

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest
Board of Commissioners

To be held Tuesday, November 9, 2021 at 4:30 p.m.

***MEETING HELD IN PERSON
IN ACCORDANCE WITH CDC AND STATE GUIDELINES***

***ZOOM LINK AVAILABLE ON REAR OF AGENDA
FOR THOSE WISHING TO PARTICIPATE IN THAT MANNER***

A. Roll Call by the Clerk

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

B. The minutes of the October 12, 2021 meeting will be presented for approval.

C. Reports of Officers

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

D. New Business

1. Consideration of Resolution 2021-14 – A Resolution to Award Stream Restoration Contract Contingent Upon LGC and DWI Approval
2. Town Code of Ordinances – Review Potential Public Safety Amendments
3. SB300 – Decriminalization of Local Ordinances – Discussion and Review
4. Stormwater Project Updates

E. Adjourn

Topic: November 2021 Board of Commissioners Meeting

Time: Nov 9, 2021 04:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81780949433?pwd=ZzNEaXZYmZwTmVQeThxQTNHcFZHQT09>

Meeting ID: 817 8094 9433

Passcode: 307245

One tap mobile

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Meeting ID: 817 8094 9433

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MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD OCTOBER 12, 2021.

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

Roll call taken by the Clerk:

Mayor George F. Goosmann, III, present

Commissioner Doris P. Loomis, present

Commissioner E. Glenn Kelly, present

Commissioner Fran Cogburn, present

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

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

Commissioner Cogburn made a motion to approve the minutes from September 14, 2021. The motion was seconded by Commissioner Kelly and unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were a total of 29 calls for August and 25 calls for September. The gas leaks have decreased in the past few months. Chief Lance said there are many slip and fall accidents with the wet leaves on the ground. He advised people to be careful when walking in wet leaves.

Chief Lance also said to have your furnaces and air filters checked. Chief Lance also said to get your chimneys inspected and cleaned. Mayor Goosmann thanked the Fire Department for all their hard work.

Lieutenant Mark Allen gave the report for the Police Department in place of Chief Chris Beddingfield. Lieutenant Allen said there were issues with vagrant and homeless people going

through unlocked vehicles throughout Town. Lieutenant Allen reminded people to keep vehicles locked. There were two separate missing people that were reported. Both suffered from cognitive impairment.

Lieutenant Allen noted the road rage incident with gun fire. This incident took place on Hendersonville Road and ended up going into Biltmore Forest. It was a serious situation where the car and gun were stolen. The suspect was taken into custody and charged appropriately.

National Night Out has been cancelled twice and there is discussion regarding rescheduling it for a third time.

Lieutenant Allen said the new CAD system is operating well and is very beneficial for the department. Mayor Goosmann thanked the police department for all their hard work.

Mr. Harry Buckner gave the report for the Public Works Department. Mr. Buckner said there was a significant uptake in tree removal requests. Mr. Buckner said Mr. Mike Dale is doing a great job with these inspections. They are also educating residents on the Tree Ordinances.

Mr. Buckner said this is the last month for routine brush pickup. One more brush pickup will occur November 1st. Leaf pickup will start immediately after brush pick up is over.

Mr. Hunter Graham is a new employee who previously worked for the NC Department of Transportation. Mr. Buckner said Mr. Graham is doing a great job so far and has brought great experience to the department.

Mr. Buckner discussed the lead and copper results and said the lead levels came back below detection level. The copper results came back normal as well.

Mr. Buckner discussed the storm water master plan which includes the culvert replacement on Park Road and the stream restoration project.

The kitchen remodel at the police department is almost complete. Mr. Eric Anderson did a wonderful job of doing the bulk of the work. Mayor Goosmann thanked Mr. Anderson for doing a good job of the remodel.

Mr. Buckner encouraged Town residents to sign up for “Eye on Water” where one can monitor their water consumption. The software will also notify the resident if there is a potential leak. Mayor Goosmann thanked Public Works for all their hard work.

Mr. Jonathan Kanipe gave the monthly report for the Town. Regarding COVID-19, the Town is following Buncombe County guidelines to wear face coverings in public places effective through Friday, October 29th. The goal is to get the positivity rate below 5% and it is currently slightly over 7%.

Regarding the Comprehensive Plan, the Planning Board met on the 28th to discuss future plans. Ms. Toya Hauf was selected to serve as the Chair and Ms. Dawn Grohs is serving as Vice Chair. Mr. Paul Zimmerman will develop the survey over the next few months.

Mr. Kanipe discussed the intersection camera project and they are working on funding for cameras for each intersection entrance to Biltmore Forest.

Mr. Kanipe discussed improvement of right-of-ways through Town. Work was completed near 4 & 6 Southwood that had wooded vegetation going out to the road.

The United States Department of Agriculture, in conjunction with NC Department of Health, air dropped and hand-scattered oral rabies vaccines throughout western North Carolina. Some of these packets were found scattered throughout Town. Mr. Kanipe said this was a surprise and the Town was not informed this was going to happen. Mr. Kanipe spoke with State representatives about this.

Commissioner Kelly asked for an update on the new garbage cans. Mr. Kanipe said the cans will be a dark brown color with stenciling on it. The final order needs to be placed. The Town

will offer 65 gallon and 95 gallon containers. Feedback will be requested from residents within the next month.

Mr. Kanipe discussed the pre-bid conference. There were four bids on the project. The lowest bid was for \$185,901.50 with Baker Grading and Landscaping. The engineer's estimate for the project was \$236,000. The bids ranged up to \$410,000. The bids are valid for 60 days. The bid approval should come from the Local Government Commission before then. A formal resolution will be required for approval of the award at the November 9, 2021 meeting.

Mr. Kanipe discussed the stormwater infrastructure projects. Project 1 & 9 will be designed at the same time. The Town has the ability to use the American Recovery Fund money. Project 1 & 9 are the larger of the two projects which includes the areas south of Stuyvesant Road, Lone Pine Road, and Vanderbilt Road intersection and then southwest along Vanderbilt Road to the park.

Mr. Kanipe discussed the areas of Hemlock Road and Cedar Hill Drive stream bank restoration. This is more of an emergent issue.

Mr. Kanipe discussed the Consideration of Resolution 2021-13 which is a Resolution requesting participation from AT&T and Charter Spectrum with Duke Energy's targeted underground program. Duke Energy began their Targeted Underground program in Biltmore Forest in January 2021. This followed several years of discussion between the Town and Duke Energy regarding providing underground service, and Duke utilizing frequent outage and restoration data to determine this was in their best interest. Since that time, Duke has completed Phase 1 of the project. This project area is generally bounded by Frith Drive, Holly Hill Road, and a portion of Stuyvesant Road south of Greenwood Road. Phase 2 and 3 of the project will commence within the next year and are focused on areas along Brookside, Westwood, and Hilltop Roads, and portions of Stuyvesant Road and Ridgefield Place. We are trying to encourage Charter and AT&T to participate. The status is pending at the moment.

A motion was made by Commissioner Kelly to approve this Resolution that will be send to AT&T and Charter, Commissioner Cogburn seconded the motion and was unanimously approved.

Consideration of Planning Commission alternate member appointment was also discussed. Ms. Waddell resigned from Planning Commission. Mr. Michael Flynn was nominated as an alternate member. Commissioner Loomis made a motion, Commissioner Cogburn seconded the motion and was unanimously approved.

Public Comment

There was no public comment.

Mayor Goosmann adjourned the meeting at 5:16 p.m. The next meeting is scheduled for Tuesday, November 9, 2021 at 4:30 pm.

ATTEST:

Ms. Laura Jacobs
Town Clerk

George F. Goosmann, III
Mayor



Skyland Fire & Rescue

Biltmore Forest Valley Springs Station



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

Biltmore Forest Valley Springs Station

Incident Response

October 2021

Station: 4 - BILTMORE FOREST STATION	
111 - Building fire	1
311 - Medical assist, assist EMS crew	5
321 - EMS call, excluding vehicle accident with injury	1
322 - Motor vehicle accident with injuries	2
324 - Motor vehicle accident with no injuries.	1
341 - Search for person on land	1
412 - Gas leak (natural gas or LPG)	1
500 - Service Call, other	2
554 - Assist invalid	3
611 - Dispatched & cancelled en route	3
622 - No incident found on arrival at dispatch address	3
651 - Smoke scare, odor of smoke	1
733 - Smoke detector activation due to malfunction	1
735 - Alarm system sounded due to malfunction	2
745 - Alarm system activation, no fire - unintentional	4
800 - Severe weather or natural disaster, other	1
# Incidents for 4 - Biltmore Forest Station:	32

Respectfully Submitted,

Trevor Lance

Chief Trevor Lance
Skyland Fire Rescue

Biltmore Forest Police
Department

355 Vanderbilt Road
Biltmore Forest, NC 28803
828-274-0822
www.biltmoreforest.org



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

M. Chris Beddingfield, Chief of
Police

Department head report for the Board of Commissioners meeting held November 9th,
2021

Chris Beddingfield, Police Chief

Calls for Service: 526

Officers responded to the following calls for service:

Accident – 7	Accident - PI - 0	Special Assignment – 2
Alarm – 23	Animal Control – 13	Special Check – 32
Assist EOC – 2	Assist Motorist – 4	Speed/Reckless Driving- 0
Assist Other Agency – 15	Assist Resident – 9	Suspicious Person – 9
Bear Report – 0	Business Check- 238	Suspicious Vehicle – 18
Crime Prev. – 3	Chase- 0	Vandalism – 0
Direct Traffic – 7	Distressed Animal - 0	Vehicle Stop – 31
Disturbance – 2	Dog Complaint – 9	Well-being Check – 2
Domestic disturbance-0	Fire-2	Road Blocked – 4
Fight- 0	Gun fire/Shots fired - 1	Service of Car – 0
Hit and Run – 0	House Check – 82	Sign Ord Violation – 0
Improper Parking- 6	Incomplete 911- 1	
Investigation – 4	Intoxicated Driver- 0	
Mental Patient – 2	Missing Person – 1	
Noise Disturbance – 1	Ordinance Violation - 3	
Person Down – 0	Power Outage – 2	

Professionalism Respect Integrity Dedication Excellence

Arrests:

0-Felony Arrests-

1-Misdemeanor Arrest- Arose from a suspicious vehicle/vehicle stop-Cedarcliff Rd-subject had multiple outstanding warrants from several jurisdictions including Breaking and Entering, Assault by Strangulation and others.

Time Consumption Summary:

Approximations:

Business Checks- 4 hours

House Checks- 4 hours

Radar Operation- 5 hours

Vehicle Crash Investigation- 3.5 hours

Notable Calls and Projects:

Responded inside The Ramble at the request of their security due to extended response time of the Sheriff's Office. Our officers responded and cleared the house before the Sheriff's Office arrived. Then captured the suspect a short distance from the residence and turned him over to the Sheriff's Department.

Multiple agency response to a tree down blocking three lanes of Hendersonville Road with power lines down and roadside on fire. Tree fell from our side of US25 but was on private property. We worked with APD, AFD, and Skyland Fire directing traffic most of the day. Biltmore Forest Public Works responded and assisted as well.

Recognition of Officer Kenny Merritt for Achieving North Carolina Advanced Law Enforcement Certificate

Brief Discussion of House Bills 436 & 536, Senate Bill 300 signed into law 9/2/21 effective 10/1/21
436-LEO Mental Health/Psychological evaluations
536-Duty to Intervene
300-Several items-Early warning system/early intervention, Criminal issues with local ordinances

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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Jonathan Kanipe, Town Manager

Mayor and Board of Commissioners

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

A handwritten signature in black ink, appearing to read "HBB", written over the printed name of Harry B. Buckner.

Re: Public Works Department October 2021 Monthly Report

Date: November 4, 2021

Recurring Activities:

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

- Collected 30.39 tons of garbage.
- Diverted 15.56 tons of recycled goods from garbage.
- Picked up 20 loads of brush (approximately 600 cubic yards) and 10 loads of leaves (300 cubic yards) over 13 days.
- Responded to 55 total utility locate requests, comprised of 42 new requests and 11 updates and 2 emergency requests.
- Visited 16 residences for Tree Assessments, approving the removal of 29 trees, and requiring the installation of 44 trees.
- Completed daily chlorine residual tests across town and passed the required two bacteriological tests. Results are reported via the State's on-line reporting system.
- Used the Beacon/Badger Meter automated meter reading system to monitor for water leaks daily and informed residents of suspected leaks.
- We continue to perform litter pick-ups as needed, focusing on the entrances.
- Routine brush pickup concludes this month on the normal schedule, with North pick-up on October 18 and South pick-up beginning on October 30. There is only one more brush collection scheduled for each route in the month of October, transitioning to leaf collection on November 1, 2021.

Coronavirus (COVID-19) Related Activities:

- Mask requirements and social distancing protocols continue at the Public Works facility, and they do remain open to the public.

Miscellaneous Activities in October

- All public works employees are reporting to work at this time, with one on limited duty.
- Training for our newest employee, Hunter Graham, continued and we are very pleased with his effort and contributions to the department thus far.
- We spent a week focused on leaf and brush collection ahead of the neighborhood Halloween event along White Oak Road and Buena Vista Road.
- We completed the manual water meter readings to assist with the October billing cycle.
- We replaced the stop sign post at the intersection of Southwood Road and Brookside Road.
- Staff completed ROW clearing at 4, 6, and 8 Southwood Road.
- Staff replaced a collapsing storm drain inlet at 14 Eastwood Road, including tying in 5 storm drain pipes at that location.
- We performed shoulder repairs at 4/6 Stuyvesant Crescent, 6/8 Deerfield Road, and at lower Vanderbilt Park.
- We repaired the storm drain inlet and the shoulder between 2 and 4 Southwood Road.
- The Bell Gate Island was refreshed with pine straw and weeded, the Forest Road Island was weeded and pruned, and the two Hilltop Road islands were weeded.
- We assisted PD with traffic control during the downed tree event at 883 Hendersonville Road.
- The Police Department kitchen remodel is completed with the exception of lighting upgrades and new tables and chairs.
- One of the salt and sand vehicles was sent to the shop to replace some routine wear items in the spreader unit. Additional work lights are being installed now.
- Mr. Bartlett successfully completed the backflow prevention and cross connection control training school from October 4-7, 2021 in Sanford.
- The back-up garbage truck is still at the shop awaiting completion of repairs to the hydraulic system and transmission/PTO. A new hydraulic tank is ordered and the mechanic is awaiting delivery.
- Sample 95 gallon and 65 gallon garbage cans have been received and are in Town Hall for inspection.
- We completed a day of large tree removals from the Town ROW and Parks with our on-call tree service company on October 14.

Larger/Capital Projects Updates

Greenwood Park Stream Restoration

- Bids opened on October 5, 2021. Manager Kanipe has a separate agenda item for this topic in the Manager's report.

Automatic Water Meter Reading System Endpoint Replacement Program

- We are still awaiting delivery of the replacement materials from the vendor. Work will begin upon receipt.

Cedar Hill Road Stream Stabilization Project

- Jennings Environmental completed the topographic field surveys of the stream stabilization project along Cedar Hill Road.
- Detailed design will begin in October.

Town-wide Traffic Study

- Work continued in October; a draft plan review was performed this week, as well as finalization of a resident survey.

Master Plan Project Area 2 – 13/15 Park Rd. Culvert Replacement

- McGill Associates began the field survey for this project. We anticipate completion of the design phase in October.

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

- McGill Associates also began the field survey for this project in October. Survey work will continue into November, and we anticipate completion of the survey by the end of the month. Design is anticipated to be underway by December.

Upcoming in November

- Regular mowing activities are winding down for the season.
- We will be performing street light maintenance this month.
- Dedicated leaf collection began on November 1, and will continue continuously until January 15, 2022.
- We are continuing the internal training of our new employee.
- We will be in touch with the property owners at 41 Hilltop (which has frontage on Southwood Road) and 14 Southwood Road to coordinate additional ROW clearing.
- We are planning/beginning multiple storm drain repairs between 105 and 111 Stuyvesant Road.
- We will install two new water taps, and replace two existing meters as continuing maintenance items.

- We will be installing the Christmas decorations at Town Hall and surrounding areas at the end of the month.
- We are planning multiple large mulch beds at the Brookside Park pond area and at Rosebank Park in areas that do not support turf grass. We will begin mulching these with ground leaves with the ultimate goal of installing hardwood mulch and additional woodland plantings.
- We will continue work on the Busbee Wye beautification project. We will complete a planting plan for this area, as well as the new planting bed in front of Town Hall.
- We have completed preparations for the upcoming snow season by prepping our salt and sand mixtures and running our salt and sand spreaders.
- We will be completing a deep cleaning of the maintenance bays and storage building at the Town Hall Complex.

Please do not hesitate to contact me if you have any specific questions about this or any of our programs.

REVENUE & EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 10/31/2021

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
3010 Ad Valorem Tax						
Revenue						
3010 Ad Valorem Tax						
10-3010-0000 AD VALOREM TAXES (PROPERTY)	2,835,096.00	2,904,855.54	2,904,855.54	0.00	-69,759.54	102
10-3010-0100 AD VALOREM TAXES (DMV)	104,332.00	27,710.87	27,710.87	0.00	76,621.13	27
10-3010-0200 TAX INTEREST & PENALTIES	10,000.00	530.73	530.73	0.00	9,469.27	5
3010 Ad Valorem Tax Subtotal	\$2,949,428.00	\$2,933,097.14	\$2,933,097.14	\$0.00	\$16,330.86	99
Revenue Subtotal	\$2,949,428.00	\$2,933,097.14	\$2,933,097.14	\$0.00	\$16,330.86	99
After Transfers	Excess Of Revenue Subtotal	\$2,949,428.00	\$2,933,097.14	\$2,933,097.14	\$0.00	99
3020 Unrestricted Intergovernm						
Revenue						
3020 Unrestricted Intergovernm						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	205,227.00	45,273.60	45,273.60	0.00	159,953.40	22
10-3020-0100 ALCOHOL BEVERAGE TAX	6,000.00	0.00	0.00	0.00	6,000.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	540,724.00	231,335.09	231,335.09	0.00	309,388.91	43
10-3020-0300 1/2 CENT SALES TAX A.40	227,111.00	95,364.01	95,364.01	0.00	131,746.99	42
10-3020-0400 1/2 CENT SALES TAX A.42	282,736.00	122,144.62	122,144.62	0.00	160,591.38	43
10-3020-0600 SALES TAX REFUND	10,000.00	0.00	0.00	0.00	10,000.00	0
10-3020-0700 GASOLINE TAX REFUND	3,500.00	0.00	0.00	0.00	3,500.00	0
3020 Unrestricted Intergovernm Subtotal	\$1,275,298.00	\$494,117.32	\$494,117.32	\$0.00	\$781,180.68	39
Revenue Subtotal	\$1,275,298.00	\$494,117.32	\$494,117.32	\$0.00	\$781,180.68	39
After Transfers	Excess Of Revenue Subtotal	\$1,275,298.00	\$494,117.32	\$494,117.32	\$0.00	39
3030 Restricted Intergovernmen						
Revenue						
3030 Restricted Intergovernmen						
10-3030-0000 SOLID WASTE DISPOSAL TAX	950.00	251.72	251.72	0.00	698.28	26
10-3030-0100 POWELL BILL	55,505.00	29,374.54	29,374.54	0.00	26,130.46	53
3030 Restricted Intergovernmen Subtotal	\$56,455.00	\$29,626.26	\$29,626.26	\$0.00	\$26,828.74	52
Revenue Subtotal	\$56,455.00	\$29,626.26	\$29,626.26	\$0.00	\$26,828.74	52
After Transfers	Excess Of Revenue Subtotal	\$56,455.00	\$29,626.26	\$29,626.26	\$0.00	52
3040 Permits & Fees						
Revenue						
3040 Permits & Fees						
10-3040-0000 BUILDING PERMITS	30,000.00	40,626.00	40,626.00	0.00	-10,626.00	135
10-3040-0100 DOG LICENSE FEE	1,300.00	25.00	25.00	0.00	1,275.00	2
3040 Permits & Fees Subtotal	\$31,300.00	\$40,651.00	\$40,651.00	\$0.00	-\$9,351.00	130
Revenue Subtotal	\$31,300.00	\$40,651.00	\$40,651.00	\$0.00	-\$9,351.00	130
After Transfers	Excess Of Revenue Subtotal	\$31,300.00	\$40,651.00	\$40,651.00	\$0.00	130
3050 Investment Earnings						
Revenue						
3050 Investment Earnings						
10-3050-0000 INTEREST EARNED	1,000.00	99.22	99.22	0.00	900.78	10
3050 Investment Earnings Subtotal	\$1,000.00	\$99.22	\$99.22	\$0.00	\$900.78	10

REVENUE & EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 10/31/2021

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
Revenue Subtotal	\$1,000.00	\$99.22	\$99.22	\$0.00	\$900.78	10
After Transfers	Excess Of Revenue Subtotal	\$1,000.00	\$99.22	\$99.22	\$0.00	10
3060 Miscellaneous						
Revenue						
3060 Miscellaneous						
10-3060-0100 AMERICAN TOWER AGREEMENT	38,000.00	1,600.00	1,600.00	0.00	36,400.00	4
10-3060-0200 MISCELLANEOUS	10,000.00	21,678.12	21,923.15	-245.03	-11,923.15	219
3060 Miscellaneous Subtotal	\$48,000.00	\$23,278.12	\$23,523.15	-\$245.03	\$24,476.85	49
Revenue Subtotal	\$48,000.00	\$23,278.12	\$23,523.15	-\$245.03	\$24,476.85	49
After Transfers	Excess Of Revenue Subtotal	\$48,000.00	\$23,278.12	\$23,278.12	-\$245.03	48
3290						
Revenue						
3290						
30-3290-0000 INTEREST EARNED	50.00	2.46	2.46	0.00	47.54	5
3290 Subtotal	\$50.00	\$2.46	\$2.46	\$0.00	\$47.54	5
Revenue Subtotal	\$50.00	\$2.46	\$2.46	\$0.00	\$47.54	5
After Transfers	Excess Of Revenue Subtotal	\$50.00	\$2.46	\$2.46	\$0.00	5
3350 Commissions, Sw Chg Coll						
Revenue						
3350 Commissions, Sw Chg Coll						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	8,000.00	3,269.80	3,269.80	0.00	4,730.20	41
3350 Commissions, Sw Chg Coll Subtotal	\$8,000.00	\$3,269.80	\$3,269.80	\$0.00	\$4,730.20	41
Revenue Subtotal	\$8,000.00	\$3,269.80	\$3,269.80	\$0.00	\$4,730.20	41
After Transfers	Excess Of Revenue Subtotal	\$8,000.00	\$3,269.80	\$3,269.80	\$0.00	41
3500 Other Financing						
Other Financing Source						
3500 Other Financing						
10-3500-0000 SALE OF PERSONAL PROPERTY	15,000.00	0.00	0.00	0.00	15,000.00	0
10-3500-0700 INTERGOVERNMENTAL LOAN (RESTRIC	300,000.00	0.00	0.00	0.00	300,000.00	0
3500 Other Financing Subtotal	\$315,000.00	\$0.00	\$0.00	\$0.00	\$315,000.00	0
Other Financing Source Subtotal	\$315,000.00	\$0.00	\$0.00	\$0.00	\$315,000.00	0
After Transfers	Deficiency Of Revenue Subtotal	\$315,000.00	\$0.00	\$0.00	\$0.00	0
3710 Water Sales						
Revenue						
3710 Water Sales						
30-3710-0000 WATER CHARGES	442,800.00	162,842.64	162,842.64	0.00	279,957.36	37
30-3710-0100 MSD CHARGES	338,789.00	119,650.51	119,650.51	0.00	219,138.49	35
30-3710-0200 AMI TRANSMITTER CHARGES	7,700.00	2,755.44	2,755.44	0.00	4,944.56	36
3710 Water Sales Subtotal	\$789,289.00	\$285,248.59	\$285,248.59	\$0.00	\$504,040.41	36
Revenue Subtotal	\$789,289.00	\$285,248.59	\$285,248.59	\$0.00	\$504,040.41	36
After Transfers	Excess Of Revenue Subtotal	\$789,289.00	\$285,248.59	\$285,248.59	\$0.00	36
3730 Water Tap & Connect Fees						
Revenue						

REVENUE & EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 10/31/2021

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
3730 Water Tap & Connect Fees						
30-3730-0000 WATER TAP AND CONNECTION FEES	6,000.00	330.00	330.00	0.00	5,670.00	6
3730 Water Tap & Connect Fees Subtotal	\$6,000.00	\$330.00	\$330.00	\$0.00	\$5,670.00	6
Revenue Subtotal	\$6,000.00	\$330.00	\$330.00	\$0.00	\$5,670.00	6
After Transfers	Excess Of Revenue Subtotal	\$6,000.00	\$330.00	\$330.00	\$0.00	6
4000						
Revenue						
4000						
40-4000-1100 ARP DISTRIBUTION	451,275.58	225,637.79	225,637.79	0.00	225,637.79	50
4000 Subtotal	\$451,275.58	\$225,637.79	\$225,637.79	\$0.00	\$225,637.79	50
Revenue Subtotal	\$451,275.58	\$225,637.79	\$225,637.79	\$0.00	\$225,637.79	50
After Transfers	Excess Of Revenue Subtotal	\$451,275.58	\$225,637.79	\$225,637.79	\$0.00	50
4200 Administration						
Expenditure						
4200 Administration						
10-4200-0200 SALARIES	214,530.00	73,276.15	73,276.15	0.00	141,253.85	34
10-4200-0300 OVERTIME	5,000.00	85.14	85.14	0.00	4,914.86	2
10-4200-0500 FICA	16,794.00	4,774.16	4,774.16	0.00	12,019.84	28
10-4200-0600 HEALTH INSURANCE (MEDICAL)	28,502.00	7,729.60	7,729.60	0.00	20,772.40	27
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	4,470.00	1,542.80	1,542.80	0.00	2,927.20	35
10-4200-0675 HEALTH REIMBURSEMENT ACC	3,750.00	1,250.00	1,250.00	0.00	2,500.00	33
10-4200-0700 LGERS RETIREMENT	39,581.00	11,616.35	11,616.35	0.00	27,964.65	29
10-4200-0800 401K SUPP RETIREMENT	10,976.00	3,600.55	3,600.55	0.00	7,375.45	33
10-4200-1000 ACCOUNTING & TAXES	45,000.00	22,687.49	22,687.49	0.00	22,312.51	50
10-4200-1200 POSTAGE, PRINTING, STATIONARY	6,000.00	3,023.84	3,809.10	785.26	2,190.90	63
10-4200-1400 MILEAGE & BOARD SALARY	22,000.00	7,200.00	7,200.00	0.00	14,800.00	33
10-4200-3300 SUPPLIES AND EQUIPMENT	8,750.00	2,768.57	2,768.57	0.00	5,981.43	32
10-4200-5300 DUES & FEES	5,000.00	5,645.50	6,210.50	565.00	-1,210.50	124
10-4200-5700 MISCELLANEOUS	1,000.00	2,964.50	2,964.50	0.00	-1,964.50	296
10-4200-6500 STAFF DEVELOPMENT	16,000.00	3,953.84	4,598.84	645.00	11,401.16	29
4200 Administration Subtotal	\$427,353.00	\$152,118.49	\$154,113.75	\$1,995.26	\$273,239.25	36
Expenditure Subtotal	\$427,353.00	\$152,118.49	\$154,113.75	\$1,995.26	\$273,239.25	36
Before Transfers	Deficiency Of Revenue Subtotal	-\$427,353.00	-\$152,118.49	-\$152,118.49	-\$1,995.26	36
After Transfers	Deficiency Of Revenue Subtotal	-\$427,353.00	-\$152,118.49	-\$152,118.49	-\$1,995.26	36
4300						
Expenditure						
4300						
4300 Subtotal	\$0.00	\$0.00	\$64.11	\$64.11	-\$64.11	0
Expenditure Subtotal	\$0.00	\$0.00	\$64.11	\$64.11	-\$64.11	0
Before Transfers	Deficiency Of Revenue Subtotal	\$0.00	\$0.00	\$0.00	-\$64.11	0
After Transfers	Deficiency Of Revenue Subtotal	\$0.00	\$0.00	\$0.00	-\$64.11	0
5100 Police Department						
Expenditure						

REVENUE & EXPENDITURE STATEMENT

Town of Biltmore Forest

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
5100 Police Department						
10-5100-0200 SALARIES	908,986.00	316,314.26	316,314.26	0.00	592,671.74	35
10-5100-0300 OVERTIME	26,000.00	11,048.85	11,048.85	0.00	14,951.15	42
10-5100-0400 SEPARATION ALLOWANCE	30,617.00	10,598.31	10,598.31	0.00	20,018.69	35
10-5100-0500 FICA	71,526.00	22,570.29	22,570.29	0.00	48,955.71	32
10-5100-0600 HEALTH INSURANCE (MEDICAL)	148,416.00	49,329.28	49,329.28	0.00	99,086.72	33
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	18,892.00	6,615.04	6,615.04	0.00	12,276.96	35
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	8,500.00	8,500.00	0.00	17,000.00	33
10-5100-0700 LGERS RETIREMENT	168,681.00	54,023.21	54,023.21	0.00	114,657.79	32
10-5100-0800 401K SUPP RETIREMENT	45,474.00	16,017.92	16,017.92	0.00	29,456.08	35
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	20,000.00	3,475.33	8,260.44	4,785.11	11,739.56	41
10-5100-1600 MAINT/REPAIR - EQUIPMENT	2,000.00	0.00	84.00	84.00	1,916.00	4
10-5100-1700 MAINT/REPAIR - VEHICLES	12,000.00	851.70	3,604.78	2,753.08	8,395.22	30
10-5100-3100 MOTOR FUELS	13,000.00	5,214.64	5,214.64	0.00	7,785.36	40
10-5100-3300 SUPPLIES	10,000.00	2,308.73	2,308.73	0.00	7,691.27	23
10-5100-3600 UNIFORMS	7,500.00	3,229.89	7,012.00	3,782.11	488.00	93
10-5100-3700 SOFTWARE	50,000.00	45,328.90	55,765.89	10,436.99	-5,765.89	112
10-5100-3800 TECHNOLOGY	60,000.00	29,115.40	34,615.69	5,500.29	25,384.31	58
10-5100-5700 MISCELLANEOUS	7,500.00	6,811.01	7,695.01	884.00	-195.01	103
10-5100-5800 PHYSICAL EXAMS	5,000.00	760.00	2,087.90	1,327.90	2,912.10	42
10-5100-6500 STAFF DEVELOPMENT	10,000.00	6,927.38	9,082.34	2,154.96	917.66	91
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	125,000.00	20,407.40	104,827.16	84,419.76	20,172.84	84
5100 Police Department Subtotal	\$1,766,092.00	\$619,447.54	\$735,575.74	\$116,128.20	\$1,030,516.26	42
Expenditure Subtotal	\$1,766,092.00	\$619,447.54	\$735,575.74	\$116,128.20	\$1,030,516.26	42
Before Transfers	Deficiency Of Revenue Subtotal	-\$1,766,092.00	-\$619,447.54	-\$619,447.54	-\$116,128.20	35
After Transfers	Deficiency Of Revenue Subtotal	-\$1,766,092.00	-\$619,447.54	-\$619,447.54	-\$116,128.20	35
5200 Fire Services						
Expenditure						
5200 Fire Services						
10-5200-0000 FIRE CONTRACT	425,000.00	212,500.00	212,500.00	0.00	212,500.00	50
5200 Fire Services Subtotal	\$425,000.00	\$212,500.00	\$212,500.00	\$0.00	\$212,500.00	50
Expenditure Subtotal	\$425,000.00	\$212,500.00	\$212,500.00	\$0.00	\$212,500.00	50
Before Transfers	Deficiency Of Revenue Subtotal	-\$425,000.00	-\$212,500.00	-\$212,500.00	\$0.00	50
After Transfers	Deficiency Of Revenue Subtotal	-\$425,000.00	-\$212,500.00	-\$212,500.00	\$0.00	50
5600 Public Works						
Expenditure						
5600 Public Works						
10-5600-0200 SALARIES	239,707.00	74,351.17	74,351.17	0.00	165,355.83	31
10-5600-0300 OVERTIME	15,000.00	0.00	0.00	0.00	15,000.00	0
10-5600-0500 FICA	19,485.00	4,914.58	4,914.58	0.00	14,570.42	25
10-5600-0550 UNEMPLOYMENT INSURANCE	500.00	0.00	0.00	0.00	500.00	0
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	46,872.00	11,807.03	11,807.03	0.00	35,064.97	25
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	6,739.00	1,377.56	1,377.56	0.00	5,361.44	20

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10-5600-0675 HRA HEALTH REIMB ACCT	9,000.00	2,062.50	2,062.50	0.00	6,937.50	23
10-5600-0700 LGERS RETIREMENT	45,924.00	11,576.38	11,576.38	0.00	34,347.62	25
10-5600-0800 401K SUPP RETIREMENT	12,735.00	3,498.23	3,498.23	0.00	9,236.77	27
10-5600-1000 OUTSIDE SERVICES	10,000.00	0.00	0.00	0.00	10,000.00	0
10-5600-1300 STREETLIGHTS ELECTRIC	7,000.00	963.72	963.72	0.00	6,036.28	14
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	825.68	1,146.68	321.00	8,853.32	11
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	10,000.00	195.40	195.40	0.00	9,804.60	2
10-5600-1700 MAINT/REPAIR - VEHICLES	10,000.00	1,247.65	1,947.80	700.15	8,052.20	19
10-5600-3100 MOTOR FUELS	12,000.00	4,171.70	4,171.70	0.00	7,828.30	35
10-5600-3300 SUPPLIES	10,000.00	713.66	970.30	256.64	9,029.70	10
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	179.88	424.91	245.03	575.09	42
10-5600-3600 UNIFORMS	8,000.00	681.22	5,886.93	5,205.71	2,113.07	74
10-5600-3800 TECHNOLOGY	10,000.00	3,033.03	3,347.21	314.18	6,652.79	33
10-5600-5200 PARKS	50,000.00	1,051.13	3,389.29	2,338.16	46,610.71	7
10-5600-5202 GREENWOOD PARK STREAM RESTORA	300,000.00	1,500.00	1,500.00	0.00	298,500.00	1
10-5600-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5600-5900 MISCELLANEOUS	1,000.00	522.46	923.71	401.25	76.29	92
10-5600-6500 STAFF DEVELOPMENT	8,000.00	688.36	688.36	0.00	7,311.64	9
40-5600-7401 ARP CAPITAL PROJECTS	451,275.58	0.00	0.00	0.00	451,275.58	0
5600 Public Works Subtotal	\$1,294,737.58	\$125,361.34	\$135,143.46	\$9,782.12	\$1,159,594.12	10
Expenditure Subtotal	\$1,294,737.58	\$125,361.34	\$135,143.46	\$9,782.12	\$1,159,594.12	10
Before Transfers	Deficiency Of Revenue Subtotal	-\$1,294,737.58	-\$125,361.34	-\$125,361.34	-\$9,782.12	10
After Transfers	Deficiency Of Revenue Subtotal	-\$1,294,737.58	-\$125,361.34	-\$125,361.34	-\$9,782.12	10
5700 Streets & Transportation						
Expenditure						
5700 Streets & Transportation						
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	5,000.00	692.64	1,013.64	321.00	3,986.36	20
10-5700-2200 CONTRACTS- PAVING & STRIPING	77,907.00	0.00	0.00	0.00	77,907.00	0
10-5700-2300 SUPPLIES	10,000.00	2,030.32	4,395.02	2,364.70	5,604.98	44
10-5700-2400 TRAFFIC SIGNS	500.00	0.00	0.00	0.00	500.00	0
10-5700-2500 STORM WATER DRAINAGE	100,000.00	1,306.25	1,536.30	230.05	98,463.70	2
10-5700-3800 TECHNOLOGY	5,000.00	2,283.89	2,283.89	0.00	2,716.11	46
10-5700-6500 STAFF DEVELOPMENT	1,000.00	38.38	38.38	0.00	961.62	4
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	5,000.00	199.95	199.95	0.00	4,800.05	4
10-5700-7500 ENGINEERING	75,000.00	953.35	953.35	0.00	74,046.65	1
5700 Streets & Transportation Subtotal	\$279,407.00	\$7,504.78	\$10,420.53	\$2,915.75	\$268,986.47	4
Expenditure Subtotal	\$279,407.00	\$7,504.78	\$10,420.53	\$2,915.75	\$268,986.47	4
Before Transfers	Deficiency Of Revenue Subtotal	-\$279,407.00	-\$7,504.78	-\$7,504.78	-\$2,915.75	3
After Transfers	Deficiency Of Revenue Subtotal	-\$279,407.00	-\$7,504.78	-\$7,504.78	-\$2,915.75	3
5800 Sanitation & Recycling						
Expenditure						
5800 Sanitation & Recycling						
10-5800-0200 SALARIES	121,642.00	37,288.96	37,288.96	0.00	84,353.04	31

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10-5800-0300 OVERTIME	10,000.00	286.10	286.10	0.00	9,713.90	3
10-5800-0500 FICA	10,071.00	2,637.34	2,637.34	0.00	7,433.66	26
10-5800-0600 HEALTH INSURANCE (MEDICAL)	34,400.00	6,863.52	6,863.52	0.00	27,536.48	20
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	4,170.00	650.24	650.24	0.00	3,519.76	16
10-5800-0675 HRA HEALTH REIMB ACCT	4,500.00	1,500.00	1,500.00	0.00	3,000.00	33
10-5800-0700 LGERS RETIREMENT	23,735.00	6,225.95	6,225.95	0.00	17,509.05	26
10-5800-0800 401K SUPP RETIREMENT	6,582.00	1,909.21	1,909.21	0.00	4,672.79	29
10-5800-1700 MAINT/REPAIRS - VEHICLES	13,000.00	11,097.13	17,562.25	6,465.12	-4,562.25	135
10-5800-3100 MOTOR FUELS	12,000.00	4,823.32	4,823.32	0.00	7,176.68	40
10-5800-3300 SUPPLIES	0.00	202.45	202.45	0.00	-202.45	0
10-5800-3600 UNIFORMS	1,000.00	520.07	520.07	0.00	479.93	52
10-5800-3800 TECHNOLOGY	1,000.00	183.78	183.78	0.00	816.22	18
10-5800-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5800-5900 MISCELLANEOUS	1,000.00	531.64	536.65	5.01	463.35	54
10-5800-6000 CAPITAL OUTLAY	55,000.00	0.00	0.00	0.00	55,000.00	0
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	50,000.00	15,513.36	15,513.36	0.00	34,486.64	31
10-5800-8100 RECYCLING	12,000.00	0.00	0.00	0.00	12,000.00	0
5800 Sanitation & Recycling Subtotal	\$360,600.00	\$90,233.07	\$96,703.20	\$6,470.13	\$263,896.80	27
Expenditure Subtotal	\$360,600.00	\$90,233.07	\$96,703.20	\$6,470.13	\$263,896.80	27
Before Transfers	Deficiency Of Revenue Subtotal	-\$360,600.00	-\$90,233.07	-\$90,233.07	-\$6,470.13	25
After Transfers	Deficiency Of Revenue Subtotal	-\$360,600.00	-\$90,233.07	-\$90,233.07	-\$6,470.13	25
6600 General Government						
Expenditure						
6600 General Government						
10-6600-0401 LEGAL SERVICES	35,000.00	5,946.37	5,946.37	0.00	29,053.63	17
10-6600-1100 TECHNOLOGY	95,000.00	22,942.61	22,942.61	0.00	72,057.39	24
10-6600-1300 MUNICIPAL UTILITIES	20,000.00	5,909.67	5,909.67	0.00	14,090.33	30
10-6600-1500 GE. REPS. AND MAINT.	25,000.00	11,153.58	11,696.25	542.67	13,303.75	47
10-6600-5400 INSURANCE	90,000.00	80,377.27	80,377.27	0.00	9,622.73	89
10-6600-6000 CONTINGENCY	48,931.00	0.00	0.00	0.00	48,931.00	0
10-6600-6100 MISCELLANEOUS	5,000.00	1,009.15	1,009.15	0.00	3,990.85	20
10-6600-6301 4TH OF JULY	7,500.00	5,675.45	6,786.54	1,111.09	713.46	90
10-6600-6302 NATIONAL NIGHT OUT	2,000.00	3,327.90	3,465.67	137.77	-1,465.67	173
10-6600-6303 HOLIDAY LIGHTING	14,000.00	0.00	0.00	0.00	14,000.00	0
10-6600-6304 ARBOR DAY EVENT	2,000.00	0.00	0.00	0.00	2,000.00	0
10-6600-6400 WILDLIFE MANAGEMENT	1,000.00	153.25	153.25	0.00	846.75	15
10-6600-6500 FOREST MANAGEMENT	60,000.00	12,150.00	16,550.00	4,400.00	43,450.00	28
6600 General Government Subtotal	\$405,431.00	\$148,645.25	\$155,170.24	\$6,524.99	\$250,260.76	38
Expenditure Subtotal	\$405,431.00	\$148,645.25	\$155,170.24	\$6,524.99	\$250,260.76	38
Before Transfers	Deficiency Of Revenue Subtotal	-\$405,431.00	-\$148,645.25	-\$148,645.25	-\$6,524.99	37
After Transfers	Deficiency Of Revenue Subtotal	-\$405,431.00	-\$148,645.25	-\$148,645.25	-\$6,524.99	37
6700 Debt Service						
Expenditure						

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
6700 Debt Service						
10-6700-0100 Police Dept Renovations-Principal	23,334.00	5,833.33	5,833.33	0.00	17,500.67	25
10-6700-0200 Street Improvements-Principal	6,667.00	3,333.34	3,333.34	0.00	3,333.66	50
10-6700-0500 Public Works Building-Principal	84,211.00	42,458.79	42,458.79	0.00	41,752.21	50
10-6700-0600 2020 POLICE CARS-PRINCIPAL	28,327.00	56,654.00	56,654.00	0.00	-28,327.00	200
10-6700-1100 Police Dept Renovations-Interest	2,334.00	666.75	666.75	0.00	1,667.25	29
10-6700-1200 Street Improvements-Interest	667.00	365.12	365.12	0.00	301.88	55
10-6700-1500 Public Works Building-Interest	20,514.00	10,257.00	10,257.00	0.00	10,257.00	50
10-6700-1600 2020 POLICE CARS-INTEREST	1,580.00	3,157.52	3,157.52	0.00	-1,577.52	200
6700 Debt Service Subtotal	\$167,634.00	\$122,725.85	\$122,725.85	\$0.00	\$44,908.15	73
Expenditure Subtotal	\$167,634.00	\$122,725.85	\$122,725.85	\$0.00	\$44,908.15	73
Before Transfers	Deficiency Of Revenue Subtotal	-\$167,634.00	-\$122,725.85	-\$122,725.85	\$0.00	73
After Transfers	Deficiency Of Revenue Subtotal	-\$167,634.00	-\$122,725.85	-\$122,725.85	\$0.00	73
8100 Water Dept.						
Expenditure						
8100 Water Dept.						
30-8100-0200 SALARIES	142,619.00	29,787.43	29,787.43	0.00	112,831.57	21
30-8100-0400 PROFESSIONAL SERVICES	10,000.00	1,875.00	3,617.50	1,742.50	6,382.50	36
30-8100-0500 FICA	10,910.00	2,309.47	2,309.47	0.00	8,600.53	21
30-8100-0600 HEALTH INSURANCE (MEDICAL)	18,351.00	5,525.95	5,525.95	0.00	12,825.05	30
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	2,718.00	816.76	816.76	0.00	1,901.24	30
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	2,250.00	937.50	937.50	0.00	1,312.50	42
30-8100-0700 LGERS RETIREMENT	25,714.00	5,638.42	5,638.42	0.00	20,075.58	22
30-8100-0800 401K SUPP RETIREMENT	7,131.00	1,632.68	1,632.68	0.00	5,498.32	23
30-8100-1200 POSTAGE, PRINTING,& STATIONARY	5,000.00	229.88	707.08	477.20	4,292.92	14
30-8100-1500 GENERAL REPAIRS	10,000.00	0.00	0.00	0.00	10,000.00	0
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	429.74	3,679.57	3,249.83	11,320.43	25
30-8100-3800 TECHNOLOGY	5,000.00	2,283.89	2,283.89	0.00	2,716.11	46
30-8100-4800 WATER PURCHASES	146,066.00	77,121.46	77,121.46	0.00	68,944.54	53
30-8100-4900 SEWER PURCHASES	275,595.00	119,888.17	119,888.17	0.00	155,706.83	44
30-8100-5000 AMI TRANSMITTER FEES	7,700.00	3,592.04	3,592.04	0.00	4,107.96	47
30-8100-5700 MISCELLANEOUS	14,284.00	0.00	0.00	0.00	14,284.00	0
30-8100-6500 STAFF DEVELOPMENT	5,000.00	2,036.38	3,197.94	1,161.56	1,802.06	64
30-8100-7400 CAPITAL IMPROVEMENT	100,000.00	0.00	18,511.35	18,511.35	81,488.65	19
8100 Water Dept. Subtotal	\$803,338.00	\$254,104.77	\$279,247.21	\$25,142.44	\$524,090.79	35
Expenditure Subtotal	\$803,338.00	\$254,104.77	\$279,247.21	\$25,142.44	\$524,090.79	35
Before Transfers	Deficiency Of Revenue Subtotal	-\$803,338.00	-\$254,104.77	-\$254,104.77	-\$25,142.44	32
After Transfers	Deficiency Of Revenue Subtotal	-\$803,338.00	-\$254,104.77	-\$254,104.77	-\$25,142.44	32

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

November 9, 2021



Agenda Item C-4

Town Manager's Monthly Report

Covid-19 Update

The Town remains aligned with Buncombe County's current face covering requirement for indoor, public places. The current order expires Friday, November 26, 2021. All Town facilities remain open to the public and face coverings are required for all who enter the buildings and attend meetings. We continue to host meetings in-person and remotely, via Zoom, for those who are unable to attend in person.

Comprehensive Plan Update

The Town's required Comprehensive Plan update progressed well in October. The Planning Commission met and reviewed the citizen survey that will be utilized to construct the comprehensive plan. The Commission reviewed additional comprehensive plans from other jurisdictions, including those that have recently completed the update, and will utilize this in the creation of the Town's plan. The survey will likely be live (and available in hard copy format at the Town Hall) by November 12.

Transportation Study Update

The transportation study authorized by the Board of Commissioners in August 2021 is moving forward as well. A separate, transportation and traffic focused survey, will also be available for citizens to complete within the next month. This information will be utilized to develop specific transportation and traffic recommendations for the Town.

Trash Can Project Update

We received the sample 95 gallon cart within the past two weeks and are now ready to ask citizens to let us know which can they prefer. We will send out a CodeRED announcement and include information within the next newsletter (scheduled for distribution before the end of November) asking people to let us know if they have a specific can size preference. We will have the two cans available at the Town Hall for inspection, if they desire to review before making a decision. If no decision is made, the default can size/purchase will be the 95 gallon container. This information will all be relayed within the messages sent out by the Town.

Targeted Underground Project Update

Phase 2 of Duke Energy's targeted underground project is well underway with right-of-way acquisition ongoing. The last report showed 80 percent right-of-way acquired for this portion, and

then Duke anticipates moving to right of way acquisition for Phase 3. Phase 2 includes a portion of work to be conducted at Carolina Day School.

Christmas Tree Lighting – Friday, December 3, 2021

The Town will hold our annual Christmas tree lighting event on Friday, December 3, 2021. The lighting took place last year in a drive-through event, but we anticipate returning to the regular event this December. More information will be provided to residents prior to the tree lighting in early December.

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

November 9, 2021



Agenda Item D-1

Consideration of Stream Restoration Construction Contract Award to Baker Grading and Landscaping, Inc.

Background

After reviewing the Town's stream restoration project with Department of Environmental Quality (DEQ) and Local Government Commission (LGC) staff over the past month, the Board is able to move forward with the consideration of awarding the construction contract to Baker Grading and Landscaping, Inc. The LGC has final authority on the ability for the Town to accept these funds and DWI has to issue this loan *after* the LGC approves issuance, and neither of these things is likely to occur until early December. After speaking with LGC staff, however, the Town is able to issue an award to the low bidder, Baker Grading and Landscaping, Inc., ***contingent upon approval from DWI and LGC.*** The attached resolution includes information relative to the specific bids as well as verbiage regarding the award being made contingent upon the approval of these two agencies.

Attachments

- (1) Resolution 2021-14 – Consideration of Contingent Award to Baker Landscaping, Inc.
- (2) Bid Tabulation – October 5, 2021 bid opening
- (3) Recommendation from WithersRavenel consultant engineers

Project Bid Tabulation Greenwood Park Stream Restoration Town of Biltmore Forest, NC WithersRavenel Project No. 09190438.00				10/05/21		Engineer's Opinion of Cost		B. H. Graning Contracting, Inc. NC GC 84241		Baker Grading & Landscaping, Inc. NC GC 36703		Piedmont Utility Group, Inc. NC GC 7868		Shamrock Environmental Corporation NC GC 47513	
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price	Unit Price	Extended Total Price
Base Bid															
1	Mobilization	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 29,950.00	\$ 29,950.00	\$ 20,000.00	\$ 20,000.00	\$ 16,050.78	\$ 16,050.78	\$ 18,380.00	\$ 18,380.00		
2	Construction Survey	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 10,100.00	\$ 10,100.00	\$ 7,500.00	\$ 7,500.00	\$ 7,200.00	\$ 7,200.00	\$ 7,608.00	\$ 7,608.00		
3	Clearing, Grubbing, Demolition , Site Preparation, Maintenance, and Restoration(not including Gabion Baskets)	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 16,665.00	\$ 16,665.00	\$ 20,000.00	\$ 20,000.00	\$ 14,400.00	\$ 14,400.00	\$ 7,368.00	\$ 7,368.00		
4	Demolition & Disposal of Existing Gabion Baskets (Note: Stone may be reused)	LF	570	\$ 5.00	\$ 2,850.00	\$ 27.00	\$ 15,390.00	\$ 10.00	\$ 5,700.00	\$ 33.68	\$ 19,197.60	\$ 32.60	\$ 18,582.00		
5	Stream Bank Reconstruction	LF	570	\$ 15.00	\$ 8,550.00	\$ 32.35	\$ 18,439.50	\$ 8.50	\$ 4,845.00	\$ 16.84	\$ 9,598.80	\$ 21.40	\$ 12,198.00		
6	Boulder Toe (Per linear foot)	LF	142	\$ 150.00	\$ 21,300.00	\$ 110.10	\$ 15,634.20	\$ 70.00	\$ 9,940.00	\$ 115.39	\$ 16,385.38	\$ 108.00	\$ 15,336.00		
7	Vegetated Soil Lifts (Soil Lift Footer plus one 12" Soil Lift, Per linear foot)	LF	134	\$ 75.00	\$ 10,050.00	\$ 187.00	\$ 25,058.00	\$ 29.50	\$ 3,953.00	\$ 88.58	\$ 11,869.72	\$ 62.00	\$ 8,308.00		
8	Vegetated Soil Lifts (Additional Soil Lifts, Per linear foot)	LF	182	\$ 25.00	\$ 4,550.00	\$ 222.20	\$ 40,440.40	\$ 10.00	\$ 1,820.00	\$ 40.42	\$ 7,356.44	\$ 41.00	\$ 7,462.00		
9	Rock Vane	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 6,060.00	\$ 6,060.00	\$ 2,500.00	\$ 2,500.00	\$ 7,618.20	\$ 7,618.20	\$ 3,047.00	\$ 3,047.00		
10	Rock A-Vane	EA	2	\$ 3,500.00	\$ 7,000.00	\$ 9,090.00	\$ 18,180.00	\$ 3,000.00	\$ 6,000.00	\$ 11,810.70	\$ 23,621.40	\$ 4,319.00	\$ 8,638.00		
11	Boulder Rock and Roll Step Pool	STEP	6	\$ 1,500.00	\$ 9,000.00	\$ 1,717.00	\$ 10,302.00	\$ 1,250.00	\$ 7,500.00	\$ 4,535.10	\$ 27,210.60	\$ 1,592.00	\$ 9,552.00		
12	Gravel Wetlands	SF	884	\$ 30.00	\$ 26,520.00	\$ 38.38	\$ 33,927.92	\$ 16.50	\$ 14,586.00	\$ 37.02	\$ 32,725.68	\$ 33.00	\$ 29,172.00		
13	Passive Infiltration Area	SF	200	\$ 10.00	\$ 2,000.00	\$ 25.25	\$ 5,050.00	\$ 5.00	\$ 1,000.00	\$ 14.40	\$ 2,880.00	\$ 1.00	\$ 200.00		
14	Miscellaneous Boulder	TON	25	\$ 120.00	\$ 3,000.00	\$ 222.20	\$ 5,555.00	\$ 75.00	\$ 1,875.00	\$ 124.80	\$ 3,120.00	\$ 107.00	\$ 2,675.00		
15	Miscellaneous Rip Rap	TON	25	\$ 70.00	\$ 1,750.00	\$ 96.96	\$ 2,424.00	\$ 40.00	\$ 1,000.00	\$ 78.90	\$ 1,972.50	\$ 52.00	\$ 1,300.00		
16	Junction Box/Open Throat Catch Basins with Bypass Baffle	EA	3	\$ 5,000.00	\$ 15,000.00	\$ 9,200.00	\$ 27,600.00	\$ 5,000.00	\$ 15,000.00	\$ 4,901.23	\$ 14,703.69	\$ 6,044.00	\$ 18,132.00		
17	6" DIP	LF	90	\$ 100.00	\$ 9,000.00	\$ 119.65	\$ 10,768.50	\$ 40.00	\$ 3,600.00	\$ 89.26	\$ 8,033.40	\$ 62.00	\$ 5,580.00		
18	15" HDPE Drainage Pipe	LF	20	\$ 100.00	\$ 2,000.00	\$ 57.25	\$ 1,145.00	\$ 60.00	\$ 1,200.00	\$ 62.09	\$ 1,241.80	\$ 59.00	\$ 1,180.00		
19	18" HDPE Pipe Drainage Pipe	LF	20	\$ 100.00	\$ 2,000.00	\$ 77.68	\$ 1,553.60	\$ 75.00	\$ 1,500.00	\$ 64.31	\$ 1,286.20	\$ 63.00	\$ 1,260.00		
20	24" RCP Drainage Pipe	LF	95	\$ 125.00	\$ 11,875.00	\$ 151.17	\$ 14,361.15	\$ 85.00	\$ 8,075.00	\$ 104.94	\$ 9,969.30	\$ 133.00	\$ 12,635.00		
21	Compaction and Concrete Testing Allowance	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 3,535.00	\$ 3,535.00	\$ 3,500.00	\$ 3,500.00	\$ 1,440.00	\$ 1,440.00	\$ 2,300.00	\$ 2,300.00		
22	Haul Off and Disposal of Unsuitable Material	CY	200	\$ 30.00	\$ 6,000.00	\$ 35.35	\$ 7,070.00	\$ 10.00	\$ 2,000.00	\$ 30.00	\$ 6,000.00	\$ 62.00	\$ 12,400.00		
23	Rip Rap Dissipater (NOT INCLUDING GRAVEL WETLAND OUTLET) Class B Rip Rap	TON	23	\$ 75.00	\$ 1,725.00	\$ 132.31	\$ 3,043.13	\$ 40.00	\$ 920.00	\$ 82.50	\$ 1,897.50	\$ 59.00	\$ 1,357.00		
24	Rip Rap Dissipater (NOT INCLUDING GRAVEL WETLAND OUTLET) Class 2 Rip Rap	TON	19	\$ 75.00	\$ 1,425.00	\$ 151.50	\$ 2,878.50	\$ 40.00	\$ 760.00	\$ 87.30	\$ 1,658.70	\$ 60.00	\$ 1,140.00		
25	Stream Pump-Around and Diversion Operation	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 35,000.00	\$ 35,000.00	\$ 20,000.00	\$ 20,000.00	\$ 52,800.00	\$ 52,800.00	\$ 16,785.00	\$ 16,785.00		
26	Construction Entrance	EA	2	\$ 4,000.00	\$ 8,000.00	\$ 3,535.00	\$ 7,070.00	\$ 1,450.00	\$ 2,900.00	\$ 2,109.00	\$ 4,218.00	\$ 1,976.00	\$ 3,952.00		
27	Silt Fence with Outlets	LF	750	\$ 5.00	\$ 3,750.00	\$ 5.25	\$ 3,937.50	\$ 1.50	\$ 1,125.00	\$ 4.80	\$ 3,600.00	\$ 2.40	\$ 1,800.00		
28	Tree Protection Fence	LF	1,400	\$ 4.00	\$ 5,600.00	\$ 3.50	\$ 4,900.00	\$ 0.70	\$ 980.00	\$ 3.00	\$ 4,200.00	\$ 2.30	\$ 3,220.00		
29	Coir Fiber Matting (Not Including Soil Lifts)	SY	900	\$ 5.50	\$ 4,950.00	\$ 3.55	\$ 3,195.00	\$ 4.00	\$ 3,600.00	\$ 3.48	\$ 3,132.00	\$ 5.80	\$ 5,220.00		
30	Coir Fiber Wattles	EA	6	\$ 100.00	\$ 600.00	\$ 277.75	\$ 1,666.50	\$ 65.00	\$ 390.00	\$ 84.00	\$ 504.00	\$ 173.00	\$ 1,038.00		
31	In-stream Rock Silt Dam	EA	2	\$ 500.00	\$ 1,000.00	\$ 1,212.00	\$ 2,424.00	\$ 700.00	\$ 1,400.00	\$ 1,732.50	\$ 3,465.00	\$ 1,642.00	\$ 3,284.00		
32	Soil Amendments (Optional Item)	AC	1	\$ 5,000.00	\$ 2,500.00	\$ 4,400.00	\$ 2,200.00	\$ 400.00	\$ 200.00	\$ 4,800.00	\$ 2,400.00	\$ 13,839.00	\$ 6,919.50		
33	Tempoary Seeding and Mulching	AC	1	\$ 3,000.00	\$ 1,500.00	\$ 4,242.00	\$ 2,121.00	\$ 1,199.00	\$ 599.50	\$ 2,160.00	\$ 1,080.00	\$ 1,493.00	\$ 746.50		
34	Permanent Seeding - Riparian Mix	AC	0	\$ 5,000.00	\$ 2,000.00	\$ 6,565.00	\$ 2,626.00	\$ 2,975.00	\$ 1,190.00	\$ 3,000.00	\$ 1,200.00	\$ 1,493.00	\$ 597.20		
35	Permanent Seeding - Wetland Mix	AC	0	\$ 5,000.00	\$ 500.00	\$ 10,100.00	\$ 1,010.00	\$ 3,500.00	\$ 350.00	\$ 3,600.00	\$ 360.00	\$ 2,022.00	\$ 202.20		
36	Gravel Wetland Plantings (Large Plugs)	EA	220	\$ 10.00	\$ 2,200.00	\$ 25.25	\$ 5,555.00	\$ 2.25	\$ 495.00	\$ 6.60	\$ 1,452.00	\$ 8.00	\$ 1,760.00		
37	Shrubs Bare-Root Seedling	EA	40	\$ 5.00	\$ 200.00	\$ 50.50	\$ 2,020.00	\$ 2.45	\$ 98.00	\$ 24.00	\$ 960.00	\$ 6.00	\$ 240.00		
38	Shrubs containerized	EA	10	\$ 25.00	\$ 250.00	\$ 166.65	\$ 1,666.50	\$ 30.00	\$ 300.00	\$ 72.00	\$ 720.00	\$ 36.00	\$ 360.00		
39	2-inch Caliper Trees (Ball and Burlap)	EA	6	\$ 500.00	\$ 3,000.00	\$ 555.50	\$ 3,333.00	\$ 300.00	\$ 1,800.00	\$ 336.96	\$ 2,021.76	\$ 585.00	\$ 3,510.00		
40	5-gallon Trees (Container/Ball and Burlap)	EA	6	\$ 250.00	\$ 1,500.00	\$ 330.27	\$ 1,981.62	\$ 200.00	\$ 1,200.00	\$ 252.72	\$ 1,516.32	\$ 107.00	\$ 642.00		
41	Traffic Control	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 5,050.00	\$ 5,050.00	\$ 4,500.00	\$ 4,500.00	\$ 6,000.00	\$ 6,000.00	\$ 460.00	\$ 460.00		
TOTAL CONSTRUCTION BID COST (BASE BID)					\$236,145.00		\$410,887.02		\$185,901.50		\$337,066.77		\$256,546.40		

By:

Blake G. Ball, P.E.



Corrections made to Bid Proposal by Engineer

Date: October 8, 2020

DocuSigned by:
BLAKE G BALL 10/8/2021
57CB3F16903C477...



October 8, 2021

Town of Biltmore Forest
355 Vanderbilt Road
Biltmore Forest, North Carolina 28803

Attn: Jonathan Kanipe, Town Manager

RE: WR Project #09190438.00
Recommendation of Award
Greenwood Park Stream Restoration

Dear Mr. Kanipe:

Bids for the Greenwood Park Stream Restoration were opened on October 5th, 2021, with a total of four bids being opened and examined. A summary of the bids is shown below, and a certified bid tabulation is attached to this letter.

Contractor	Total Base Bid Amount
B. H. Graning Contracting, Inc.	\$410,887.02
Piedmont Utility Group, Inc.	\$337,066.77
Shamrock Environmental Corporation	\$256,546.40
Baker Grading & Landscaping, Inc.	\$185,901.50
Engineer's Opinion of Probable Cost	\$236,145.00

We have reviewed the bids submitted for completeness and accuracy. The bid submitted by Baker Grading & Landscaping, Inc. appears to be complete. Their total bid for this project was \$185,901.50, which is less than the amount budgeted for this work.

Based on our review of the qualifications of Baker Grading & Landscaping, Inc., it appears that the firm has documented acceptable experience and is properly licensed to perform the work required for this project. According to the North Carolina Licensing Board for General Contractor's website, the firm holds a current valid General Contractor's license in the State of North Carolina (NC GC 36703, Highway, Unlimited).

The Bid Package from Baker Grading & Landscaping, Inc. appears to meet all the bid requirements. Therefore, WithersRavenel recommends that the Town of Biltmore Forest award the construction contract to Baker Grading & Landscaping, Inc. in the bid amount of **\$185,901.50**, contingent upon receipt of the Authorization to Award from the NC DEQ Division of Water Infrastructure, and the City's staff and legal counsel review for acceptability and concurrence with the bid documents.

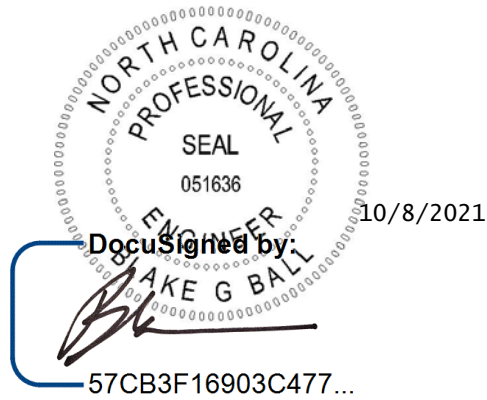
We look forward to continuing to assist the Town of Biltmore Forest during the construction phase of the project. If you have any questions regarding this recommendation or the opening of bids, please do not hesitate to contact me.



Sincerely,
WithersRavenel

Blake G. Ball, PE
Project Engineer

115 MacKenan Drive | Cary, NC 27511
Office: 919.469.3340 | Direct: 919.238.0376
Mobile: 919.622.0294
bball@withersravenel.com



Attachments:

Certified Bid Tabulation

STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)

TOWN OF BILTMORE FOREST
BOARD OF COMMISSIONERS

RESOLUTION 2021-14

Resolution of Tentative Award

WHEREAS, the Town of Biltmore Forest, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Greenwood Park Stream Restoration Project; and

WHEREAS, WithersRavenel Consulting Engineers have reviewed the bids; and

WHEREAS, Baker Grading and Landscaping, Inc. was the lowest bidder for the Greenwood Park Stream Restoration Project, in the total bid amount of \$185,901.50 and

WHEREAS, the Consulting Engineers recommend **TENTATIVE AWARD** to the lowest bidder(s).

NOW, THEREFORE, BE IT RESOLVED that **TENTATIVE AWARD** be made to the lowest bidder(s) in the Total Bid Amount of \$185,901.50.

Name of Contractor	Amount
B. H. Graning Contracting, Inc.	\$410,887.02
Piedmont Utility Group, Inc.	\$337,066.77
Shamrock Environmental Corporation	\$256,546.40
Baker Grading & Landscaping, Inc.	\$185,901.50

BE IT FURTHER RESOLVED that such **TENTATIVE AWARD** be contingent upon the approval of the North Carolina Local Government Commission and North Carolina Department of Environmental Quality.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted.

ADOPTED, this the 9th day of November, 2021.

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

Laura M. Jacobs
Town Clerk

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

November 9, 2021



Agenda Item D-2

Town Code of Ordinances Review Potential Public Safety Amendments

Background

Chief Beddingfield has identified two areas related to public safety that may be enhanced with amendments to the Town Code of Ordinances. Specifically, these two additions would be located within Chapter 92 “Health and Safety” of the Town Code. The proposed ordinances provide clear regulations for what is allowable, or not allowable, within each circumstance. These regulations are routinely found in other town and county public safety codes of ordinances.

The imposition of criminal penalties for violating these ordinances will need to be reviewed in consideration of SB 300. This will be reviewed in agenda item D-3.

Loitering and Temporary Structure Ordinance

This ordinance specifies that people may not congregate in a manner to block traffic (vehicular or pedestrian), obstruct the entrances to buildings, or establish a temporary tent or other structure for illegally camping on public or private property without prior approval. The structure of the ordinance provides for the manner in which the Police Department may ask the individual to stop performing this action and then take further action if necessary.

Public Urination and Defecation Prohibition Ordinance

This ordinance is straightforward, but makes clear that urination or defecation occurring inappropriately is a misdemeanor violation. Previously, the Police Department has to rely upon trespass or littering portions of the General Statutes in order to prohibit or respond to similar actions.

Loitering and Temporary Structure Example

DEFINITION.

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

PUBLIC PLACE. Any place to which the general public has access and a right of resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, or other place of business and also public grounds, areas or parks.

GENERAL PROVISIONS.

(A) It shall be unlawful for any person to stand alone or congregate with other persons on any street or sidewalk or public place within the town limits with the intent to, or who shall in fact:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians; or

(2) Obstruct the entrance to any business establishment without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.

(B) It shall be unlawful for any person, singly or in groups, to erect on any property, public or private, any temporary shack, shanty, tent or structure for place of temporary habitation or abode, for the purpose of living thereon and in such a manner as to create a place of camping, or temporary abode; provided, however, that this section shall have no application to any individuals or group of individual who are living in temporary quarters on the premises of another with that land owner's permission or consent, or who is engaged in the lawful and proper activities of any boy scout or girl scout organization, or auxiliary, or any other civic enterprise or project.

(C) When any person causes or commits any of the conditions in this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

PENALTY.

A violation of this chapter is a misdemeanor as set forth in G.S. § 14-4.

Public Urination and Defecation Prohibition Example

Except in designated water closets or toilet facilities, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, or on private property. Having the permission of the owner or person in lawful possession of the real property shall constitute an affirmative defense to the charge of urinating or defecating on private property. Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall be fined not more than \$500.

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

November 9, 2021



Agenda Item D-3

SB300 Discussion and Review Decriminalization of Local Ordinances

Background

Senate Bill 300 (now S.L. 2021-138) was signed into law in September 2021 by Governor Cooper. This omnibus law enforcement bill includes provisions that affect the violation of city and county ordinances. As UNC School of Government faculty member Frayda Bluestein notes in the attached blog post, “for some time, under North Carolina law, violations of city and county ordinances have been treated as misdemeanors or infractions unless the ordinance explicitly said that they were not.”¹ The new law removes the default criminal penalty for violating local ordinances and specifies violations may be a misdemeanor or infraction under G.S. 14-4 *only* if specified within the ordinance. This portion of SB 300 is effective December 1, 2021.

In 2018, the Town and all other local governments in North Carolina were required to submit a list of all criminally enforceable Town Ordinances to staff at the North Carolina Legislature. This report to the Legislature is attached for your review. The criminal enforcement is specifically called out for these violations, but typically at the conclusion of each chapter. It is unclear whether this will adequately qualify as being “specified within the ordinance” or whether that will need to be added within each ordinance specifically. We will continue working to determine this. In the meantime, the Legislature also amended N.C.G.S. § 14-4 to add a new subsection (c) that reads as follows:

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

- (1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.*
- (2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person’s ability to comply with the local ordinance.*

¹ Bluestein, Frayda. *Coates Canons Blog: Legislature Decriminalizes Local Ordinances*. Accessed from <https://canons.sog.unc.edu/legislature-decriminalizes-local-ordinances/> on October 28, 2021.

This new sub-section will allow individuals to remedy their violations through the methods listed. My assumption is the District Attorney's office will ask the charging agency whether a new violation occurred within thirty (30) days of the initial violation or would provide the charging agency with information if item (c)(2) applies. Again, this goes into effect on December 1, 2021 so many of these practical applications are unknown at this point.

Action Items

As this portion of SB300 goes into effect, the Town will continue working with other local governments, the NCLM, and UNC School of Government to determine whether our existing ordinance penalties are enforceable. If not, the Board may need to consider a wider amendment to the Town Code of Ordinances if you wish to retain these penalty provisions.

SB 300 Additional Impacts

As noted earlier, SB 300 is an omnibus law enforcement bill that includes other important provisions. Chief Beddingfield will be able to discuss these items, more generally, at the Board meeting.

Coates' Canons Blog: Legislature Decriminalizes Local Ordinances

By Frayda Bluestein

Article: <https://canons.sog.unc.edu/legislature-decriminalizes-local-ordinances/>

This entry was posted on October 07, 2021 and is filed under Board Member Powers & Authority, Enforcement, Legislative Decisions, Ordinances & Police Powers, Police Power Regulations

For some time, under North Carolina law, violations of city and county ordinances have been treated as misdemeanors or infractions unless the ordinance explicitly said that they were not. Starting in 2018, the General Assembly embarked on a project to decriminalize local government ordinances. Some of you may remember the call for a list of your ordinances that were criminally enforceable to be sent to two joint legislative committees. This was no small feat, as described here and here. The law at the time (GS 153A-123, counties; 160A-175, cities) held that unless the city or county provided otherwise, a violation of an ordinance was a misdemeanor or infraction as provided by G.S. 14-4. So, by default, if city or county didn't take action otherwise, ordinances were enforced criminally. The result for some units, is that the majority of ordinances were criminally enforced. This year the legislature removed the default criminal penalty, and modified local governments' authority to enforce ordinances criminally. This blog post summarizes the changes. These provisions become effective on December 1, 2021.

The changes were part of an omnibus law focusing on law enforcement and policing issues. This part is at [Part XIII] of the law.

The first part of the provision is a rewrite of the authority under GS 153A-123 and 160A- 175 regarding ordinance enforcement. These parallel sections now read:

*Except for the types of ordinances listed in subsection (b1) of this section, violation of a [county/city] ordinance may be a misdemeanor or infraction as provided by G.S. 14-4**only if the [county/city] specifies such in the ordinance.** An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.*

The law also adds a new subsection (b1) to the statutes, which lists types of ordinances that local governments are prohibited to enforce criminally. These lists are set out at the bottom this blog.

To implement these changes, cities and counties will have to review each ordinance and make any changes, specifically those that they want to continue as enforced criminally, and to comply with the prohibitions listed under (b1). These changes must be specified and modified in each ordinance, and these amendments must be done by ordinance. See this blog post for more about amending ordinances.

Finally, the legislature revised GS 14-4, by adding a new subsection (c) provision as set out below.

“§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

- (1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.*
- (2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance.*

Here are the Lists of ordinances that may not be enforced criminally

For Counties:

153A-12 (b1): No ordinance of the following types may impose a criminal penalty:

- (1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development or, its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings;
- (2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.;
- (3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.;
- (4) Any ordinance adopted pursuant to G.S.153A-140.1, Stream-clearing programs
- (5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising;
- (6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors;
- (7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels;
- (8) Any ordinance regulating trees.

For Cities:

GS 160A-175(b1): No ordinance of the following types may impose a criminal penalty:(

- 1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings;
- (2) Any ordinance adopted pursuant to G.S.160A-193.1, Stream-clearing programs;
- (3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc;
- 4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising;
- (5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors;

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- (6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels;
 - (7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis;
 - (8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines;
 - (9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations

 - (10) Any ordinance regulating trees.

Links

- www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-4.html
- www.ncleg.gov/Sessions/2021/Bills/Senate/PDF/S300v8.pdf

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

Jonathan B. Kanipe,
Town Manager

October 30, 2018

Susan L. Sitze
Staff Attorney
North Carolina General Assembly
Legislative Analysis Division
Suite 545, LOB
300 N. Salisbury Street
Raleigh, NC 27603-5925

RE: Town of Biltmore Forest Compliance with S.L. 2018-69

Dear Ms. Sitze,

Attached to this email, please find a comprehensive listing of the Town's ordinances that result in conduct subject to criminal punishment under the Town's ordinances. For our review, Town staff has compiled all ordinances that include these penalty provisions, and followed this up by including all specific penalty language at the conclusion of the document.

Please feel free to let me know if there is anything else the Town needs to do to comply with the requirements of S.L. 2018-69. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jonathan B. Kanipe". The signature is written in a cursive, flowing style.

Jonathan B. Kanipe
Town Manager

Copy: William Clarke, Biltmore Forest Town Attorney

Town of Biltmore Forest, North Carolina
Ordinance Provisions Resulting in Criminal Penalties
pursuant to GS 14.4 (a)

Title III. Administration

Chapter 34.06 – Civil Emergencies Establishes curfew during State of Emergency. Also allows prohibition of possession of explosives, firearms, ammunition or dangerous weapons; buying or selling of beer and wine; demonstrations such as parades, marches, or vigils; the sale of gasoline, kerosene or other explosive fluids; travel upon any public street or alley or carrying on of any business activity during a State of Emergency.

Title V. Public Works

Chapter 50.01 – Tampering with City Property Unlawful for any person unauthorized by the Town to tamper with alter or injure any valve on street mains or curb cocks, or fixtures used in connection with the waterworks system of the Town.

Chapter 50.02 – Contamination of Water Supply Makes unlawful contamination or pollution of water supply of the Town, or throwing dirt or debris into any reservoir containing water supply for the Town.

Chapter 50.10 – Metering Tampering and/or Unauthorized Taps Prohibits any unauthorized person to alter, tamper with, or bypass a meter for the purpose of measuring water or knowingly use water bypassing a meter provided by the water supplier.

Chapter 50.33 – Regulations – Water service connections must be protected from contamination and pollution; Installations of reduced pressure principle backflow must be installed adjacent to property line; cross-connections must meet testing requirements of the Foundation for Cross-Connection Control and Hydraulic Research, the American Water Works Association, and the State Building Code; all cross-connections must be maintained in a safe condition and in good working order; RPZ devices must be inspected annually and remain free of obstructions; fire protection water lines must have an RPZ device; commercial buildings with a boiler system must have an RPZ device; no irrigation lines in Town right of way.

Chapter 51.02 – Littering - Provides that it shall be unlawful to throw or deposit upon any street, street right-of-way, or private property any trash or debris that may be unsightly, offensive, or dangerous to traffic.

Chapter 51.04 – Materials Resulting from Clearing Land – Requires trees, shrubbery, or underbrush from land clearing by disposed of by contractor or builder.

Chapter 51.05 – Garbage Collection – Prohibits placement of solid waste from outside corporate limits for collection by the Town.

Chapter 51.06 – Garbage Receptacles – Garbage cans shall not be located behind closed fences, inside closed buildings, or any other inaccessible place. No garbage from dumpsters collected by Town.

Chapter 51.12 – Accumulation of Garbage, Refuse, Rubbish, and Waste Prohibited – Prohibits collection of garbage, refuse, or waste that becomes dangerous or prejudicial to public health.

Chapter 51.13 – Recycling and Recyclable Material – Requires all recyclable materials fit entirely in appropriate container, prohibits placement of recycling materials from outside corporate limits for Town collection, and prohibits removal of recycling materials from containers by unauthorized persons.

Title IX: General Regulations

Chapter 90.01 – Cruelty to Animals – No person shall cruelly treat any animal in any way; no person shall inhumanely beat, underfeed, overload, abandon, or mistreat any animal in any way.

Chapter 90.02 – Animals at Large – Prohibits any person from allowing farm animals from running at large.

Chapter 90.04 – Pens and Enclosures – Any pens used for household pets must not create a health hazard or a nuisance from offensive odors.

Chapter 90.05 – Limitation on Household Pets – Prohibits any resident from owning more than six household pets. Prohibits condition or behavior of household pet from interfering with other residents' enjoyment.

Chapter 90.06 Certain Animals Expressly Prohibited – Unlawful to keep any hog, pig, horse, pony, cattle, goat, sheep, chicken, duck, turkey, goose, swan or other farm animals in corporate limits.

Chapter 90.21 Trapping, Hunting, or Shooting Wild Birds Prohibited – It shall be unlawful to trap, hunt, shoot, or otherwise kill any native wild bird.

Chapter 90.36 Restraint of Dogs – All dogs must remain confined to premises unless under physical control of a competent person or be under sufficient control so as not to disturb neighbors.

Chapter 90.39 Control of Dangerous Dogs – No person shall own control or keep a dangerous unruly dog in Town unless confined to an enclosed area with a warning sign.

Chapter 91.01 Destruction of Street Signs – Prohibits injury or removal of street signs located in Town.

Chapter 91.02 Construction of Private Drives, Permit– Requires a permit for construction of private driveways. Also mandates driveways to be constructed in a manner that does not impede drainage of surface water, and driveways within the right of way be constructed of stone base or asphalt.

Chapter 91.03 Hauling Building Materials and Construction Debris – Makes property owner responsible for removal of construction debris and building materials.

Chapter 91.04 Permit Required for Cutting, Excavating Under, or Boring within Roadways of the Town – Prohibits cutting, excavating under or any other damage to Town maintained streets without written permission.

Chapter 92.01 Abatement of Nuisances – Unlawful to fail to start abatement of nuisance within 24 hours of receiving notice.

Chapter 92.02 Stagnant Water – Prohibits allowance of stagnant water to stand in ponds, holes or otherwise so as to be detrimental to health.

Chapter 92.03 Obstruction of Natural Drainage – No person shall erect any dam or obstruction which shall prevent the natural flow of water.

Chapter 92.04 Cleanliness of Premises – Requires property owners keep premises free from noxious weeds and trash which may be dangerous to public health, maintain grass and weeds, and keep outdoor areas maintained in an orderly, uncluttered manner.

Chapter 92.20 Burning Trash Within The Town Prohibited – Prohibits burning of trash, paper, leaves or other material anywhere outside in the corporate limits.

Chapter 92.21 Lots To Be Kept Free From Fire Hazards – It shall be unlawful to accumulate articles of combustible or inflammable nature.

Chapter 92.22 False Fire Alarms – It shall be unlawful for any person to give any false alarm of fire.

Chapter 93.01 Protection of Parkways – It is unlawful for any person or pet to injure, carry away, break, or in any other manner deface trees, shrubs, plants or other property on roads, streets, or parkways of the town.

Chapter 93.15 Destruction, Injury to Park Property – It shall be unlawful for any person to cut, break, injure, or take any plants, flowers, or vegetation from any municipal park or playground, or to remove or injure playground equipment or other appurtenances.

Chapter 93.30 – 93.41 Tree Protection - Prohibits unauthorized removal or cutting of trees and requires replacement of protected trees

Title XIII: General Offenses

Chapter 130.01 Firearms and Other Weapons – No person shall shoot, discharge, or release firearms, spring-propelled devices, or guns within the corporate limits.

Chapter 130.02 Sounds Impacting Residential Life – All construction activities must take place Monday through Saturday between 7:30 am and 6:00 pm. Sound from radio or other noises that disrupts quiet enjoyment of property is prohibited.

Chapter 130.03 Offenses Against the Public Peace – The following acts are prohibited: Disturbing the peace, Resisting arrest, Impersonating any officer of the town, Assembling for purposes of gambling, Committing a breach of the peace, Appearing intoxicated outside of home, Making unusual or unnecessary noises to disturb the peace, Violent or boisterous conduct, Using profane language towards others, Committing riotous acts, Maliciously interfering with pedestrians or traffic, or Indecent acts in the presence of others.

Chapter 130.04 Regulating Solicitors, Peddlers, Hawkers, Itinerant Merchants, or Transient Vendors – Prohibits uninvited door to door solicitations

Chapter 130.05 No Human Burials Permitted – With no existing cemeteries, no human body shall be buried inside the corporate limits

Chapter 130.06 Removal of Fallen Tree Limbs – Property owners are responsible for disposing of portions of fallen tree or limbs not on town property.

Title XV: Land Usage

Chapter 151 – Flood Damage Prevention Ordinance – Violations or failure to comply with provisions constitutes a Class I misdemeanor

Chapter 153 – Zoning Ordinance – Violations of provisions of this chapter results in a misdemeanor and a fine of \$50 and/or imprisonment not to exceed 30 days.

Penalties

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

(G.S. § 14-4(a))

§ 34.99 PENALTY.

The violation of any provision of this chapter, or any provision of any restriction imposed by any proclamation authorized by this chapter, shall constitute a misdemeanor, punishable as provided by § 10.99.

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) Any person violating any of the provisions of § 50.10, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500 or imprisoned not longer than two years or both fined and imprisoned in the discretion of the court.

(2) Whoever is found in a civil action to have violated any provision hereof shall be liable to the water supplier in the triple amount of losses and damages sustained or \$500 whichever is greater.

§ 51.99 PENALTY.

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

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

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person violating the provisions of § 90.02 shall be subject to a penalty as provided in § 10.99.

(2013 Code, § 4-2)

(C) The violation of any portion of §§ 90.35, 90.36, or 90.39 by any of those persons described in said sections shall constitute a misdemeanor and the violator shall be punished accordingly.

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Violation of § 91.02 shall constitute a misdemeanor, for each day such violation occurs and subject the violator of § 91.02 to a fine of \$50 or 30 days imprisonment or both for each violation of § 91.02.

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) A violation of §§ 93.30 through 93.41 is a Class 3 misdemeanor under North Carolina law. The penalty for violating §§ 93.30 through 93.41 shall be \$250 per day. Each day of continued violation shall be a separate offense. The town shall also have the right to pursue civil remedies for a violation of the subchapter including injunctive relief, and a civil penalty of \$250 for each day's violation of the subchapter pursuant to G.S. § 160A-175.

(2) Upon determining that a violation has occurred, the Town Manager shall record the nature of the violation, and send a notice of violation to the responsible person or entity by regular and certified mail. The responsible person or entity shall have 30 days from the date of the letter to correct the violation. If the violation is not corrected within 30 days, the Town Manager may proceed with criminal charges pursuant to G.S. § 14-4, or may take such other enforcement action as may be necessary to carry out the purposes of §§ 93.30 through 93.41.

§ 130.99 PENALTY.

Any person violating the provisions of this chapter shall be guilty of misdemeanor subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days as provided by G.S. § 14-4.

§ 151.99 PENALTY.

(A) Violations of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$25,000 or imprisoned for not more than 120 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 153.999 PENALTY.

(A) Any person, firm, or corporation who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 and/or imprisoned for a period of time not exceeding 30 days. Each day of violation shall be considered a separate offense.

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

November 9, 2021



Agenda Item D-4

Stormwater Project Update

Background

Last month, staff reviewed upcoming stormwater design projects. These projects are located along Park Road; Stuyvesant, Vanderbilt, and Lone Pine Roads; and adjacent to Cedar Hill Road to the intersection of Hemlock Road. Surveying work has begun on each of these projects that will enable the project engineers to design recommended improvements for these areas.

Public Works Director Harry Buckner will provide an update to the Board on these projects and address any questions.