, and send a Notice of Violation to the responsible person or entity by regular and certified mail or by hand delivery. The responsible person or entity shall have 30 days from the date of the letter to correct the violation. If the violation is not corrected within 30 days, the Town Manager may proceed with criminal charges pursuant to N.C.G.S. 14-4, or may take such other enforcement action as may be necessary to carry out the purposes of this Ordinance.

A violation of this Ordinance is a Class 3 misdemeanor under North Carolina law. The penalty for violating this ordinance shall be \$250 per day. Each day of continued violation shall be a separate offense. The Town shall also have the right to pursue civil remedies for a violation of the Ordinance including injunctive relief, and a civil penalty of \$250.00 for each day's violation of the ordinance pursuant to N.C.G.S. 160A-175.

Section 93.41. Bond

At the option of the Town, a bond or other type of guarantee can be required of the property owner when initiating new construction, to ensure that all permits and agreements are met, to the satisfaction of the Town.

This the 17th day of September, 2019.

George F. Goosmann, III
Mayor

Attest:

Jonathan B. Kanipe
Town Manager

SEAL