

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, April 14, 2026 at 4:30 p.m.

A. Pledge of Allegiance

B. Roll Call

Mayor George F. Goosmann, III
Commissioner Doris P. Loomis
Commissioner Drew Stephens
Commissioner Allan Tarleton

C. Consent Agenda

1. Approval of Agenda
2. Approval of March 10, 2026 Minutes

D. Public Comment

E. Departmental & Town Manager Reports

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

F. Board Member Reports

G. Proclamations

1. National Police Week – May 10-16, 2026
2. National Public Works Week – May 17-23, 2026
3. Arbor Day Observance for Town of Biltmore Forest – April 21, 2026

H. Business Matters

1. Consideration of Resolution 2026-02 – A Resolution Requesting Direct Stakeholder Engagement from HCA
2. Consideration of Ordinance 2026-01 – An Ordinance to Amend the Town of Biltmore Forest Code of Ordinances, Chapter 92

For those interested in viewing the Board meeting remotely, please utilize the following information:
<https://us02web.zoom.us/j/82228455470?pwd=SG9WU0FwUjFSdGZveS95b3pLTUIHdz09>

Meeting ID: 822 2845 5470

Passcode: 966757

3. Planning Commission Zoning Text Amendment Recommendations
4. Dog Park Feasibility Discussion
Commissioner Drew Stephens
5. Health & Ancillary Insurance Benefits for Elected Officials
Commissioner Drew Stephens

I. Adjourn

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MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN
COMMISSIONERS OF BILTMORE FOREST HELD MARCH 10, 2026

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 Allan Tarleton, present

Commissioner Drew Stephens, present

Mr. Jonathan Kanipe, the Town Manager, was present. The Town Attorney, Billy Clarke, was also present.

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

The Pledge of Allegiance was conducted.

CONSENT AGENDA

Mayor Goosmann indicated that both the agenda and the February 10, 2026 minutes could be approved in one motion. Commissioner Loomis made a motion to approve the consent agenda. Commissioner Stephens seconded the motion and was unanimously approved.

PUBLIC COMMENT

There was no public comment.

DEPARTMENTAL REPORTS

Chief Trevor Lance gave the report for Skyland Fire Department. There were a total of 9 calls for the month of February. The calls included three medical calls, two medical assists, three fire alarms, and some standbys. He emphasized the importance of changing smoke detector batteries when changing clocks for daylight saving time, noting that even electrically wired smoke detectors typically have battery backups that should be changed. Mayor Goosmann thanked the department for their service and assured them the Town would always support their needs.

Assistant Chief Gary Gudac gave the report for the Police Department as Police Chief, Chris Beddingfield was away teaching at the North Carolina State Law Enforcement Executive program. The department handled 738 calls for the month, down from the previous month. Notable activities included one felony arrest for motor vehicle larceny, two misdemeanor DWI arrests from traffic stops, and 25 total citations. Time consumption included four hours of business checks, five hours of house checks, three hours of radar operations, and three hours of vehicle crash investigations.

Assistant Chief Gudac reported on two break-ins along Hendersonville Road, with one suspect caught in progress and arrested. A second suspect was being developed. A significant homeless camp was located between MAHEC and I-40, and after several interactions, resources were secured to help relocate those individuals outside of Town.

The Police Department continues to face challenges with juveniles on e-bikes, with the Chief working with legislation and the North Carolina Association of Chiefs of Police to address possible regulation. Assistant Chief Gudac noted this is a statewide issue similar to past problems with mopeds that eventually required legislative action including insurance and tag requirements.

Mr. Harry Buckner gave the report for the Public Works Department. Mayor Goosmann thanked Mr. Buckner for the work being done on straightening paths in the park across from his residence. Mr. Buckner highlighted the transition from leaf collection to brush pickup, which officially ended January 15th. He explained that while the department would like to take leaves and can handle very small piles integrated with brush, large piles of leaves cannot be accepted due to disposal regulations.

The disposal yard is still cleaning up hurricane debris, and state regulations require leaves and brush to be segregated at disposal areas. This year, the Town negotiated an arrangement with Biltmore Estate to take leaves for composting, but that arrangement ended January 15th. Mr. Buckner emphasized this isn't a change from historical practice, as the Town has never done leaf collection outside of November 1 to January 15th, but residents may be confused due to the flexible schedule maintained after Hurricane Helene.

For residents with large leaf piles, the alternative is to arrange private pickup or have landscapers handle removal. Mr. Buckner noted this information would be included in the upcoming Town newsletter.

Public Works has been working on street light repairs, getting six back in service since last month. Of the 19 total damaged lights from Hurricane Helene, seven have physical pole damage, six are being repaired by an outside contractor, and four will be repaired internally with coordination needed for power outages with Duke Energy.

The crew has been rebuilding and resurfacing the walking trail in Brookside Park with fresh gravel, which Harry noted was turning out well. Additionally, extensive pothole repairs were completed this week with the paving contractor addressing 25-30 potholes throughout Town.

Mr. Tony Williams gave the Planning report for the Town. Mr. Williams reported 122 land use conferences and reviewed 35 plans in February. The department reviewed two plans for the Board of Adjustment, issued four Zoning permits, and provided three Zoning clearance letters. The final push for removing delineators from the right of way went well, with Mr. Williams making direct contact with property owners and leaving removed delineators at their doors when contact wasn't made. He noted that residents had been notified via email and USPS mail about the requirement.

Commissioner Stephens acknowledged the extensive presence of delineators throughout Town, understanding that neighbors often place them during construction projects to prevent parking in the Town's right of way. He anticipated they would continue appearing despite removal efforts.

Mr. Jonathan Kanipe gave the Town Manager's report. Mr. Kanipe reported that the AT&T fiber project was substantially complete in terms of construction, with only some plantings and finishing work remaining. While there were some utility hits during construction, this was expected for a project of that nature.

Regarding the Town's construction project, the design phase has produced initial pricing estimates that are higher than desired but consistent with the September 2024 estimate when accounting for the anticipated 12% annual escalation. Mr. Kanipe plans to schedule a Special Meeting within 2-3 weeks to bring together the board, mayor, and design team to review value engineering options without reducing project scope. Mr. Kanipe is waiting for additional pricing on Public Works Department elements and may include financial advisors from First Tryon to walk through all financial aspects.

Mr. Kanipe announced plans to issue a Request for Qualifications (RFQ) for general engineering services, similar to the successful 2021-2022 RFQ for storm water engineering services that selected McGill and Withers Ravenel. This would provide on-call engineering services beyond storm water needs, operating under master services agreements with task orders.

He provided an update on the stream restoration grant submitted through Jennings Environmental for the Brooklawn Park project. The grant through the North Carolina Land and Water Fund would potentially require a \$200,000 match (20% of the \$1 million project), though they hope in-kind property values could count toward the match. The grant award timeline would be late this calendar year, with implementation in fiscal year 2028-2029.

Mr. Kanipe noted that property tax revaluations had been mailed out, with appeals due by mid-April, but had not received phone calls about them yet.

BOARD MEMBER REPORTS

Commissioner Tarleton reported missing the recent Metropolitan Sewerage District meeting due to a medical procedure but attended a personnel committee meeting discussing planning for Mr. Tom Hardy's replacement, who retires in 2027. He mentioned recent information about a proposal to remove the MSD dam, noting attorney-client communication constraints but indicating the board would need to address this issue. He expressed interest in learning more about the matter.

Commissioner Stephens virtually attended the French Broad River Metropolitan Planning Organization meeting on February 19th, noting it was unusually short at one hour with no significant announcements.

BUSINESS MATTERS

Consideration of Approval for Amended Water Application Forms. Mr. Kanipe explained the need for separate water applications for property owners versus renters, with the key difference being language requiring property owners or their agents to pay any unpaid fees left by renters. The Town has experienced multiple instances of renters leaving without paying water bills, and current forms don't allow collection from property owners. Commissioner Stephens noted the forms incorrectly stated trash cans weren't provided when they actually are, which Mr. Kanipe agreed to correct.

Mayor Goosmann asked Town Clerk Jacobs about the number of rental properties in Biltmore Forest. Ms. Jacobs said there are under twenty rental properties throughout Town.

Commissioner Tarleton made a motion for approval of the amended water application forms. Commissioner Loomis seconded the motion and was unanimously approved.

Unsafe or Unfit Structure Ordinance Discussion. Mr. Kanipe explained that Hurricane Helene exposed issues with the Town's current ordinance capabilities regarding unsafe structures. While the Town has nuisance property ordinances covering weeds and general cleanliness, there's no structured mechanism to address unsafe buildings. The proposed ordinance would allow a designated public officer (likely the code enforcement officer) to investigate unsafe structures, conduct hearings, and order repair, closure, or demolition.

The Town contracts with Buncombe County for building inspections, but Buncombe County uses different mechanisms including minimum housing ordinances. Mr. Kanipe reviewed ordinances from Black Mountain, Waynesville, and Brevard, all established under North Carolina statute 160D. He cited a specific example of a resident with trees leaning against his house that Buncombe County wouldn't address because the structure had electricity and plumbing.

Commissioner Stephens expressed support but wanted to understand how other communities implement such ordinances and when county collaboration occurs. Mr. Kanipe explained this would provide a more direct approach without waiting for county action, allowing the Town to initiate processes independently.

Town Attorney, Mr. Billy Clarke indicated no legal concerns with the direction, noting involvement in several unsafe residences over the years. Mayor Goosmann expressed Board support for creating an ordinance with enforcement capability that isn't overly burdensome. Mr. Kanipe will draft an ordinance tailored for the Town's needs for future consideration.

FEMA Reimbursement Update Details were discussed and Mr. Kanipe reported excellent progress on FEMA reimbursements, expecting approximately \$4,179,250.26 to be deposited by the end of March. The Town has already received \$90,476 on February 27th, with three additional projects moving from processing to obligated status, typically resulting in 4-5 week payment turnaround.

Mr. Kanipe said the only remaining item would be right-of-way removal costs after March 24th, 2025 (when 100% federal disaster cost coverage ended), totaling \$1,430,741.88. After closing all grant projects, the Town can pursue an additional 5% of total recovered amounts (up to \$500,000) for administrative costs.

Commissioner Stephens summarized that the town spent approximately \$11 million on cleanup and expects to recover essentially all costs. Mayor Goosmann commended Mr. Kanipe for quick action immediately after the hurricane to secure initial funding.

Consideration of Planning Commission Appointment for Mary Pride Winkenwerder. There is a vacancy from a member who resigned in 2025 and provided Ms. Winkenwerder's resume for the Board to review. She will start a three-year term effective with the April meeting.

Commissioner Loomis made a motion to appoint Mary Pride Winkenwerder to the Planning Commission. Commissioner Stephens seconded the motion and was unanimously approved.

Consideration for Town Manager to Purchase A New Brush Truck. Mr. Kanipe explained the need for a new brush truck (knuckle boom truck for debris removal) to replace the current 2014 model purchased for \$225,000. The existing truck worked continuously for nine months after Hurricane Helene and required a complete overhaul in June 2024. Rather than investing \$75,000 in repairs, Mr. Kanipe recommended purchasing a new truck and keeping the current one as a backup.

The state contract vendor quoted \$230,000, the same price as the October estimates. Mr. Kanipe felt more comfortable requesting this expenditure after receiving \$4 million in FEMA reimbursements. He clarified the difference between the brush truck (knuckle boom/grapple truck) and leaf collection equipment (dump truck with leaf box and vacuum attachment).

Commissioner Tarleton asked about budget accommodation, with Mr. Kanipe explaining that approval would allow immediate purchase followed by a budget amendment next month, as the Town has available funds.

Commissioner Tarleton made a motion to authorize purchase of a brush truck for up to \$230,000. Commissioner Loomis seconded the motion and was unanimously approved.

Commissioner Stephens brought up the possibility of a dog park on Town property below the planned public works facility, describing approximately 6-8 acres that could be fenced down to I-40 with minimal infrastructure—just fencing, benches, and possibly a simple loop trail. He emphasized this was just an initial concept, not a formal proposal. Mr. Kanipe agreed to research fencing costs and noted examples from other communities. Commissioner Loomis expressed concern about attracting crowds that might impact residents' quiet enjoyment of their properties.

Mayor Goosmann adjourned the meeting at 5:19 pm.

The next meeting is scheduled for Tuesday, April 14th, 2026 at 4:30 pm.

ATTEST:

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

March 2026

Primary Incident Type

Fire - Structure Fire - Structural Involvement	1
Hazardous Situation - Hazardous Materials - Gas Leak / Gas Odor	1
Medical - Illness - Chest Pain (Non-Trauma)	1
Medical - Illness - Stroke / CVA	1
Medical - Illness - Unconscious Victim	2
Medical - Injury / Trauma - Fall	3
Medical - Injury / Trauma - Motor Vehicle Collision	2
Medical - Other - Medical Alarm	1
Public Service - Citizen Assist - Person In Distress	1
Public Service - Citizen Assist - Lift Assist	1
Public Service - Alarms (Non Medical) - Fire / Smoke Alarm	2
Public Service - Other - Standby	2
Rescue - Outside - Backcountry Rescue	1
No Emergency - Good Intent - No Incident Found Upon Arrival / Location Error	1
Total	20

Respectfully Submitted,

Trevor Lance

Chief Trevor Lance
Skyland Fire Rescue



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



George F. Goosmann, III, Mayor
 Doris P Loomis, Mayor-Pro Tem
 Allan Tarleton, Commissioner
 Drew Stephens, Commissioner
 Jonathan Kanipe, Town Manager

Biltmore Forest Police Department
April 14th, 2026
Commission Report
March 2026 Data

Total Calls for Service:

916 (738 last month)

Arrests:

1-Felony Arrest-Possession of Methamphetamine, from a Traffic Stop

8-Misdemeanor Arrests- 4 Out of Jurisdiction Warrants, 4 for Alcohol Violations and Misdemeanor Marijuana Possession all from Traffic Stops

Citations:

56-Citations for various traffic violations (25 last month)

Time Consumption Summary:

Approximations:

Business Checks- 4 hours

House Checks- 5 hours

Radar Operation- 4 hours

Vehicle Crash Investigation- 4 hours

Notable Calls and Projects

We had several meetings this month with Carolina Day School and their new mapping and technology vendor. They have implemented new mapping software that is shared with us and mutual aid agencies in the event of an emergency.

Worked with BFCC leadership and conducted extra traffic control around Browntown Rd and Stuyvesant due to several complaints of speeding construction vehicles related to the club paving project.

Recognition of Communication Director Aslyne Tate for Advanced Certification and other Education Achievements

Biltmore Forest Police Department
355 Vanderbilt Rd
Biltmore Forest , NC 28803
Calls for Service 03/01/26-03/31/26

BILTMORE FOREST POLICE DEPARTMENT	Count	Percent
ALARM	29	3.17%
ANIMAL CONTROL	6	0.66%
ASSIST MOTORIST	9	0.98%
ASSIST OTHER AGENCY	8	0.87%
BICYCLIST VIOLATION	1	0.11%
BUSINESS CHECK	474	51.75%
CHECK POINT	1	0.11%
CRIME PREVENTION	45	4.91%
DEBRIS IN ROADWAY	2	0.22%
DEPARTMENT OTHER	2	0.22%
DOMESTIC	1	0.11%
FOLLOW UP	3	0.33%
FOLLOW-UP INVESTIGATION	1	0.11%
FRAUD	1	0.11%
GAS LEAK	1	0.11%
HOUSE CHECK	116	12.66%
IMPROPER PARKING	2	0.22%
JUVENILE ISSUE	4	0.44%
LOST AND FOUND	1	0.11%
MAGISTRATE	6	0.66%
MEDICAL EMERGENCY	7	0.76%
MISC. FIRE	1	0.11%
No CallType	1	0.11%
ORDINANCE VIOLATION	7	0.76%
PROPERTY DAMAGE	1	0.11%
PUBLIC ASSIST	10	1.09%
RADAR OPERATION	26	2.84%
SPECIAL CHECK	2	0.22%
SPEED ENFORCEMENT	2	0.22%
SUSPICIOUS ACTIVITY	3	0.33%
SUSPICIOUS PERSON	4	0.44%
SUSPICIOUS VEHICLE	16	1.75%
TALK WITH OFFICER	9	0.98%
TRAFFIC CONTROL	7	0.76%
TRAFFIC STOP	96	10.48%
TREE DOWN	1	0.11%
TRESPASSING	2	0.22%
VEHICLE ACCIDENT	6	0.66%
WARRANT SERVICE	2	0.22%
Total Records For BILTMORE FOREST POLICE DEPARTMENT	916	Group/Total 100.00%
Total Records	916	

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

April 8, 2026



Agenda Item D-3

Public Works Director Monthly Report

Recurring Activities:

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

- Collected 37.98 tons of garbage.
- Diverted 14.66 tons of recycled goods from garbage.
- Picked up 25 loads of brush (approximately 675 cubic yards) over 11 days.
- Responded to 88 total utility locate requests.
- Visited 4 lots documenting the removal of 14 trees and requiring 3 replacements.
- Completed daily chlorine residual tests across town and the required two (2) bacteriological and two (2) disinfection byproduct tests. All tests were passed.
- Used the Beacon/Badger Meter automated meter reading system to monitor water leaks daily and attempted to contact residents of suspected leaks.
- We continued to perform litter pick-ups as needed, focusing on the entrances.
- Staff continue to service our fourteen (14) dog waste stations weekly.

Miscellaneous Activities for March

- South route brush collection began on March 2, 2026 and North Route collection began on March 16, 2026. PLEASE NOTE that we are unable to perform any bulk leaf collection as Riverside Stump Dump will not accept bulk leaves. Bulk leaf collection concluded on January 20th. We are developing a door hanger notice for residents that have large piles of leaves that we cannot remove notifying them that they will need to arrange private pick-up and disposal.
- We continue to monitor and clean storm drain inlets throughout town.
- We rebuilt and reinstalled the streetlight at Browntown Road and Fairway Place, and Browntown and Stuyvesant Road.
- We are waiting on a directional drilling contractor to bore under Cedarcliff Road so we can reestablish the power service to the lamp and camera at Cedarcliff and Vanderbilt Roads.
- We have determined that we will likely need to replace the power lines to the lamps at Vanderbilt/Lone Pine and Vanderbilt/Stuyvesant as well as the lamps at Vanderbilt/Busbee. We are still scheduling assistance with this work during the month of April.

- We are reconstructing a new pole for the lamp at Parkway and Stuyvesant that we plan to install during April.
- AT&T's subcontractor (ANSCO, Inc.) completed work in February, and now AT&T's subcontractors are in town burying service lines to new or upgraded customers. There are many locations where temporary service drops are located on top of the ground.
- I attended the French Broad River MPO Technical Coordinating Committee (TCC) meeting virtually on Thursday, March 12th.
- Supervisor Dale continues to participate on the tree committee.
- We have begun weekly mowing activities throughout Town.
- Staff fertilized the lawn areas of Greenwood Park.
- Our team installed a new irrigation service on Cedar Hill Rd, and replaced multiple meter boxes on Forest Road and Busbee Road.
- Staff finished replenishing the PlaySafe mulch in Rosebank Park and in Greenwood Park.
- I attended a meeting on March 5th, "Collaborating on Recovery Projects and Long-Term Resilience" hosted by the non-profit Thrive Asheville as a follow-up to Helene recovery efforts.
- We had our paving contractor perform numerous pothole repairs throughout Town.
- Our team has begun cleaning the area around the Public Works storage shed in anticipation of the coming construction of the Police Department. This includes relocating equipment to the current Public Works building.
- Our crews have trimmed the row of fir trees along the western side of Rosebank Park (along Park Road), removing dead wood and branches that extended into the roadway.
- Staff placed fresh stone along the entire walking 1.1 mile walking trail in Brooklawn Park.

Larger/Capital Projects Updates

Buncombe County Pedestrian Plan Steering Committee

- Manager Kanipe asked me to represent the Town on the Buncombe County Pedestrian Plan Steering Committee. I was officially appointed on December 2nd by the Buncombe County Board of Commissioners. I attended the kick-off meeting on December 4th and have been providing feedback on the committee's work. For more information about this project please visit <https://engage.buncombecounty.org/pedestrianplan>.
- The first public meeting took place on March 9th from 4:30 pm until 7:30 pm at the Land of Sky Regional Council offices at 339 Leicester Highway.
- I plan to attend the next virtual steering committee meeting scheduled for April 22, 2026.

Buncombe-Madison Regional Hazard Mitigation Plan (HMP) Update

- No updates for March.
- It is anticipated that a draft of the plan will be available in late spring, with adoption occurring Before June 20, 2026. .

- The project website can be viewed at <https://storymaps.arcgis.com/stories/c7ece820a57c4698a9ed87b73e232ca3>.

Streetlight LED Conversions and Service Upgrades

- All streetlights were inspected for operation on April 9, 2026.
- Out of the 66 total lamps, twenty (20) total lamps are not currently functioning.
 - Seven (7) entire lamps have been removed and are awaiting pole rebuilds (Helene damage).
 - Six (6) lamps are actively being worked on by our electrical contractor.
 - Three (3) lamps are identified as needing rebuilding, which requires coordination with Duke to disconnect the power.
 - Two (2) lamps are awaiting repairs from Duke Energy on their power supplies.
 - Two (2) lamps are awaiting troubleshooting from our staff.
- There are two (2) non-functional cameras in the 13-camera system.
 - Stuyvesant Rd. and Parkway Rd. (pole and camera removed due to damage)
 - Vanderbilt Rd. and Cedarcliff Road (Damaged power supply cable scheduled to be replaced).

Anticipated April Activities

- Staff will complete the required daily chlorine, monthly bacteriological sampling.
- Brush collection began on March 30, 2026 for the South route and will begin April 15, 2026, on the North Route.
- We will be assisting Ms. Jacobs with the April water billing cycle.
- We will perform routine maintenance activities in all public spaces as needed.
- I plan to attend the French Broad River MPO Technical Coordinating Committee (TCC) meeting virtually on Thursday, April 10.
- Work will continue to keep as many street lights operable as possible.
- The team will continue to replace meter boxes and perform water system maintenance throughout Town this month.
- We are performing maintenance on the road shoulders on Brookside Road from Southwood Road to Cedar Hill to improve pedestrian access and safety.
- Supervisor Dale and I continue to participate with Manager Kanipe and Chief Beddingfield in the Owner-Architect-Contractor (OAC) meetings for the planned new Police and Public Works facilities, twice per month.
- We will continue to move out of the Public Works storage shed so it can be turned over to the Contractor for the construction of the Police Department.
- I will be working with Manager Kanipe as we develop the 2026-2027 public works department budget.
- We are scheduling work to begin on significant storm drain improvements in the vicinity of 11-14 Hilltop Road. It is possible that this work will start in April or May.

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

BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
APRIL 14, 2026



AGENDA ITEM E-4

TOWN PLANNER'S MONTHLY REPORT

Recurring

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

Monthly Breakdown

- Review of potential subdivisions: 0
- Land use conferences virtual/on site: 131
- Notice of violations verbal/written: 0
- Complaints: 0
- Resolved violations/complaints: 1
- Plans reviewed: 36
- Plans reviewed for BOA: 3
- Zoning permits issued: 6
- Demo permits issued: 0
- Zoning Clearance letters issued: 2

BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
APRIL 14, 2026



AGENDA ITEM E-5

TOWN MANAGER'S MONTHLY REPORT

FEMA Reimbursement Closeouts: I am happy to report the Town's final reimbursements are moving through the last channels. On Thursday, April 2, we received news that the Town's 90% right-of-way removal project was obligated in the amount of \$1,566,481.56. Last month, I mentioned two other projects that were obligated. These were our 100% funding waterway debris removal (\$316,008.25) and our 90% funding for the waterway debris removal (\$627,008.25). These funds were received by the Town near the end of March.

On April 3, I spoke with a FEMA program delivery manager regarding the Town's last remaining project which was the reimbursable funds for the Town's right of way debris removal between February 15 and March 24, 2025. These funds were initially thought to be just over \$2.5MM, but a final review showed three duplicated invoices that were previously paid. As a result, our final reimbursement amount dropped by \$825,255.35 – but again, only because these invoices had already been reimbursed.

Our final reimbursement from FEMA for the expedited debris project will be \$1,678,5.60, bringing our total allocation from FEMA for *just* right of way removal between October 12, 2024 and March 24, 2025 to \$7,653,646.36. I anticipate this final reimbursement to be remitted before the end of April. The total cost for debris removal, as shown below, was \$10,582,682.06.

Debris Type	100% Payment	90% Payment	Total
Right-of-Way and Parks	7,653,646.36	1,566,481.56	9,220,127.92
Waterway	316,008.25	627,945.95	943,954.20
Private Property	5,008.20	323,116.09	328,124.29
Commercial Property	-	90,475.65	90,475.65
Total	7,974,662.81	2,608,019.25	10,582,682.06

FEMA Category Z Project: As the Town nears final closeout and completion of all Hurricane Helene related reimbursements, we will be working with our FEMA program managers on the "Category Z" project. Cat Z projects provide up to five (5) percent reimbursement for administrative costs associated with FEMA projects. The Town's project cost recovery for these administrative services is currently \$757,722.42, though this may change prior to final closeout. This will be the Town's last project associated with Helene and occur over the next several months.

RIDGEFIELD PLACE/HENDERSONVILLE ROAD INTERSECTION: Staff has tasked McGill to develop a right turn “out” and right turn “in” alignment for this intersection. We met in the middle of March to begin reviewing these options and for their assessment to begin. I anticipate having these drawings for the Board’s review and consideration at our May meeting.

FINANCIAL SOFTWARE CONVERSION: The Town’s administrative staff has been doing herculean work to assist with the conversion to Black Mountain Software from Harris Computing (Smart Fusion). This work includes significant training, the transition for all Town accounts, and making certain that all utility billing and tax billing accounts are transitioned in time for bills to be distributed. This work is ongoing and the final “go-live” date is scheduled for the first of May.

REVENUE & EXPENDITURE STATEMENT

07/01/2025 To 03/31/2026

FY 2025-2026

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

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
3010 Ad Valorem Tax						
Revenue						
10 General Fund						
3010 Ad Valorem Tax						
10-3010-0000 AD VALOREM TAXES (PROPERTY)	3,046,790.00	3,057,170.82	3,057,170.82	0.00	-10,380.82	100
10-3010-0100 AD VALOREM TAXES (DMV)	135,794.00	111,464.51	111,464.51	0.00	24,329.49	82
10-3010-0200 TAX INTEREST & PENALTIES	5,000.00	6,257.04	6,257.04	0.00	-1,257.04	125
3010 Ad Valorem Tax Subtotal	\$3,187,584.00	\$3,174,892.37	\$3,174,892.37	\$0.00	\$12,691.63	100
10 General Fund Subtotal	\$3,187,584.00	\$3,174,892.37	\$3,174,892.37	\$0.00	\$12,691.63	100
Revenue Subtotal	\$3,187,584.00	\$3,174,892.37	\$3,174,892.37	\$0.00	\$12,691.63	100
After Transfers	Excess Of Revenue Subtotal	\$3,187,584.00	\$3,174,892.37	\$3,174,892.37	\$0.00	100
3020 Unrestricted Intergovernm						
Revenue						
10 General Fund						
3020 Unrestricted Intergovernm						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	268,000.00	126,804.31	126,804.31	0.00	141,195.69	47
10-3020-0100 ALCOHOL BEVERAGE TAX	6,500.00	0.00	0.00	0.00	6,500.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	833,595.00	500,828.39	500,828.39	0.00	332,766.61	60
10-3020-0300 1/2 CENT SALES TAX A.40	349,435.00	224,788.15	224,788.15	0.00	124,646.85	64
10-3020-0400 1/2 CENT SALES TAX A.42	429,574.00	266,804.12	266,804.12	0.00	162,769.88	62
10-3020-0600 SALES TAX REFUND	30,000.00	32,469.73	32,469.73	0.00	-2,469.73	108
10-3020-0700 GASOLINE TAX REFUND	5,000.00	0.00	0.00	0.00	5,000.00	0
3020 Unrestricted Intergovernm Subtotal	\$1,922,104.00	\$1,151,694.70	\$1,151,694.70	\$0.00	\$770,409.30	60
10 General Fund Subtotal	\$1,922,104.00	\$1,151,694.70	\$1,151,694.70	\$0.00	\$770,409.30	60
Revenue Subtotal	\$1,922,104.00	\$1,151,694.70	\$1,151,694.70	\$0.00	\$770,409.30	60
After Transfers	Excess Of Revenue Subtotal	\$1,922,104.00	\$1,151,694.70	\$1,151,694.70	\$0.00	60
3030 Restricted Intergovernmen						
Revenue						
10 General Fund						
3030 Restricted Intergovernmen						
10-3030-0000 SOLID WASTE DISPOSAL TAX	1,000.00	844.86	844.86	0.00	155.14	84
10-3030-0100 POWELL BILL	81,000.00	79,742.12	79,742.12	0.00	1,257.88	98
10-3030-0200 ILLICIT SUBSTANCE TAX	0.00	162.92	162.92	0.00	-162.92	*100
3030 Restricted Intergovernmen Subtotal	\$82,000.00	\$80,749.90	\$80,749.90	\$0.00	\$1,250.10	98
10 General Fund Subtotal	\$82,000.00	\$80,749.90	\$80,749.90	\$0.00	\$1,250.10	98
Revenue Subtotal	\$82,000.00	\$80,749.90	\$80,749.90	\$0.00	\$1,250.10	98
After Transfers	Excess Of Revenue Subtotal	\$82,000.00	\$80,749.90	\$80,749.90	\$0.00	98
3040 Permits & Fees						
Revenue						

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
10 General Fund						
3040 Permits & Fees						
10-3040-0000 ZONING PERMITS	42,000.00	62,010.00	62,010.00	0.00	-20,010.00	148
10-3040-0100 DOG LICENSE FEE	1,500.00	1,365.00	1,365.00	0.00	135.00	91
3040 Permits & Fees Subtotal	\$43,500.00	\$63,375.00	\$63,375.00	\$0.00	-\$19,875.00	146
10 General Fund Subtotal	\$43,500.00	\$63,375.00	\$63,375.00	\$0.00	-\$19,875.00	146
Revenue Subtotal	\$43,500.00	\$63,375.00	\$63,375.00	\$0.00	-\$19,875.00	146
After Transfers	Excess Of Revenue Subtotal	\$43,500.00	\$63,375.00	\$63,375.00	\$0.00	146
3050 Investment Earnings						
Revenue						
10 General Fund						
3050 Investment Earnings						
10-3050-0000 INTEREST EARNED	175,000.00	44,701.83	44,701.83	0.00	130,298.17	26
3050 Investment Earnings Subtotal	\$175,000.00	\$44,701.83	\$44,701.83	\$0.00	\$130,298.17	26
10 General Fund Subtotal	\$175,000.00	\$44,701.83	\$44,701.83	\$0.00	\$130,298.17	26
Revenue Subtotal	\$175,000.00	\$44,701.83	\$44,701.83	\$0.00	\$130,298.17	26
After Transfers	Excess Of Revenue Subtotal	\$175,000.00	\$44,701.83	\$44,701.83	\$0.00	26
3060 Miscellaneous						
Revenue						
10 General Fund						
3060 Miscellaneous						
10-3060-0100 AMERICAN TOWER AGREEMENT	38,000.00	34,370.17	34,370.17	0.00	3,629.83	90
10-3060-0200 MISCELLANEOUS	25,000.00	62,842.28	63,214.27	-371.99	-38,214.27	253
10-3060-0300 INSURANCE REIMBURSEMENT	0.00	1,000.00	1,000.00	0.00	-1,000.00	*100
3060 Miscellaneous Subtotal	\$63,000.00	\$98,212.45	\$98,584.44	-\$371.99	-\$35,584.44	156
10 General Fund Subtotal	\$63,000.00	\$98,212.45	\$98,584.44	-\$371.99	-\$35,584.44	156
Revenue Subtotal	\$63,000.00	\$98,212.45	\$98,584.44	-\$371.99	-\$35,584.44	156
After Transfers	Excess Of Revenue Subtotal	\$63,000.00	\$98,212.45	\$98,212.45	-\$371.99	156
3290						
Revenue						
30 Water & Sewer Fund						
3290						
30-3290-0000 INTEREST EARNED	4,000.00	2,968.45	2,968.45	0.00	1,031.55	74
3290 Subtotal	\$4,000.00	\$2,968.45	\$2,968.45	\$0.00	\$1,031.55	74
30 Water & Sewer Fund Subtotal	\$4,000.00	\$2,968.45	\$2,968.45	\$0.00	\$1,031.55	74
Revenue Subtotal	\$4,000.00	\$2,968.45	\$2,968.45	\$0.00	\$1,031.55	74
After Transfers	Excess Of Revenue Subtotal	\$4,000.00	\$2,968.45	\$2,968.45	\$0.00	74
3350 Commissions, Sw Chg Coll						
Revenue						

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30 Water & Sewer Fund						
3350 Commissions, Sw Chg Coll						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	10,000.00	9,813.74	9,813.74	0.00	186.26	98
3350 Commissions, Sw Chg Coll Subtotal	\$10,000.00	\$9,813.74	\$9,813.74	\$0.00	\$186.26	98
30 Water & Sewer Fund Subtotal	\$10,000.00	\$9,813.74	\$9,813.74	\$0.00	\$186.26	98
Revenue Subtotal	\$10,000.00	\$9,813.74	\$9,813.74	\$0.00	\$186.26	98
After Transfers	Excess Of Revenue Subtotal	\$10,000.00	\$9,813.74	\$9,813.74	\$0.00	98
3500 Other Financing						
Other Financing Source						
10 General Fund						
3500 Other Financing						
10-3500-0000 SALE OF PERSONAL PROPERTY	15,000.00	18,150.00	18,150.00	0.00	-3,150.00	121
10-3500-0300 TRANSFER FROM FUND BALANCE	500,000.00	0.00	0.00	0.00	500,000.00	0
10-3500-0500 GRANT (GOVERNMENTAL) FUNDS	30,000.00	0.00	0.00	0.00	30,000.00	0
10-3500-0700 INTERGOVERNMENTAL LOAN (RESTRIC	0.00	22,500.00	22,500.00	0.00	-22,500.00	*100
3500 Other Financing Subtotal	\$545,000.00	\$40,650.00	\$40,650.00	\$0.00	\$504,350.00	7
10 General Fund Subtotal	\$545,000.00	\$40,650.00	\$40,650.00	\$0.00	\$504,350.00	7
Other Financing Source Subtotal	\$545,000.00	\$40,650.00	\$40,650.00	\$0.00	\$504,350.00	7
After Transfers	Excess Of Revenue Subtotal	\$545,000.00	\$40,650.00	\$40,650.00	\$0.00	7
3710 Water Sales						
Revenue						
30 Water & Sewer Fund						
3710 Water Sales						
30-3710-0000 WATER CHARGES	641,000.00	478,457.09	478,457.09	0.00	162,542.91	75
30-3710-0100 MSD CHARGES	439,130.00	329,117.45	329,117.45	0.00	110,012.55	75
30-3710-0200 AMI TRANSMITTER CHARGES	9,000.00	5,567.38	5,567.38	0.00	3,432.62	62
3710 Water Sales Subtotal	\$1,089,130.00	\$813,141.92	\$813,141.92	\$0.00	\$275,988.08	75
30 Water & Sewer Fund Subtotal	\$1,089,130.00	\$813,141.92	\$813,141.92	\$0.00	\$275,988.08	75
Revenue Subtotal	\$1,089,130.00	\$813,141.92	\$813,141.92	\$0.00	\$275,988.08	75
After Transfers	Excess Of Revenue Subtotal	\$1,089,130.00	\$813,141.92	\$813,141.92	\$0.00	75
3730 Water Tap & Connect Fees						
Revenue						
30 Water & Sewer Fund						
3730 Water Tap & Connect Fees						
30-3730-0000 WATER TAP AND CONNECTION FEES	10,000.00	14,510.00	14,510.00	0.00	-4,510.00	145
3730 Water Tap & Connect Fees Subtotal	\$10,000.00	\$14,510.00	\$14,510.00	\$0.00	-\$4,510.00	145
30 Water & Sewer Fund Subtotal	\$10,000.00	\$14,510.00	\$14,510.00	\$0.00	-\$4,510.00	145
Revenue Subtotal	\$10,000.00	\$14,510.00	\$14,510.00	\$0.00	-\$4,510.00	145
After Transfers	Excess Of Revenue Subtotal	\$10,000.00	\$14,510.00	\$14,510.00	\$0.00	145

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3900						
Other Financing Source						
40 Capital Project Fund						
3900						
40-3900-4000 FINANCING PROCEEDS-CASHFLOW LO/	0.00	1,335,763.62	1,335,763.62	0.00	-1,335,763.62	*100
3900 Subtotal	\$0.00	\$1,335,763.62	\$1,335,763.62	\$0.00	-\$1,335,763.62	*100
40 Capital Project Fund Subtotal	\$0.00	\$1,335,763.62	\$1,335,763.62	\$0.00	-\$1,335,763.62	*100
Other Financing Source Subtotal	\$0.00	\$1,335,763.62	\$1,335,763.62	\$0.00	-\$1,335,763.62	*100
After Transfers	Excess Of Revenue Subtotal	\$0.00	\$1,335,763.62	\$1,335,763.62	\$0.00	*100
4200 Administration						
Expenditure						
4200 Administration						
10-4200-0200 SALARIES	383,791.00	330,043.07	330,043.07	0.00	53,747.93	86
10-4200-0500 FICA	29,360.00	25,643.20	25,643.20	0.00	3,716.80	87
10-4200-0600 HEALTH INSURANCE (MEDICAL)	41,748.00	34,042.09	34,042.09	0.00	7,705.91	82
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	13,125.00	7,538.78	7,538.78	0.00	5,586.22	57
10-4200-0675 HEALTH REIMBURSEMENT ACC	7,500.00	4,500.00	4,500.00	0.00	3,000.00	60
10-4200-0700 LGERS RETIREMENT	80,712.00	72,356.35	72,356.35	0.00	8,355.65	90
10-4200-0800 401K SUPP RETIREMENT	19,190.00	15,080.88	15,080.88	0.00	4,109.12	79
10-4200-1000 ACCOUNTING & TAXES	60,000.00	74,954.24	74,954.24	0.00	-14,954.24	125
10-4200-1200 POSTAGE, PRINTING, STATIONARY	12,500.00	9,711.72	9,711.72	0.00	2,788.28	78
10-4200-1400 MILEAGE & BOARD SALARY	21,600.00	16,425.00	16,425.00	0.00	5,175.00	76
10-4200-1500 BLDG & GRNDS MAINTENANCE	15,000.00	330.60	330.60	0.00	14,669.40	2
10-4200-1700 MAINTENANCE/REPAIRS-VEHICLES	0.00	5,470.50	5,470.50	0.00	-5,470.50	*100
10-4200-3300 SUPPLIES AND EQUIPMENT	15,000.00	5,896.67	7,050.12	1,153.45	7,949.88	47
10-4200-5300 DUES & FEES	12,000.00	7,209.06	7,759.06	550.00	4,240.94	65
10-4200-5700 MISCELLANEOUS	5,000.00	690.98	690.98	0.00	4,309.02	14
10-4200-6500 STAFF DEVELOPMENT	25,000.00	12,801.17	16,299.17	3,498.00	8,700.83	65
10-4200-6600 CAPITAL IMPROVEMENT & AMORT	20,000.00	0.00	0.00	0.00	20,000.00	0
10-4200-8200 DEBT SERVICE LEASES-PRINCIPAL	6,600.00	6,947.99	6,947.99	0.00	-347.99	105
10-4200-8201 DEBT SERVICE LEASES-INTEREST	2,400.00	0.00	0.00	0.00	2,400.00	0
4200 Administration Subtotal	\$770,526.00	\$629,642.30	\$634,843.75	\$5,201.45	\$135,682.25	82
Expenditure Subtotal	\$770,526.00	\$629,642.30	\$634,843.75	\$5,201.45	\$135,682.25	82
Before Transfers	Deficiency Of Revenue Subtotal	-\$770,526.00	-\$629,642.30	-\$629,642.30	-\$5,201.45	82
After Transfers	Deficiency Of Revenue Subtotal	-\$770,526.00	-\$629,642.30	-\$629,642.30	-\$5,201.45	82
4300						
Expenditure						
4300						
10-4300-6500 STAFF DEVELOPMENT	0.00	368.48	368.48	0.00	-368.48	*100

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4300 Subtotal	\$0.00	\$368.48	\$368.48	\$0.00	-\$368.48	*100
Expenditure Subtotal	\$0.00	\$368.48	\$368.48	\$0.00	-\$368.48	*100
Before Transfers	Deficiency Of Revenue Subtotal	\$0.00	-\$368.48	-\$368.48	\$0.00	*100
After Transfers	Deficiency Of Revenue Subtotal	\$0.00	-\$368.48	-\$368.48	\$0.00	*100
4400						
Revenue						
40 Capital Project Fund						
4400						
40-4400-1200 FEMA GRANT REIMBURSEMENT	0.00	1,251,246.68	1,251,246.68	0.00	-1,251,246.68	*100
4400 Subtotal	\$0.00	\$1,251,246.68	\$1,251,246.68	\$0.00	-\$1,251,246.68	*100
40 Capital Project Fund Subtotal	\$0.00	\$1,251,246.68	\$1,251,246.68	\$0.00	-\$1,251,246.68	*100
Revenue Subtotal	\$0.00	\$1,251,246.68	\$1,251,246.68	\$0.00	-\$1,251,246.68	*100
After Transfers	Excess Of Revenue Subtotal	\$0.00	\$1,251,246.68	\$1,251,246.68	\$0.00	*100
5100 Police Department						
Expenditure						
5100 Police Department						
10-5100-0200 SALARIES	1,257,901.00	1,086,093.38	1,086,093.38	0.00	171,807.62	86
10-5100-0300 OVERTIME	0.00	1,153.80	1,153.80	0.00	-1,153.80	*100
10-5100-0400 SEPARATION ALLOWANCE	32,000.00	0.00	0.00	0.00	32,000.00	0
10-5100-0500 FICA	96,229.00	84,940.13	84,940.13	0.00	11,288.87	88
10-5100-0600 HEALTH INSURANCE (MEDICAL)	141,944.00	130,007.21	130,007.21	0.00	11,936.79	92
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	35,700.00	22,728.34	22,728.34	0.00	12,971.66	64
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	18,875.00	18,875.00	0.00	6,625.00	74
10-5100-0700 LGERS RETIREMENT	286,298.00	237,901.16	237,901.16	0.00	48,396.84	83
10-5100-0800 401K SUPP RETIREMENT	62,895.00	48,625.01	48,625.01	0.00	14,269.99	77
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	2,451.13	2,451.13	0.00	7,548.87	25
10-5100-1600 MAINT/REPAIR - EQUIPMENT	5,000.00	3,060.59	5,444.53	2,383.94	-444.53	109
10-5100-1700 MAINT/REPAIR - VEHICLES	25,000.00	26,658.75	26,658.75	0.00	-1,658.75	107
10-5100-3100 MOTOR FUELS	21,000.00	17,159.01	17,159.01	0.00	3,840.99	82
10-5100-3300 SUPPLIES	10,000.00	7,721.36	11,996.95	4,275.59	-1,996.95	120
10-5100-3600 UNIFORMS	25,000.00	13,654.89	16,576.53	2,921.64	8,423.47	66
10-5100-3700 SOFTWARE	15,000.00	6,237.93	10,502.19	4,264.26	4,497.81	70
10-5100-3800 TECHNOLOGY	100,000.00	82,449.19	83,069.39	620.20	16,930.61	83
10-5100-5700 MISCELLANEOUS	1,000.00	8,975.37	8,975.37	0.00	-7,975.37	898
10-5100-5800 PHYSICAL EXAMS	5,000.00	5,537.48	5,887.48	350.00	-887.48	118
10-5100-6500 STAFF DEVELOPMENT	15,000.00	12,185.81	15,475.91	3,290.10	-475.91	103
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	75,000.00	44,316.40	48,316.40	4,000.00	26,683.60	64
10-5100-8200 DEBT SERVICE-LEASE	72,000.00	51,326.72	51,326.72	0.00	20,673.28	71
10-5100-8201 DEBT SERVICE-INTEREST	4,800.00	0.00	0.00	0.00	4,800.00	0

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5100 Police Department Subtotal	\$2,322,267.00	\$1,912,058.66	\$1,934,164.39	\$22,105.73	\$388,102.61	83
Expenditure Subtotal	\$2,322,267.00	\$1,912,058.66	\$1,934,164.39	\$22,105.73	\$388,102.61	83
Before Transfers	Deficiency Of Revenue Subtotal	-\$2,322,267.00	-\$1,912,058.66	-\$1,912,058.66	-\$22,105.73	82
After Transfers	Deficiency Of Revenue Subtotal	-\$2,322,267.00	-\$1,912,058.66	-\$1,912,058.66	-\$22,105.73	82
5200 Fire Services						
Expenditure						
5200 Fire Services						
10-5200-0000 FIRE CONTRACT	425,000.00	318,750.00	318,750.00	0.00	106,250.00	75
5200 Fire Services Subtotal	\$425,000.00	\$318,750.00	\$318,750.00	\$0.00	\$106,250.00	75
Expenditure Subtotal	\$425,000.00	\$318,750.00	\$318,750.00	\$0.00	\$106,250.00	75
Before Transfers	Deficiency Of Revenue Subtotal	-\$425,000.00	-\$318,750.00	-\$318,750.00	\$0.00	75
After Transfers	Deficiency Of Revenue Subtotal	-\$425,000.00	-\$318,750.00	-\$318,750.00	\$0.00	75
5600 Public Works						
Expenditure						
5600 Public Works						
10-5600-0200 SALARIES	286,246.00	253,941.92	253,941.92	0.00	32,304.08	89
10-5600-0500 FICA	21,898.00	19,591.44	19,591.44	0.00	2,306.56	89
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	41,748.00	35,521.67	35,521.67	0.00	6,226.33	85
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	10,500.00	6,225.64	6,225.64	0.00	4,274.36	59
10-5600-0675 HRA HEALTH REIMB ACCT	9,000.00	5,062.50	5,062.50	0.00	3,937.50	56
10-5600-0700 LGERS RETIREMENT	60,198.00	55,056.37	55,056.37	0.00	5,141.63	91
10-5600-0800 401K SUPP RETIREMENT	14,312.00	11,038.73	11,038.73	0.00	3,273.27	77
10-5600-1300 STREETLIGHTS ELECTRIC	15,000.00	11,460.30	11,460.30	0.00	3,539.70	76
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	44,495.47	64,471.55	19,976.08	-54,471.55	645
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	50,000.00	22,294.82	35,086.56	12,791.74	14,913.44	70
10-5600-1700 MAINT/REPAIR - VEHICLES	10,000.00	5,369.22	5,369.22	0.00	4,630.78	54
10-5600-3100 MOTOR FUELS	18,750.00	13,931.97	13,931.97	0.00	4,818.03	74
10-5600-3300 SUPPLIES	10,000.00	4,769.30	5,026.42	257.12	4,973.58	50
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	841.49	1,491.49	650.00	-491.49	149
10-5600-3600 UNIFORMS	10,000.00	4,360.63	5,295.12	934.49	4,704.88	53
10-5600-3800 TECHNOLOGY	2,000.00	1,161.36	1,161.36	0.00	838.64	58
10-5600-5200 PARKS	50,000.00	5,519.15	7,894.55	2,375.40	42,105.45	16
10-5600-5202 GREENWOOD PARK STREAM RESTORA	30,000.00	0.00	0.00	0.00	30,000.00	0
10-5600-5800 PHYSICAL EXAMS	1,000.00	0.00	0.00	0.00	1,000.00	0
10-5600-5900 MISCELLANEOUS	5,000.00	175.00	175.00	0.00	4,825.00	4
10-5600-6000 CAPITAL OUTLAY	25,000.00	0.00	0.00	0.00	25,000.00	0
10-5600-6500 STAFF DEVELOPMENT	5,000.00	8,338.81	8,338.81	0.00	-3,338.81	167
40-5600-7402 CATEGORY A- DEBRIS	0.00	2,429,275.13	2,429,275.13	0.00	-2,429,275.13	*100

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
5600 Public Works Subtotal	\$686,652.00	\$2,938,430.92	\$2,975,415.75	\$36,984.83	-\$2,288,763.75	433
Expenditure Subtotal	\$686,652.00	\$2,938,430.92	\$2,975,415.75	\$36,984.83	-\$2,288,763.75	433
Before Transfers	Deficiency Of Revenue Subtotal	-\$686,652.00	-\$2,938,430.92	-\$2,938,430.92	-\$36,984.83	428
After Transfers	Deficiency Of Revenue Subtotal	-\$686,652.00	-\$2,938,430.92	-\$2,938,430.92	-\$36,984.83	428
5700 Streets & Transportation						
Expenditure						
5700 Streets & Transportation						
10-5700-1600 MAINT / REPAIR-EQUIPMENT	5,000.00	1,192.59	1,192.59	0.00	3,807.41	24
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	1,000.00	61,175.80	61,175.80	0.00	-60,175.80	6,118
10-5700-2200 CONTRACTS- PAVING & STRIPING	200,000.00	221,301.25	221,301.25	0.00	-21,301.25	111
10-5700-2300 SUPPLIES	10,000.00	9,944.13	9,944.13	0.00	55.87	99
10-5700-2400 TRAFFIC SIGNS	500.00	0.00	0.00	0.00	500.00	0
10-5700-2500 STORM WATER DRAINAGE	200,000.00	20,889.93	20,889.93	0.00	179,110.07	10
10-5700-6500 STAFF DEVELOPMENT	5,000.00	256.55	256.55	0.00	4,743.45	5
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	30,000.00	236,748.65	236,748.65	0.00	-206,748.65	789
10-5700-7500 ENGINEERING	25,000.00	59,879.45	59,879.45	0.00	-34,879.45	240
10-5700-8200 DEBT SERVICE LEASES-PRINCIPAL	10,800.00	26,038.28	26,038.28	0.00	-15,238.28	241
10-5700-8201 DEBT SERVICE LEASES-INTEREST	4,800.00	0.00	0.00	0.00	4,800.00	0
5700 Streets & Transportation Subtotal	\$492,100.00	\$637,426.63	\$637,426.63	\$0.00	-\$145,326.63	130
Expenditure Subtotal	\$492,100.00	\$637,426.63	\$637,426.63	\$0.00	-\$145,326.63	130
Before Transfers	Deficiency Of Revenue Subtotal	-\$492,100.00	-\$637,426.63	-\$637,426.63	\$0.00	130
After Transfers	Deficiency Of Revenue Subtotal	-\$492,100.00	-\$637,426.63	-\$637,426.63	\$0.00	130
5800 Sanitation & Recycling						
Expenditure						
5800 Sanitation & Recycling						
10-5800-0200 SALARIES	153,718.00	131,149.34	131,149.34	0.00	22,568.66	85
10-5800-0500 FICA	11,759.00	10,504.33	10,504.33	0.00	1,254.67	89
10-5800-0600 HEALTH INSURANCE (MEDICAL)	25,012.00	20,836.23	20,836.23	0.00	4,175.77	83
10-5800-0650 DENTAL,VISION, LIFE INSURANCE	6,300.00	2,978.96	2,978.96	0.00	3,321.04	47
10-5800-0675 HRA HEALTH REIMB ACCT	4,500.00	3,375.00	3,375.00	0.00	1,125.00	75
10-5800-0700 LGERS RETIREMENT	60,198.00	27,690.66	27,690.66	0.00	32,507.34	46
10-5800-0800 401K SUPP RETIREMENT	14,312.00	5,898.57	5,898.57	0.00	8,413.43	41
10-5800-1700 MAINT/REPAIRS - VEHICLES	50,000.00	21,594.03	21,594.03	0.00	28,405.97	43
10-5800-3100 MOTOR FUELS	31,200.00	13,755.42	13,755.42	0.00	17,444.58	44
10-5800-3300 SUPPLIES	1,500.00	1,244.21	1,244.21	0.00	255.79	83
10-5800-3800 TECHNOLOGY	1,000.00	2,742.73	2,742.73	0.00	-1,742.73	274
10-5800-6000 CAPITAL OUTLAY	150,000.00	0.00	0.00	0.00	150,000.00	0
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	33,750.00	19,534.31	19,534.31	0.00	14,215.69	58
10-5800-8100 RECYCLING	10,000.00	6,673.55	6,673.55	0.00	3,326.45	67

REVENUE & EXPENDITURE STATEMENT

07/01/2025 To 03/31/2026

FY 2025-2026

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

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
10-5800-8200 BRUSH & LEAF DISPOSAL FEES	54,000.00	29,811.64	29,811.64	0.00	24,188.36	55
10-5800-8300 DUMPSTER FEES	26,400.00	23,360.87	23,360.87	0.00	3,039.13	88
5800 Sanitation & Recycling Subtotal	\$633,649.00	\$321,149.85	\$321,149.85	\$0.00	\$312,499.15	51
Expenditure Subtotal	\$633,649.00	\$321,149.85	\$321,149.85	\$0.00	\$312,499.15	51
Before Transfers	Deficiency Of Revenue Subtotal	-\$633,649.00	-\$321,149.85	-\$321,149.85	\$0.00	51
After Transfers	Deficiency Of Revenue Subtotal	-\$633,649.00	-\$321,149.85	-\$321,149.85	\$0.00	51
6600 General Government						
Expenditure						
6600 General Government						
10-6600-0400 OUTSIDE PROFESSIONAL SERVICES	0.00	252,080.88	252,080.88	0.00	-252,080.88	*100
10-6600-0401 LEGAL SERVICES	30,000.00	46,204.80	46,204.80	0.00	-16,204.80	154
10-6600-0402 ARCHITECTURAL SERVICES	0.00	27,401.00	27,401.00	0.00	-27,401.00	*100
10-6600-1100 TECHNOLOGY	150,000.00	126,308.54	126,308.54	0.00	23,691.46	84
10-6600-1300 MUNICIPAL UTILITIES	26,000.00	17,136.57	17,136.57	0.00	8,863.43	66
10-6600-1500 GE. REPS. AND MAINT.	35,000.00	25,461.27	25,664.37	203.10	9,335.63	73
10-6600-5400 INSURANCE	131,250.00	127,486.30	127,486.30	0.00	3,763.70	97
10-6600-6000 CONTINGENCY	62,707.00	0.00	0.00	0.00	62,707.00	0
10-6600-6100 MISCELLANEOUS	5,000.00	6,180.89	6,180.89	0.00	-1,180.89	124
10-6600-6200 EMERGENCY EXPENSES	5,000.00	0.00	0.00	0.00	5,000.00	0
10-6600-6201 CORPORATE WELLNESS	12,000.00	540.00	540.00	0.00	11,460.00	5
10-6600-6300 COMMUNITY EVENTS	50,000.00	29,034.89	29,641.21	606.32	20,358.79	59
10-6600-6400 WILDLIFE MANAGEMENT	5,000.00	1,046.08	1,046.08	0.00	3,953.92	21
10-6600-6500 FOREST MANAGEMENT	75,000.00	61,897.75	61,897.75	0.00	13,102.25	83
6600 General Government Subtotal	\$586,957.00	\$720,778.97	\$721,588.39	\$809.42	-\$134,631.39	123
Expenditure Subtotal	\$586,957.00	\$720,778.97	\$721,588.39	\$809.42	-\$134,631.39	123
Before Transfers	Deficiency Of Revenue Subtotal	-\$586,957.00	-\$720,778.97	-\$720,778.97	-\$809.42	123
After Transfers	Deficiency Of Revenue Subtotal	-\$586,957.00	-\$720,778.97	-\$720,778.97	-\$809.42	123
6700 Debt Service						
Expenditure						
6700 Debt Service						
10-6700-0500 Public Works Building-Principal	84,211.00	42,105.26	42,105.26	0.00	42,105.74	50
10-6700-0600 NCDEQ LOAN STRM REST	14,600.00	0.00	0.00	0.00	14,600.00	0
10-6700-1500 Public Works Building-Interest	9,500.00	4,951.59	4,951.59	0.00	4,548.41	52
6700 Debt Service Subtotal	\$108,311.00	\$47,056.85	\$47,056.85	\$0.00	\$61,254.15	43
Expenditure Subtotal	\$108,311.00	\$47,056.85	\$47,056.85	\$0.00	\$61,254.15	43
Before Transfers	Deficiency Of Revenue Subtotal	-\$108,311.00	-\$47,056.85	-\$47,056.85	\$0.00	43
After Transfers	Deficiency Of Revenue Subtotal	-\$108,311.00	-\$47,056.85	-\$47,056.85	\$0.00	43
8100 Water Dept.						

REVENUE & EXPENDITURE STATEMENT

07/01/2025 To 03/31/2026

FY 2025-2026

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

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
Expenditure						
8100 Water Dept.						
30-8100-0200 SALARIES	215,843.00	143,747.60	143,747.60	0.00	72,095.40	67
30-8100-0400 PROFESSIONAL SERVICES	5,000.00	13,205.00	19,146.00	5,941.00	-14,146.00	383
30-8100-0500 FICA	16,512.00	11,340.18	11,340.18	0.00	5,171.82	69
30-8100-0600 HEALTH INSURANCE (MEDICAL)	0.00	20,081.00	20,081.00	0.00	-20,081.00	*100
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	0.00	4,024.02	4,024.02	0.00	-4,024.02	*100
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	0.00	2,812.50	2,812.50	0.00	-2,812.50	*100
30-8100-0700 LGERS RETIREMENT	43,773.00	31,986.47	31,986.47	0.00	11,786.53	73
30-8100-0800 401K SUPP RETIREMENT	10,792.00	8,249.16	8,249.16	0.00	2,542.84	76
30-8100-1200 POSTAGE, PRINTING,& STATIONARY	2,000.00	605.96	605.96	0.00	1,394.04	30
30-8100-1500 GENERAL REPAIRS	10,000.00	1,426.98	1,426.98	0.00	8,573.02	14
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	20,259.41	20,259.41	0.00	-5,259.41	135
30-8100-4800 WATER PURCHASES	256,748.00	185,681.13	185,681.13	0.00	71,066.87	72
30-8100-4900 SEWER PURCHASES	439,130.00	408,945.91	408,945.91	0.00	30,184.09	93
30-8100-5000 AMI TRANSMITTER FEES	9,000.00	7,640.60	7,640.60	0.00	1,359.40	85
30-8100-5700 MISCELLANEOUS	2,500.00	2,113.11	2,113.11	0.00	386.89	85
30-8100-6500 STAFF DEVELOPMENT	2,500.00	1,401.58	1,401.58	0.00	1,098.42	56
30-8100-7400 CAPITAL IMPROVEMENT	84,331.00	0.00	0.00	0.00	84,331.00	0
8100 Water Dept. Subtotal	\$1,113,129.00	\$863,520.61	\$869,461.61	\$5,941.00	\$243,667.39	78
Expenditure Subtotal	\$1,113,129.00	\$863,520.61	\$869,461.61	\$5,941.00	\$243,667.39	78
Before Transfers	Deficiency Of Revenue Subtotal	-\$1,113,129.00	-\$863,520.61	-\$863,520.61	-\$5,941.00	78
After Transfers	Deficiency Of Revenue Subtotal	-\$1,113,129.00	-\$863,520.61	-\$863,520.61	-\$5,941.00	78

Town of Biltmore Forest Proclamation

National Police Week Proclamation

May 10-16, 2026

To recognize National Police Week 2026 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Biltmore Forest Police Department;

WHEREAS, since the first recorded death in 1786, there are currently more than 24,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty.

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 38th Candlelight Vigil, on the evening of May 13, 2026;

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be *observed* this year May 10-16;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, as first proclaimed by President John F. Kennedy in 1962, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

THEREFORE, BE IT RESOLVED that the Town of Biltmore Forest will observe May 10-16, 2026, as National Police Week in Biltmore Forest, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

[TOWN SEAL]

George F. Goosmann, III

Town of Biltmore Forest Proclamation

National Public Works Week Proclamation

May 17–23, 2026

“Rooted in Service, Powered by Community”

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to public health, high quality of life, and well-being of the people of Town of Biltmore Forest; and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in Biltmore Forest to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2026 marks the 66th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, Mayor George F. Goosmann, III do hereby designate the week of May 17-23, 2026, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town at Biltmore Forest, North Carolina this 14th day of April 2026.

[TOWN SEAL]

George F. Goosmann, III

Town of Biltmore Forest Proclamation

Arbor Day 2026

WHEREAS, the Town of Biltmore Forest is distinguished by its historic forested environment, with a rich and mature tree canopy that contributes significantly to the Town's character, environmental health, and quality of life; and

WHEREAS, trees play a critical role in improving air and water quality, reducing erosion, moderating temperatures, supporting wildlife, and enhancing property values; and

WHEREAS, the Town experienced substantial loss of tree canopy as a result of Hurricane Helene, creating both immediate and long-term impacts on the community's landscape and ecological resilience; and

WHEREAS, in response to this significant event, the Town has undertaken meaningful recovery and stewardship efforts, including free tree giveaways to residents, the removal of invasive species, the establishment of a formal Tree Committee, and the development of a public speakers' series focused on urban forestry and environmental education; and

WHEREAS, these initiatives demonstrate the Town's ongoing commitment to restoring, maintaining, and enhancing its urban forest for current and future generations; and

WHEREAS, Arbor Day provides an opportunity to recognize the importance of trees and to encourage all residents to participate in the planting, care, and preservation of our community's tree canopy; and

WHEREAS, the Town of Biltmore Forest will observe Arbor Day on April 21, 2026, featuring a special presentation by Keith Aitken, City of Asheville Urban Forester, who will share expertise on urban forest management and canopy restoration;

NOW, THEREFORE, BE IT PROCLAIMED that the Town of Biltmore Forest hereby designates April 21, 2026, as Arbor Day in the Town of Biltmore Forest and encourages all residents to celebrate this occasion by planting trees, supporting urban forestry initiatives, and contributing to the restoration of our treasured natural environment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town at Biltmore Forest, North Carolina this 14th day of April 2026.

[TOWN SEAL]

George F. Goosmann, III
Mayor

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

APRIL 14, 2026



AGENDA ITEM H-1

**CONSIDERATION OF RESOLUTION 2026-02
A RESOLUTION REQUESTING DIRECT STAKEHOLDER
ENGAGEMENT FROM HCA**

BACKGROUND

The Town was asked to consider adopting the attached resolution. This resolution is regarding HCA and their engagement with stakeholders in Western North Carolina, and was first brought forward at the Land of Sky Regional Council of Governments (COG) meeting in March. The resolution was unanimously passed at that meeting.

The resolution is drafted to specifically request HCA's Chief Executive Officer (CEO) visit Western North Carolina and engage with stakeholders in the region. There is no demand for selling Mission Hospital or anything further – just engagement.

If the Board approves this resolution, staff will send a copy to Land of Sky COG and other local government entities within the region.

STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)

TOWN OF BILTMORE FOREST
BOARD OF COMMISSIONERS

RESOLUTION 2026-02

Resolution Asking HCA CEO Sam Hazen To Engage Directly With Stakeholders In Western North Carolina

WHEREAS, Mission Health, which includes Mission Hospital in Buncombe County and five satellite hospitals in Transylvania, Macon, Jackson, Mitchell, and McDowell Counties, is the healthcare backbone of Western North Carolina; and

WHEREAS, Mission Hospital is the only Level I trauma center west of Charlotte and only tertiary care hospital in the 18 westernmost counties; and

WHEREAS, for profit, publicly-traded HCA bought nonprofit Mission Health in 2019 and quickly made significant changes, including reducing Mission Hospital staff by the hundreds, closing primary care practices, and reducing many services previously offered; and

WHEREAS, hundreds of long-serving and highly skilled nurses and physicians, as well as numerous physician practices, have left Mission Health and especially Mission Hospital; and

WHEREAS, due to these staffing reductions and other management decisions, Mission Hospital has been cited by the federal Centers for Medicare and Medicaid Services (CMS) for Immediate Jeopardy in 2021, 2024, 2025, and 2026; and

WHEREAS, Mission Hospital was found to have violated the federal Emergency Medical Treatment and Labor Act in 2024 and 2025;

WHEREAS, other hospitals in the Mission Health system have also experienced regulatory censure, including Mission McDowell Hospital and Blue Ridge Regional Hospital in Spruce Pine being cited for Immediate Jeopardy in 2021 and 2023, respectively; and

WHEREAS, HCA has failed to provide sufficient resources and support for its staff, has failed to act on recommendations from nurses, and has created a culture in which doctors, nurses and staff are hesitant to raise quality of care concerns with management; and

WHEREAS, Mr. Sam Hazen, CEO of HCA, said at the time of purchase: “We are excited that Mission Health chose to be part of the HCA Healthcare family. We look forward to investing in western North Carolina and ensuring Mission Health’s 133-year tradition of caring continues for years to come. This is a model partnership and one we hope will be replicated to benefit many similar communities.”; and

WHEREAS, under HCA’s management, Mission Health’s tradition of caring has been severely impaired; and

WHEREAS, HCA leaders, including Mission CEO Greg Lowe, have not met with community members at public forums or meaningfully engaged community stakeholders to discuss conditions at Mission Hospital; and

WHEREAS, HCA and Mission Hospital are not transparent or accountable to our community.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Biltmore Forest that we join the Land of Sky Regional Council Board of Delegates, and call on Mr. Sam Hazen, as the leader of HCA, to come to Western North Carolina and meet with elected officials, healthcare advocates, and other community leaders, be accountable for HCA’s decisions at Mission Health, and engage in a collaborative and transparent dialogue to develop a plan for long term, permanent improvement at Mission Hospital and throughout the Mission Health system.

This, the 14th day of April, 2026.

George F. Goosmann, III
Mayor

Attest:

Laura Jacobs
Town Clerk

BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
APRIL 14, 2026



AGENDA ITEM H-2

CONSIDERATION OF ORDINANCE 2026-01
AN ORDINANCE TO AMEND THE TOWN OF BILTMORE
FOREST CODE OF ORDINANCES, CHAPTER 92

BACKGROUND

The Board of Commissioners and the Planning Commission have discussed the need for clarity within our nuisance ordinances for some time. These ordinances are found within the Town's Code of Ordinances and only require Board of Commissioners review, consideration, and approval. The Planning Commission is not required to provide comment or recommendation on this ordinance, but they have reviewed these ordinances and provided an approval recommendation.

SUMMARY OF ORDINANCE AMENDMENTS

The proposed ordinance outline significant updates to Chapter 92 (Health and Safety) of the Biltmore Forest Code of Ordinances. Ordinance 2026-01 introduces new regulatory frameworks to clarify the Town's nuisance ordinance, reflect challenges related to storm damage and vegetative debris management, and significantly strengthens and formalizes the Town's authority regarding unsafe structures.

Key Changes

- **Nuisance Clarification (§ 92.06):** Establishes a non-exhaustive list of specific conditions declared as nuisances, including junk accumulation, overgrown vegetation obstructing sightlines, and other unhealthy conditions.
- **Storm Debris Management (§ 92.23):** Adds specific language regarding the accumulation of vegetative waste. While it allows for "good-faith" temporary storage after storms, it prohibits large accumulations that create fire hazards or obstruct drainage.
- **Unfit and Unsafe Structures (Article III):** This new article creates a formal legal process for the town to investigate, hear, and order the repair or demolition of buildings dangerous to life, health, or safety.
- **Enforcement Authority:** Designates the Town Manager (or designee) as the Public Officer responsible for these investigations and hearings.

STATUTORY AUTHORITY AND IMPLEMENTATION

These amendments are drafted in accordance with the following North Carolina General Statutes.

- N.C.G.S. § 160A-193: Grants the Town the authority to summarily abate public health nuisances.
- N.C.G.S. Chapter 160D: Provides the legal foundation for Article III, and specifically, the designation of a Public Officer and the procedures for ordering repairs or demolitions.
- N.C.G.S. § 160D-1208 provides the due process provisions that are captured within the proposed ordinance. The ordinance includes an appeals process to ensure property owners' rights are protected while the Town fulfills its duty to public safety.

RECOMMENDATION

Staff recommends approval of this ordinance and the Planning Commission has further recommended approval. These changes provide the Town with the necessary tools to significantly update our nuisance ordinances and respond to areas of concern that remain eighteen (18) months after Hurricane Helene.

ORDINANCE 2026-01
AN ORDINANCE TO AMEND THE
TOWN OF BILTMORE FOREST CODE OF ORDINANCES
CHAPTER 92

WHEREAS, the Town of Biltmore Forest has adopted a Code of Ordinances which regulates the use of land within its corporate limits; and

WHEREAS, the Town of Biltmore Forest desires to revise a portion of the existing Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BILTMORE FOREST THAT THE FOLLOWING SECTIONS OF CHAPTER 92, TOWN OF BILTMORE CODE OF ORDINANCES, BE AMENDED AS FOLLOWS:

SECTION 1. Add new § 92.06:

§ 92.06 Nuisance conditions; illustrative examples.

The following conditions are declared nuisances when they exist to a degree that endangers public health or safety or unreasonably interferes with the use and enjoyment of property. This list is illustrative and not exhaustive:

1. Accumulation of trash, refuse, junk, discarded materials, or debris.
2. Overgrown vegetation creating unsafe conditions or obstructing sidewalks, roadways, or sightlines.
3. Downed trees or storm debris that create safety hazards, obstruct drainage, contribute to pest infestation or fire risk, or remain without remediation for an unreasonable period of time.
4. Standing water contributing to mosquito breeding or flooding.
5. Conditions attracting rodents, insects, or other vermin.
6. Unsafe storage or handling of hazardous or combustible materials.

SECTION 2. Add new § 92.23:**§ 92.23 Storm debris and vegetative waste.**

(A) No property owner shall allow storm debris or vegetative debris to accumulate in a manner that creates a fire hazard, endangers persons or property, obstructs drainageways or rights-of-way, or constitutes a nuisance.

(B) Reasonable temporary storage of debris after storm events or tree removal is permitted, provided the property owner demonstrates good-faith cleanup efforts.

(C) Large accumulations of combustible vegetative materials near structures or property lines may be required to be removed as a fire hazard.

SECTION 3. Add new Article III to Chapter 92:**ARTICLE III. UNFIT AND UNSAFE DWELLINGS AND STRUCTURES****§ 92.30 Purpose and authority.**

This article is adopted pursuant to N.C. General Statutes Chapter 160D to protect the public health, safety, and welfare by establishing procedures for addressing unfit or unsafe dwellings and structures.

§ 92.31 Definitions.

Dwelling means any building intended for human habitation. Structure means any building or improvement affixed to land. Unfit or unsafe means conditions rendering a structure dangerous to life, health, or safety.

§ 92.32 Unlawful conditions.

Any dwelling or structure determined to be unfit or unsafe is declared unlawful.

§ 92.33 Public officer.

The Town Manager or their designee is designated as the Public Officer pursuant to N.C.G.S. § 160D-1203.

§ 92.34 Investigation and complaint.

The Public Officer may investigate suspected unfit or unsafe structures and issue complaints and notices of hearing.

§ 92.35 Hearing and determination.

The Public Officer shall conduct a hearing and determine whether a dwelling or structure is unfit or unsafe.

§ 92.36 Orders.

The Public Officer may order repair, vacation, closure, or demolition in accordance with law.

§ 92.37 Failure to comply.

If an owner fails to comply, the Town may abate the condition and assess costs as a lien.

§ 92.38 Appeals.

Any decision or order may be appealed pursuant to N.C.G.S. § 160D-1208.

SECTION 4. Repeal.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 5. Effective date.

This ordinance shall become effective upon adoption.

Date

George F. Goosmann, III
Mayor

Laura Jacobs
Town Clerk

Redline Version Showing Changes to Chapter 92, Town Code of Ordinances

CHAPTER 92: HEALTH AND SAFETY

Section

General Provisions

- 92.01 Abatement of nuisances
- 92.02 Stagnant water
- 92.03 Obstruction of natural drainage
- 92.04 Cleanliness of premises
- 92.05 Removal of dead animals
- [92.06 Nuisance Conditions; illustrative examples](#)

Fire and Fire Protection

- 92.20 Burning trash within the town prohibited
- 92.21 Lots to be kept free from fire hazards
- 92.22 False fire alarms
- [92.23 Storm debris and vegetative waste](#)

Statutory reference:

Fire protection generally, see G.S. § 58-82-1

[Unfit and Unsafe Dwellings and Structures](#)

- [92.30 Purpose and Authority](#)
- [92.31 Definitions](#)
- [92.32 Unlawful Conditions](#)
- [92.33 Public Officer](#)
- [92.34 Investigation and Complaint](#)
- [92.35 Hearing and determination](#)
- [92.36 Orders](#)
- [92.37 Failure to comply](#)
- [92.38 Appeals](#)

Redline Version Showing Changes to Chapter 92, Town Code of Ordinances

GENERAL PROVISIONS

§ 92.01 ABATEMENT OF NUISANCES.

(A) (1) Whenever a nuisance shall exist on any premises in the town, the Chief of Police or the County Health Officer shall give notice to the owner or occupant of the premises of the existence of the nuisance and shall direct that the nuisance be abated.

(2) It shall be unlawful for any person receiving a notice to abate a nuisance, given pursuant to this section, to fail to start abatement of the nuisance within 24 hours after such notice.

(B) In the event the owner or occupant of the premises shall fail to abate a nuisance on his or her premises after having been given notice pursuant to division (A) above, the town may abate the nuisance and the costs of abatement shall be certified to the tax collector and collected as taxes.

(2013 Code, § 10-1) Penalty, see § 10.99

Statutory reference:

Abatement of public health nuisances, see G.S. § 160A-193

§ 92.02 STAGNANT WATER.

It shall be unlawful for any person to allow stagnant water to accumulate or stand in ponds, holes, ditches, vats, or otherwise upon any lot or premises so as to be detrimental to health. Such stagnant water shall be subject to abatement as a nuisance as provided in § 92.01.

(2013 Code, § 10-2) Penalty, see § 10.99

§ 92.03 OBSTRUCTION OF NATURAL DRAINAGE.

No person shall erect any dam or obstruction of any kind which shall prevent the natural flow of water or which shall cause the same to be collected or dammed in a pool or pools upon any lot in the town, or upon any street, road, or alley; nor shall they do or cause to be done any work, the effect of which will cause the formation of such pool or pools; provided, however, that nothing in this section shall prevent the owner or owners of any lot or lots from filling up the same as may be found desirable if adequate drainage is provided through or across the same to care for the surface water that may be collected or diverted from its natural flow.

(2013 Code, § 10-3) Penalty, see § 10.99

Redline Version Showing Changes to Chapter 92, Town Code of Ordinances

§ 92.04 CLEANLINESS OF PREMISES.

(A) Owners or occupants of premises shall be required to keep such premises free from noxious weeds, trash or any other form of refuse which may be dangerous or detrimental to the public health or which may be unsightly.

(B) Proper maintenance requires that grass and weeds are to be cut neatly as reasonably required.

(C) Areas, such as decks, porches, yards and play areas, and the like, that are in view of neighboring property or in view from the streets, shall be maintained and arranged in an orderly open, uncluttered manner, utilizing furniture and appointments appropriate to the area.

(D) Failure to comply with this provision shall constitute a misdemeanor and shall also be subject to abatement as a nuisance as provided in § 92.01.

(2013 Code, § 10-4) Penalty, see § 10.99

§ 92.05 REMOVAL OF DEAD ANIMALS.

It shall be the duty of the owner to remove any dead animal from the town within eight hours.

(2013 Code, § 10-5)

Cross-reference:

Animals, see Ch. 90

Statutory reference:

Removal of dead animals and fowl, see G.S. § 106-403

§ 92.06 Nuisance conditions; illustrative examples.

The following conditions are declared nuisances when they exist to a degree that endangers public health or safety or unreasonably interferes with the use and enjoyment of property. This list is illustrative and not exhaustive:

1. Accumulation of trash, refuse, junk, discarded materials, or debris.

2. Overgrown vegetation creating unsafe conditions or obstructing sidewalks, roadways, or sightlines.

Redline Version Showing Changes to Chapter 92, Town Code of Ordinances

[3. Downed trees or storm debris that create safety hazards, obstruct drainage, contribute to pest infestation or fire risk, or remain without remediation for an unreasonable period of time.](#)

[4. Standing water contributing to mosquito breeding or flooding.](#)

[5. Conditions attracting rodents, insects, or other vermin.](#)

[6. Unsafe storage or handling of hazardous or combustible materials.](#)

FIRE AND FIRE PROTECTION

§ 92.20 BURNING TRASH WITHIN THE TOWN PROHIBITED.

It shall be unlawful for any person to burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter, or other material of any kind outside any house, or on any street, sidewalk, alley, lot, or yard, within the corporate limits.

(2013 Code, § 8-1) Penalty, see § 10.99

§ 92.21 LOTS TO BE KEPT FREE FROM FIRE HAZARDS.

It shall be unlawful for any person to permit to remain or accumulate on any lot or premises any rubbish, refuse, or articles of combustible or inflammable nature.

(2013 Code, § 8-2) Penalty, see § 10.99

§ 92.22 FALSE FIRE ALARMS.

It shall be unlawful for any person to give any false alarm of fire, by means of the fire alarms system or otherwise.

(2013 Code, § 8-3) Penalty, see § 10.99

Statutory reference:

Giving false fire alarms, see G.S. § 14-286

[§ 92.23 Storm debris and vegetative waste.](#)

[\(A\) No property owner shall allow storm debris or vegetative debris to accumulate in a manner that creates a fire hazard, endangers persons or property, obstructs drainageways or rights-of-way, or constitutes a nuisance.](#)

(B) Reasonable temporary storage of debris after storm events or tree removal is permitted, provided the property owner demonstrates good-faith cleanup efforts.

(C) Large accumulations of combustible vegetative materials near structures or property lines may be required to be removed as a fire hazard.

UNFIT AND UNSAFE DWELLINGS AND STRUCTURES

§ 92.30 Purpose and authority.

This article is adopted pursuant to N.C. General Statutes Chapter 160D to protect the public health, safety, and welfare by establishing procedures for addressing unfit or unsafe dwellings and structures.

§ 92.31 Definitions.

Dwelling means any building intended for human habitation. Structure means any building or improvement affixed to land. Unfit or unsafe means conditions rendering a structure dangerous to life, health, or safety.

§ 92.32 Unlawful conditions.

Any dwelling or structure determined to be unfit or unsafe is declared unlawful.

§ 92.33 Public officer.

The Town Manager or their designee is designated as the Public Officer pursuant to N.C.G.S. § 160D-1203.

§ 92.34 Investigation and complaint.

The Public Officer may investigate suspected unfit or unsafe structures and issue complaints and notices of hearing.

§ 92.35 Hearing and determination.

The Public Officer shall conduct a hearing and determine whether a dwelling or structure is unfit or unsafe.

§ 92.36 Orders.

The Public Officer may order repair, vacation, closure, or demolition in accordance with law.

§ 92.37 Failure to comply.

If an owner fails to comply, the Town may abate the condition and assess costs as a lien.

§ 92.38 Appeals.

Any decision or order may be appealed pursuant to N.C.G.S. § 160D-1208.

BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
APRIL 14, 2026



AGENDA ITEM H-3

**PLANNING COMMISSION ORDINANCE
RECOMMENDATIONS**

BACKGROUND

The Planning Commission has undertaken a robust review process for several Town zoning ordinances recently. During their meeting last week, the Planning Commission recommended the following zoning text amendments for approval. These amendments all require a public hearing prior to consideration by the Board. This public hearing will be scheduled and occur next month at our regular meeting on Tuesday, May 12 at 4:30 p.m.

The Planning Commission has also reviewed portions of the Town Code, specifically related to commercial activity and construction hours and a stronger noise ordinance. These ordinances are located within the Town Code and *do not require* a public hearing prior to consideration. These amendments will also be presented next month but will not be part of the formal zoning text amendment public hearing.

ZONING TEXT AMENDMENT RECOMMENDATIONS

Two specific sections in the Zoning Ordinance would be updated under this recommendation. The two ordinances are related to exterior lighting and a definition and clarification for setbacks on large, amorphous parcels.

TOWN CODE AMENDMENT RECOMMENDATIONS

The result of the ordinance approval would be updated and clarified regulations regarding construction activity hours, noise, and nuisance ordinances.

ATTACHMENTS

The ordinances recommended for approval are attached to this memorandum and will be brought forth next month for the public hearing and regular hearing process. Please let me know if you have any questions.

ZONING TEXT AMENDMENT

EXTERIOR LIGHTING

A. Purpose and Intent

The purpose of this section is to regulate exterior lighting in a manner that:

1. Preserves the residential character and visual quality of the Town;
2. Reduces light pollution, glare, and light trespass onto neighboring properties;
3. Protects public health, wildlife, and natural nighttime conditions;
4. Allows for reasonable safety, security, and wayfinding needs; and
5. Establishes clear, enforceable standards that are understandable to property owners and neighbors.

It is the intent of this section to encourage targeted, and low-intensity, warm-colored lighting while avoiding excessive or intrusive illumination.

B. Applicability

1. This section applies to all exterior lighting installed, replaced, or modified on any property within the Town.
2. Interior lighting that does not spill beyond the building envelope is not regulated by this section.
3. Existing lighting installations are addressed under subsection H (Nonconforming Lighting).

C. Definitions

For purposes of this section, the following terms shall apply:

Exterior Lighting: Any artificial illumination located outdoors or installed within a structure that projects light outdoors.

Light Trespass: Light emitted from a fixture that extends beyond the property boundaries onto adjacent properties or the public right-of-way.

Glare: Excessive brightness that causes visual discomfort or reduces visibility.

Fully Shielded Fixture: A light fixture constructed or installed so that no light is emitted above a horizontal plane through the lowest point of the light source.

Color Temperature: The appearance of light measured in Kelvin (K), with lower values producing warmer light.

Dark Hours: The period between 11:00 p.m. and 6:00 a.m., during which reduced lighting levels are encouraged.

D. General Lighting Standards

All exterior lighting shall comply with the following standards:

1. Shielding and Direction

- a) All exterior lighting shall be fully shielded.

2. Uplighting

- a) Uplighting of buildings, trees, landscape features, or other structures is allowed, except as provided in subsection E(2).

3. Light Trespass

- a) Exterior lighting shall be arranged and shielded so that light trespass onto adjacent properties is minimized.
- b) Light shall not be directed toward neighboring dwellings.

4. Intensity

- a) High-intensity floodlights, spotlights, flashing, flickering, or strobe lighting are prohibited.
- b) Lighting shall be the minimum intensity necessary to accomplish its intended purpose.

5. Color Temperature

- a) Exterior lighting shall have a color temperature of 3,000 Kelvin or less, unless otherwise approved by the Town.

E. Residential and Landscape Lighting

1. Front Yard Lamps

- a) Up to two (2) lights are permitted in the front yard of a residential lot.
- b) Such lights shall not exceed eight (8) feet in height and shall be located at least ten (10) feet from the edge of the roadway.

2. Landscape Lighting

Landscape lighting is permitted provided it is:

- a) Low voltage;
- b) Low intensity;

- c) Fully shielded,
 - d) Installed to avoid glare and light trespass, and
 - e) Landscape lighting shall not trespass beyond the property to neighboring dwellings.
3. Porch and Entry Lighting
- a) Porch and entry lights may remain illuminated overnight, provided they are properly shielded and comply with the standards of this section.

F. Security Lighting

1. Security lighting shall:
 - a) Be fully shielded;
 - b) Be motion-activated or equipped with timers where practicable; and
 - c) Automatically deactivate after a thirty minute (30) period of inactivity.
2. Continuous, high-intensity security lighting is prohibited.

G. Exemptions

The following are exempt from this section, provided reasonable efforts are made to minimize glare and light trespass:

1. Temporary lighting used for emergencies or public safety;
2. Temporary lighting associated with construction activity, limited to the duration of the project, otherwise in accordance with the Town's construction hour requirements;
3. Holiday lighting displayed for a limited seasonal period;
4. Lighting installed or required by federal, state, local, or utility safety regulations.

H. Phased Compliance for Nonconforming Lighting

1. Exterior lighting existing prior to the effective date of this section that does not conform shall be considered nonconforming.
2. Nonconforming lighting may remain in place but shall be brought into compliance when:
 - a) The fixture is replaced or substantially modified;
 - b) A complaint is received and verified by the Town as creating excessive glare or light trespass;
 - c) The property undergoes significant redevelopment requiring a zoning permit.
3. The Town may establish educational guidance and voluntary compliance periods to assist property owners in transitioning to compliant lighting.

I. Enforcement

1. This section shall be administered by the Town Manager or designee.

2. Upon determination of a violation, the Town shall provide written notice describing the violation and allowing a reasonable time for correction.
3. Continued noncompliance may be enforced in accordance with the Town's general enforcement provisions.

PROPOSED ZONING TEXT AMENDMENT
SETBACKS FOR LARGE PARCELS

§ 153.007 DIMENSIONAL REQUIREMENTS.

(A) *Table.* The following table sets out dimensional requirements.

Districts	Minimum Lot Area In Square Feet	PUD Residential Density Maximum Number of Dwellings Per Acre	Minimum Yard Setback Requirement in Feet				
			Feet				
R-1	43,560	0	150	60	20	25	40
R-2	20,000	0	100	50	15	20	40
R-3	20,000	8	100	50	15	20	40
R-4	20,000	2	100	50	15	20	40
R-5	Footnote 6	8	100	50	15	20	40
PS	No Min.	0	No Min.	No Min.	No Min.	No Min.	Not App.

(B) General provisions. The following are footnotes applicable to the table in division (A).

- Footnote 1. The minimum lot area for lots not served by public water and/or sewer shall be subject to approval by the County Health Department to ensure the proper operation of septic tanks and wells. In no case, however, shall minimum lot area be less than those specified in the table in division (A).
- Footnote 2. On all corner lots, a 30-foot side yard setback is required.
- Footnote 3. Accessory structures shall meet all setback requirements.
- Footnote 4. Whichever is greater, 20,000 square feet, or twice the gross floor area of the building.
- Footnote 5. An increase in the side and rear yard setbacks is required for homes (structures) that exceed 25 feet in height. Homes (structures) greater than 25 feet in height shall be setback from the side and rear property lines an additional one and one-half feet for each one foot, or portion thereof, that the home (structure) exceeds 25 feet in height.
- Footnote 6. Structures exceeding a roof coverage area of 7,000 square feet shall be set back from side and rear property lines an additional 20% of the required setback for each 500 square feet, or increment thereof, that the roof coverage areas exceeds 7,000 square feet.

Example: The rear setback for a single story 8,200 square foot house in the R-1 District would be calculated as follows:

$$8,200 - 7,000 = 1,200$$

$$1,200/500 = 2.4 \text{ (round to 3 to account for increment of change)}$$

$$3 \times 20\% = 60\%$$

$$60\% \times 20 = 12$$

$$25 + 12 = 37$$

Rear setback will be 37 feet

7. For properties greater than 25 acres in size, the setback along all public roads shall be sixty (60) feet and the setback along any property line that abuts a residential property shall be twenty-five (25) feet.

POTENTIAL TOWN CODE AMENDMENT CONSTRUCTION AND PROPERTY MAINTENANCE ORDINANCE

Purpose

The purpose of this section is to regulate noise generated by construction, renovation, repair, and property maintenance activities in a manner that protects residential quiet enjoyment while allowing reasonable activity during defined hours. This section is separate from and supplemental to the Town's general noise ordinance.

Applicability

This section applies to:

- Commercial construction and renovation activity
- Contractor-performed work
- Property maintenance activities by property owners or property occupants using powered equipment

This section does not apply to ordinary residential living activities, which are governed by the general noise ordinance.

Construction and Maintenance Hours

A. Commercial Construction and Contractor Activity

1. Permitted only between 7:00 a.m. and 6:00 p.m., Monday through Saturday.
2. No commercial construction activity is permitted on Sundays, except for emergency repairs necessary to protect life, safety, or property.

B. Resident-Performed Property Maintenance

1. Residents may perform lawn maintenance and routine property work using mechanical equipment provided such activity complies with the Town's general noise ordinance, except as provided below.
2. On Sundays, resident-performed property maintenance shall be permitted between 12:00 p.m. and 6:00 p.m., except for emergency repairs necessary to protect life, safety, or property.

C. Noise Standard and Enforcement

1. "Plainly audible" means noise that can be clearly heard by a police officer or code enforcement officer, without the use of measuring devices, from a public street, sidewalk, or other lawful location.
2. Officers are not required to enter private property to determine a violation.

D. Holidays

1. Commercial construction activity shall be prohibited on designated holidays consistent with the State of North Carolina holiday calendar.

E. Enforcement and Penalties

1. Violations of this section shall be enforced as provided in the Town Code.

POTENTIAL ORDINANCE AMENDMENT

NOISE ORDINANCE

A. Purpose and Intent

The purpose of this section is to protect the quiet enjoyment of residential property by regulating excessive noise, while recognizing the need for ordinary daily activities.

B. Applicability

1. This section applies to all non-construction related noise occurring within the Town.
2. Construction, repair, and maintenance activities are regulated under a separate ordinance.
3. Nothing in this section shall prohibit noise associated with normal household activities conducted during permitted hours.

C. Definitions

For purposes of this section:

Plainly Audible: Sound that can be clearly heard by a person using normal hearing faculties, without the aid of electronic devices.

Quiet Hours: The period between 10:00 p.m. and 7:00 a.m., unless otherwise permitted under this section.

Residential Property: Any property containing a dwelling unit, whether occupied or not.

D. Prohibited Noise

It shall be unlawful for any person to create, permit, or allow noise that is:

1. Plainly audible inside a residential dwelling located on another property during Quiet Hours; or
2. Plainly audible at a distance of fifty (50) feet or more from the source property during Quiet Hours.

This standard may be enforced based on the observations of a law enforcement officer or other Town official from a public street, sidewalk, or other public place, without entry onto private property.

E. Exemptions

The following shall be exempt from this section, provided reasonable efforts are made to minimize disturbance:

1. Emergency operations or equipment necessary to protect life or property;
2. Temporary use of generators during power outages;
3. Town approved special events.

G. Enforcement

1. This section shall be enforced by the Police Department, Town Manager, or their designee.
2. A violation may be determined based on:
 - The direct observation of the enforcing official or a verified complaint corroborated by the enforcing official.
3. Violations shall be handled subject to the Town's general enforcement procedures.
4. The Town may issue warnings prior to enforcement.

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

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AGENDA ITEM H-4

DOG PARK FEASIBILITY DISCUSSION

COMMISSIONER DREW STEPHENS

BACKGROUND

During last month's meeting, Commissioner Drew Stephens presented an idea to create a Town dog park on a portion of the Vanderbilt Road property where the Public Works facility will be located. Commissioner Stephens would like to bring this topic forward for discussion with the Board this month.

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

APRIL 14, 2026



AGENDA ITEM H-5

Health and Ancillary Benefits for Elected Officials

Commissioner Drew Stephens

BACKGROUND

Commissioner Drew Stephens has asked that the Board consider a policy allowing the Town's elected officials to purchase health insurance and other ancillary insurance benefits (dental, vision, life) through the Town's existing insurance programs. Commissioner Stephens has proposed a policy whereby elected officials could purchase the insurance themselves with no cost to the Town.

OTHER LOCAL GOVERNMENTS

Town Clerk Laura Jacobs checked with other local governments throughout the state. Those that have responded thus far include the Counties of Brunswick and Davidson, and the Town of Spring Lake. Brunswick County included provisions for elected official coverage within their Personnel Policy.

STATUTORY GUIDANCE

NCGS 160A-162(B), which is attached, provides the basis for the Town or any other local government entity to allow insurance benefits for elected officials. This is due to the fact that elected officials are considered as *employees* by state law.

Town Attorney Billy Clarke is reviewing the matter as well and will have further guidance for the Board at Tuesday's meeting.

Article 7.

Administrative Offices.

Part 1. Organization and Reorganization of City Government.

§ 160A-146. Council to organize city government.

The council may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the city government and generally organize and reorganize the city government in order to promote orderly and efficient administration of city affairs, subject to the following limitations:

- (1) The council may not abolish any office, position, department, board, commission, or agency established and required by law;
- (2) The council may not combine offices or confer certain duties on the same officer when such action is specifically forbidden by law;
- (3) The council may not discontinue or assign elsewhere any functions or duties assigned by law to a particular office, position, department, or agency. (1971, c. 698, s. 1.)

Part 2. Administration of Council-Manager Cities.

§ 160A-147. Appointment of city manager; dual office holding.

(a) In cities whose charters provide for the council-manager form of government, the council shall appoint a city manager to serve at its pleasure. The manager shall be appointed solely on the basis of the manager's executive and administrative qualifications. The manager need not be a resident of the city or State at the time of appointment. The office of city manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution.

(b) Notwithstanding the provisions of subsection (a), a city manager may serve on a county board of education that is elected on a non-partisan basis if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 10,000;
- (2) The city is located in two counties; and
- (3) The population of the county in which the city manager resides does not exceed 40,000.

(b1) Notwithstanding the provisions of subsection (a) of this section, a city manager may serve on a county board of education that is elected on a nonpartisan basis if the population of the city by which the city manager is employed does not exceed 3,000.

(c) Notwithstanding the provisions of subsection (a), a city manager may hold elective office if the following criteria are met:

- (1) The population of the city by which the city manager is employed does not exceed 3,000.
- (2) The city manager is an elected official of a city other than the city by which the city manager is employed.

(d) For the purposes of this section, population figures shall be according to the latest United States decennial figures issued at the time the second office is assumed. If census figures issued after the second office is assumed increase the city or county population beyond the limits of this section, the city manager may complete the term of elected office that the city manager is then serving. (1969, c. 629, s. 2; 1971, c. 698, s. 1; 1989, c. 49; 1997-25, s. 1; 2009-321, s. 1.)

§ 160A-148. Powers and duties of manager.

(a) The manager shall be the chief administrator of the city. The manager shall be responsible to the council for administering all municipal affairs placed in the manager's charge by the council, and shall have the following powers and duties:

- (1) He shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the council may adopt.
- (2) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.
- (3) He shall attend all meetings of the council and recommend any measures that he deems expedient.
- (4) He shall see that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city.
- (5) He shall prepare and submit the annual budget and capital program to the council.
- (6) He shall annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.
- (7) He shall make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to his direction and control.
- (8) He shall perform any other duties that may be required or authorized by the council.
- (9) The manager shall receive a minimum of six clock hours of education upon the occurrence, or within six months of the occurrence, of any of the following:
 - a. The Local Government Commission is exercising its authority under Article 11 of Chapter 159 of the General Statutes with respect to the city.
 - b. The city has received a letter from the Local Government Commission due to a deficiency in complying with Chapter 159 of the General Statutes.
 - c. The city has an internal control material weakness or significant deficiency in the most recently completed financial audit.
 - d. The city is included on the most recently published Unit Assistance List issued by the Department of State Treasurer.

(b) The education shall incorporate fiscal management and the requirements of Chapter 159 of the General Statutes. The education may be provided by the Local Government Commission, the School of Government at the University of North Carolina, the North Carolina Community College System, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, or other qualified sources at the choice of the governing board and upon the prior approval of the Local Government Commission. The clerk to the governing board shall maintain a record verifying receipt of the education by the manager and shall provide this information, upon request, to the Secretary of the Local Government Commission. (1969, c. 629, s. 2; 1971, c. 698, s. 1; 1973, c. 426, s. 22; 2021-124, s. 5; 2025-19, s. 6.1(c).)

§ 160A-149. Acting city manager.

By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases. (1971, c. 698, s. 1.)

§ 160A-150. Interim city manager.

When the position of city manager is vacant, the council shall designate a qualified person to exercise the powers and perform the duties of manager until the vacancy is filled. (1971, c. 698, s. 1.)

§ 160A-151. Mayor and councilmen ineligible to serve or act as manager.

Neither the mayor nor any member of the council shall be eligible for appointment as manager or acting or interim manager. (1971, c. 698, s. 1.)

§ 160A-152. Applicability of Part.

This Part shall apply only to those cities having the council-manager form of government. If the powers and duties of a city manager set out in any city charter shall differ materially from those set out in G.S. 160A-148, the council may by ordinance confer or impose on the manager any of the powers or duties set out in G.S. 160A-148 but not contained in the charter. (1971, c. 698, s. 1.)

§§ 160A-153 through 160A-154. Reserved for future codification purposes.

Part 3. Administration of Mayor-Council Cities.

§ 160A-155. Council to provide for administration in mayor-council cities.

The council shall appoint, suspend, and remove the heads of all city departments, and all other city employees; provided, the council may delegate to any administrative official or department head the power to appoint, suspend, and remove city employees assigned to his department. The head of each department shall see that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council concerning his department are faithfully executed within the city. Otherwise, the administration of the city shall be performed as provided by law or direction of the council. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 16.)

§ 160A-156. Acting department heads.

By letter filed with the city clerk, the head of any department may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of head of that department during his temporary absence or disability. During his absence or disability, the council may revoke that designation at any time and appoint another officer to serve until the department head returns or his disability ceases. (1971, c. 698, s. 1.)

§ 160A-157. Interim department heads.

When the position of head of any department is vacant, the council may designate a qualified person to exercise the powers and perform the duties of head of the department until the vacancy is filled. (1971, c. 698, s. 1.)

§ 160A-158. Mayor and councilmen ineligible to serve or act as heads of departments.

Neither the mayor nor any member of the council shall be eligible for appointment as head of any city department or as acting or interim head of a department; provided, that in cities having a population of less than 5,000 according to the most recent official federal census, the mayor and any member of the council shall be eligible for appointment by the council as department head or other employee, and may receive reasonable compensation for such employment, notwithstanding any other provision of law. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 17.)

§ 160A-159. Applicability of Part.

This Part shall apply only to those cities having the mayor-council form of government. (1971, c. 698, s. 1.)

§§ 160A-160 through 160A-161. Reserved for future codification purposes.

Part 4. Personnel.

§ 160A-162. Compensation.

(a) The council shall fix or approve the schedule of pay, expense allowances, and other compensation of all city employees, and may adopt position classification plans; any compensation or pay plan may include provisions for payments to employees on account of sickness or disability. In cities with the council-manager form of government, the manager shall be responsible for preparing position classification and pay plans for submission to the council and, after any such plans have been adopted by the council, shall administer them. In cities with the mayor-council form of government, the council shall appoint a personnel officer (or confer the duties of personnel officer on some city administrative officer); the personnel officer shall then be responsible for administering the pay plan and any position classification plan in accordance with general policies and directives adopted by the council.

(b) The council may purchase life, health, and any other forms of insurance for the benefit of all or any class of city employees and their dependents, and may provide other fringe benefits for city employees. In providing health insurance to city employees, the council shall not provide abortion coverage greater than that provided by the State Health Plan for Teachers and State Employees under Article 3B of Chapter 135 of the General Statutes. (1923, c. 20; 1949, c. 103; 1969, c. 845; 1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, ss. 18, 19; 2013-366, s. 2(c).)

§ 160A-163. Retirement benefits.

(a) The council may provide for enrolling city employees in the Local Governmental Employees' Retirement System, the Law-Enforcement Officers' Benefit and Relief Fund, the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, or a retirement plan certified to be actuarially sound by a qualified actuary as defined in subsection (d) of this section and may make payments into the retirement system or plan on behalf of its employees. The city may also supplement from local funds benefits provided by the Local Governmental Employees' Retirement System, the Law-Enforcement Officers' Benefit and Relief Fund, or the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund.

(b) The council may create and administer a special fund for the relief of members of the police and fire departments who have been retired for age, or for disability or injury incurred in the line of duty, but any of these funds established on or after January 1, 1972, are subject to subsection

(c) of this section. The council may receive donations and devise in aid of the fund, shall provide for its permanence and increase, and shall prescribe and regulate the conditions under which benefits may be paid.

(c) No city shall make payments into any retirement system or plan established or authorized by local act of the General Assembly unless the plan is certified to be actuarially sound by a qualified actuary as defined in subsection (d) of this section.

(d) A qualified actuary means an individual certified as qualified by the Commissioner of Insurance, or any member of the American Academy of Actuaries.

(e) A city that is providing health insurance under G.S. 160A-162(b) may provide health insurance for all or any class of former employees of the city who are receiving benefits under subsection (a) of this section or who are 65 years of age or older. The health insurance may be paid entirely by the city, partly by the city and former employee, or entirely by the former employee, at the option of the city.

(f) The council may provide a deferred compensation plan. If the council provides a deferred compensation plan, the investment of funds for the plan is exempt from G.S. 159-30 and G.S. 159-31. Cities may invest deferred compensation plan funds in life insurance, fixed or variable annuities and retirement income contracts, regulated investment trusts, or other forms of investments approved by the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan.

(g) If the council provides for a retirement plan, a plan that supplements a State-administered plan, or a special fund, any benefits payable from the plan or fund on account of the disability of city employees may be restricted with regard to the amount that may be earned by the disabled former employee in any other employment, but only to the extent that the earnings of disability beneficiaries in the Local Governmental Employees' Retirement System are restricted in accordance with G.S. 128-27(e)(1). (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1965, c. 931; 1971, c. 698, s. 1; 1981, c. 347, s. 2; 1991, c. 277, s. 2; 1995, c. 259, s. 3; 2011-284, s. 111; 2025-25, s. 18(d).)

§ 160A-164. Personnel rules.

The council may adopt or provide for rules and regulations or ordinances concerning but not limited to annual leave, sick leave, special leave with full pay or with partial pay supplementing workers' compensation payments for employees injured in accidents arising out of and in the course of employment, hours of employment, holidays, working conditions, service award and incentive award programs, other personnel policies, and any other measures that promote the hiring and retention of capable, diligent, and honest career employees. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1965, c. 931; 1971, c. 698, s. 1; 1979, c. 714, s. 2.)

§ 160A-164.1. Smallpox vaccination policy (see editor's note on condition precedent).

All municipalities that employ firefighters, police officers, paramedics, or other first responders shall, not later than 90 days after this section becomes law, enact a policy regarding sick leave and salary continuation for those employees for absence from work due to an adverse medical reaction resulting from the employee receiving in employment vaccination against smallpox incident to the Administration of Smallpox Countermeasures by Health Professionals, section 304 of the Homeland Security Act, Pub. L. No. 107-296 (Nov. 25, 2002) (to be codified at 42 U.S.C. § 233(p)). (2003-169, s. 5.)

§ 160A-164.2. Criminal history record check of employees permitted.

(a) The council may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The city may consider the results of these criminal history record checks in its hiring decisions.

(b) Notwithstanding the provisions of subsection (a) of this section, if the position being filled requires an applicant for employment to work with children in any capacity, the council shall require the applicant, if offered the position, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The city must extend a conditional offer of the position pending the results of a criminal history record check required by this section. (2003-214, s. 5; 2014-100, s. 17.1(nnn); 2023-134, s. 19F.4(y); 2025-16, s. 4.2.)

§ 160A-165. Personnel board.

The council may establish a personnel board with authority to administer tests designed to determine the merit and fitness of candidates for appointment or promotion, to conduct hearings upon the appeal of employees who have been suspended, demoted, or discharged, and hear employee grievances. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1965, c. 931; 1971, c. 698, s. 1.)

§ 160A-166. Participation in Social Security Act.

The council may take any action necessary to allow city employees to participate fully in benefits provided by the federal Social Security Act. (1949, c. 103; 1969, c. 845; 1971, c. 698, s. 1.)

§ 160A-167. Defense of employees and officers; payment of judgments.

(a) Upon request made by or in behalf of any member or former member of the governing body of any authority, or any city, county, or authority employee or officer, or former employee or officer, any soil and water conservation supervisor or any local soil and water conservation employee, whether the employee is a district or county employee, or any member of a volunteer fire department or rescue squad which receives public funds, any city, authority, county, soil and water conservation district, or county alcoholic beverage control board may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity, or both, on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his employment or duty as an employee or officer of the city, authority, county or county alcoholic beverage control board. The defense may be provided by the city, authority, county or county alcoholic beverage control board by its own counsel, or by employing other counsel, or by purchasing insurance which requires that the insurer provide the defense. Providing for a defense pursuant to this section is hereby declared to be for a public purpose, and the expenditure of funds therefor is hereby declared to be a necessary expense. Nothing in this section shall be deemed to require any city, authority, county or county alcoholic beverage control board to provide for the defense of any action or proceeding of any nature.

(b) Any city council or board of county commissioners may appropriate funds for the purpose of paying all or part of a claim made or any civil judgment entered against any of its members or former members of the governing body of any authority, or any city, county, or

authority employees or officers, or former employees or officers, or any soil and water conservation supervisor or any local soil and water conservation employee, whether the employee is a district or county employee, when such claim is made or such judgment is rendered as damages on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his employment or duty as a member or former member of the governing body of any authority, or any city, county, district, or authority employee or officer of the city, authority, district, or county; provided, however, that nothing in this section shall authorize any city, authority, district, or county to appropriate funds for the purpose of paying any claim made or civil judgment entered against any of its members or former members of the governing body of any authority, or any city, county, district, or authority employees or officers or former employees or officers if the city council or board of county commissioners finds that such members or former members of the governing body of any authority, or any city, county, or authority employee or officer acted or failed to act because of actual fraud, corruption or actual malice on his part. Any city, authority, or county may purchase insurance coverage for payment of claims or judgments pursuant to this section. Nothing in this section shall be deemed to require any city, authority, or county to pay any claim or judgment referred to herein, and the purchase of insurance coverage for payment of any such claim or judgment shall not be deemed an assumption of any liability not covered by such insurance contract, and shall not be deemed an assumption of liability for payment of any claim or judgment in excess of the limits of coverage in such insurance contract.

(c) Subsection (b) shall not authorize any city, authority, or county to pay all or part of a claim made or civil judgment entered unless (1) notice of the claim or litigation is given to the city council, authority governing board, or board of county commissioners as the case may be prior to the time that the claim is settled or civil judgment is entered, and (2) the city council, authority governing board, or board of county commissioners as the case may be shall have adopted, and made available for public inspection, uniform standards under which claims made or civil judgments entered against members or former members of the governing body of any authority, or any city, county, or authority employees or officers, or former employees or officers, shall be paid.

(d) For the purposes of this section, "authority" means an authority organized under Article 1 of Chapter 162A of the General Statutes, the North Carolina Water and Sewer Authorities Act. "District" means a soil and water conservation district organized under Chapter 139 of the General Statutes. (1967, c. 1093; 1971, c. 698, s. 1; 1973, c. 426, s. 23; c. 1450; 1977, c. 307, s. 2; c. 834, s. 1; 1983, c. 525, ss. 1-4; 2001-300, s. 2.)

§ 160A-168. Privacy of employee personnel records.

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a city are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the city with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or nonselection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the city.

(b) The following information with respect to each city employee is a matter of public record:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to the service.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.
- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with that municipality.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- (10) Date and general description of the reasons for each promotion with that municipality.
- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office to which the employee is currently assigned.

(b1) For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

(b2) The city council shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the city council may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

- (1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- (5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of

assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- (6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (7) The city manager, with concurrence of the council, or, in cities not having a manager, the council may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

(c1) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

- (1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the city's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- (2) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- (3) Information that might identify an undercover law enforcement officer or a law enforcement informer.
- (4) Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

(c2) The city council may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the city as long as each personnel file examined is retained.

(c3) Repealed by Session Laws 2016-108, s. 2(h), effective July 22, 2016.

(c4) Even if considered part of an employee's personnel file, the following information regarding any sworn law enforcement officer shall not be disclosed to an employee or any other person, unless disclosed in accordance with G.S. 132-1.4, or in accordance with G.S. 132-1.10, or for the personal safety of that sworn law enforcement officer or any other person residing in the same residence:

- (1) Information that might identify the residence of a sworn law enforcement officer.
 - (2) Emergency contact information.
 - (3) Any identifying information as defined in G.S. 14-113.20.
- (d) The city council of a city that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in his file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.
- (e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).
- (f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00). (1975, c. 701, s. 2; 1981, c. 926, ss. 1-4; 1993, c. 539, ss. 1084, 1085; 1994, Ex. Sess., c. 24, s. 14(c); 2007-508, s. 7; 2008-194, s. 11(e); 2010-169, s. 18(f); 2015-225, s. 2; 2016-108, s. 2(h).)

§ 160A-169. City employee political activity.

(a) Purpose. The purpose of this section is to ensure that city employees are not subjected to political or partisan coercion while performing their job duties, to ensure that employees are not restricted from political activities while off duty, and to ensure that public funds are not used for political or partisan activities.

It is not the purpose of this section to allow infringement upon the rights of employees to engage in free speech and free association. Every city employee has a civic responsibility to support good government by every available means and in every appropriate manner. Employees shall not be restricted from affiliating with civic organizations of a partisan or political nature, nor shall employees, while off duty, be restricted from attending political meetings, or advocating and supporting the principles or policies of civic or political organizations, or supporting partisan or nonpartisan candidates of their choice in accordance with the Constitution and laws of the State and the Constitution and laws of the United States of America.

(b) Definitions. For the purposes of this section:

- (1) "City employee" or "employee" means any person employed by a city or any department or program thereof that is supported, in whole or in part, by city funds;
 - (2) "On duty" means that time period when an employee is engaged in the duties of his or her employment; and
 - (3) "Workplace" means any place where an employee engages in his or her job duties.
- (c) No employee while on duty or in the workplace may:
- (1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for political office; or

(2) Coerce, solicit, or compel contributions for political or partisan purposes by another employee.

(d) No employee may be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.

(e) No employee may use city funds, supplies, or equipment for partisan purposes, or for political purposes except where such political uses are otherwise permitted by law.

(f) To the extent that this section conflicts with the provisions of any local act, city charter, local ordinance, resolution, or policy, this section prevails to the extent of the conflict. (1991, c. 619, s. 2; 1993, c. 298, s. 2.)

§ 160A-169.1. Municipality verification of employee work authorization.

(a) **Municipalities Must Use E-Verify.** – Each municipality shall register and participate in E-Verify to verify the work authorization of new employees hired to work in the United States.

(b) **E-Verify Defined.** – As used in this section, the term "E-Verify" means the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.

(c) **Nondiscrimination.** – This section shall be enforced without regard to race, religion, gender, ethnicity, or national origin. (2011-263, s. 5.)

§ 160A-170. Reserved for future codification purposes.

Part 5. City Clerk.

§ 160A-171. City clerk; duties.

There shall be a city clerk who shall give notice of meetings of the council, keep a journal of the proceedings of the council, be the custodian of all city records, and shall perform any other duties that may be required by law or the council. (1917, c. 136, subch. 13, s. 1; C.S., s. 2826; 1941, c. 103; 1949, c. 14; 1971, c. 698, s. 1.)

§ 160A-172. Deputy clerk.

The council may provide for a deputy city clerk who shall have full authority to exercise and perform any of the powers and duties of the city clerk that may be specified by the council. (1917, c. 136, subch. 13, s. 1; C.S., s. 2826; 1941, c. 103; 1949, c. 14; 1971, c. 698, s. 1.)

Part 6. City Attorney.

§ 160A-173. City attorney; appointment and duties.

The council shall appoint a city attorney to serve at its pleasure and to be its legal adviser. (1971, c. 698, s. 1.)