

PROPOSED AGENDA

REVISED

Meeting of the Town of Biltmore Forest
Board of Commissioners

To be held Tuesday, February 11, 2025 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 January 14, 2025 Minutes

D. Public Comment

E. Departmental Reports

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

F. New Business

1. Stormwater Project Update – *Mr. Harry Buckner, P.E.*
2. Door to Door Solicitation – Discussion
Mr. Billy Clarke, Town Attorney and Mr. Jonathan Kanipe, Town Manager
3. Ratification of SDR Contact Amendments Nos. 1 and 2
4. Code of Conduct Policy for the Board of Commissioners – Discussion
5. Rules of Procedure for Board of Commissioners – Discussion
6. Consideration of Resolution 2025-03 – A Resolution Authorizing Surplus of Town Property

G. Adjourn

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

Meeting ID: 822 2845 5470

Passcode: 966757

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS
OF BILTMORE FOREST HELD JANUARY 14, 2025

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.

Mr. Kanipe said to add to agenda item five the consideration of board appointments. This would be to the Metropolitan Planning Organization and Metropolitan Sewerage District.

CONSENT AGENDA

Commissioner Loomis made a motion to approve the consent agenda and the minutes from December 10, 2024. Commissioner Stephens seconded the motion, and the agenda and minutes were unanimously approved.

PUBLIC COMMENT

Mr. Phil Hardin at 12 East Forest Road said he has particle residue in his water and has a bad odor. Commissioner Stephens asked if it is Biltmore Forest tap water or if it is distilled water. Mr. Hardin said it started out as tap water and then went through their distiller at home. Mr. Kanipe said they will look at this and bring a report back to Mr. Hardin.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were 26 calls for service. Remember this time of year to get a certified chimney sweep. Remember to put ashes from the fireplace in a non-combustible container. Ash is an insulator. Make sure you have at least three feet of space around space heaters as well.

Communications Director, Ms. Aslyne Tate and gave the report for the Police Department. Chief Chris Beddingfield was attending the Chief's conference in Cherokee, NC. Ms. Tate said there were 739 calls compared to 701 in November. One of those calls was a felony arrest for possession of a stolen motor vehicle with two felony drug charges from a vehicle stop. There were seven misdemeanor arrests, three impaired driving arrests from traffic stops, one from a vehicle collision. There were three arrests for him driving while license revoked and one arrest out of jurisdiction warrant. There were a total of 33 citations for various traffic violations. Officers arrested an individual who crashed his vehicle on Cedarcliff and left the scene. He was charged with impaired driving and associated charges. They also arrested an individual who stole a motor vehicle. He was charged with several felony drug possession charges. Also, Santa made his rounds throughout Town on Christmas Eve, and it was a successful trip.

Mr. Kanipe said Chief Beddingfield is at the NC Association of Chiefs of Police Conference and was appointed to the executive board of that committee. The Mayor and Board congratulated Chief Beddingfield.

Mr. Harry Buckner gave the report for the Public Works Department. The biggest update is on the stormwater project. There were delays and about 37 days was added to the contract due to Hurricane Helene. The final competition date will be around February 7th. Paving will begin around March.

Mr. Buckner said he completed the training through the UNC School of Government. Mr. Buckner thanked the Board for supporting him. Mr. Buckner said it was a good program.

Mr. Buckner said they have reached out to the contractors who is doing the camera hookups. They should be here on Monday to get back on site.

One tree fell onto the back of the Public Works building from the Hurricane and will be repaired next Thursday.

Commissioner Stephens asked about the historic bus stops destroyed from the hurricane specifically the one on Hilltop/Stuyvesant Road. Mr. Buckner said they haven't made a final decision on that yet and asked the Board for feedback on this.

Mayor Goosmann asked about replacements for streetlights. Mr. Buckner said they are having trouble finding a company for replacing the streetlights since no one is making them like the ones we have now.

Mr. Tony Williams gave the Town Planner report. Land Use Conferences went up to 73 last month. There was one complaint and that complaint was resolved. Mr. Williams has 25 plan reviews and there were two permits issued. Commissioner Tarleton asked Mr. Williams what a land use conference is. Mr. Williams said it is meeting with contractors and homeowners just for their project and looking over and speaking about the project. Mayor Goosmann asked about all the trees that were taken down when they shouldn't have been taken down during Hurricane Helene. Mr. Kanipe said this is something we have been doing our best to chronicle. Mr. Kanipe said they have been taking inventory of all of this. We have also asked residents to start asking us for approval for removals again. Mr. Kanipe said they are really going to enforce the tree ordinance for those areas where substantial clearing was done. They will have to abide by the ordinance. Mr. Stephens said that the Reuter Center

at UNCA last Tuesday, it was a Western North Carolina chapter of the Sierra Club that brought some speakers together and there was a Forest Service official who is researching trees down with satellite imagery. There will be recording available for us to view and it would be very beneficial for us. Commissioner Loomis said it does need to be a collaborative community effort, and it will be good when we decide who we want to listen to and the resources we want to use. Commissioner Loomis said she does have a concern with people going in a different direction, getting guidance from people who aren't looking at Biltmore Forest. Mr. Buckner said he wants to emphasize that we do get calls from residents attempting to comply with the ordinance. Mr. Buckner said Mr. Dale visits homes almost daily and it has really picked up in the month of January with residents that are attempting to comply and plant back trees. Our current ordinance doesn't prevent anyone from cutting any tree. This is from a liability standpoint. Commissioner Loomis asked if we need to remind residents that we have a list of suggested tree plantings. Mr. Buckner said when someone submits a request for tree removal, Public Works always replies with a recommended planting list. Commissioner Loomis also suggested putting this information as a note on the water bill to say this tree planting list is available on the Town's website. Mr. Kanipe said this information can also go on in the next newsletter that will be mailed out soon.

Ms. Martha Barnes (audience member) asked about reforestation and the tree ordinance and if it applies to situations where people are taking down the unhealthy trees or does it also apply to situations where they are down or damaged from the storm. Mr. Kanipe said the tree protection ordinance has only applied to trees that are taken down voluntarily. This would be the case even if it is a tree that is leaning 45 degrees over your house but hasn't fallen yet. That is what voluntary removal is at that point. That is the only place that tree protection ordinance is ever applied to residential properties.

Mr. Kanipe gave the Town Manager's report and said we have resumed our regular meeting schedules beginning in January. The Board of Adjustment will meet on January 27th and the Planning Commission will meet on January 28th.

Mr. Kanipe said our audit went through to the Local Government Commission. We received a few things the auditor has to work on but nothing substantial. They will prepare those responses and get that back to them. Mr. Kanipe said we have alleviated the issues we had previously regarding the segregation of duties issues. Mr. Kanipe said he will be away on the first week of February at the

Manager's conference in Winston-Salem. Mr. Kanipe said our board members, Billy, Laura, and Mr. Kanipe will be attending a UNC School of Government course for newly elected officials and re-elected officials in Kannapolis at the end of January. Commissioner Tarleton went to that last week in New Bern.

Mr. Kanipe said he has started budget preparation. We have a budget retreat scheduled for February for the board to get together with department heads and administration staff. The public is welcome to attend.

Commissioner Tarleton asked about downed utility lines. Mr. Kanipe said he has been meeting with AT&T and they have been working to remove things from the road. It will take longer for debris to be removed from the back of properties, but they have committed to doing this. Duke Energy has removed almost everything on their end so now it is Spectrum and AT&T that are finishing their work.

PUBLIC HEARING

A motion was made to go into Public Hearing by Commissioner Tarleton, seconded by Commissioner Stephens and unanimously approved at 5:22pm.

The purpose of the Public Hearing is to discuss ZTA 2025-01-Amending the Town's Zoning Ordinance regarding Accessory Structures. This is most specifically related to the Town's accessory structures. This ordinance would provide the ability for staff to administratively approve those specifically allowed accessory structures that are following the Ordinance. In compliance with the Ordinance as in they are in compliance with setbacks. They are in compliance with maximum square footage of the structure if that is required with the impervious surface. They adhere to everything the ordinance is asking them to do. It would allow us to review that and approve that internally so that it would speed up the process for the applicant. It would also take a significant burden off the Board of Adjustment in terms of hearing those matters, going out to those sites and reviewing them. This would take a lot of burden off them. It also gets us to where we need to be from a modern perspective in terms of dealing with Zoning Permitting. The entire permitted use table would change so that it could

specifically say accessory uses are permitted. That language means they are permitted with a zoning permit so it is a permitted use.

The Planning Commission reviewed all of these proposed ordinances and recommended approval of this ordinance unanimously. They found it is consistent with the Town's Comprehensive Plan, which is a requirement in the general statutes that must be found to be in compliance. The Board would need to hold this Public Hearing to go through that. Commissioner Loomis noted on page 39 in section 153.029, it is the numeration should be two instead of three. Also in Section 153.037, the wording would change from then such unit could "only" be reoccupied by a family member to then such units "shall" only be reoccupied by a family member. That is consistent with the language above it as well.

Commissioner Loomis made a motion to go out of Public Hearing. Commissioner Tarleton seconded the motion and was unanimously approved at 5:28pm.

NEW BUSINESS

Mr. Kanipe said the Town has noticed the Public Hearing appropriately and we have conducted the Public Hearing. The Board can now have further discussion on this Ordinance. Consideration of Ordinance 2025-01-An Ordinance to Amend the Town of Biltmore Forest Zoning Ordinance. Commissioner Stephens said these are logical improvements and edits to the existing Ordinance and he feels strongly about some of the definitions. There are two in particular which are the impervious surface definition and the roof coverage definition. Both of these include decks as impervious surfaces, and he felt strongly that a wooden deck (especially if there is spacing between the decks) that is draining straight through the soil and not causing additional impervious flows into the stormwater system. In the future, Commissioner Stephens would like to revisit and have the Planning Commission look at the definitions for impervious surfaces and roof coverage. The hardship he expressed is if someone is building a little something and it has a 200 square foot wooden deck that is included in impervious roof coverage which goes into the calculations of roof to lot size. Mr. Stephens said a wooden deck shouldn't be part of that calculation. Mr. Stephens also said the 750 square foot accessory building size limitation could impact on some strange designs when someone is

trying to add a two-car garage to their house. Mr. Stephens believes the size limitation should move to the relatively new roof coverage to lot size. He asked the Planning Commission to look at these possibilities.

Commissioner Loomis moved to adopt Ordinance 2025-01. Commissioner Stephens seconded the motion and was unanimously approved.

Mr. Kanipe gave an update regarding Hurricane Helene updates. Through last Thursday, we removed 289,000 cubic yards of material and processed over 92,000 cubic yards of wood chips. We anticipate now we have a total of 420,000 cubic yards of debris to be removed in total. Mr. Kanipe said we have expended the initial \$3.9 million the Town received from FEMA. We have requested our continuing amount and that should be coming in very soon. That last 50% becomes triggered with the new estimate, with what we've already spent, with what we've taken out. We may not end up needing the full \$3.9 million more and we may get \$2.8 million. So, they will give us 25% of it and then we will get 10%. It's a little bit; it is more like a drawdown at that point.

As far as debris removal, the "first pass" is almost complete. It doesn't mean that everything is done, it means for the most part 90% of what was out initially has been picked up and more stuff may be coming out. Once we call the first pass, it triggers us to move forward with the second process which is called Private Property Debris Removal. This is an application process the homeowner can go through. If this application process is accepted, the contractor can go on their private property and take their material away. It is not an easy process or a guaranteed process. Commissioner Loomis said this is really good information and people can access the packet online and read it too. Mr. Kanipe said the newsletter will also include this information and we will be sending out a separate mailing to all residents.

As far as our roads and bridges, the only major impact we knew from the storm at that moment was the sinkhole on Cedar Hill Drive just past Brookside Road. We had the contractor doing the stormwater work and they were here already. They repaired that road within the first two weeks. The

total work on that project was about \$65,000. This will be fully reimbursed by FEMA as part of that work to repair that road.

We are having our bridges inspected this month, which will be the second inspection. Our parks just signed off on the kind of park damaged descriptions we had December 16th when we went through and did that site visit. Brooklawn Park is the most significant because of the walking trail. The work that will have to be done is both debris removal and some remediation to the walking path itself. There wasn't tremendous damage at Rosebank Park except for the outlet of the stormwater project where it is covered in red clay. In Greenwood Park, we will be doing work on the stormwater features there. The slope on the Stuyvesant roadside washed away as well.

Mr. Billy Clarke discussed the Vanderbilt Road Town Property Deed Review.

- August 6, 1997, Deed from Biltmore Farms, Inc. conveys 10.29962 acres to the Town of Biltmore Forest.
- Deed contains the following restriction: Property shall not be used for any purpose except those permitted in the P-S Public service District For 15 years from July 30, 1997. Only uses allowed in P-S Public Service are open green spaces. This negative easement or restriction expired effective August 1, 2012.
- After 15 years, should the Town desire to use any portion of the Property for municipal purposes other than those permitted in the P-S public service district, the restriction requires the Town to give notice to the residents of the Town of the intended change in use and follow the statutory procedures for a change in zoning and present, at a public hearing, the details of the desired changes in use.
- Restrictions in the Deed then require the Town, at a special or scheduled election, to conduct a referendum seeking approval of the change in zoning and use proposed at the public hearing.

- Deed also contains this language: “This conveyance ... is intended to be for public purposes and for the benefit of the residents of the Town. The Grantee shall have no right and by recording this deed agrees that it shall have no right to convey the Property to any other entity or person or change the use of the Property except as provided above. This provision is for the citizens and residents of the Town of Biltmore Forest. “
- The Town of Biltmore Forest has no statutory authority to conduct a referendum on this issue. It would require an act of the General Assembly to give the Town this authority.
- Options
 - 1) Voluntary reformation of the Deed with Biltmore Farms
 McCran v. Pinehurst, LLC, 225 N.C. App. 368
 - 2) Declaratory Judgment to reform deed based on mutual mistake / impossibility

Mr. Clarke said we have a deed that has a provision that is impossible to comply with. Mr. Clarke said in a couple of other situations where there were similar restrictions, which is the McCran v. Pinehurst. The initial parties to the deed reformed that deed. They said we are going to eliminate this restriction on a public park they had in the middle of town, and they eliminated that restriction to allow the building of a hotel. Some of the residents of Pinehurst sues and the court said it was ok what they did, and the residents had no standing.

Mr. Clarke said the language here is a little different because it makes it clear in the deed that restriction is for the benefit of the citizens and residents of the Town of Biltmore Forest. Mr. Clarke said an option would be to discuss this with Biltmore Farms and see if they would agree to a reformation of the deed or a new deed eliminating that restriction. The other possible course of action would be to file a declaratory judgment essentially asking the court to declare that restriction as void for public policy because it can't be done. Mr. Clarke said there is a provision in the deed talking about how this provision is for the benefit of the citizens of Biltmore Forest. Mayor Goosmann would like to have a conversation with Mr. Jack Cecil. Commissioner Loomis also said we want to discuss this with Biltmore Farms and Town residents to get their input and to get public support. If we don't have public support, we don't need to reform the deed. Mayor Goosmann thanked Mr. Clarke.

The last item on the agenda is the appointment of Drew Stephens for the Metropolitan Transportation Planning Organization and Allan Tarleton for the Metropolitan Sewerage District Board.

Commissioner Loomis made a motion to accept those appointments. Commissioner Tarleton seconded the motion and was unanimously approved.

The meeting was adjourned at 6:06 pm.

The next meeting is scheduled for Tuesday, February 11, 2025, at 4:30pm.

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

January 2025

Incident Type

111 - Building fire	1
162 - Outside equipment fire	1
311 - Medical assist, assist EMS crew	10
321 - EMS call, excluding vehicle accident with injury	3
412 - Gas leak (natural gas or LPG)	1
444 - Power line down	1
500 - Service Call, other	1
522 - Water or steam leak	1
571 - Cover assignment, standby, moveup	1
600 - Good intent call, other	1
611 - Dispatched & canceled en route	3
622 - No incident found on arrival at dispatch address	1
651 - Smoke scare, odor of smoke	1
735 - Alarm system sounded due to malfunction	2
745 - Alarm system activation, no fire - unintentional	2
Total	30

Respectfully Submitted,

Trevor C. Lance

Chief Trevor C. Lance
Skyland Fire Rescue

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



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

Biltmore Forest Police Department February 11th, 2025 Commission Report

January 2025 Data

Total Calls For Service:

878 (739 last month)

Arrests:

0-Felony Arrests

2-Misdemeanor Arrests-One Impaired Driving Arrest, From a Traffic Stop, One Arrest for Out of Jurisdiction Warrants From a Traffic Stop.

Citations:

24-Citations for various traffic violations (33 last month)

Time Consumption Summary:

Approximations:

Business Checks- 6 hours

House Checks- 5 hours

Radar Operation- 2 hours

Vehicle Crash Investigation- 3 hour

Notable Calls and Projects:

Vehicle pursuit where the officer was in a collision and transported to the hospital as a precaution. The pursuit was reviewed as all pursuits and use of force incidents are. The officer operated within departmental policies during the pursuit.

Flock street camera project has started progressing again. It had been put on hold due to storm damage. Many thanks to Harry and public works for their assistance with this project.

Assisted with multi-agency operation providing security for motorcade with Presidential visit.

Several training events with NCACP conference and two officers in WNC LELA.

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

Calls for Service

01/01/2025 - 01/31/2025

BILTMORE FOREST POLICE DEPARTMENT	Count	Percent
ALARM	21	2.39%
ANIMAL CONTROL	5	0.57%
ASSIST MOTORIST	10	1.14%
ASSIST OTHER AGENCY	9	1.03%
ASSIST RESIDENT	2	0.23%
BUSINESS CHECK	477	54.33%
CHASE	1	0.11%
CRIME PREVENTION	28	3.19%
DEBRIS IN ROADWAY	1	0.11%
DEPARTMENT OTHER	2	0.23%
DISTURBANCE	1	0.11%
DOWN POWER LINES	1	0.11%
EXTRA PATROL	1	0.11%
FIRE	2	0.23%
FOLLOW UP	1	0.11%
FOLLOW-UP INVESTIGATION	1	0.11%
HOUSE CHECK	118	13.44%
IMPAIRED PERSON	1	0.11%
IMPROPER PARKING	1	0.11%
INVESTIGATION	1	0.11%
LARCENY	2	0.23%
MEDICAL EMERGENCY	6	0.68%
MENTAL SUBJECT	1	0.11%
NOISE COMPLAINT	1	0.11%
ORDINANCE VIOLATION	1	0.11%
RADAR OPERATION	16	1.82%
SMOKE COMPLAINT	1	0.11%
SPECIAL ASSIGNMENT	1	0.11%
SPECIAL CHECK	28	3.19%
SUSPICIOUS ACTIVITY	2	0.23%
SUSPICIOUS PERSON	5	0.57%
SUSPICIOUS VEHICLE	23	2.62%
TALK WITH OFFICER	8	0.91%
TOWN HALL BUSINESS	1	0.11%
TRAFFIC CONTROL	8	0.91%
TRAFFIC STOP	77	8.77%
TREE DOWN	4	0.46%
VEHICLE ACCIDENT	8	0.91%
WELFARE CHECK	1	0.11%
Total Records for BILTMORE FOREST POLICE DEPARTMENT	878	Group/Total 100.00%

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM**

February 6, 2025



Agenda Item D-3

Public Works Director Monthly Report

Recurring Activities:

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

- Collected 39.70 tons of garbage.
- Diverted 15.05 tons of recycled goods from garbage.
- Picked up 36 loads of brush (approximately 755 cubic yards) over 12 days.
- Responded to 81 total utility locate requests, comprised of 46 new requests and 35 updates.
- The Town Arborist was unable to update the January site visits for tree removals in time for this report. We will provide this information in February.
- Completed daily chlorine residual tests across town and the required two (2) bacteriological 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.

Miscellaneous Activities for January

- We are gearing up to provide more regular maintenance of public spaces as right-of-way debris removal activity winds down and debris removal from Town parks makes significant progress.
- Greenwood Park is fully open with no debris and maintenance activities will return to normal in February.
- Rosebank Park has seen significant improvement with the stormwater contractor's removal of their temporary material and equipment storage yard and continued debris clean-up. The playground space in Rosebank is open and accessible to residents and should remain so. Significant landscape restoration work was performed during the week of February 3rd, and a full aeration/reseeding/fertilization will occur in later February. Some spaces will continue to be restricted in use until grass can be reestablished. We have begun removal of the remaining leaves and storm debris from the entire park.
- We are continuing to service our eleven (11) dog waste stations. Once the right-of-way storm debris is removed, we will replace damaged stations.

- We are continuing to collect debris with the Town brush truck by running our normal north and south routes. We do occasionally assist the larger trucks by collecting smaller piles and debris that are more easily handled by our smaller truck.
- We removed the Christmas decoration installations at the Town Hall complex in early January.
- Staff have used and will continue to use the tractor and blower to keep the roads clear of loose debris.
- We replaced a damaged water meter box at 60 Forest Road, and staff continue to respond to additional damaged water infrastructure as needed.
- Staff assisted several residents with frozen or burst water supply lines during the very cold weather we experienced in mid-January.
- We are continuing to review and respond to storm drain issues as they are uncovered and reported to the office.
- We continue to identify random storm damaged areas requiring repairs as debris is continually being removed. We continue to develop this list and work on it as able.
- Our contractor successfully completed repairs to the back roof of the Public Works building this month.
- We made several repairs to and performed substantial maintenance on our garbage trucks this month after several mechanical failures.
- I contacted a contractor to obtain a scope of work and price to replace the damaged guardrail sections adjacent to the I-40 bridge on Vanderbilt Road.
- My team removed and replaced several speed limit signs and stop signs throughout town, including in the Ramble section.
- We took delivery of a new Ford F250 Service Truck this month to replace our 2006 Ford F350 service truck with over 100,000 miles on it. We will liquidate the old truck in the coming months.
- We placed our order for a new 2025 garbage truck this month. Construction and delivery of the truck will take an estimated 6 to 10 months.

Larger/Capital Projects Updates

Hurricane Helene Response

- Significant additional information is provided throughout this report and in the Manager's report.
- As of this report, approximately 340,000 cubic yards of vegetative debris have been removed from the public rights of way just within the Town of Biltmore Forest.
- The most recent estimates indicate that almost 400,000 cubic yards of debris will likely be collected within the Town limits.
- Approximately 130,500 cubic yards of wood chips have been processed and disposed of. Chips are being hauled to a facility in Waynesville for processing into dyed and bagged mulch.

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

- There is a separate agenda item for this project.

Streetlight LED Conversions and Service Upgrades

- All streetlights were checked for operation on 1/23/2025.
- A total of seven (7) streetlights are structurally damaged or destroyed, and an additional four (4) have more minor damage to the lamps or street signs due to hurricane Helene.
- Out of the 66 total lamps, seventeen (19) are not functioning currently. This includes six (6) of the eleven (11) damaged lamps, and thirteen (13) additional lamps.
- Six (6) of the nineteen (19) non-functional lamps have been disconnected by Duke Energy during the repairs to the power system.
- MB Haynes returned to work on the camera installations during the week of January 20th. We also asked them to repair other lamps as they were able. Work is continuing on both camera hook-ups and lamp repairs.
- The camera hook-ups are completed at the following locations:
 - Southwood Road/Brookside Road
 - Stuyvesant Road/Stuyvesant Crescent (South)
 - Stuyvesant Road/Country Club (Duke needs to energize)
 - Vanderbilt Road/Cedarcliff Road
 - Busbee Road/Buena Vista Road
- MB Haynes will continue to get cameras on-line and perform lamp repairs throughout February and for longer as necessary.
- We are continuing to explore options and develop recommendations for streetlight replacements and/or repairs.

Greenwood Park Improvements

- On December 16th, Manager Kanipe, Supervisor Dale, and I met with our FEMA representatives to document storm damage. We continue to work on plans for repairs and improvements to begin upon the completion of debris pick-up and better weather.

Brooklawn Park Clean-up and Trail Construction

- Substantial clean-up activities began in Brooklawn Park during the latter part of January by the Town's debris removal contractor, Southern Disaster Recovery (SDR).
- Downed and damaged tree removals have made significant progress, beginning on the Cedar Hill Road area of the park and progressing east and south.
- As of this report, the contractor is approaching Brooklawn Chase, which represents approximately 50% of the park property.
- Work also began on waterway clean-up on February 5th in the park as approval to work in this specific waterway reach was obtained from FEMA.
- I anticipate significant work to continue on this property for several weeks longer as debris removal continues toward the Hemlock Road pond.

Upcoming in February

- Staff will complete the required daily chlorine, monthly bacteriological testing, and quarterly disinfection byproduct tests.
- Normally scheduled brush and leaf collection remains suspended. We are, however, using the Town brush truck every working day to run our routes and assist the debris contractor with debris removal. When asked, we coordinate our work locations with theirs, deviating from the standard routes. Work is currently progressing on the North route, which is a second pass for our truck since the hurricane.
- I am advising residents to anticipate significant leaf collection delays due to the impact of additional quantities of storm debris.
- We anticipate aerating, fertilizing, and overseeding Rosebank Park the week of February 17th, weather pending, and the Town Hall Complex and Greenwood Park in a similar time frame.
- We will send our commercial mowers in to the dealer for pre-season tune-ups and servicing to prepare for the summer mowing season.
- I anticipate obtaining a proposal to replace several sections of guardrail adjacent to the I-40 bridge on Vanderbilt Road. We are also assessing other segments of guardrail for repair throughout town.
- We will continue to replace damaged road signs as debris removal allows us to access the appropriate replacement locations. Several new signs were installed in December.
- Supervisor Dale and I are coordinating the final paving repairs associated with the stormwater project and combining them with our annual resurfacing contracts. We anticipate this work being performed in March.

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



MEMORANDUM

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

From: Tony Williams, Town Planner

Re: January Monthly Report

Date: February 11, 2025

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: 146
- Notice of violations verbal/written: 0
- Resolved violations/complaints: 1
- Complaints: 1
- Plans reviewed: 49
- Plans reviewed for BOA: 6
- Plans reviewed for Design Review Board: 6
- Permits issued: 6

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
FEBRUARY 11, 2025**



AGENDA ITEM D-5

Town Manager's Monthly Report

Request for Qualifications (RFQ) – Disaster Recovery Administration Services

The Town is issuing an RFQ for interested consulting firms to aid with the Town's ongoing recovery from Hurricane Helene. Up until this time, all general administrative services related to the disaster response and recovery have been conducted by Town staff. As we get into more detailed requests for documentation and submissions, it seems prudent to consider contracting with professionals who are doing this work throughout the region for other local governments. The goal of this RFQ is not to abdicate the Town's response and work with FEMA, but rather to allow more dedicated response and service for the Town's reimbursement requests. This will also allow Town staff to resume working on more typical priorities such as the FY26 budget development and the Police Department/Public Works building project. Costs associated with this consulting work should qualify for reimbursement from FEMA.

FY26 Budget Retreat – Friday, February 14th

The Mayor, Board of Commissioners, and Town staff will participate in the FY26 budget retreat at WCU's Biltmore Park facility on Friday, February 14. The retreat will take place from 9am-2pm and the public is invited to attend. This year's retreat will be facilitated by Erica Anderson, Deputy Executive Director of the Land of Sky Regional Council. Ms. Anderson has a strong background in strategic planning and group facilitation. The Board will be able to define their priorities and focal points for the coming year and staff will then develop action items off that policy direction.

Debris Removal Updates

The Town's debris removal process is moving forward and through the next phases of work. Public right of way work is nearing completion with roughly 90% of the removal accomplished. The Town's contractor has started working in the park areas, beginning with Brooklawn Park, and will be proceeding to the waterways shortly after that. DebrisTech, the independent monitoring contractor, has conducted two separate sessions of application intake for private property debris removal assistance. The first round resulted in 25 applications.

AT&T Underground Cabling Project

AT&T has let the Town know they are working on an underground fiber project. We have referred their engineers and consultants to Duke Energy so their planning for the north end of town can be

coordinated. The initial thrust for AT&T is to perform work from Biltmore Forest Country Club to the south. This would line up with the already installed underground power that is in this area. As we learn more about AT&T's project and their initial timeline, we will provide further updates and information to the Board.

REVENUE & EXPENDITURE STATEMENT

07/01/2024 To 01/31/2025

Town of Biltmore Forest

FY 2024-2025

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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)	3,042,253.00	3,066,681.86	3,066,681.86	0.00	-24,428.86	101
10-3010-0100 AD VALOREM TAXES (DMV)	123,040.00	68,762.30	68,762.30	0.00	54,277.70	56
10-3010-0200 TAX INTEREST & PENALTIES	5,000.00	5,829.08	5,829.08	0.00	-829.08	117
3010 Ad Valorem Tax Subtotal	\$3,170,293.00	\$3,141,273.24	\$3,141,273.24	\$0.00	\$29,019.76	99
10 General Fund Subtotal	\$3,170,293.00	\$3,141,273.24	\$3,141,273.24	\$0.00	\$29,019.76	99
Revenue Subtotal	\$3,170,293.00	\$3,141,273.24	\$3,141,273.24	\$0.00	\$29,019.76	99
After Transfers	Excess Of Revenue Subtotal	\$3,170,293.00	\$3,141,273.24	\$3,141,273.24	\$0.00	99
3020 Unrestricted Intergovernm						
Revenue						
10 General Fund						
3020 Unrestricted Intergovernm						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	233,800.00	58,554.71	58,554.71	0.00	175,245.29	25
10-3020-0100 ALCOHOL BEVERAGE TAX	6,750.00	0.00	0.00	0.00	6,750.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	789,576.00	312,754.21	312,754.21	0.00	476,821.79	40
10-3020-0300 1/2 CENT SALES TAX A.40	340,912.00	140,652.23	140,652.23	0.00	200,259.77	41
10-3020-0400 1/2 CENT SALES TAX A.42	419,097.00	166,853.83	166,853.83	0.00	252,243.17	40
10-3020-0600 SALES TAX REFUND	15,000.00	38,557.59	38,557.59	0.00	-23,557.59	257
10-3020-0700 GASOLINE TAX REFUND	0.00	4,667.47	4,667.47	0.00	-4,667.47	*100
3020 Unrestricted Intergovernm Subtotal	\$1,805,135.00	\$722,040.04	\$722,040.04	\$0.00	\$1,083,094.96	40
10 General Fund Subtotal	\$1,805,135.00	\$722,040.04	\$722,040.04	\$0.00	\$1,083,094.96	40
Revenue Subtotal	\$1,805,135.00	\$722,040.04	\$722,040.04	\$0.00	\$1,083,094.96	40
After Transfers	Excess Of Revenue Subtotal	\$1,805,135.00	\$722,040.04	\$722,040.04	\$0.00	40
3030 Restricted Intergovernmen						
Revenue						
10 General Fund						
3030 Restricted Intergovernmen						
10-3030-0000 SOLID WASTE DISPOSAL TAX	1,000.00	547.88	547.88	0.00	452.12	55
10-3030-0100 POWELL BILL	75,000.00	40,386.65	40,386.65	0.00	34,613.35	54
3030 Restricted Intergovernmen Subtotal	\$76,000.00	\$40,934.53	\$40,934.53	\$0.00	\$35,065.47	54
10 General Fund Subtotal	\$76,000.00	\$40,934.53	\$40,934.53	\$0.00	\$35,065.47	54
Revenue Subtotal	\$76,000.00	\$40,934.53	\$40,934.53	\$0.00	\$35,065.47	54
After Transfers	Excess Of Revenue Subtotal	\$76,000.00	\$40,934.53	\$40,934.53	\$0.00	54
3040 Permits & Fees						
Revenue						
10 General Fund						
3040 Permits & Fees						

REVENUE & EXPENDITURE STATEMENT

07/01/2024 To 01/31/2025

Town of Biltmore Forest

FY 2024-2025

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10-3040-0000 ZONING PERMITS	30,000.00	24,141.00	24,141.00	0.00	5,859.00	80
10-3040-0100 DOG LICENSE FEE	1,300.00	1,290.10	1,290.10	0.00	9.90	99
3040 Permits & Fees Subtotal	\$31,300.00	\$25,431.10	\$25,431.10	\$0.00	\$5,868.90	81
10 General Fund Subtotal	\$31,300.00	\$25,431.10	\$25,431.10	\$0.00	\$5,868.90	81
Revenue Subtotal	\$31,300.00	\$25,431.10	\$25,431.10	\$0.00	\$5,868.90	81
After Transfers	Excess Of Revenue Subtotal	\$31,300.00	\$25,431.10	\$25,431.10	\$0.00	81
3050 Investment Earnings						
Revenue						
10 General Fund						
3050 Investment Earnings						
10-3050-0000 INTEREST EARNED	233,333.00	87,609.98	87,609.98	0.00	145,723.02	38
3050 Investment Earnings Subtotal	\$233,333.00	\$87,609.98	\$87,609.98	\$0.00	\$145,723.02	38
10 General Fund Subtotal	\$233,333.00	\$87,609.98	\$87,609.98	\$0.00	\$145,723.02	38
Revenue Subtotal	\$233,333.00	\$87,609.98	\$87,609.98	\$0.00	\$145,723.02	38
After Transfers	Excess Of Revenue Subtotal	\$233,333.00	\$87,609.98	\$87,609.98	\$0.00	38
3060 Miscellaneous						
Revenue						
10 General Fund						
3060 Miscellaneous						
10-3060-0100 AMERICAN TOWER AGREEMENT	33,800.00	33,171.32	33,171.32	0.00	628.68	98
10-3060-0200 MISCELLANEOUS	25,000.00	83,600.21	83,600.21	0.00	-58,600.21	334
3060 Miscellaneous Subtotal	\$58,800.00	\$116,771.53	\$116,771.53	\$0.00	-\$57,971.53	199
10 General Fund Subtotal	\$58,800.00	\$116,771.53	\$116,771.53	\$0.00	-\$57,971.53	199
Revenue Subtotal	\$58,800.00	\$116,771.53	\$116,771.53	\$0.00	-\$57,971.53	199
After Transfers	Excess Of Revenue Subtotal	\$58,800.00	\$116,771.53	\$116,771.53	\$0.00	199
3290						
Revenue						
30 Water & Sewer Fund						
3290						
30-3290-0000 INTEREST EARNED	4,400.00	2,246.27	2,246.27	0.00	2,153.73	51
3290 Subtotal	\$4,400.00	\$2,246.27	\$2,246.27	\$0.00	\$2,153.73	51
30 Water & Sewer Fund Subtotal	\$4,400.00	\$2,246.27	\$2,246.27	\$0.00	\$2,153.73	51
Revenue Subtotal	\$4,400.00	\$2,246.27	\$2,246.27	\$0.00	\$2,153.73	51
After Transfers	Excess Of Revenue Subtotal	\$4,400.00	\$2,246.27	\$2,246.27	\$0.00	51
3350 Commissions, Sw Chg Coll						
Revenue						
30 Water & Sewer Fund						
3350 Commissions, Sw Chg Coll						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	8,000.00	5,767.33	5,767.33	0.00	2,232.67	72
3350 Commissions, Sw Chg Coll Subtotal	\$8,000.00	\$5,767.33	\$5,767.33	\$0.00	\$2,232.67	72

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30 Water & Sewer Fund Subtotal	\$8,000.00	\$5,767.33	\$5,767.33	\$0.00	\$2,232.67	72
Revenue Subtotal	\$8,000.00	\$5,767.33	\$5,767.33	\$0.00	\$2,232.67	72
After Transfers	Excess Of Revenue Subtotal	\$8,000.00	\$5,767.33	\$5,767.33	\$0.00	72
3430						
Revenue						
10 General Fund						
3430						
10-3430-0003 GRANTS -POLICE DEPT	6,770.00	0.00	0.00	0.00	6,770.00	0
3430 Subtotal	\$6,770.00	\$0.00	\$0.00	\$0.00	\$6,770.00	0
10 General Fund Subtotal	\$6,770.00	\$0.00	\$0.00	\$0.00	\$6,770.00	0
Revenue Subtotal	\$6,770.00	\$0.00	\$0.00	\$0.00	\$6,770.00	0
After Transfers	Deficiency Of Revenue Subtotal	\$6,770.00	\$0.00	\$0.00	\$0.00	0
3500 Other Financing						
Other Financing Source						
10 General Fund						
3500 Other Financing						
10-3500-0000 SALE OF PERSONAL PROPERTY	14,970.00	0.00	0.00	0.00	14,970.00	0
10-3500-0300 TRANSFER FROM FUND BALANCE	1,213,866.00	0.00	0.00	0.00	1,213,866.00	0
10-3500-0500 GRANT (GOVERNMENTAL) FUNDS	30,000.00	0.00	0.00	0.00	30,000.00	0
3500 Other Financing Subtotal	\$1,258,836.00	\$0.00	\$0.00	\$0.00	\$1,258,836.00	0
10 General Fund Subtotal	\$1,258,836.00	\$0.00	\$0.00	\$0.00	\$1,258,836.00	0
Other Financing Source Subtotal	\$1,258,836.00	\$0.00	\$0.00	\$0.00	\$1,258,836.00	0
After Transfers	Deficiency Of Revenue Subtotal	\$1,258,836.00	\$0.00	\$0.00	\$0.00	0
3710 Water Sales						
Revenue						
30 Water & Sewer Fund						
3710 Water Sales						
30-3710-0000 WATER CHARGES	641,000.00	288,618.55	288,618.55	0.00	352,381.45	45
30-3710-0100 MSD CHARGES	422,240.00	252,008.46	252,008.46	0.00	170,231.54	60
30-3710-0200 AMI TRANSMITTER CHARGES	8,867.00	4,200.72	4,200.72	0.00	4,666.28	47
3710 Water Sales Subtotal	\$1,072,107.00	\$544,827.73	\$544,827.73	\$0.00	\$527,279.27	51
30 Water & Sewer Fund Subtotal	\$1,072,107.00	\$544,827.73	\$544,827.73	\$0.00	\$527,279.27	51
Revenue Subtotal	\$1,072,107.00	\$544,827.73	\$544,827.73	\$0.00	\$527,279.27	51
After Transfers	Excess Of Revenue Subtotal	\$1,072,107.00	\$544,827.73	\$544,827.73	\$0.00	51
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	12,540.00	12,540.00	0.00	-2,540.00	125

REVENUE & EXPENDITURE STATEMENT

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3730 Water Tap & Connect Fees Subtotal	\$10,000.00	\$12,540.00	\$12,540.00	\$0.00	-\$2,540.00	125
30 Water & Sewer Fund Subtotal	\$10,000.00	\$12,540.00	\$12,540.00	\$0.00	-\$2,540.00	125
Revenue Subtotal	\$10,000.00	\$12,540.00	\$12,540.00	\$0.00	-\$2,540.00	125
After Transfers	Excess Of Revenue Subtotal	\$10,000.00	\$12,540.00	\$12,540.00	\$0.00	125
3900						
Other Financing Source						
10 General Fund						
3900						
10-3900-4000 FINANCING PROCEEDS-LEASES	85,000.00	0.00	0.00	0.00	85,000.00	0
3900 Subtotal	\$85,000.00	\$0.00	\$0.00	\$0.00	\$85,000.00	0
10 General Fund Subtotal	\$85,000.00	\$0.00	\$0.00	\$0.00	\$85,000.00	0
Other Financing Source Subtotal	\$85,000.00	\$0.00	\$0.00	\$0.00	\$85,000.00	0
After Transfers	Deficiency Of Revenue Subtotal	\$85,000.00	\$0.00	\$0.00	\$0.00	0
4000						
Revenue						
40 Capital Project Fund						
4000						
40-4000-1100 ARP DISTRIBUTION	451,275.58	0.00	0.00	0.00	451,275.58	0
4000 Subtotal	\$451,275.58	\$0.00	\$0.00	\$0.00	\$451,275.58	0
40 Capital Project Fund Subtotal	\$451,275.58	\$0.00	\$0.00	\$0.00	\$451,275.58	0
Revenue Subtotal	\$451,275.58	\$0.00	\$0.00	\$0.00	\$451,275.58	0
After Transfers	Deficiency Of Revenue Subtotal	\$451,275.58	\$0.00	\$0.00	\$0.00	0
4200 Administration						
Expenditure						
4200 Administration						
10-4200-0200 SALARIES	357,385.00	260,250.76	260,250.76	0.00	97,134.24	73
10-4200-0500 FICA	27,340.00	19,377.97	19,377.97	0.00	7,962.03	71
10-4200-0600 HEALTH INSURANCE (MEDICAL)	41,748.00	22,711.70	22,711.70	0.00	19,036.30	54
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	10,500.00	5,022.34	5,022.34	0.00	5,477.66	48
10-4200-0675 HEALTH REIMBURSEMENT ACC	7,500.00	3,500.00	3,500.00	0.00	4,000.00	47
10-4200-0700 LGERS RETIREMENT	72,478.00	53,096.35	53,096.35	0.00	19,381.65	73
10-4200-0800 401K SUPP RETIREMENT	17,869.00	12,413.19	12,413.19	0.00	5,455.81	69
10-4200-1000 ACCOUNTING & TAXES	60,000.00	51,619.35	51,619.35	0.00	8,380.65	86
10-4200-1200 POSTAGE, PRINTING, STATIONARY	12,500.00	5,485.31	5,485.31	0.00	7,014.69	44
10-4200-1400 MILEAGE & BOARD SALARY	21,600.00	13,002.44	13,002.44	0.00	8,597.56	60
10-4200-1500 BLDG & GRNDS MAINTENANCE	15,000.00	0.00	0.00	0.00	15,000.00	0
10-4200-1700 MAINTENANCE/REPAIRS-VEHICLES	100.00	409.43	409.43	0.00	-309.43	409
10-4200-3300 SUPPLIES AND EQUIPMENT	15,000.00	9,168.69	9,168.69	0.00	5,831.31	61
10-4200-5300 DUES & FEES	12,000.00	5,742.38	5,742.38	0.00	6,257.62	48

REVENUE & EXPENDITURE STATEMENT

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Town of Biltmore Forest

FY 2024-2025

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10-4200-5700 MISCELLANEOUS	5,000.00	319.60	319.60	0.00	4,680.40	6
10-4200-6000 CAPITAL OUTLAY	40,000.00	0.00	0.00	0.00	40,000.00	0
10-4200-6500 STAFF DEVELOPMENT	20,000.00	12,545.79	12,545.79	0.00	7,454.21	63
10-4200-8200 DEBT SERVICE LEASES-PRINCIPAL	5,400.00	3,787.70	3,787.70	0.00	1,612.30	70
10-4200-8201 DEBT SERVICE LEASES-INTEREST	2,000.00	1,570.80	1,570.80	0.00	429.20	79
4200 Administration Subtotal	\$743,420.00	\$480,023.80	\$480,023.80	\$0.00	\$263,396.20	65
Expenditure Subtotal	\$743,420.00	\$480,023.80	\$480,023.80	\$0.00	\$263,396.20	65
Before Transfers	Deficiency Of Revenue Subtotal	-\$743,420.00	-\$480,023.80	-\$480,023.80	\$0.00	65
After Transfers	Deficiency Of Revenue Subtotal	-\$743,420.00	-\$480,023.80	-\$480,023.80	\$0.00	65
4300						
Expenditure						
4300						
4300 Subtotal	\$0.00	\$0.00	\$317.22	\$317.22	-\$317.22	*100
Expenditure Subtotal	\$0.00	\$0.00	\$317.22	\$317.22	-\$317.22	*100
Before Transfers	Deficiency Of Revenue Subtotal	\$0.00	\$0.00	\$0.00	-\$317.22	*0
After Transfers	Deficiency Of Revenue Subtotal	\$0.00	\$0.00	\$0.00	-\$317.22	*0
4400						
Revenue						
40 Capital Project Fund						
4400						
40-4400-1200 FEMA GRANT REIMBURSEMENT	9,659,000.00	3,952,539.07	3,952,539.07	0.00	5,706,460.93	41
4400 Subtotal	\$9,659,000.00	\$3,952,539.07	\$3,952,539.07	\$0.00	\$5,706,460.93	41
40 Capital Project Fund Subtotal	\$9,659,000.00	\$3,952,539.07	\$3,952,539.07	\$0.00	\$5,706,460.93	41
Revenue Subtotal	\$9,659,000.00	\$3,952,539.07	\$3,952,539.07	\$0.00	\$5,706,460.93	41
After Transfers	Excess Of Revenue Subtotal	\$9,659,000.00	\$3,952,539.07	\$3,952,539.07	\$0.00	41
5100 Police Department						
Expenditure						
5100 Police Department						
10-5100-0200 SALARIES	1,100,444.00	855,748.30	855,748.30	0.00	244,695.70	78
10-5100-0300 OVERTIME	0.00	923.04	923.04	0.00	-923.04	*100
10-5100-0400 SEPARATION ALLOWANCE	16,445.00	0.00	0.00	0.00	16,445.00	0
10-5100-0500 FICA	84,184.00	64,386.17	64,386.17	0.00	19,797.83	76
10-5100-0600 HEALTH INSURANCE (MEDICAL)	141,944.00	93,509.69	93,509.69	0.00	48,434.31	66
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	35,700.00	14,329.88	14,329.88	0.00	21,370.12	40
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	15,250.00	15,250.00	0.00	10,250.00	60
10-5100-0700 LGERS RETIREMENT	239,016.00	178,016.05	178,016.05	0.00	60,999.95	74
10-5100-0800 401K SUPP RETIREMENT	55,022.00	41,543.72	41,543.72	0.00	13,478.28	76
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	1,724.13	2,607.63	883.50	7,392.37	26
10-5100-1600 MAINT/REPAIR - EQUIPMENT	5,000.00	1,152.93	1,705.05	552.12	3,294.95	34

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10-5100-1700 MAINT/REPAIR - VEHICLES	25,000.00	15,860.33	17,291.47	1,431.14	7,708.53	69
10-5100-3100 MOTOR FUELS	18,000.00	10,277.55	10,277.55	0.00	7,722.45	57
10-5100-3300 SUPPLIES	10,000.00	15,015.84	16,445.04	1,429.20	-6,445.04	164
10-5100-3600 UNIFORMS	15,000.00	14,046.93	15,890.45	1,843.52	-890.45	106
10-5100-3700 SOFTWARE	18,725.00	888.00	1,332.00	444.00	17,393.00	7
10-5100-3800 TECHNOLOGY	102,250.00	65,539.89	65,539.89	0.00	36,710.11	64
10-5100-4000 RENTALS	505.00	0.00	0.00	0.00	505.00	0
10-5100-5700 MISCELLANEOUS	10,000.00	18,851.75	18,851.75	0.00	-8,851.75	189
10-5100-5800 PHYSICAL EXAMS	2,500.00	1,550.00	1,550.00	0.00	950.00	62
10-5100-6500 STAFF DEVELOPMENT	10,000.00	7,710.18	8,053.65	343.47	1,946.35	81
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	125,000.00	170,263.62	206,428.46	36,164.84	-81,428.46	165
10-5100-8200 DEBT SERVICE-LEASE	0.00	7,671.92	7,671.92	0.00	-7,671.92	*100
5100 Police Department Subtotal	\$2,050,235.00	\$1,594,259.92	\$1,637,351.71	\$43,091.79	\$412,883.29	80
Expenditure Subtotal	\$2,050,235.00	\$1,594,259.92	\$1,637,351.71	\$43,091.79	\$412,883.29	80
Before Transfers	Deficiency Of Revenue Subtotal	-\$2,050,235.00	-\$1,594,259.92	-\$1,594,259.92	-\$43,091.79	78
After Transfers	Deficiency Of Revenue Subtotal	-\$2,050,235.00	-\$1,594,259.92	-\$1,594,259.92	-\$43,091.79	78
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	221,831.00	172,024.19	172,024.19	0.00	49,806.81	78
10-5600-0500 FICA	16,970.00	12,827.02	12,827.02	0.00	4,142.98	76
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	41,748.00	19,202.75	19,202.75	0.00	22,545.25	46
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	10,500.00	3,443.12	3,443.12	0.00	7,056.88	33
10-5600-0675 HRA HEALTH REIMB ACCT	7,500.00	3,062.50	3,062.50	0.00	4,437.50	41
10-5600-0700 LGERS RETIREMENT	48,182.00	34,961.86	34,961.86	0.00	13,220.14	73
10-5600-0800 401K SUPP RETIREMENT	11,092.00	7,734.34	7,734.34	0.00	3,357.66	70
10-5600-1300 STREETLIGHTS ELECTRIC	16,800.00	5,769.35	5,769.35	0.00	11,030.65	34
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	7,241.78	7,868.16	626.38	2,131.84	79
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	15,000.00	3,185.03	3,185.03	0.00	11,814.97	21
10-5600-1700 MAINT/REPAIR - VEHICLES	16,800.00	4,714.62	4,714.62	0.00	12,085.38	28
10-5600-3100 MOTOR FUELS	15,000.00	8,463.36	8,463.36	0.00	6,536.64	56

REVENUE & EXPENDITURE STATEMENT

07/01/2024 To 01/31/2025

Town of Biltmore Forest

FY 2024-2025

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10-5600-3300 SUPPLIES	9,600.00	7,710.39	7,710.39	0.00	1,889.61	80
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	820.50	820.50	0.00	179.50	82
10-5600-3600 UNIFORMS	10,000.00	3,363.46	5,131.59	1,768.13	4,868.41	51
10-5600-3800 TECHNOLOGY	1,680.00	588.58	588.58	0.00	1,091.42	35
10-5600-5200 PARKS	75,000.00	14,164.98	15,678.90	1,513.92	59,321.10	21
10-5600-5202 GREENWOOD PARK STREAM RESTORA	60,000.00	0.00	0.00	0.00	60,000.00	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	905.44	905.44	0.00	4,094.56	18
10-5600-6000 CAPITAL OUTLAY	22,800.00	0.00	0.00	0.00	22,800.00	0
10-5600-6500 STAFF DEVELOPMENT	6,000.00	5,598.57	5,897.57	299.00	102.43	98
40-5600-7401 ARP CAPITAL PROJECTS	451,275.58	120,648.15	120,648.15	0.00	330,627.43	27
40-5600-7402 CATEGORY A- DEBRIS	7,904,000.00	5,103,844.31	5,103,844.31	0.00	2,800,155.69	65
40-5600-7403 CATEGORY B- EMERGENCY PROTECTIV	175,000.00	26,600.76	26,600.76	0.00	148,399.24	15
40-5600-7404 CATEGORY C- ROADS & BRIDGES	50,000.00	0.00	0.00	0.00	50,000.00	0
40-5600-7406 CATEGORY E- PUBLIC BUILDINGS & COI	20,000.00	0.00	0.00	0.00	20,000.00	0
40-5600-7407 CATEGORY F- PUBLIC UTILITIES	200,000.00	0.00	0.00	0.00	200,000.00	0
40-5600-7408 CATEGORY G- PARKS, RECREATION, & C	850,000.00	0.00	0.00	0.00	850,000.00	0
40-5600-7409 CATEGORY Z- ADMINISTRATIVE COST	460,000.00	0.00	0.00	0.00	460,000.00	0
5600 Public Works Subtotal	\$10,733,778.58	\$5,566,875.06	\$5,571,082.49	\$4,207.43	\$5,162,696.09	52
Expenditure Subtotal	\$10,733,778.58	\$5,566,875.06	\$5,571,082.49	\$4,207.43	\$5,162,696.09	52
Before Transfers	Deficiency Of Revenue Subtotal	-\$10,733,778.58	-\$5,566,875.06	-\$5,566,875.06	-\$4,207.43	52
After Transfers	Deficiency Of Revenue Subtotal	-\$10,733,778.58	-\$5,566,875.06	-\$5,566,875.06	-\$4,207.43	52
5700 Streets & Transportation						
Expenditure						
5700 Streets & Transportation						
10-5700-1600 MAINT / REPAIR-EQUIPMENT	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	1,000.00	1,463.23	4,266.74	2,803.51	-3,266.74	427
10-5700-2200 CONTRACTS- PAVING & STRIPING	75,000.00	79,433.47	79,433.47	0.00	-4,433.47	106
10-5700-2300 SUPPLIES	9,600.00	7,559.67	10,396.36	2,836.69	-796.36	108
10-5700-2400 TRAFFIC SIGNS	1,000.00	0.00	0.00	0.00	1,000.00	0
10-5700-2500 STORM WATER DRAINAGE	1,100,000.00	767,311.93	767,311.93	0.00	332,688.07	70
10-5700-6500 STAFF DEVELOPMENT	2,500.00	0.00	0.00	0.00	2,500.00	0
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	25,000.00	0.00	0.00	0.00	25,000.00	0
10-5700-7500 ENGINEERING	120,000.00	60,651.60	60,651.60	0.00	59,348.40	51
10-5700-8200 DEBT SERVICE LEASES-PRINCIPAL	7,700.00	4,662.84	4,662.84	0.00	3,037.16	61
10-5700-8201 DEBT SERVICE LEASES-INTEREST	3,000.00	1,946.91	1,946.91	0.00	1,053.09	65
5700 Streets & Transportation Subtotal	\$1,349,800.00	\$923,029.65	\$928,669.85	\$5,640.20	\$421,130.15	69
Expenditure Subtotal	\$1,349,800.00	\$923,029.65	\$928,669.85	\$5,640.20	\$421,130.15	69
Before Transfers	Deficiency Of Revenue Subtotal	-\$1,349,800.00	-\$923,029.65	-\$923,029.65	-\$5,640.20	68

REVENUE & EXPENDITURE STATEMENT

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After Transfers	Deficiency Of Revenue Subtotal	-\$1,349,800.00	-\$923,029.65	-\$923,029.65	-\$5,640.20	68
5800 Sanitation & Recycling						
Expenditure						
5800 Sanitation & Recycling						
10-5800-0200 SALARIES	142,326.00	116,725.81	116,725.81	0.00	25,600.19	82
10-5800-0500 FICA	10,888.00	8,847.76	8,847.76	0.00	2,040.24	81
10-5800-0600 HEALTH INSURANCE (MEDICAL)	25,012.00	15,438.85	15,438.85	0.00	9,573.15	62
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	6,300.00	2,364.28	2,364.28	0.00	3,935.72	38
10-5800-0675 HRA HEALTH REIMB ACCT	4,500.00	2,625.00	2,625.00	0.00	1,875.00	58
10-5800-0700 LGERS RETIREMENT	48,182.00	22,939.20	22,939.20	0.00	25,242.80	48
10-5800-0800 401K SUPP RETIREMENT	11,092.00	5,645.36	5,645.36	0.00	5,446.64	51
10-5800-1500 GENERAL REPAIRS & MAINTENANCE	100.00	100.00	100.00	0.00	0.00	100
10-5800-1700 MAINT/REPAIRS - VEHICLES	86,400.00	17,908.08	20,728.46	2,820.38	65,671.54	24
10-5800-3100 MOTOR FUELS	24,000.00	9,454.46	9,454.46	0.00	14,545.54	39
10-5800-3300 SUPPLIES	1,000.00	1,845.89	1,845.89	0.00	-845.89	185
10-5800-3800 TECHNOLOGY	1,000.00	900.17	900.17	0.00	99.83	90
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	27,000.00	12,139.04	12,139.04	0.00	14,860.96	45
10-5800-8100 RECYCLING	8,000.00	2,873.41	2,873.41	0.00	5,126.59	36
10-5800-8200 BRUSH & LEAF DISPOSAL FEES	43,200.00	4,900.00	4,900.00	0.00	38,300.00	11
10-5800-8300 DUMPSTER FEES	24,000.00	15,317.02	15,317.02	0.00	8,682.98	64
5800 Sanitation & Recycling Subtotal	\$613,000.00	\$240,024.33	\$242,844.71	\$2,820.38	\$370,155.29	40
Expenditure Subtotal	\$613,000.00	\$240,024.33	\$242,844.71	\$2,820.38	\$370,155.29	40
Before Transfers	Deficiency Of Revenue Subtotal	-\$613,000.00	-\$240,024.33	-\$240,024.33	-\$2,820.38	39
After Transfers	Deficiency Of Revenue Subtotal	-\$613,000.00	-\$240,024.33	-\$240,024.33	-\$2,820.38	39
6600 General Government						
Expenditure						
6600 General Government						
10-6600-0400 OUTSIDE PROFESSIONAL SERVICES	50,000.00	2,425.00	2,425.00	0.00	47,575.00	5
10-6600-0401 LEGAL SERVICES	24,000.00	13,928.50	13,928.50	0.00	10,071.50	58
10-6600-1100 TECHNOLOGY	125,000.00	81,444.69	87,304.58	5,859.89	37,695.42	70
10-6600-1300 MUNICIPAL UTILITIES	24,000.00	16,541.00	16,541.00	0.00	7,459.00	69
10-6600-1500 GE. REPS. AND MAINT.	40,000.00	17,642.94	17,642.94	0.00	22,357.06	44
10-6600-2800 ELECTIONS	1,000.00	0.00	0.00	0.00	1,000.00	0
10-6600-5400 INSURANCE	120,000.00	124,398.10	124,398.10	0.00	-4,398.10	104
10-6600-6000 CONTINGENCY	260,708.00	0.00	0.00	0.00	260,708.00	0
10-6600-6100 MISCELLANEOUS	5,000.00	2,595.14	2,595.14	0.00	2,404.86	52
10-6600-6201 CORPORATE WELLNESS	12,000.00	977.42	977.42	0.00	11,022.58	8
10-6600-6300 COMMUNITY EVENTS	50,000.00	15,905.87	18,990.47	3,084.60	31,009.53	38

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10-6600-6400 WILDLIFE MANAGEMENT	5,000.00	470.00	470.00	0.00	4,530.00	9
10-6600-6500 FOREST MANAGEMENT	60,000.00	138,054.00	138,054.00	0.00	-78,054.00	230
6600 General Government Subtotal	\$776,708.00	\$414,382.66	\$423,327.15	\$8,944.49	\$353,380.85	55
Expenditure Subtotal	\$776,708.00	\$414,382.66	\$423,327.15	\$8,944.49	\$353,380.85	55
Before Transfers	Deficiency Of Revenue Subtotal	-\$776,708.00	-\$414,382.66	-\$414,382.66	-\$8,944.49	53
After Transfers	Deficiency Of Revenue Subtotal	-\$776,708.00	-\$414,382.66	-\$414,382.66	-\$8,944.49	53
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	12,025.00	6,366.31	6,366.31	0.00	5,658.69	53
6700 Debt Service Subtotal	\$110,836.00	\$48,471.57	\$48,471.57	\$0.00	\$62,364.43	44
Expenditure Subtotal	\$110,836.00	\$48,471.57	\$48,471.57	\$0.00	\$62,364.43	44
Before Transfers	Deficiency Of Revenue Subtotal	-\$110,836.00	-\$48,471.57	-\$48,471.57	\$0.00	44
After Transfers	Deficiency Of Revenue Subtotal	-\$110,836.00	-\$48,471.57	-\$48,471.57	\$0.00	44
8100 Water Dept.						
Expenditure						
8100 Water Dept.						
30-8100-0200 SALARIES	199,205.00	107,129.19	107,129.19	0.00	92,075.81	54
30-8100-0400 PROFESSIONAL SERVICES	20,000.00	16,580.26	17,790.30	1,210.04	2,209.70	89
30-8100-0500 FICA	15,239.00	8,023.36	8,023.36	0.00	7,215.64	53
30-8100-0600 HEALTH INSURANCE (MEDICAL)	0.00	13,684.44	13,684.44	0.00	-13,684.44	*100
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	0.00	2,604.50	2,604.50	0.00	-2,604.50	*100
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	0.00	2,187.50	2,187.50	0.00	-2,187.50	*100
30-8100-0700 LGERS RETIREMENT	40,399.00	22,019.04	22,019.04	0.00	18,379.96	55
30-8100-0800 401K SUPP RETIREMENT	9,960.00	6,841.96	6,841.96	0.00	3,118.04	69
30-8100-1200 POSTAGE, PRINTING,& STATIONARY	2,000.00	0.00	0.00	0.00	2,000.00	0
30-8100-1500 GENERAL REPAIRS	15,000.00	0.00	0.00	0.00	15,000.00	0
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	27,029.18	27,029.18	0.00	-12,029.18	180
30-8100-4800 WATER PURCHASES	215,545.00	88,939.06	88,939.06	0.00	126,605.94	41
30-8100-4900 SEWER PURCHASES	422,240.00	180,474.12	180,474.12	0.00	241,765.88	43
30-8100-5000 AMI TRANSMITTER FEES	8,867.00	4,546.36	4,546.36	0.00	4,320.64	51
30-8100-5700 MISCELLANEOUS	0.00	184.78	184.78	0.00	-184.78	*100
30-8100-6500 STAFF DEVELOPMENT	2,500.00	650.00	650.00	0.00	1,850.00	26
30-8100-7400 CAPITAL IMPROVEMENT	128,552.00	0.00	0.00	0.00	128,552.00	0
8100 Water Dept. Subtotal	\$1,094,507.00	\$480,893.75	\$482,103.79	\$1,210.04	\$612,403.21	44
Expenditure Subtotal	\$1,094,507.00	\$480,893.75	\$482,103.79	\$1,210.04	\$612,403.21	44

REVENUE & EXPENDITURE STATEMENT

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Town of Biltmore Forest

FY 2024-2025

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Account		Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
Before Transfers	Deficiency Of Revenue Subtotal	-\$1,094,507.00	-\$480,893.75	-\$480,893.75	-\$1,210.04		44
After Transfers	Deficiency Of Revenue Subtotal	-\$1,094,507.00	-\$480,893.75	-\$480,893.75	-\$1,210.04		44

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

February 6, 2025



Agenda Item F-1

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

Background

The Town of Biltmore Forest is completing significant stormwater system improvements in Rosebank Park and in the vicinity of Vanderbilt Road, Stuyvesant Road, and Lone Pine Road. The purpose of the \$1.2 million-dollar, 3,630 linear foot long project was to improve significant flooding issues in the intersection of Vanderbilt, Stuyvesant, and Lone Pine Roads.

The need for these improvements was first identified in the Town’s 2019 Stormwater Master Plan, which was adopted by the Town Board of Commissioners in October of that year. The projects, identified as “Area 1” and “Area 9” in the Master Plan, are designed to replace substantially undersized and deteriorated or failed stormwater pipes originally installed almost 100 years ago. This project represents the third and fourth projects to be completed by the Town out of the ten (10) projects identified in the Master Plan.

In addition to replacing over 3,360 feet of stormwater pipes, the Town partnered with the Metropolitan Sewerage District of Buncombe County (MSD) to simultaneously replace approximately 750 linear feet of gravity sewer line that was also identified as being in poor condition. By working together with MSD, the Town was able to minimize disruptions to the public by repairing two different underground infrastructure systems in the same timeframe allowing us to share the cost of roadway restoration. MSD coordinated their in-house design and construction of the new sewer line to occur in late 2023 just ahead of our larger project.

Work Progress

The Town received five (5) competitive bids from contractors on February 27th, 2024, with the lowest responsive, responsible bidder being Hyatt Pipeline, LLC, from Canton North Carolina. Work began May 20, 2024, with an original projected completion date of December 16, 2024. After the approved change orders to date, the contractual completion date has been officially extended to February 8, 2025. All pipe laying activities were completed on Friday, February 1st, 2025, with a completed final inspection of the new pipes occurring on Tuesday, February 4th, 2025, and punch list items completed on February 5th, 2025. Final restoration work in Rosebank Park around the temporary lay down yard began Thursday February 6th, and is anticipated to be finished on February 7th, 2025.

Work to be Completed

Due to the delays encountered by hurricane Helene, final paving activities were required to be postponed over the winter months until March 2025, when the temperature and weather will be more appropriate. Additionally, we plan to increase the overall scope of the final paving work to include our annual resurfacing contract. We are currently working on the final details of this larger paving project, but generally we anticipate it to include resurfacing all of Lone Pine Road; Stuyvesant Road from Vanderbilt Road to Browntown Road; Vanderbilt Road from near the island in front of Town Hall to the southern end of Rosebank Park, and Park Road from Vanderbilt Road south to 1 Park Road.

This paving work will also include some adjustments to correct and improve drainage from the road surface and more effectively direct runoff into the new storm system. This final paving will effectively restore the driving surface of these roadways to a new condition.

Final Costs

The original contract price for this construction project was \$1,126,959.70, which has been increased by three (3) change orders totaling \$34,436.50 for a revised contract price of 1,161,396.20 (an increase of about 3%). Please note that this does NOT include the final adjusting change order which closes the contract and will reflect the increased pavement quantity. Once final quantity adjustments are made, and the pavement amount is increased, I am estimating the final contract amount to be approximately \$1,250,000.00.

Project Photos

Stuyvesant Road looking South



Lone Pine Road looking East



Vanderbilt Road looking North



Vanderbilt and Park Road Intersection



#8 Stuyvesant Road



Rosebank Park looking North



**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM - REVISED
FEBRUARY 11, 2025**



AGENDA ITEM F-2

DOOR TO DOOR SOLICITATION ORDINANCE

Discussion – Mr. Billy Clarke, Town Attorney

Background

The Town's existing "door to door" solicitation ordinance needs to be amended to reflect legal protections for political and religious canvassing. Town Attorney Billy Clarke has prepared a memorandum and attached information related to other ordinances within North Carolina municipalities for the Board's review.

Attachment

Memo from Billy Clarke re Door-to-Door Solicitation

Additional Research Anti-Solicitation Ordinances

Memorandum to Biltmore Forest Board of Commissioners

RE: Door to Door Solicitation

From: Billy Clarke

Date: February 10, 2025

North Carolina General Statute 160A-178 authorizes a city to:

... regulate, restrict or prohibit the solicitation of contributions from the public for any charitable or eleemosynary purpose, and also the business activities of itinerant merchants, salesmen, promoters, drummers, peddlers, flea market operators and flea market vendors or hawkers. Ordinances may include, but shall not be limited to, requirements that an application be made and a permit issued, that an investigation be made, that activities be reasonably limited as to time and place, that proper credentials and proof of financial stability be submitted, that not more than a stated percentage of contributions to solicitation campaigns be retained for administrative expenses, and that an adequate bond be posted to protect the public from fraud.

The Town of Biltmore Forest Code of Ordinances, Section 130.04, **REGULATING SOLICITORS, PEDDLERS, HAWKERS, ITINERANT MERCHANTS, OR TRANSIENT VENDORS** reads: *No uninvited door-to-door solicitations are allowed in town.*

As currently written, the Town ordinance is unconstitutional. *In Village of Schaumburg v. Citizens for a Better Environment*, 444 U.S. 620 (1980), the United States Supreme Court struck down the City of Schaumburg's anti-solicitation ordinance as overbroad and violative of the 1st and 14th Amendments of the U.S. Constitution. The ordinance in question prohibited solicitation of contributions to charitable organizations that did not use at least 75% of any donations collected for charitable purposes. The court held that charitable solicitations are clearly protected by the first amendment, and the City of Schaumburg's ordinance was a direct and substantial limitation on the protected right of free speech. The court further found the City's stated interest in preventing crime, fraud and undue annoyance was only peripherally promoted by the 75% limitation and was not compelling.

In *Carolina Action v. Pickard*, 465 F. Supp. 576 (W.D.N.C. 1979), a City of Charlotte ordinance required organizations conducting door to door solicitations to obtain a permit for all solicitations for "charitable, patriotic, educational or philanthropic purposes," none of which were further defined. The ordinance also required permit holders to use a certain percentage of their donations for direct charitable purposes. The City of Charlotte interpreted its ordinance as being "inapplicable" to political groups associated with larger organizations who endorsed candidates for political office. The district court recognized the City's limited interest in protecting its citizens from fraud and insuring safety, comfort and convenience, but found the ordinance unconstitutionally vague and overbroad noting the exception of

organizations supporting candidates for political office while including charitable or educational organizations whose purpose is to influence conduct.

Enforcement of the anti-solicitation ordinance in Biltmore Forest has been wholly complaint driven. That is, homeowners have contacted the Town or the Police Department to ask them to stop persons from soliciting on their property. Private property owners clearly have the right to ask individuals to leave their property. The issue came to the fore last fall when the PD was asked by property owner(s) to stop individuals from conducting political canvassing in Biltmore Forest.

Following some discussion and exchange with the individuals involved in the canvassing, the Town made the decision to allow political canvassing during daylight hours and informed the individuals doing the canvassing. Individual property owners retained the right to ask individuals to leave their property.

In the past, the police department has responded to requests by property owners to prevent commercial solicitation on their property.

Based on the foregoing, it is clear that a complete ban on door-to-door solicitation of any kind is unconstitutional. My recommendation would be that the Town carefully consider the adoption of a revised ordinance acknowledging the first amendment rights of charitable solicitation and political canvassers. Restrictions on such solicitation should be reasonable and related to genuine and compelling interests of the town and its residents. Any proposed ordinance could include more stringent restrictions on commercial solicitation. Again, individual property owners would have the right to ask any persons to leave their property,

For reference, I have attached a chart discussing anti-solicitation ordinances from some other NC Towns.

Anti-Solicitation Ordinances In North Carolina	
Biltmore Forest	<p>§ 130.04 regulates "solicitors, peddlers, hawkers, itinerant merchants, or transient vendors." It states in its entirety that "No uninvited door-to-door solicitations are allowed in the town."</p>
Winston Salem	<p>Art II § 38-61 regulates "charitable solicitations," requiring "any person, professional fundraising counsel or professional solicitor" to notify the city of their intent to solicit and show proof of state solicitation license, if applicable. The organization must provide the city with a solicitation ID card, and each solicitor must visibly display it on their person at all times and present the ID before undertaking charitable solicitation.</p> <p>It is my understanding that a City of Winston Salem solicitor ID card is separate and apart from any licensure required by the state.</p>
Raleigh	<p>§ 12-1026 regulates "soliciting business or employment" on the streets or sidewalks of the city. Such practices are considered a public nuisance.</p> <p>Approaching a motor vehicle on a city street for the purpose of soliciting employment, business, to hire, or for contribution is also forbidden.</p>
Durham	<p>Art. IV § bans "pawnbrokers; junk and secondhand goods dealers."</p> <p>Art. V § 54 -261 bans "begging or soliciting alms or contributions" in limited circumstances.</p> <ul style="list-style-type: none"> • Begging/soliciting = spoken, written or printed words or other acts conducted in furtherance of obtaining alms or contributions. • These actions are generally lawful, except in the following circumstances: <ul style="list-style-type: none"> ○ The person begging/soliciting accosts another person or forces themselves upon a person in a public place ○ Within 20 feet of a bank or teller machine ○ In a public transportation vehicle owned by the city or at a public transportation terminal ○ In a public place 20 minutes after sunset and 20 minutes before sunrise (as published by NOAA).
Asheville	<p>§ 11-5 regulates "public solicitation and begging" as follows:</p> <ul style="list-style-type: none"> • Begging, soliciting, panhandling = use of spoken, written, or printed words or other acts conducted in furtherance of collecting contributions of any type for the person or a group making the communication or for others. • As in Durham, these actions are generally lawful except in the following circumstances: <ul style="list-style-type: none"> ○ Accosting/forcing oneself upon another ○ Within 20 feet of a bank or ATM ○ In an active outdoor dining or merchandise area

	<ul style="list-style-type: none">○ Within 8 feet of a transit stop or taxi stand○ In a public transit vehicle○ While the person being solicited is waiting in line to be admitted to a commercial establishment○ Touching the person being solicited without their consent○ Blocking the path of the person being solicited, or the entrance/exit to a building or vehicle○ By/with obscene and threatening language, fighting words (during or after)○ By/with any gesture/act meant to cause a reasonable person to feel fear or to accede the solicitation○ After dark (1 hour after sunset until 1 hour before sunrise)● Begging, soliciting, panhandling expressly forbidden in "High Traffic Zones" (specifically enumerated).
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**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
FEBRUARY 11, 2025**



AGENDA ITEM F-3

Ratification of SDR Contact Amendments Nos. 1 and 2

Background

The Town's agreement with Southern Disaster Recovery for debris removal has been in effect since shortly after the storm and was ratified by the Board of Commissioners at their November 2024 meeting. This agreement was signed via a Notice to Proceed that was issued on October 3, 2024 by the Town consistent with the Town's pre-positioned debris RFQ process.

Amendments No. 1 and 2

The State of North Carolina has amended the overall state contract with SDR to more aggressively pursue debris removal in the Helene disaster area. This contract amendment at the state level includes Biltmore Forest and all other entities that are working with SDR. After reviewing the amendments, attached herein, the Town Attorney agreed that the Town Manager could sign off on these amendments for price changes.

Attachment

Amendments No. 1 and 2

Memo from SDR regarding Price Changes



February 2, 2025

To: Jonathan Kanipe, Town Manager
Town of Biltmore Forest

From: Robert “Chip” Patterson, President
SDR

Subject: State of North Carolina Contract (19-IFB-015120-DAD) Amendment

Strong Push Toward Recovery: Debris Removal

“Due to the unforeseen large-scale damage caused by Hurricane Helene and emergency and exigent circumstances created as a result, the Division of Emergency Management is requesting a price only adjustment to contract 19-IFB-015120-DAD from State Purchase and Contracts.”

On January 30, 2025; the NC Department of Public Safety issued SDR a Contract Amendment to the Statewide Disaster Debris Removal Contract. The Contract Amendment has two broad affects:

1. Updating contract provisions to align with State and Federal requirements
2. Providing an updated Fee Schedule that aligns with present market conditions for trucking and regional debris removal activities.

Requested Action

As soon as practical; the County adopt the North Carolina Contract Amendment as the Activating Entity. The State of North Carolina established the contract for statewide use with Activating Entities (Villages, Towns, Counties, State Agencies, etc.) implementing the contract by issuing a Notice to Proceed. The State of North Carolina has communicated to SDR the necessity for Activating Entities to implement this Contract Amendment.

Reference:

- Attached proposed local Contract Amendment including Contract 19-IFB-015120-DAD Contract Amendment 001.
- Bob Barker; State of NC Debris Specialist; bob.barker@ncdps.gov; 919.825.2360
- Joe Stanton; Deputy Director/Recovery; joe.stanton@ncdps.gov; 919.218.6325

RAPID PUSH TOWARD RECOVERY: DEBRIS REMOVAL

Contract Amendment 001

The State of North Carolina and FEMA have approved an updated Fee Schedule for the State disaster debris removal contract (19-IFB-015120-DAD).

The updated Fee Schedule is provided after careful consideration of the unique disaster debris removal requirements in WNC and the aggressive truck market conditions created by elevated pricing in surrounding states.

The State and SDR is committed to continuing quality, professional debris removal in impacted communities and to increase the pace of debris removal by implementing this updated Fee Schedule.

Contract Amendment 002

Contract items referenced in the Contract but do not have an associated Fee Schedule Items

- Demolition
- Removal of Sand/Silt/Soil

Project specific items approved by NC EM

- Sennebogen Tree Material handler day rate
- Processing of woody, vegetative debris/double grind to provide a beneficial re-use product

CONTRACT AMENDMENT 002 NARRATIVE

Introduction

The North Carolina Department of Public Safety (NCDPS) "Debris Hauling" contract (10-IFB-015120-DAD) is a good contract and structure that has served NC communities well for over four (4) years. The NCDPS solicitation established a contract structure where any eligible entity (Activating Entity) could activate the contract as their own contract. That contract structure has afforded WNC communities to get a rapid start on disaster debris removal and get on the road to recovery.

Unprecedented Hurricane Helene damage in western North Carolina has identified additional debris removal missions that were contemplated in the contract narrative or Scope of Work but not addressed in the Fee Schedule. These include pricing for:

- Demolition
- Sand/Silt/Dirt

- Sennobogen Tree Handler
- Vegetative debris processing/double grind to produce a beneficial re-use product

Demolition

The Contract identifies that “Vendors shall provide disaster debris removal recovery services including, but not limited to, clean-up, **demolition**, removal, reduction and disposal of debris resulting from a natural or manmade disaster...”. SDR is a licensed North Carolina General Contractor and proposes the following rates for demolition of structures associated with the PPDR program (Attachment 1 to this memorandum). These rates are from a SDR contract with the State of Florida Division of Emergency Management for PPDR debris removal; including demolition.

Sand/Silt/Dirt

Sand/Silt/Dirt on the ROW is prevalent in hundreds mountain/hill slides from Hurricane Helene. Initially, sand/silt/dirt seemed incidental to the ROW debris removal. We have encountered many instances where vegetative or C&D debris removal cannot be removed because of sand/silt/dirt in the way. This item requests sand/silt/mud removal prices consistent with Section 5.19 of the Contract. **“5.19 SAND, SILT,**

Where applicable, the Vendor shall be responsible for the recovery, loading, and the disposal of sand, silt, mud, dirt, rock and boulder deposited on the Activating Entity’s right of way or public property. All listed materials should be removed if posing a risk to persons ability to traverse public right of ways. This may include, but is not limited to, impeding through access or making the conditions of the roads unsafe to the general public.”

Sennebogen Tree Material Handler Day Rate

Approved by NCDEM; email from Bob Barker

Double Grind Woody Vegetative Material

Approved by FEMA (Federal Coordinating Officer)



Contract Amendment #001

This Contract Amendment, made and entered into this 3rd day of February, 2025, by and between **Town of Biltmore Forest** hereinafter termed the "Owner", and **Southern Disaster Recovery, LLC (SDR)**, hereinafter termed the "Contractor".

WITNESSETH

WHEREAS, the parties entered into a certain Contract Agreement for Disaster Debris Removal Services (19-IFB-015120-DAD) via a Notice to Proceed

WHEREAS, due to the unforeseen large-scale damage caused by Hurricane Helene and emergency and exigent circumstances created as a result, the Division of Emergency Management is requesting a price-only adjustment to contract 19-IFB-015120-DAD from State Purchase and Contracts.

WHEREAS, the State of North Carolina has provided a Contract Amendment to SDR on January 30, 2025, updating the Federal/State contract provisions and Fee Schedule in the interest of maintaining Federal and State contract compliance and increasing the pace of disaster debris removal

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

Adoption of the State of North Carolina Contract (19-IFB-015120-DAD) Addendum (Attachment A) effective upon the date of adoption.

This Amended Agreement shall be binding upon and inure to the benefit of the parties, their successors, and personal representatives. This document, including the original Contract Agreement, is the entire agreement between the parties.

All other terms and conditions of the original Contract Agreement remain unchanged.

TOWN OF BILTMORE FOREST, NC

SOUTHERN DISASTER RECOVERY, LLC

By: [Signature]
Title: Town Manager
Date: 2.3.25

By: [Signature] Al McClaran
Title: CEO
Date: 02/04/2025

This instrument has been preaudited in the manner required by the Local Government Budget & Fiscal Control Act



Contract Amendment #002

This Contract Amendment, made and entered into this 3rd day of February, 2025, by and between Town of Biltmore Park NC hereinafter termed the "Owner", and **Southern Disaster Recovery, LLC (SDR)**, hereinafter termed the "Contractor".

WITNESSETH

WHEREAS, the parties entered into a certain Contract Agreement for Disaster Debris Removal Services (19-IFB-015120-DAD) via a Notice to Proceed

WHEREAS, the contract instrument created by the State of North Carolina is a good pre-disaster instrument; the contract has missing Fee Schedule components

WHEREAS, hurricane wind damage on steep slopes at elevation has created conditions to require specialized equipment to mitigate the hazard and keep the public and workers safe in the process

WHEREAS, recovery from Hurricane Helene damage has presented the need to provide debris removal fee schedule items for:

1. proper removal of sand, silt, soils debris deposited by the storm and
2. demolition rates for those properties approved and require demolition
3. Sennebogen Tree Care Handler day rates
4. production of a double ground mulch product for beneficial reuse in the community

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

Initialed missions and fee schedule items are approved in this contract.

**Approval
Initials**

[Signature]
[Signature]
[Signature]
[Signature]

Mission

- Proper removal of sand, silt, soils debris deposited by the storm
- Demolition rates for those properties approved and require demolition
- Sennebogen Tree Care Handler day rates
- Production of a double ground mulch product for beneficial reuse in the community



Sand, Silt, Dirt Removal

Item	Sand, Silt, Dirt	Distance	Per CY
27.	Loading of materials and hauling to final disposal site	0-14.99 miles	\$38.00
28.		15-29.99 miles	\$49.00
29.		30-45 miles	\$61.00
30.		>45 miles	\$78.00
31.	ROW Sand, silt, dirt collection – collect and stage material in preparation for loading/hauling of materials.		\$4.50
32.	Public or Private Property Sand, Silt, Dirt collection – collect and stage material in preparation for loading/hauling of materials.		\$6.95
	Sampling of sand, silt, dirt as required by NCDEQ or disposal locations		At cost; no markup

Demolition

Item	Demolition	Unit	Cost
33.0	Asbestos Survey – At cost; no markup		
34.0	Personnel Air Monitoring, asbestos	Day	\$1,067.00
35.0	Asbestos Abatement, three person asbestos abatement crew	Day	\$2,670.00
36.0	Asbestos Abatement, per CY cost for proper removal, transport and disposal	CY	\$173.00
37.0	Water Truck	Day	\$1,576.00
38.0	PPDR Demolition – structure demolition; haul under other pay items	CY	\$ 23.30
39.0	PPDR Concrete demolition; haul under other pay items	CY	\$35.00
40.0	PPDR Demolition - Water Disconnect and Cap	Each	\$1,295.00
41.0	PPDR Demolition - Sewer Disconnect and Cap	Each	\$1,153.00
42.0	PPDR Demolition - Cap/Plug Septic Line	Each	\$1,153.00
43.0	PPDR Demolition - 6-foot Safety Fence (leave in place) As Needed/Directed	FT	\$57.00
44.0	Direct Haul to Landfill PPDR concrete	Ton-mile	\$5.00
45.0	CPDR Demolition – structure demolition; Haul under other pay items	CY	\$23.30
46.0	CPDR Concrete demolition; Haul under other pay items	CY	\$55.00
47.0	CPDR Demolition - Water Disconnect and Cap	Each	\$2,589.00
48.0	CPDR Demolition - Sewer Disconnect and Cap	Each	\$2,118.00
49.0	CPDR Demolition - Cap/Plug Septic Line	Each	\$2,118.00
50.0	CPDR Demolition - 6-foot Safety Fence (leave in place) As Needed/Directed	FT	\$111.00

93 Sonia Drive, Greer, SC 29650 | Office 864-469-9776 | Fax 864-469-9642

www.gosdr.com



51.0	Direct Haul to Landfill CPDR concrete		Ton-mile	\$5.00
*Includes capping of utilities, with all equipment, materials, and labor in accordance with local requirements.				
**Disconnection of utilities shall be coordinated by the contractor with the appropriate local service providers.				
52.0	Septic Abandonment		Each	\$6,775.00
53.0	CPDR Site Restoration		SF	\$1.67
54.0	PPDR Site Restoration		SF	\$1.71
55.0	PPDR Sediment/sand – removal of deposited sediment/sand/dirt		CY	\$37.00
56.0	CPDR Sediment/sand – removal of deposited sediment/sand/dirt		CY	\$37.00
57.0	PPDR/CPDR Direct haul to the Landfill Sediment/sand/dirt		Ton-mile	\$5.00
58.0	Fill Dirt (for below grade filling; basements, etc.)		CY	\$17.75

Sennebogen Tree Care Handler

Item	Description of work	Cost	Unit
.	Provide a Sennebogen Tree Care Handler for taking down and stacking on nearest ROW hazardous trees that are damaged by the hurricane on steep slopes at elevation. Rate includes all mobilization, operating and sustainment costs; includes all labor, safety and maintenance of traffic requirements for safe operation of machinery.	\$968.00	Hourly Rate

Double Ground Mulch for Beneficial Re-use

Item	Description of work	Cost	Unit
6.a.	Processing (Grinding/Chipping) of Vegetative Debris at DMS/TDSRS or Final Disposal. Double grind the woody, vegetative debris for a useful, beneficial product for community and residents.	\$ 5.70	/CY

This Amended Agreement shall be binding upon and inure to the benefit of the parties, their successors, and personal representatives. This document, including the original Contract Agreement, is the entire agreement between the parties.



All other terms and conditions of the original Contract Agreement remain unchanged.

Town of Biltmore Forest, NC

SOUTHERN DISASTER RECOVERY, LLC

By: [Signature]

By: [Signature] Al McClaran

Title: Town Manager

Title: CEO

Date: 2-3-25

Date: 02/04/2025

This instrument has been
preaudited in the manner
required by the Local
Government Budget &
Fiscal Control Act

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
FEBRUARY 11, 2025**



AGENDA ITEM F-4

**Draft Code of Conduct for Town of Biltmore Forest
Board of Commissioners**

Background

The Mayor and member of the Board of Commissioners recently attended the UNC School of Government’s “Essentials of Municipal Government” course. One suggestion from this course was that the Board consider adopting a code of conduct for themselves and for meetings. An attached draft code of conduct, devised from the UNC School of Government’s recommended language, is attached for review.



Town of Biltmore Forest

Code of Conduct for the Board of Commissioners

Policy:

The Town's governing board, made up of the Mayor and Board of Commissioners, must operate transparently, in a public setting, and are entrusted to carry out their work legally and ethically.

Expectation 1: The governing board respects the role of the manager and staff by:

- *providing support to manager and staff as needed, expecting staff to make independent recommendations,
- *respecting the staff and following appropriate protocols for interacting with staff,
- * depending upon staff to respond to resident concerns and complaints as needed.

Expectation 2: The governing board serves residents well by:

- *providing residents opportunities to respectfully comment on public issues
- *enhancing the Town's government's public image,
- *working as a team to jointly develop and hold itself to a common code of conduct.

In addition, the Mayor and Board should communicate in an open, transparent, and truthful manner. Personal criticism should be avoided and treat one another with trust and respect.

Town Clerk, Laura Jacobs

Mayor George F. Goosmann, III

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
FEBRUARY 11, 2025**



AGENDA ITEM F-5

**Draft Code of Conduct for Town of Biltmore Forest
Board of Commissioners**

Background

As with the proposed Code of Conduct in agenda item F-4, the Board is also interested in creating and approving a more formal rules of procedure. The Town's existing rules of procedure are derived from Robert's Rules of Order and found within the Town Code. A copy of the existing rules are attached. In addition, a copy of the UNC School of Government's recommended rules of procedure are attached for review as well. These attachments are provided in an effort for the Board to consider what rules of procedure would be appropriate for the Board and direct staff to draft them in that manner.

Please note, the draft rules of procedure from the UNC School of Government are extensive and cover all manners of portions of public meetings and will likely need to be revised extensively by the Town Attorney and Board prior to consideration of adoption.

Attachment

Existing Rules of Procedure from Town Code Chapter 30.15-18.

Recommended rules of procedure from UNC School of Government



Rules of Procedure for the Town of Biltmore Forest Board of Commissioners¹

Part I. Applicability

Rule 1. Applicability of Rules

The rules apply to all meetings of the Town of Biltmore Forest. For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half. The Board shall hold a regular meeting on the second Tuesday of each month which shall begin at 4:30pm.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A majority of the board's actual membership plus the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

¹ *These Rules of Procedure are based up Suggested Rules of Procedure for a City Council, 4th edition, 2017, Trey Allen, UNC School of Government.*

A member who attends a meeting electronically (via phone, Zoom, etc.) may take part in debate and vote on any matter before the board only when enough members are physically present to constitute a quorum.

Rule 4. Meetings to be Open to the Public

Except as permitted by Rule 5, all meetings of the board shall be open to the public, and any person may attend its meetings.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session. The Town Board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

(b) Bases for Closed Sessions. A closed session is permissible under the following circumstances and no others:

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.

(2) To consult with the town attorney or another attorney employed or retained by the town in order to preserve the attorney–client privilege. If the board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.

(3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the town or (b) the closure or realignment of a military installation. The board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.

(4) To establish or instruct staff or agents concerning the town's position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.

(5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the Town Board or other public body or is being considered to fill a vacancy on the Town Board or other public body. Final action to appoint or employ a public officer or employee must take place in open session.

(7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.

(8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.

(10) On any other basis permitted by law.

(c) Closed Session Participants. Unless the board directs otherwise, the town manager, town attorney, and town clerk may attend closed sessions of the board. No other person may attend a closed session unless invited by majority vote of the board.

(d) Motion to Return to Open Session. Upon completing its closed session business, the board shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

(a) Minutes Required for All Meetings. The board must keep full and accurate minutes of all of its meetings, including closed sessions. To be "full and accurate," minutes must record all actions taken by the board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the board, though the board in its discretion may decide to incorporate such details into the minutes.

(b) Record of “Ayes” and “Noes.” At the request of any member of the board, the minutes shall list each member by name and record how each member voted on a particular matter.

(c) General Accounts of Closed Sessions. In addition to minutes, the board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) Sealing Closed Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the board or, if the board delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the board. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a board meeting.

(b) Advance Notice. Any radio or television station that plans to broadcast any portion of a board meeting shall so notify the Town Clerk and Public Information Officer no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a board meeting.

(c) Equipment Placement. The Town Manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the Town Manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the Town Manager may require the pooling of the equipment and the personnel operating it.

(d) Alternative Meeting Site. If the news media requests an alternative meeting site to accommodate news coverage, and the board grants the request, the news media

making the request shall pay the costs incurred by the town in securing an alternative meeting site.

Part IV. Organization of the Board

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

(a) Scheduling Organizational Meeting. The board must hold an organizational meeting following each general election in which board members are elected. The organizational meeting must be held either (1) on the date and at the time of the board's first regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent board. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

(b) Oath of Office. As the first order of business at the organizational meeting, all newly elected members of the board must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the town clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

(c) Selection of Mayor Pro Tempore. As the second order of business at the organizational meeting, the board shall elect from among its members a mayor pro tempore using the procedures specified in Rule 38. The mayor pro tempore shall serve at the board's pleasure.

Part V. Types of Meetings

Rule 9. Regular Meetings

(a) Regular Meeting Schedule. The board shall hold a regular meeting on the second and fourth Tuesday of each month. The meeting shall be held at the Town Hall Board Room and begin at 6:00 pm. The board shall adopt a meeting schedule each year consistent with this rule. A copy of the board's current meeting schedule shall be filed with the town clerk and posted on the town's website.

(b) Change to Meeting Schedule. Notwithstanding paragraph (a) of this rule, the board may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the town clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the town's website.

Rule 10. Special Meetings

(a) Calling Special Meetings. A special meeting of the board may be called by the mayor, the mayor pro tempore, or any two board members. A special meeting may also be called by vote of the board in open session during a regular meeting or another duly called special meeting.

(b) Notice to the Public. At least forty-eight hours before a special meeting of the board, notice of the date, time, place, and purpose of the meeting shall be (1) posted on the board's principal bulletin board or, if the board has no such board, at the door of the board's usual meeting room and (2) delivered, emailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Furthermore, if the board has a website maintained by at least one town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.

(c) Notice to Members.

(1) Meeting called by the mayor, the mayor pro tempore, or any two board members. At least forty-eight hours before a special meeting called by the mayor, the mayor pro tempore, or any two board members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered, shall be electronically delivered to the mayor and each board member or left at his or her usual dwelling place.

(2) Meeting called by vote of the board in open session. When a special meeting is called by vote of the board in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. Written notice of the special meeting's date, time, place, and purpose shall be mailed, delivered or electronically delivered at least forty-eight hours before the meeting to each board member not present for the meeting at which the special meeting was called, and to the mayor if he or she was not present at that meeting.

(d) Transacting Other Business. Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to board members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the board may take up an item of business not covered by the notice only if the board first determines in good faith that the item must be discussed or acted upon immediately.

Rule 11. Emergency Meetings

(a) Grounds for Emergency Meeting. Emergency meetings of the town board may be called only to address generally unexpected circumstances demanding the board's immediate attention.

(b) Calling Emergency Meetings. There are two methods by which an emergency meeting of the board may be called.

(1) The mayor, the mayor pro tempore, or any two members of the board may at any time call an emergency board meeting by signing a written notice stating the date, time, and place of the meeting

and the subjects to be considered. The notice shall be delivered to the mayor and each board member or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held when the mayor and all members of the board are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) Notice to Media of Emergency Meetings. Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the town clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire services, or station's telephone number. Notice may be given by telephone, e-mail, or the same method used to notify board members. Notice must be provided immediately after board members have been notified and at the expense of the party notified.

(d) Transaction of Other Business Prohibited. Only business connected with the emergency may be considered at an emergency meeting.

Rule 12. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted, as provided in Rule 31, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the board has a website maintained by one or more town employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

Part VI. Agenda

Rule 13. Agenda

(a) Draft Agenda.

(1) *Preparation.* The Town Manager shall prepare a draft agenda in advance of each meeting of the town board.

(2) *Requesting placement of items on draft agenda.* For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the Town Manager at least four working days before the date of the meeting. The Town Manager must place an item on the draft agenda in response to a board member's timely request.

(3) *Supplemental information/materials.* If the board is expected to consider a proposed ordinance or ordinance amendment, a copy of the proposed ordinance or amendment shall be attached to the draft agenda. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide.

(4) *Delivery to board members.* Each board member shall receive a hard or electronic copy of the draft agenda and the agenda package. Except in the case of an emergency meeting, the agenda and agenda package shall be furnished to each member at least twenty-four hours before the meeting.

(5) *Public inspection.* The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated.

(b) Adoption of the Agenda.

(1) *Adoption.* As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.

(2) *Amending the agenda.* Both before and after it adopts the agenda, the board may add or subtract agenda items by majority vote of the members present and voting, except that the board may not add to the items stated in the notice of a special meeting unless the requirements in Rule 10(d) are satisfied and only business connected with the emergency may be considered at an emergency meeting.

(3) *Designation of items "For Discussion and Possible Action."* The board may designate an agenda item "for discussion and possible action." The designation signifies that the board intends to discuss the item and may, if it so chooses, take action on the item following the discussion.

(c) Consent Agenda. The board may designate part of an agenda for a regular meeting as the *consent*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. Prior to the board's adoption of the meeting agenda under subparagraph (b)(1) of this rule, the request of any member to have an item moved from the consent agenda to unfinished business must be honored by the board. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

(d) Informal Discussion of Agenda Items. The board may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 14. Acting by Reference to Agenda or Other Document.

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The board may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, provided copies of the agenda are available for public inspection at the meeting and are sufficiently worded to enable the public to understand what is being deliberated or acted upon.

Rule 15. Agenda Items from Members of the Public

If a member of the public wishes to request that the board include an item on its regular meeting agenda, he or she must submit the request to the Town Manager at least six working days before the date of the meeting. The board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 16. Order of Business

Items shall be placed on a regular meeting agenda. The usual order of business may be as follows:

- announcements
- changes/adoption of the agenda
- public comments
- public hearings
- presentations
- reports
- consent agenda

- business items

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

Part VII. Role of the Presiding Officer

Rule 17. The Mayor

(a) Presiding Officer. When present, the mayor shall preside at meetings of the board.

(b) Right to Vote. The mayor may vote only when an equal number of affirmative and negative votes have been cast.

(c) Recognition of Members. A member must be recognized by the mayor (or other presiding officer) in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.

(d) Powers as Presiding Officer. As presiding officer, the mayor is to enforce these rules and maintain order and decorum during board meetings. To that end, the mayor may

(1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;

(2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;

(3) entertain and answer questions of parliamentary procedure;

(4) call a brief recess at any time; and

(5) adjourn in an emergency.

(e) Appeals of Procedural Rulings. A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.

Rule 18. The Mayor Pro Tempore

(a) Presiding in Mayor's Absence. When present, the mayor pro tempore shall preside over board meetings in the mayor's absence with all the powers specified in Rule 17(d).

(b) Delegation of Mayor's Powers/Duties. In the mayor's absence, the board may confer on the mayor pro tempore any of the mayor's powers and duties. Likewise, if the mayor becomes physically or mentally unable to perform the duties of his or her office, the board may by unanimous vote declare the mayor incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When the mayor announces that he or she is no longer incapacitated, and a majority of the board concurs, the mayor shall resume the exercise of his or her powers and duties.

(c) Duty to Vote. Even when presiding over a board meeting, the mayor pro tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 28.

Rule 19. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the board may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17(d). Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 28.

Rule 20. When the Presiding Officer Is Active in Debate

If the mayor becomes active in debate on a particular proposal, he or she may have the mayor pro tempore preside during the board's consideration of the matter. If the mayor pro tempore is absent or is also actively debating the matter, the mayor may designate another member to preside until the matter is concluded. Similarly, if the mayor pro tempore or a temporary presiding officer is presiding and takes an active part in debating a topic, he or she may designate another board member to preside temporarily.

Part VIII. Motions and Voting

Rule 21. Action by the Board

Except as otherwise provided in these rules, the board shall act by motion. Any member may make a motion, not including the mayor.

Rule 22. Second Not Required

No second is required on any motion.

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, the debate shall alternate between proponents and opponents of the measure.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 27. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting as provided by this rule.

(b) Grounds for Excusal. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to board members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), or G.S. 160D-109 as outlined below in section (f) Questions about whether a basis for excusal exists should be directed to 10 the town attorney.

(c) Procedure for Excusal.

(1) *At member's request.* Upon being recognized at a duly called meeting of the board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(2) *On board's initiative.* If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and the member does not recuse himself/herself, the remaining members of the board shall by majority vote rule on the objection. This applies to legislative, advisory decisions and quasi-judicial decisions.

(d) Consequence of Non-Excused Failure to Vote. Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided (1) the member is physically present in the board chamber or (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

(e) Failure to Vote on Certain Zoning Matters. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

(f) Conflicts of Interest

(1) Provisions of G.S. 160D-109 state: A member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(2) A governing board member shall not vote on any zoning amendment if the landowner of the property is subject to the rezoning petition or if the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Familial Relationship: For purposes of this section a "close familial relationship means a spouse, parent, child, brother, sister, grandparent or grandchild. This term includes the step, half and in law relationships" NC Gen. Stat 160D-109.

3) Quasi-Judicial A member of any board exercising quasi-judicial functions pursuant to Chapter 160 shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-

parte communications, a close familial business or other associational relationship with an affected person or a financial interest in the outcome of the matter.

Rule 29. Voting by Written Ballot

(a) Secret Ballots Prohibited. The board may not vote by secret ballot.

(b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the town clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.

Rule 31. Procedural Motions

(a) Certain Motions Allowed. The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The

member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It is not in order if the board is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the board's actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in case of a tie. The board may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising

essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the board must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend. (a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter. (b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time. (c) Amendments to Ordinances. Any amendment to a proposed ordinance must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within 100 days of its vote to defer consideration.

Motion 14. To Reconsider. The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the board’s deliberation on a pending matter.

Motion 15. To Rescind. The board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive votes equal to at least two-thirds of the board’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor may vote on all questions. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the board’s next organizational meeting, whichever occurs first.

Part IX. Ordinances and Contracts

Rule 32. Introduction of Ordinances

For purposes of these rules, the “date of introduction” for a proposed ordinance is the date on which the board first votes on the proposed ordinance’s subject matter. The board votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.

(1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.

(2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two thirds of the board’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the board.

(3) *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all board members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the board shall count the mayor if he or she votes on all questions. If the mayor votes only in the case of tie, the mayor’s vote counts if there is an equal division.

(b) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 34. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance.

Notwithstanding any provision in the town charter, general law, or local act,

(1) the board may adopt or amend the budget ordinance at a regular or special meeting of the board by a simple majority of those members present and voting, a quorum being present;

(2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board; and

(3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

(b) Notice Requirements for Budget Meetings. During the period beginning with the submission of the budget to the board and ending with the adoption of the budget ordinance, the board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as

- each member of the board has actual notice of each special meeting called for the purpose of considering the budget and
 - no business other than consideration of the budget is taken up.
- (c) **No Authority for Closed Sessions.** This rule shall not be construed to authorize the board to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 35. Approval of Contracts and Authorization of Expenditures

(a) Contracts to be in Writing. No contract shall be approved or ratified by the town board unless it has been reduced to writing at the time of the board’s vote.

(b) Approval of Contracts. To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all board members not excused from voting on the contract, including the mayor’s vote in the event of a tie.

(d) **Authorization of Expenditure of Public Funds.** The same vote necessary to approve or ratify a contract is required for the board to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

Part X. Public Hearings and Comment Periods

Rule 36. Public Hearings

(a) Calling Public Hearings. In addition to holding public hearings required by law, the board may hold any public hearings it deems advisable. The board may schedule hearings or delegate that responsibility to town staff members, as appropriate, except when state law directs the board itself to call the hearing. If the board delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) Public Hearing Locations. Public hearings may be held anywhere within the town or within the county where the town is located.

(c) Rules for Public Hearings. The board may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,

- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,

- provide for the selection of delegates from groups of persons supporting or opposing the same Amended: September 26, 2023 15 positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and

- provide for the maintenance of order and decorum in the conduct of the hearing.

(d) Notice of Public Hearings. Any public hearing at which a majority of the board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

(e) Continuing Public Hearings. The board may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the board is not present for a properly scheduled public hearing, the hearing must be continued until the board's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall declare the hearing closed, and the board shall resume the regular order of business.

(g) Public Hearings by Less Than a Majority of Board Members. Nothing in this rule prevents the board from appointing a member or members to hold a public hearing on the board's behalf, except when state law requires that the board itself conduct the hearing.

Rule 37. Public Comment Periods

(a) Frequency of Public Comment Periods. The board must provide at least one opportunity for public comment each month at a regular meeting, except that the board need not offer a public comment period during any month in which it does not hold a regular meeting.

(b) Rules for Public Comment Periods. The board may adopt reasonable rules for public comment periods that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups supporting or opposing the same positions,
- provide for the selection of delegates from groups supporting or opposing the same positions when the number of persons wishing to attend the public comment period exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(c) Content-Based Restrictions Generally Prohibited. The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

Part XI. Appointments and Appointed Bodies

Rule 38. Appointments

(a) Appointments in Open Session. The board must consider and make any appointment to another body or, in the event of a vacancy on the board, to its own membership in open session.

(b) Nomination and Voting Procedure. The board shall use the following procedure to fill a vacancy in the board itself or in any other body over which it has the power of appointment. The nominating committee shall be called upon to make its report and recommendation(s), if any. The mayor shall then open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(c) Mayor. The mayor may make nominations and vote on appointments under this rule.

(d) Multiple Appointments. If the board is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same vacancy during a single balloting.

(e) Duty to Vote. It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

(f) Vote by Written Ballot. The board may vote on proposed appointments by written ballot in accordance with Rule 29.

Rule 39. Committees and Boards

(a) Establishment and Appointment. The board may establish temporary and standing committees, boards, and other bodies to help carry on the work of town government. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

(c) Procedural Rules. The board may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Part XII. Miscellaneous

Rule 40. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members, excluding vacant seats and counting the mayor only if the mayor may vote on all questions.

Rule 41. Reference to Robert's Rules of Order Newly Revised

The board shall refer to Robert's Rules of Order Newly Revised for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted Robert's, the mayor shall make a ruling on the issue subject to appeal to the board under Rule 21, Motion 1

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
FEBRUARY 11, 2025**



AGENDA ITEM F-6

**Consideration of Resolution 2025-03
A Resolution Authorizing the Surplus of
Police Department Rifles**

Background

The Board of Commissioners are allowed to declare property surplus if it no longer deemed usable or necessary for the Town. The Board approved the purchase of new Police Department rifles in the FY25 budget cycle and those weapons are now in service. It is common for officers to purchase their old service weapons or rifles when those items are declared surplus, and the Town has allowed sales of this nature previously.

As in prior years, staff spoke with the Town's consulting law enforcement attorneys regarding this surplus and they confirmed the Town is able to sell the items to its sworn law enforcement officers as surplus via the formal resolution and surplus declaration by the Board. The attached resolution notes the serial numbers for each rifle. If approved, the pistols will be sold to each officer for \$600.00 per rifle. This sale will help offset some of the cost of those new weapons. The attached resolution authorizes the Town to sell these rifles to each officer and creates an appropriate record for the disposal of these weapons via federal firearms licensed (FFL) dealer.

Recommendation

Approval of attached resolution, 2025-03.

