

## PROPOSED AGENDA

### Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, February 14, 2023 at 4:30 p.m.

A. Pledge of Allegiance

B. Roll Call

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

C. The minutes of the January 10, 2023 meeting will be presented for approval.

D. Reports of Officers

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

E. New Business

1. Consideration of Tax Penalty Waiver – 398 Vanderbilt Road
2. Request for Curb Cut and New Driveway Entrance on Forest Road –  
Scott Slechter, 58 Forest Road
3. Consideration of Ordinance 2023-01 – An Ordinance Establishing the Biltmore  
Forest Police Department's Auxiliary Police Program

F. Public Comment

G. Adjourn

For those interested in viewing the Board meeting remotely, please utilize the following information:

<https://us02web.zoom.us/j/82228455470?pwd=SG9WU0FwUjFSdGZveS95b3pLTUIHdz09>

Meeting ID: 822 2845 5470

Passcode: 966757

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD JANUARY 10, 2023

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

Roll call taken by the Clerk:

Mayor George F. Goosmann, III, present

Commissioner Doris P. Loomis, present

Commissioner E. Glenn Kelly, present

Commissioner Fran Cogburn, present

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

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

The Pledge of Allegiance was conducted.

Commissioner Cogburn made a motion to approve the minutes from December 13, 2022. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were 32 calls, many of them being medical assistance calls. Chief Lance also discussed the water outage from the previous month.

Chief Chris Beddingfield gave the report for the Police Department. There were 580 calls for service. The promotional process is finished for the Lieutenant's position. This process included a stakeholder interview, an internal review board, an external review board, and a board for investigative type responsibilities. There was also a written test which was a very intense process. Mr. Adam Cabe was the top finisher and was awarded the position of Lieutenant.

Ms. Aslyne Tate finished Instructor School and obtained her Associates Degree as well. Joseph Zub finished Basic Law Enforcement Training. Matt Kelly finished Crisis Intervention Training school.

The Police Department worked with Skyland Fire Department and handed out almost 2,000 bottles of water to residents from the water outage. There were some challenges with the 211 system as they were transferring local calls to another state during the water crisis.

Mr. Harry Buckner gave the report for the Public Works Department. Most of the leaf collection is complete and piles are getting a lot smaller. The brush route will return on January 15. A storm event caused most of the leaves to fall at one time which led to a slightly longer pickup process this year.

Public Works is continuing to work on hiring. Mr. Buckner said they had two interviews this week. They will work on extending offers later this week. There is an uptick in applications after the holidays.

Mr. Buckner said work has begun on the new service lines to the streetlights. There will be some construction activity on the South end putting in conduit power for the streetlights.

Mr. Buckner said the garbage can vendor did not meet their deadline which was the end of 2022. They should be delivered imminently.

Next month, Public Works is going to wrap up the leaf collection and then work on a more routine brush schedule.

They are working on a repair to a service line at the country club.

Mayor Goosmann thanked Mr. Buckner for the Department's hard work. Mr. Buckner thanked Mr. Mike Dale for all his hard work during the water outage. He was running everything in Mr. Buckner's absence. Mr. Buckner noted the great deal of value Mr. Dale brings to the

department. Mr. Buckner also commended the Police department for working so hard and everyone showing excellent teamwork.

Mr. Jonathan Kanipe gave the report for the Town and gave an update on the 65-gallon trash cans. They are currently being hot stamped at this point and hopefully they will arrive shortly.

Mr. Kanipe had a meeting with Jennings Environmental regarding a Town wide stream restoration plan. It would be an application from the Town to the Land and Water Fund for an appropriation for a grant that would allow us to map and find all the streams in Town and look at these from a restoration perspective. We will formally submit the grant in June.

The social room upgrades have now been pushed back to March.

Mr. Kanipe discussed the Town Centennial events. Ms. Diane Zimmerman did an excellent job with her history presentation and had about 90 people in attendance for each session. The 5k also went well and had about 85 participants.

Mr. Avery Dolinger discussed the Duke Energy Targeted Underground Project update. The project areas south of Biltmore Forest Country Club have been constructed. This includes 4.43 miles of overhead being removed and 879 customers with improved reliability. Unfortunately, due to logistical delays with the underground transformers, the area north of the Biltmore Forest Country Club will experience a one year delay in construction. This new timeline is for construction to occur between 2024-2027. Once complete, this will be 8.43 miles of overhead removed with 507 customers having improved reliability. Mr. Dolinger noted that easement acquisition is continuing on Amherst Road and Lone Pine Road. Field assessments are being conducted along White Oak Road and Buena Vista Road.

Mr. Dolinger provided his contact information if there are any questions or concerns.

Mr. Kanipe began the discussion of new business, and presented information related to the City of Asheville water outage. The City of Asheville issued an alert on December 25 to all its

water customers asking for conservation of water due to the recent cold temperatures and above average water usage. On December 26, Town citizens began losing water as well as 38,000 water customers throughout the southern and western portions of Buncombe County, and some portions of Henderson County.

Mr. Kanipe thanked all Town staff for working hard during this event and noted the excellent teamwork by all departments. Mr. Kanipe also reviewed how the Town's water system operates. The Town purchases water from the City of Asheville, delivered via three master metered connections. The City of Asheville provides water services to Town citizens within the Ramble, certain homes along Ridgefield Place, and businesses along Hendersonville Road south of Browntown Road. The Town owns all water service lines and infrastructure past each interconnection point. The Town bills Biltmore Forest residents. The Town replaced approximately 75 percent of water lines in 2004-2005. Lines not replaced were constructed in the 1980s, 1990s, and 2000s and remain in good service. Overall, the water system is in good shape.

Mr. Kanipe went over the timeline of events that occurred with this outage. On December 25, there was an alert from Asheville asking all customers to conserve water due to freezing temperatures. On December 26, there was an alert from Asheville indicating some may experience low/no pressure due to disruptions in the system. The first contact to the Town at approximately 8:00pm from residents regarding water outages in Biltmore Forest. After that, the Town sent out a CodeRED emergency notice to Town of Biltmore Forest residents regarding water outage. The Town reached out to Asheville Water Resources at 9:51pm on Monday, December 26. The indication at that time was that a valve was being adjusted near the intersection of the Blue Ridge Parkway and Hendersonville Road and this adjustment should restore service to the Town.

On December 27, Public Works discovered reduced pressure zone backflow valves at the City of Asheville and Town of Biltmore Forest interconnection dumping water profusely. Most of the Town was without water. The Town sent a boil water advisory at 9:04 am which included directing citizens to the City of Asheville's website regarding boil water notices. The Town sent updated notifications to residents at 2:05pm directing those who need additional information to the website. The website update includes specific information refuting rumors that the water

outage is a result of the Town and City disagreeing over who would fix a leak that led to a service outage in Biltmore Forest. This rumor likely surfaced due to the RPZ opening at the Busbee Road triangle. MAHEC reached out to the Town staff regarding lack of water and closure to their facility. MAHEC also informed us the system would likely be down for an extended period. At 7:35 pm, Town staff sent out a CodeRed with an update from the City of Asheville after a press conference indicating the water restoration should occur within the next 48 hours. The Town also reached out to Buncombe County Emergency Management and the American Red Cross regarding water needs and water distribution to residents. During an email request to Buncombe County Emergency Management, coordination with Skyland Fire Department begins regarding water distribution.

On December 28<sup>th</sup>, the Town staff contacted a local water vendor and coordinated the pick-up of 80 cases of bottled water. A CodeRed message was sent out notifying residents water is available for pickup or if needed, delivery. Public Works staff made repairs to the Busbee Road PRV and interconnection with the City of Asheville. COA water resources were alerted to this repair. The Town Public Works staff continued to assess the entirety of the Town water distribution system and ensure the system is prepared for resumption of water service.

On December 29, the Town received information from residents that water service is returning and that pressures are stabilizing. Town facilities came back online with low pressure around 12:30pm. The Town website was updated with site alerts as necessary.

On December 30, Town staff addressed questions regarding whether boil water advisories remained in effect. By December 30, 2022, Biltmore Forest residents served by the Town water were back in full service. On January 1, 2023, the COA notifies all that boil water advisory is lifted for the majority of the southern distribution system. The Town staff sent a final CodeRed message notifying residents that boil water advisory has been lifted.

The communication and coordination among Town staff were exceptional. Everyone pitched in and pulled together regardless of vacation plans, working remotely, or being sick. The Town water infrastructure is in good shape to handle regular service and significant disruption to the system. There were communication issues from other local government partners that must be

improved upon. The Town's water shortage response plan was not activated due to triggering requirements not being met. This is predominately utilized during drought events and not necessarily designed for an immediate emergency. While not required by state law, this should be an area the Town should consider reviewing and improving internally and in coordination with the City of Asheville.

Moving forward, the Police Department dispatch should have capabilities by having auto-response pick-up upon multiple unanswered rings. There was an overwhelming call volume that came into the police department with one dispatcher working. The Town will also work via newsletter and the Biltmore Forest Police mobile app to reinforce residents not to call 911 unless it is a true emergency and understanding the "high call volume" message does not mean the person's call is not important.

Mr. Kanipe reviewed the recommendation of a bid of award to Baker Grading and Construction for Cedar Hill Road stream stabilization project. The Town budgeted funds for a preliminary engineering report during FY22 to stabilize an unnamed tributary to the Four Mile Branch. More specifically, the purpose was to stabilize the stream running adjacent to Cedar Hill Road near the intersection of Hemlock Road. The Board approved funding for the construction of this project in FY23 and Town staff and the engineer moved forward with the final design and bidding for this project. Baker Grading and Construction's bid is \$274,027.50 and they are the lowest bidder for the project. They did the construction work in Greenwood Park as well. Commissioner Kelly made a motion to approve the consideration of the bid, Commissioner Cogburn seconded the motion. The motion was unanimously approved.

The next topic discussed was consideration of a new full-time Town Planner. Mr. Kanipe reviewed the Board's discussion of this position during last year's budget crisis and provided information related to the job. Mr. Kanipe indicated it would likely be later in the spring when this individual is hired.

Commissioner Kelly asked if final zoning decisions would be made by Mr. Kanipe or if the Planner would make the final decision. Mr. Kanipe said he would still be the Zoning Administrator, so he would make the final decision.

Commissioner Cogburn is in favor of this position and said it has been needed for a long time to oversee construction sites and enforce ordinances. Commissioner Cogburn asked if there could be a probationary period for the employee that was in this position. Mr. Kanipe said, generally any full-time hire we have goes through a six-month probationary period just to make sure the person is a good fit for the position. Mr. Kanipe said a component of this person's job would be to meet with contractors and be in the field regularly.

Commissioner Loomis is also in favor of this position and said it would be good to have someone in the field regularly looking over our Town and making sure everyone complies. This would also be the coordinating person for the Board of Adjustment meetings.

Commissioner Kelly asked what percent of Mr. Kanipe's time is dedicated to this position now. Mr. Kanipe currently devotes a substantial amount of time to these duties. The Town wants to move forward with more proactive work that we cannot do now. By having this new position, Commissioner Loomis said Mr. Kanipe will not have to split his time between his regular job duties and the duties for what is included in the planning position and will run more efficiently for public works, the police department, and administration.

Mr. Drew Stephens said this potential planning employee would bring on a quality of service to the community that is not measurable in time and fully supports this.

Mr. Tom and Mrs. Joyce Young also expressed their support for this position via email and in person. Ms. Martha Barnes also expressed her support for this position.

Commissioner Cogburn made a motion to approve the Planning position, Commissioner Loomis seconded the motion. There was further discussion by Commissioner Kelly and offered an Amendment for this position not to exceed \$85,000 for the first year. All were in favor and the motion was unanimously approved. Mr. Kanipe thanked the Board for approving this position.



Mr. Kanipe discussed the Consideration of waving tax penalties associated with second-billing property taxes for January and February 2023. The Buncombe County Tax Assessor's Office sends the Town the current year tax scroll in August, which is when the tax bills are created. Later in the year, they sent us a second billing scroll, which consists of GAP bills for vehicles, discoveries of properties, and any appeals that were presented to the Board of Equalization and Review. This year, the second billing scroll came in mid-November, but there were issues within our software to create discovery notices adequately, resulting in the delay of creation of these notices.

Due to the delay in creating and mailing these notices, the Town is requesting to waive the first two months of penalties and interest for only the second billing notices. If payment is not received prior to March 1, 2023, a 2 percent penalty will be added, and 0.75 percent interest for each month subsequent thereafter.

G.S. §105-348 states that a tax "notice shall be conclusively presumed, whether or not such persons have actual notice". Town staff believes this presumption is incorrect in this instance since residents would not be able to presume, they have a tax notice due to the unforeseen nature of GAP and discovery bills. Mr. Kanipe recommended the Board delay the application of penalties and interest until March 1, 2023.

A motion was made by Commissioner Loomis, Commissioner Cogburn seconded the motion. The motion was unanimously approved.

#### PUBLIC COMMENT

Mr. Paul Zimmerman thanked the Board for passing the Planner position.

Ms. Martha Barnes said some of the compliances are complaint driven and causes neighbors to have tension amongst one another, so she expressed her approval for the Planning position so this person could assist with avoiding conflict amongst neighbors.

Commissioner Loomis made a motion to go into Closed Session at 5:45. Commissioner Kelly seconded the motion. The motion was unanimously approved.

A motion was made by Commissioner Loomis to go out of Closed Session, the motion was seconded by Commissioner Kelly and unanimously approved. The meeting was adjourned at 6:02pm. The next meeting is scheduled for Tuesday, February 14, 2023 at 4:30 pm.

ATTEST:

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Laura Jacobs  
Town Clerk

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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](http://www.skylandfire.com)

### Biltmore Forest Valley Springs Station

#### Incident Response

January 2023

<b>Station: 4 - BILTMORE FOREST STATION</b>	
111 - Building fire	1
311 - Medical assist, assist EMS crew	6
320 - Emergency medical service, other	1
321 - EMS call, excluding vehicle accident with injury	2
322 - Motor vehicle accident with injuries	1
324 - Motor vehicle accident with no injuries.	2
400 - Hazardous condition, other	1
551 - Assist police or other governmental agency	1
553 - Public service	1
554 - Assist invalid	2
571 - Cover assignment, standby, moveup	1
611 - Dispatched & cancelled en route	2
700 - False alarm or false call, other	1
735 - Alarm system sounded due to malfunction	2
743 - Smoke detector activation, no fire - unintentional	1
744 - Detector activation, no fire - unintentional	1
745 - Alarm system activation, no fire - unintentional	3
# Incidents for 4 - Biltmore Forest Station:	29

Respectfully Submitted,

*Trevor Lance*

Chief Trevor 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  
E. Glenn Kelly, Commissioner  
Fran Cogburn, Commissioner  
Jonathan Kanipe, Town Manager

## **Biltmore Forest Police Department February 14, 2023 Commission Report**

### **January 2023 Data**

#### **Total Calls For Service:**

540 (580 last month)

#### **Arrests:**

0-Felony Arrests-

1-Misdemeanor Arrest-Driving While Impaired and Failure to Stop for Blue Lights. Resulting from an attempted vehicle stop.

#### **Citations:**

16 Citations for various traffic violations (23 last month)

#### **Time Consumption Summary:**

*Approximations:*

Business Checks- 4 hours

House Checks- 4 hours

Radar Operation- 2 hour

Vehicle Crash Investigation- 4 hours

#### **Notable Calls and Projects:**

Worked a fatal bicycle crash with APD on Hendersonville Rd that there were some jurisdictional questions. Good communication and teamwork allowed both agencies to work together.

Had a short vehicle pursuit that ended with the suspect vehicle crashing into the entrance sign at Deerfield causing significant damage. Subject was arrested for Driving While Impaired and processed without incident.

Served multiple search warrants in conjunction with the State Bureau of Investigation related to an ongoing investigation.

Worked a hit and run vehicle accident with injuries at MAHEC. Suspect was located and charged accordingly.

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

January Calls For Service

01/01/2023 00:00 - 01/31/2023

<b>BILTMORE FOREST POLICE DEPARTMENT</b>	<b>Count</b>	<b>Percent</b>
ALARM	31	5.74%
ANIMAL CONTROL	3	0.56%
ASSIST MOTORIST	6	1.11%
ASSIST OTHER AGENCY	5	0.93%
ASSIST RESIDENT	5	0.93%
BICYCLIST VIOLATION	1	0.19%
BUSINESS CHECK	247	45.74%
DEBRIS IN ROADWAY	3	0.56%
DEPARTMENT OTHER	3	0.56%
DISTURBANCE	3	0.56%
DOMESTIC	1	0.19%
FIRE	1	0.19%
FOLLOW-UP INVESTIGATION	5	0.93%
FRAUD	1	0.19%
HOUSE CHECK	114	21.11%
IMPROPER PARKING	3	0.56%
JUVENILE ISSUE	1	0.19%
MEDICAL EMERGENCY	7	1.30%
NOISE COMPLAINT	1	0.19%
ORDINACE VIOLATION	5	0.93%
PROPERTY DAMAGE	1	0.19%
RADAR OPERATION	9	1.67%
SEARCH WARRANT	3	0.56%
SPECIAL ASSIGNMENT	3	0.56%
SPECIAL CHECK	8	1.48%
SUSPICIOUS ACTIVITY	2	0.37%
SUSPICIOUS PERSON	3	0.56%
SUSPICIOUS VEHICLE	18	3.33%
TALK WITH OFFICER	4	0.74%
TRAFFIC STOP	34	6.30%
TREE DOWN	1	0.19%
TRESPASSING	1	0.19%
VEHICLE ACCIDENT	6	1.11%
WELFARE CHECK	1	0.19%
<b>Total Records For BILTMORE FOREST POLICE DEPARTMENT</b>	<b>540</b>	<b>Dept Calls/Total Calls 100.00%</b>
<b>Total Records</b>	<b>540</b>	



## MEMORANDUM

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

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

**Re:** Public Works Department  
January 2023 Monthly Report

**Date:** February 10, 2023

A handwritten signature in black ink, appearing to read "HBB", is written over the "Re:" line of the memorandum.

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### **Recurring Activities:**

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

- Collected 42.08 tons of garbage.
- Diverted 18.49 tons of recycled goods from garbage.
- Picked up 32 loads of brush and leaves (approximately 960 cubic yards) and 14 loads of leaves (approximately 420 cubic yards) over 14 days.
- Responded to 83 total utility locate requests, comprised of 44 new requests and 38 updates. This total includes 1 rush and 1 short term request.
- Visited 3 residences for Tree Assessments, approving the removal of 3 trees, and requiring the installation of 5 trees.
- Completed daily chlorine residual tests across town and passed the required two bacteriological tests.
- Used the Beacon/Badger Meter automated meter reading system to monitor for water leaks daily and informed residents of suspected leaks.
- We continue to perform litter pick-ups as needed, focusing on the entrances.
- Bulk leaf collection ceased January 12<sup>th</sup>, 2023, and normal brush collection began on the North Route on January 17<sup>th</sup>. Pick-ups will continue as scheduled with one pick up per route until further notice.

### **Miscellaneous Activities in January**

- We continue to advertise for two (2) open Public Services Worker Positions and expanded the advertisement to include a posting on Indeed and contact through temporary staffing services. Should anyone know of a candidate they would be willing to refer, please reach out to either me or Supervisor Dale.
- We conducted two (2) in-person interviews for our open positions but did not extend offers.

- Congratulations to Public Works Supervisor Mike Dale on officially completing his Certified Arborist designation from the International Society of Arboriculture (ISA).
- We replaced the damaged slide at Rosebank Park on January 26<sup>th</sup>.
- We completed a re-build and servicing of the pressure reducing valve at the Vanderbilt Road interconnection on the evening of January 31, 2023.
- We assisted the residents at 125 Stuyvesant Road with having two trees leaning over Stuyvesant Road removed.
- Work continued in January by Duke Energy Progress' contractor, Sumter Utilities, extending new power service lines to the Town-owned streetlights. This work was paused, however, when Sumter determined they were uncomfortable proceeding with trenching work due to the proximity of other utilities. Manager Kanipe and I are trying to work out a plan to proceed with Duke Energy leadership.
- MB Haynes has begun work on the streetlight conversions. This has proven to be quite challenging due to the age and condition of the lights. As of this report, only four lights have been converted, and they are averaging about two days per light to re-wire. We are continuing to monitor our process and looking for modifications to improve the efficiency of the work.
- Bulk leaf collection stopped on January 15<sup>th</sup> and our team transitioned back to our normal brush collection schedule.
- We distributed new recycling and brush calendars to every residence January 16-18. It has also been posted to the Town's website.
- We responded to icy roads conditions on Saturday, January 14<sup>th</sup> and salted the I-40 bridge and a few shady locations throughout Town.
- I participated in the French Broad River Metropolitan Planning Organization (MPO) Technical Coordinating Committee (TCC) monthly meeting on January 12<sup>th</sup> via Zoom.
- We performed additional hazardous tree removals from Town owned property near the intersection of Park, Vanderbilt, Forest, and East Forest Roads, as well as in Greenwood Park.
- New GPS units for Town vehicles and powered equipment were installed this month and the new system is on-line. I worked with the Police Department to provide access to the system.
- We continue to collect unwanted garbage cans and are recycling them at the Curbside Management facility in Woodfin.
- Christmas decorations were removed and stored for use next year.
- We participated in a meeting with Jennings Environmental on January 16<sup>th</sup> to consider pursuing a stream restoration master plan grant.
- We assisted the FOBF Committee with logistics for the 100<sup>th</sup> anniversary 5k run through Town on Sunday, January 1<sup>st</sup>.
- Repairs were completed on the Club's back-up golf course irrigation service line on February 6<sup>th</sup> and 7<sup>th</sup>.
- Town staff responded to a water leak at the end of our 2-inch line from Cedarcliff Road to Hendersonville Road on Saturday, February 4<sup>th</sup>.

- We installed an additional dog waste station at the intersection of Hilltop Road and Eastwood Road.
- We have continued our bulb planting program this year and have installed approximately 1200 bulbs this month in various public spaces.
- We completed a clean-up of the landscaping around Town Hall on February 9<sup>th</sup>, including new mulch and shrubbery trimming.

## **Larger/Capital Projects Updates**

### *Greenwood Park Stream Restoration*

- We filled in the failed stormwater control measure at the southwestern end of the park on January 24, 2023.
- Three large, damaged trees were removed from the park on January 25<sup>th</sup>.
- The Contractor installed the remaining bare root trees and live stakes in the stream bank on Friday January 27<sup>th</sup> and Monday January 30.
- The final paperwork is being completed including record drawings to close out the project administratively. This will be completed in February.

### *Cedar Hill Road Stream Stabilization Project*

- We are reviewing the proposed contract with Baker Grading and anticipate finalizing this in early February.
- Manager Kanipe has a separate agenda item in his Manager's report with more project details.

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

- Additional surveying for the required easement plats is underway. Once these are complete, we and the Town Attorney will complete the easement packages and contact affected property owners.
- We still anticipate bidding the project in the late winter for construction next fiscal year.

### *Garbage Can and Cart Tipper Project*

- We received the 65-gallon garbage cans on January 13<sup>th</sup> and distributed them to residents over the next two weeks. This effectively concludes this project, although we will continue to pick-up unwanted cans as requested by residents.

## **Upcoming in February**

- We are continuing to focus on filling the open Public Services Worker position, including using temporary or seasonal workers.
- We will assist Ms. Jacobs with completing the bimonthly water billing cycle.



- Staff will complete the monthly bacteriological testing and quarterly disinfection byproducts testing as required by the State.
- Normal brush collection will continue on the North Route on February 15<sup>th</sup>, and the South Route on February 28<sup>th</sup>.
- Staff will be maintaining the various traffic islands in Town by refreshing mulch and straw and performing pruning as necessary.
- We will continue to perform some hydrant flushing this month. This will help remove any excess debris from the lines that may have occurred during the multiple line breaks and repairs performed by the City of Asheville.
- I am soliciting budgetary pricing for our next paving project on Vanderbilt Road, from near Brookside Park south to Southwood Road (approximately 3800 feet).
- We are preparing for mowing season by prepping the mowers and other lawn equipment, removing leaves from the parks, and performing other winter maintenance in the parks.
- Work will continue on power service extensions to, and retrofits of, the Town street lights.
- Fabrication of a replacement streetlight for the location at 394 Vanderbilt Road will continue.
- Old garbage container collections will continue as requested.
- I will be working with Manager Kanipe on the department budget.

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



## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

FEBRUARY 14, 2023

#### **AGENDA ITEM D-4 TOWN MANAGER'S MONTHLY REPORT**

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##### **Fiscal Year 2022 Audit Update**

Staff received a copy of the draft financial statements on Wednesday, February 8. We are reviewing the draft statements and providing feedback for the auditors, and I will be finalizing the Management Discussion and Analysis (MD&A) section. The audit will be delivered to the Local Government Commission prior to the March 31, 2023 deadline. I anticipate the audit presentation from Carter PC at either the March or April meeting.

##### **Town Planner Position Update**

As of February 9, we have received sixteen (16) letters of interest for the new full-time position. I've been very pleased with the quality of candidates and will have my initial review done this week. My hope is to begin reaching out to candidates within the next week and start the interview process shortly thereafter.

##### **Board of Adjustment/Planning Commission Joint Meeting**

The Board of Adjustment and Planning Commission will hold a joint meeting on Monday, March 5 at 4:00 p.m. at the Town Hall. The purpose of the meeting is to have dialogue between the two boards and gather feedback from Board of Adjustment members on the Town's Zoning Ordinance. Specifically, the Planning Commission is interested in the Board of Adjustment opinion on whether there are ordinances that should be clarified, strengthened, or even relaxed. As the Planning Commission has conducted their Zoning Ordinance review, they have discussed areas where the Board of Adjustment get frequent requests for variances and want their input on these ordinances, as well as others. The meeting is open to the public.

##### **Duke Energy Streetlight Project**

The Town's contractor, M.B. Haynes, has been working to make connections between the Town's streetlights and Duke's new underground connector on the initial seven (7) streetlights that have been modified. We are continuing to work with Duke on the remaining fourteen (14) lights in the south end of Town and making the modifications necessary to modernize our equipment.

### **Stream and Land Planning Grant**

As discussed briefly last month, the Town has submitted a letter of interest and application to the State's Land Planning Grant division. The purpose of this grant is to map all streams within the Town limits and develop a stream restoration master plan. In addition to this impact, I have had discussions with Buncombe County administration regarding the Commissioners' environmental focus on the French Broad River. As the Town streams drain to the French Broad, this master planning document may allow for coordination between the Town and the County on funding sources and opportunities.

### **Cedar Hill Stream Restoration Construction Project**

Last month, the Board awarded the contract for this project to Baker Grading and Construction. The Town's consultant on this project, Jennings Environmental, has reviewed their contract proposal and Town staff and the Town Attorney are now reviewing. Once approved, we will be able to define the schedule and move forward with this work.

**REVENUE & EXPENDITURE STATEMENT**

07/01/2022 To 01/31/2023

Town of Biltmore Forest

FY 2022-2023

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

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>3010 Ad Valorem Tax</b>						
<b>Revenue</b>						
<b>3010 Ad Valorem Tax</b>						
10-3010-0000 AD VALOREM TAXES (PROPERTY)	2,920,559.00	2,975,728.43	2,975,728.43	0.00	-55,169.43	102
10-3010-0100 AD VALOREM TAXES (DMV)	109,396.00	62,484.40	62,484.40	0.00	46,911.60	57
10-3010-0200 TAX INTEREST & PENALTIES	5,000.00	5,675.05	5,675.05	0.00	-675.05	114
<b>3010 Ad Valorem Tax Subtotal</b>	<b>\$3,034,955.00</b>	<b>\$3,043,887.88</b>	<b>\$3,043,887.88</b>	<b>\$0.00</b>	<b>-\$8,932.88</b>	<b>100</b>
<b>Revenue Subtotal</b>	<b>\$3,034,955.00</b>	<b>\$3,043,887.88</b>	<b>\$3,043,887.88</b>	<b>\$0.00</b>	<b>-\$8,932.88</b>	<b>100</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$3,034,955.00</b>	<b>\$3,043,887.88</b>	<b>\$3,043,887.88</b>	<b>\$0.00</b>	<b>100</b>
<b>3020 Unrestricted Intergovernm</b>						
<b>Revenue</b>						
<b>3020 Unrestricted Intergovernm</b>						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	211,384.00	113,155.26	113,155.26	0.00	98,228.74	54
10-3020-0100 ALCOHOL BEVERAGE TAX	6,450.00	0.00	0.00	0.00	6,450.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	793,429.00	465,103.75	465,103.75	0.00	328,325.25	59
10-3020-0300 1/2 CENT SALES TAX A.40	330,137.00	200,492.09	200,492.09	0.00	129,644.91	61
10-3020-0400 1/2 CENT SALES TAX A.42	419,847.00	247,389.01	247,389.01	0.00	172,457.99	59
10-3020-0600 SALES TAX REFUND	15,000.00	21,218.99	21,218.99	0.00	-6,218.99	141
10-3020-0700 GASOLINE TAX REFUND	3,500.00	5,923.24	5,923.24	0.00	-2,423.24	169
<b>3020 Unrestricted Intergovernm Subtotal</b>	<b>\$1,779,747.00</b>	<b>\$1,053,282.34</b>	<b>\$1,053,282.34</b>	<b>\$0.00</b>	<b>\$726,464.66</b>	<b>59</b>
<b>Revenue Subtotal</b>	<b>\$1,779,747.00</b>	<b>\$1,053,282.34</b>	<b>\$1,053,282.34</b>	<b>\$0.00</b>	<b>\$726,464.66</b>	<b>59</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$1,779,747.00</b>	<b>\$1,053,282.34</b>	<b>\$1,053,282.34</b>	<b>\$0.00</b>	<b>59</b>
<b>3030 Restricted Intergovernmen</b>						
<b>Revenue</b>						
<b>3030 Restricted Intergovernmen</b>						
10-3030-0000 SOLID WASTE DISPOSAL TAX	975.00	512.93	512.93	0.00	462.07	53
10-3030-0100 POWELL BILL	66,849.00	67,207.41	67,207.41	0.00	-358.41	101
<b>3030 Restricted Intergovernmen Subtotal</b>	<b>\$67,824.00</b>	<b>\$67,720.34</b>	<b>\$67,720.34</b>	<b>\$0.00</b>	<b>\$103.66</b>	<b>100</b>
<b>Revenue Subtotal</b>	<b>\$67,824.00</b>	<b>\$67,720.34</b>	<b>\$67,720.34</b>	<b>\$0.00</b>	<b>\$103.66</b>	<b>100</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$67,824.00</b>	<b>\$67,720.34</b>	<b>\$67,720.34</b>	<b>\$0.00</b>	<b>100</b>
<b>3040 Permits &amp; Fees</b>						
<b>Revenue</b>						
<b>3040 Permits &amp; Fees</b>						
10-3040-0000 ZONING PERMITS	45,000.00	20,107.00	20,107.00	0.00	24,893.00	45
10-3040-0100 DOG LICENSE FEE	1,300.00	1,135.10	1,135.10	0.00	164.90	87
<b>3040 Permits &amp; Fees Subtotal</b>	<b>\$46,300.00</b>	<b>\$21,242.10</b>	<b>\$21,242.10</b>	<b>\$0.00</b>	<b>\$25,057.90</b>	<b>46</b>
<b>Revenue Subtotal</b>	<b>\$46,300.00</b>	<b>\$21,242.10</b>	<b>\$21,242.10</b>	<b>\$0.00</b>	<b>\$25,057.90</b>	<b>46</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$46,300.00</b>	<b>\$21,242.10</b>	<b>\$21,242.10</b>	<b>\$0.00</b>	<b>46</b>

**REVENUE & EXPENDITURE STATEMENT**

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>3050 Investment Earnings</b>						
<b>Revenue</b>						
<b>3050 Investment Earnings</b>						
10-3050-0000 INTEREST EARNED	2,000.00	70,443.12	70,443.12	0.00	-68,443.12	3,522
<b>3050 Investment Earnings Subtotal</b>	<b>\$2,000.00</b>	<b>\$70,443.12</b>	<b>\$70,443.12</b>	<b>\$0.00</b>	<b>-\$68,443.12</b>	<b>3,522</b>
<b>Revenue Subtotal</b>	<b>\$2,000.00</b>	<b>\$70,443.12</b>	<b>\$70,443.12</b>	<b>\$0.00</b>	<b>-\$68,443.12</b>	<b>3,522</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$2,000.00</b>	<b>\$70,443.12</b>	<b>\$70,443.12</b>	<b>\$0.00</b>	<b>3,522</b>
<b>3060 Miscellaneous</b>						
<b>Revenue</b>						
<b>3060 Miscellaneous</b>						
10-3060-0000 RENTAL COMMUNITY HALL	0.00	150.00	150.00	0.00	-150.00	*100
10-3060-0100 AMERICAN TOWER AGREEMENT	45,600.00	30,510.17	30,510.17	0.00	15,089.83	67
10-3060-0200 MISCELLANEOUS	20,000.00	227,145.98	227,145.98	0.00	-207,145.98	1,136
<b>3060 Miscellaneous Subtotal</b>	<b>\$65,600.00</b>	<b>\$257,806.15</b>	<b>\$257,806.15</b>	<b>\$0.00</b>	<b>-\$192,206.15</b>	<b>393</b>
<b>Revenue Subtotal</b>	<b>\$65,600.00</b>	<b>\$257,806.15</b>	<b>\$257,806.15</b>	<b>\$0.00</b>	<b>-\$192,206.15</b>	<b>393</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$65,600.00</b>	<b>\$257,806.15</b>	<b>\$257,806.15</b>	<b>\$0.00</b>	<b>393</b>
<b>3290</b>						
<b>Revenue</b>						
<b>3290</b>						
30-3290-0000 INTEREST EARNED	50.00	1,712.07	1,712.07	0.00	-1,662.07	3,424
<b>3290 Subtotal</b>	<b>\$50.00</b>	<b>\$1,712.07</b>	<b>\$1,712.07</b>	<b>\$0.00</b>	<b>-\$1,662.07</b>	<b>3,424</b>
<b>Revenue Subtotal</b>	<b>\$50.00</b>	<b>\$1,712.07</b>	<b>\$1,712.07</b>	<b>\$0.00</b>	<b>-\$1,662.07</b>	<b>3,424</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$50.00</b>	<b>\$1,712.07</b>	<b>\$1,712.07</b>	<b>\$0.00</b>	<b>3,424</b>
<b>3350 Commissions, Sw Chg Coll</b>						
<b>Revenue</b>						
<b>3350 Commissions, Sw Chg Coll</b>						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	8,000.00	3,548.32	3,548.32	0.00	4,451.68	44
<b>3350 Commissions, Sw Chg Coll Subtotal</b>	<b>\$8,000.00</b>	<b>\$3,548.32</b>	<b>\$3,548.32</b>	<b>\$0.00</b>	<b>\$4,451.68</b>	<b>44</b>
<b>Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$3,548.32</b>	<b>\$3,548.32</b>	<b>\$0.00</b>	<b>\$4,451.68</b>	<b>44</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$3,548.32</b>	<b>\$3,548.32</b>	<b>\$0.00</b>	<b>44</b>
<b>3500 Other Financing</b>						
<b>Other Financing Source</b>						
<b>3500 Other Financing</b>						
10-3500-0000 SALE OF PERSONAL PROPERTY	10,000.00	0.00	0.00	0.00	10,000.00	0
10-3500-0700 INTERGOVERNMENTAL LOAN (RESTRIC	292,000.00	0.00	0.00	0.00	292,000.00	0
<b>3500 Other Financing Subtotal</b>	<b>\$302,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$302,000.00</b>	<b>0</b>
<b>Other Financing Source Subtotal</b>	<b>\$302,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$302,000.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>\$302,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>

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Town of Biltmore Forest

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Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>3710 Water Sales</b>						
<b>Revenue</b>						
<b>3710 Water Sales</b>						
30-3710-0000 WATER CHARGES	369,000.00	251,061.31	251,061.31	0.00	117,938.69	68
30-3710-0100 MSD CHARGES	248,284.00	205,381.61	205,381.61	0.00	42,902.39	83
30-3710-0200 AMI TRANSMITTER CHARGES	7,700.00	4,115.36	4,115.36	0.00	3,584.64	53
<b>3710 Water Sales Subtotal</b>	<b>\$624,984.00</b>	<b>\$460,558.28</b>	<b>\$460,558.28</b>	<b>\$0.00</b>	<b>\$164,425.72</b>	<b>74</b>
<b>Revenue Subtotal</b>	<b>\$624,984.00</b>	<b>\$460,558.28</b>	<b>\$460,558.28</b>	<b>\$0.00</b>	<b>\$164,425.72</b>	<b>74</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$624,984.00</b>	<b>\$460,558.28</b>	<b>\$460,558.28</b>	<b>\$0.00</b>	<b>74</b>
<b>3730 Water Tap &amp; Connect Fees</b>						
<b>Revenue</b>						
<b>3730 Water Tap &amp; Connect Fees</b>						
30-3730-0000 WATER TAP AND CONNECTION FEES	6,000.00	6,390.00	6,390.00	0.00	-390.00	107
<b>3730 Water Tap &amp; Connect Fees Subtotal</b>	<b>\$6,000.00</b>	<b>\$6,390.00</b>	<b>\$6,390.00</b>	<b>\$0.00</b>	<b>-\$390.00</b>	<b>107</b>
<b>Revenue Subtotal</b>	<b>\$6,000.00</b>	<b>\$6,390.00</b>	<b>\$6,390.00</b>	<b>\$0.00</b>	<b>-\$390.00</b>	<b>107</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$6,000.00</b>	<b>\$6,390.00</b>	<b>\$6,390.00</b>	<b>\$0.00</b>	<b>107</b>
<b>3800</b>						
<b>Revenue</b>						
<b>3800</b>						
10-3800-0000 LAW ENF.BLOCK GRANT	0.00	23,538.38	23,538.38	0.00	-23,538.38	*100
<b>3800 Subtotal</b>	<b>\$0.00</b>	<b>\$23,538.38</b>	<b>\$23,538.38</b>	<b>\$0.00</b>	<b>-\$23,538.38</b>	<b>*100</b>
<b>Revenue Subtotal</b>	<b>\$0.00</b>	<b>\$23,538.38</b>	<b>\$23,538.38</b>	<b>\$0.00</b>	<b>-\$23,538.38</b>	<b>*100</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$0.00</b>	<b>\$23,538.38</b>	<b>\$23,538.38</b>	<b>\$0.00</b>	<b>*100</b>
<b>4000</b>						
<b>Revenue</b>						
<b>4000</b>						
40-4000-1100 ARP DISTRIBUTION	451,275.58	225,637.79	225,637.79	0.00	225,637.79	50
<b>4000 Subtotal</b>	<b>\$451,275.58</b>	<b>\$225,637.79</b>	<b>\$225,637.79</b>	<b>\$0.00</b>	<b>\$225,637.79</b>	<b>50</b>
<b>Revenue Subtotal</b>	<b>\$451,275.58</b>	<b>\$225,637.79</b>	<b>\$225,637.79</b>	<b>\$0.00</b>	<b>\$225,637.79</b>	<b>50</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$451,275.58</b>	<b>\$225,637.79</b>	<b>\$225,637.79</b>	<b>\$0.00</b>	<b>50</b>
<b>4200 Administration</b>						
<b>Expenditure</b>						
<b>4200 Administration</b>						
10-4200-0200 SALARIES	226,063.00	155,148.01	155,148.01	0.00	70,914.99	69
10-4200-0300 OVERTIME	3,000.00	0.00	0.00	0.00	3,000.00	0
10-4200-0500 FICA	17,293.00	10,059.55	10,059.55	0.00	7,233.45	58
10-4200-0600 HEALTH INSURANCE (MEDICAL)	24,158.00	14,943.30	14,943.30	0.00	9,214.70	62
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	4,935.00	2,819.37	2,819.37	0.00	2,115.63	57

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10-4200-0675 HEALTH REIMBUSEMENT ACC	3,750.00	2,187.50	2,187.50	0.00	1,562.50	58
10-4200-0700 LGERS RETIREMENT	41,231.00	25,616.61	25,616.61	0.00	15,614.39	62
10-4200-0800 401K SUPP RETIREMENT	11,453.00	6,967.36	6,967.36	0.00	4,485.64	61
10-4200-1000 ACCOUNTING & TAXES	51,400.00	15,619.75	17,369.75	1,750.00	34,030.25	34
10-4200-1200 POSTAGE, PRINTING, STATIONARY	10,140.00	4,276.39	5,742.60	1,466.21	4,397.40	57
10-4200-1400 MILEAGE & BOARD SALARY	21,600.00	12,668.68	12,668.68	0.00	8,931.32	59
10-4200-1500 BLDG & GRNDS MAINTENANCE	20,000.00	6,373.23	6,373.23	0.00	13,626.77	32
10-4200-3300 SUPPLIES AND EQUIPMENT	7,722.00	6,261.91	6,914.60	652.69	807.40	90
10-4200-5300 DUES & FEES	5,070.00	3,763.55	4,416.35	652.80	653.65	87
10-4200-5700 MISCELLANEOUS	1,000.00	-4,994.32	-4,994.32	0.00	5,994.32	-499
10-4200-6500 STAFF DEVELOPMENT	16,000.00	7,545.01	11,557.68	4,012.67	4,442.32	72
<b>4200 Administration Subtotal</b>	<b>\$464,815.00</b>	<b>\$269,255.90</b>	<b>\$277,790.27</b>	<b>\$8,534.37</b>	<b>\$187,024.73</b>	<b>60</b>
<b>Expenditure Subtotal</b>	<b>\$464,815.00</b>	<b>\$269,255.90</b>	<b>\$277,790.27</b>	<b>\$8,534.37</b>	<b>\$187,024.73</b>	<b>60</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$464,815.00</b>	<b>-\$269,255.90</b>	<b>-\$269,255.90</b>	<b>-\$8,534.37</b>	<b>58</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$464,815.00</b>	<b>-\$269,255.90</b>	<b>-\$269,255.90</b>	<b>-\$8,534.37</b>	<b>58</b>
<b>5100 Police Department</b>						
<b>Expenditure</b>						
<b>5100 Police Department</b>						
10-5100-0200 SALARIES	951,387.00	617,781.63	617,781.63	0.00	333,605.37	65
10-5100-0300 OVERTIME	26,000.00	0.00	0.00	0.00	26,000.00	0
10-5100-0400 SEPARATION ALLOWANCE	38,117.00	25,163.85	25,163.85	0.00	12,953.15	66
10-5100-0500 FICA	72,781.00	45,109.58	45,109.58	0.00	27,671.42	62
10-5100-0600 HEALTH INSURANCE (MEDICAL)	164,272.00	90,469.98	90,469.98	0.00	73,802.02	55
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	35,558.00	10,534.16	10,534.16	0.00	25,023.84	30
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	14,250.00	14,250.00	0.00	11,250.00	56
10-5100-0700 LGERS RETIREMENT	185,598.00	109,263.58	109,263.58	0.00	76,334.42	59
10-5100-0800 401K SUPP RETIREMENT	48,996.00	30,029.56	30,029.56	0.00	18,966.44	61
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	20,000.00	841.27	841.27	0.00	19,158.73	4
10-5100-1600 MAINT/REPAIR - EQUIPMENT	1,000.00	1,316.15	1,316.15	0.00	-316.15	132
10-5100-1700 MAINT/REPAIR - VEHICLES	10,000.00	6,679.93	9,049.65	2,369.72	950.35	90
10-5100-3100 MOTOR FUELS	24,600.00	12,543.19	12,543.19	0.00	12,056.81	51
10-5100-3300 SUPPLIES	20,080.00	11,762.88	13,087.48	1,324.60	6,992.52	65
10-5100-3600 UNIFORMS	15,000.00	13,339.33	39,281.71	25,942.38	-24,281.71	262
10-5100-3700 SOFTWARE	18,725.00	16,274.26	16,274.26	0.00	2,450.74	87
10-5100-3800 TECHNOLOGY	58,740.00	22,083.68	26,051.73	3,968.05	32,688.27	44
10-5100-5700 MISCELLANEOUS	8,265.00	3,762.92	4,139.47	376.55	4,125.53	50
10-5100-5800 PHYSICAL EXAMS	2,000.00	795.26	795.26	0.00	1,204.74	40
10-5100-6500 STAFF DEVELOPMENT	15,000.00	8,492.62	9,092.99	600.37	5,907.01	61
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	102,500.00	115,424.29	117,684.73	2,260.44	-15,184.73	115

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<b>5100 Police Department Subtotal</b>	<b>\$1,844,119.00</b>	<b>\$1,155,918.12</b>	<b>\$1,192,760.23</b>	<b>\$36,842.11</b>	<b>\$651,358.77</b>	<b>65</b>
<b>Expenditure Subtotal</b>	<b>\$1,844,119.00</b>	<b>\$1,155,918.12</b>	<b>\$1,192,760.23</b>	<b>\$36,842.11</b>	<b>\$651,358.77</b>	<b>65</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,844,119.00</b>	<b>-\$1,155,918.12</b>	<b>-\$1,155,918.12</b>	<b>-\$36,842.11</b>	<b>63</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,844,119.00</b>	<b>-\$1,155,918.12</b>	<b>-\$1,155,918.12</b>	<b>-\$36,842.11</b>	<b>63</b>
<b>5200 Fire Services</b>						
<b>Expenditure</b>						
<b>5200 Fire Services</b>						
10-5200-0000 FIRE CONTRACT	425,000.00	0.00	0.00	0.00	425,000.00	0
<b>5200 Fire Services Subtotal</b>	<b>\$425,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$425,000.00</b>	<b>0</b>
<b>Expenditure Subtotal</b>	<b>\$425,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$425,000.00</b>	<b>0</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0</b>
<b>5600 Public Works</b>						
<b>Expenditure</b>						
<b>5600 Public Works</b>						
10-5600-0200 SALARIES	244,822.00	145,908.36	145,908.36	0.00	98,913.64	60
10-5600-0300 OVERTIME	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5600-0500 FICA	19,111.00	9,902.90	9,902.90	0.00	9,208.10	52
10-5600-0550 UNEMPLOYMENT INSURANCE	500.00	0.00	0.00	0.00	500.00	0
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	43,484.00	17,923.50	17,923.50	0.00	25,560.50	41
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	8,883.00	2,154.50	2,154.50	0.00	6,728.50	24
10-5600-0675 HRA HEALTH REIMB ACCT	6,750.00	2,937.50	2,937.50	0.00	3,812.50	44
10-5600-0700 LGERS RETIREMENT	44,968.00	24,855.12	24,855.12	0.00	20,112.88	55
10-5600-0800 401K SUPP RETIREMENT	12,491.00	6,326.71	6,326.71	0.00	6,164.29	51
10-5600-1000 OUTSIDE SERVICES	10,000.00	275.00	275.00	0.00	9,725.00	3
10-5600-1300 STREETLIGHTS ELECTRIC	7,000.00	2,142.05	2,142.05	0.00	4,857.95	31
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	9,600.00	4,938.60	4,938.60	0.00	4,661.40	51
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	35,000.00	534.55	534.55	0.00	34,465.45	2
10-5600-1700 MAINT/REPAIR - VEHICLES	10,000.00	3,599.72	3,599.72	0.00	6,400.28	36
10-5600-3100 MOTOR FUELS	20,000.00	9,905.25	9,905.25	0.00	10,094.75	50
10-5600-3300 SUPPLIES	10,000.00	3,863.34	3,863.62	0.28	6,136.38	39
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	93.89	93.89	0.00	906.11	9
10-5600-3600 UNIFORMS	8,650.00	3,836.48	6,242.60	2,406.12	2,407.40	72
10-5600-3800 TECHNOLOGY	9,500.00	8,402.93	8,402.93	0.00	1,097.07	88
10-5600-5200 PARKS	60,000.00	2,312.37	4,511.18	2,198.81	55,488.82	8
10-5600-5202 GREENWOOD PARK STREAM RESTORA	292,000.00	156,177.55	156,177.55	0.00	135,822.45	53
10-5600-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5600-5900 MISCELLANEOUS	1,000.00	204.30	204.30	0.00	795.70	20
10-5600-6500 STAFF DEVELOPMENT	8,000.00	4,080.12	4,080.12	0.00	3,919.88	51



**REVENUE & EXPENDITURE STATEMENT**

07/01/2022 To 01/31/2023

Town of Biltmore Forest

FY 2022-2023

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40-5600-7401 ARP CAPITAL PROJECTS	451,275.58	23,441.16	23,441.16	0.00	427,834.42	5
<b>5600 Public Works Subtotal</b>	<b>\$1,319,534.58</b>	<b>\$433,815.90</b>	<b>\$438,421.11</b>	<b>\$4,605.21</b>	<b>\$881,113.47</b>	<b>33</b>
<b>Expenditure Subtotal</b>	<b>\$1,319,534.58</b>	<b>\$433,815.90</b>	<b>\$438,421.11</b>	<b>\$4,605.21</b>	<b>\$881,113.47</b>	<b>33</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,319,534.58</b>	<b>-\$433,815.90</b>	<b>-\$433,815.90</b>	<b>-\$4,605.21</b>	<b>33</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,319,534.58</b>	<b>-\$433,815.90</b>	<b>-\$433,815.90</b>	<b>-\$4,605.21</b>	<b>33</b>
<b>5700 Streets &amp; Transportation</b>						
<b>Expenditure</b>						
<b>5700 Streets &amp; Transportation</b>						
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	10,000.00	470.88	470.88	0.00	9,529.12	5
10-5700-2200 CONTRACTS- PAVING & STRIPING	210,000.00	71,765.00	71,765.00	0.00	138,235.00	34
10-5700-2300 SUPPLIES	10,000.00	7,082.44	12,034.71	4,952.27	-2,034.71	120
10-5700-2400 TRAFFIC SIGNS	500.00	809.48	809.48	0.00	-309.48	162
10-5700-2500 STORM WATER DRAINAGE	275,000.00	1,035.30	1,728.66	693.36	273,271.34	1
10-5700-3800 TECHNOLOGY	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5700-6500 STAFF DEVELOPMENT	1,000.00	0.00	0.00	0.00	1,000.00	0
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5700-7500 ENGINEERING	100,000.00	54,660.50	54,660.50	0.00	45,339.50	55
<b>5700 Streets &amp; Transportation Subtotal</b>	<b>\$616,500.00</b>	<b>\$135,823.60</b>	<b>\$141,469.23</b>	<b>\$5,645.63</b>	<b>\$475,030.77</b>	<b>23</b>
<b>Expenditure Subtotal</b>	<b>\$616,500.00</b>	<b>\$135,823.60</b>	<b>\$141,469.23</b>	<b>\$5,645.63</b>	<b>\$475,030.77</b>	<b>23</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$616,500.00</b>	<b>-\$135,823.60</b>	<b>-\$135,823.60</b>	<b>-\$5,645.63</b>	<b>22</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$616,500.00</b>	<b>-\$135,823.60</b>	<b>-\$135,823.60</b>	<b>-\$5,645.63</b>	<b>22</b>
<b>5800 Sanitation &amp; Recycling</b>						
<b>Expenditure</b>						
<b>5800 Sanitation &amp; Recycling</b>						
10-5800-0200 SALARIES	125,190.00	84,891.40	84,891.40	0.00	40,298.60	68
10-5800-0300 OVERTIME	5,000.00	0.00	0.00	0.00	5,000.00	0
10-5800-0500 FICA	9,960.00	6,120.19	6,120.19	0.00	3,839.81	61
10-5800-0600 HEALTH INSURANCE (MEDICAL)	28,989.00	13,812.46	13,812.46	0.00	15,176.54	48
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	5,922.00	1,321.74	1,321.74	0.00	4,600.26	22
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	23,435.00	14,733.90	14,733.90	0.00	8,701.10	63
10-5800-0800 401K SUPP RETIREMENT	6,510.00	4,120.94	4,120.94	0.00	2,389.06	63
10-5800-1700 MAINT/REPAIRS - VEHICLES	25,000.00	20,965.22	24,835.47	3,870.25	164.53	99
10-5800-3100 MOTOR FUELS	30,000.00	17,866.13	17,866.13	0.00	12,133.87	60
10-5800-3300 SUPPLIES	1,000.00	742.47	752.88	10.41	247.12	75
10-5800-3600 UNIFORMS	1,000.00	0.00	0.00	0.00	1,000.00	0
10-5800-3800 TECHNOLOGY	600.00	1,580.29	1,580.29	0.00	-980.29	263
10-5800-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5800-5900 MISCELLANEOUS	1,000.00	0.00	0.00	0.00	1,000.00	0

**REVENUE & EXPENDITURE STATEMENT**

07/01/2022 To 01/31/2023

Town of Biltmore Forest

FY 2022-2023

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10-5800-6000 CAPITAL OUTLAY	55,000.00	36,794.95	36,794.95	0.00	18,205.05	67
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	30,000.00	27,228.22	27,228.22	0.00	2,771.78	91
10-5800-8100 RECYCLING	6,000.00	4,810.55	4,810.55	0.00	1,189.45	80
10-5800-8200 BRUSH & LEAF DISPOSAL FEES	31,200.00	12,670.00	12,670.00	0.00	18,530.00	41
<b>5800 Sanitation &amp; Recycling Subtotal</b>	<b>\$390,806.00</b>	<b>\$250,283.46</b>	<b>\$254,164.12</b>	<b>\$3,880.66</b>	<b>\$136,641.88</b>	<b>65</b>
<b>Expenditure Subtotal</b>	<b>\$390,806.00</b>	<b>\$250,283.46</b>	<b>\$254,164.12</b>	<b>\$3,880.66</b>	<b>\$136,641.88</b>	<b>65</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$390,806.00</b>	<b>-\$250,283.46</b>	<b>-\$250,283.46</b>	<b>-\$3,880.66</b>	<b>64</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$390,806.00</b>	<b>-\$250,283.46</b>	<b>-\$250,283.46</b>	<b>-\$3,880.66</b>	<b>64</b>
<b>6600 General Government</b>						
<b>Expenditure</b>						
<b>6600 General Government</b>						
10-6600-0401 LEGAL SERVICES	35,000.00	15,207.01	15,207.01	0.00	19,792.99	43
10-6600-1100 TECHNOLOGY	92,120.00	61,901.53	61,901.53	0.00	30,218.47	67
10-6600-1300 MUNICIPAL UTILITIES	25,000.00	30,597.14	30,597.14	0.00	-5,597.14	122
10-6600-1500 GE. REPS. AND MAINT.	28,200.00	30,466.60	30,466.60	0.00	-2,266.60	108
10-6600-2800 ELECTIONS	6,000.00	184.24	184.24	0.00	5,815.76	3
10-6600-5400 INSURANCE	105,000.00	105,578.21	105,578.21	0.00	-578.21	101
10-6600-6000 CONTINGENCY	181,444.00	0.00	0.00	0.00	181,444.00	0
10-6600-6100 MISCELLANEOUS	10,000.00	4,793.69	4,793.69	0.00	5,206.31	48
10-6600-6201 COVID EXPENDITURES	2,000.00	8,500.00	8,500.00	0.00	-6,500.00	425
10-6600-6300 COMMUNITY EVENTS	50,000.00	6,011.63	6,011.63	0.00	43,988.37	12
10-6600-6301 4TH OF JULY	10,000.00	4,340.73	4,340.73	0.00	5,659.27	43
10-6600-6302 NATIONAL NIGHT OUT	7,000.00	0.00	0.00	0.00	7,000.00	0
10-6600-6303 HOLIDAY LIGHTING	21,500.00	9,875.96	9,875.96	0.00	11,624.04	46
10-6600-6304 ARBOR DAY EVENT	2,000.00	0.00	0.00	0.00	2,000.00	0
10-6600-6400 WILDLIFE MANAGEMENT	5,000.00	2,729.90	2,729.90	0.00	2,270.10	55
10-6600-6500 FOREST MANAGEMENT	60,000.00	44,800.00	44,800.00	0.00	15,200.00	75
10-6600-7600 FIRE PROTECTION	0.00	212,500.00	212,500.00	0.00	-212,500.00	*100
<b>6600 General Government Subtotal</b>	<b>\$640,264.00</b>	<b>\$537,486.64</b>	<b>\$537,486.64</b>	<b>\$0.00</b>	<b>\$102,777.36</b>	<b>84</b>
<b>Expenditure Subtotal</b>	<b>\$640,264.00</b>	<b>\$537,486.64</b>	<b>\$537,486.64</b>	<b>\$0.00</b>	<b>\$102,777.36</b>	<b>84</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$640,264.00</b>	<b>-\$537,486.64</b>	<b>-\$537,486.64</b>	<b>\$0.00</b>	<b>84</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$640,264.00</b>	<b>-\$537,486.64</b>	<b>-\$537,486.64</b>	<b>\$0.00</b>	<b>84</b>
<b>6700 Debt Service</b>						
<b>Expenditure</b>						
<b>6700 Debt Service</b>						
10-6700-0100 Police Dept Renovations-Principal	23,334.00	17,499.99	17,499.99	0.00	5,834.01	75
10-6700-0200 Street Improvements-Principal	6,667.00	5,000.01	5,000.01	0.00	1,666.99	75
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 2020 POLICE CARS-PRINCIPAL	29,106.00	28,326.38	28,326.38	0.00	779.62	97

**REVENUE & EXPENDITURE STATEMENT**  
07/01/2022 To 01/31/2023

Town of Biltmore Forest  
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10-6700-1100 Police Dept Renovations-Interest	1,445.00	1,166.82	1,166.82	0.00	278.18	81
10-6700-1200 Street Improvements-Interest	413.00	333.37	333.37	0.00	79.63	81
10-6700-1500 Public Works Building-Interest	17,685.00	9,195.79	9,195.79	0.00	8,489.21	52
10-6700-1600 2020 POLICE CARS-INTEREST	801.00	1,579.37	1,579.37	0.00	-778.37	197
<b>6700 Debt Service Subtotal</b>	<b>\$163,662.00</b>	<b>\$105,206.99</b>	<b>\$105,206.99</b>	<b>\$0.00</b>	<b>\$58,455.01</b>	<b>64</b>
<b>Expenditure Subtotal</b>	<b>\$163,662.00</b>	<b>\$105,206.99</b>	<b>\$105,206.99</b>	<b>\$0.00</b>	<b>\$58,455.01</b>	<b>64</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$163,662.00</b>	<b>-\$105,206.99</b>	<b>-\$105,206.99</b>	<b>\$0.00</b>	<b>64</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$163,662.00</b>	<b>-\$105,206.99</b>	<b>-\$105,206.99</b>	<b>\$0.00</b>	<b>64</b>
<b>8100 Water Dept.</b>						
<b>Expenditure</b>						
<b>8100 Water Dept.</b>						
30-8100-0200 SALARIES	144,572.00	65,204.83	65,204.83	0.00	79,367.17	45
30-8100-0400 PROFESSIONAL SERVICES	5,000.00	2,340.07	3,655.04	1,314.97	1,344.96	73
30-8100-0500 FICA	11,060.00	4,578.15	4,578.15	0.00	6,481.85	41
30-8100-0600 HEALTH INSURANCE (MEDICAL)	19,326.00	9,395.12	9,395.12	0.00	9,930.88	49
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	3,948.00	1,434.93	1,434.93	0.00	2,513.07	36
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	3,000.00	1,500.00	1,500.00	0.00	1,500.00	50
30-8100-0700 LGERS RETIREMENT	26,023.00	11,598.02	11,598.02	0.00	14,424.98	45
30-8100-0800 401K SUPP RETIREMENT	7,229.00	4,197.13	4,197.13	0.00	3,031.87	58
30-8100-1200 POSTAGE, PRINTING, & STATIONARY	5,000.00	606.42	606.42	0.00	4,393.58	12
30-8100-1500 GENERAL REPAIRS	10,000.00	3,093.21	3,093.21	0.00	6,906.79	31
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	5,287.34	7,126.59	1,839.25	7,873.41	48
30-8100-3800 TECHNOLOGY	5,000.00	0.00	0.00	0.00	5,000.00	0
30-8100-4800 WATER PURCHASES	179,580.00	110,755.79	110,755.79	0.00	68,824.21	62
30-8100-4900 SEWER PURCHASES	185,400.00	199,740.88	199,740.88	0.00	-14,340.88	108
30-8100-5000 AMI TRANSMITTER FEES	7,700.00	2,907.54	2,907.54	0.00	4,792.46	38
30-8100-5700 MISCELLANEOUS	6,196.00	56.00	56.00	0.00	6,140.00	1
30-8100-6500 STAFF DEVELOPMENT	5,000.00	765.78	765.78	0.00	4,234.22	15
30-8100-7400 CAPITAL IMPROVEMENT	29,939.00	0.00	0.00	0.00	29,939.00	0
<b>8100 Water Dept. Subtotal</b>	<b>\$668,973.00</b>	<b>\$423,461.21</b>	<b>\$426,615.43</b>	<b>\$3,154.22</b>	<b>\$242,357.57</b>	<b>64</b>
<b>Expenditure Subtotal</b>	<b>\$668,973.00</b>	<b>\$423,461.21</b>	<b>\$426,615.43</b>	<b>\$3,154.22</b>	<b>\$242,357.57</b>	<b>64</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$668,973.00</b>	<b>-\$423,461.21</b>	<b>-\$423,461.21</b>	<b>-\$3,154.22</b>	<b>63</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$668,973.00</b>	<b>-\$423,461.21</b>	<b>-\$423,461.21</b>	<b>-\$3,154.22</b>	<b>63</b>



## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

FEBRUARY 14, 2023

#### AGENDA ITEM E-1

#### CONSIDERATION OF TAX PENALTY AND INTEREST WAIVER

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##### Background

The Town received a request from the property owners at 398 Vanderbilt Road for a tax penalty waiver. As you know, state law prohibits Town staff from making adjustments or providing waivers without prior Governing Board approval. In this case, the tax notice was mailed to an old address (also in Biltmore Forest). Unfortunately, this occurred last year as well but the new address was not updated. The tax payer has paid the full taxes owed and requests a waiver of the initial interest penalty that remain on the account.

##### Tax Penalty Waiver Request

PAUL W FOSTER III REVOCABLE DECLARATION OF TRUST  
JULIA HEATHER HANKS REVOCABLE DECLARATION OF TRUST  
398 VANDERBILT RD, ASHEVILLE, NC, 28803

Type of Taxes: Real Property

Waiver of Penalty and Interest: \$540.33



## BOARD OF COMMISSIONERS MEETING

### STAFF MEMORANDUM

FEBRUARY 14, 2023

#### **AGENDA ITEM E-2**

#### **REQUEST FOR CURB CUT AND NEW DRIVEWAY ENTRANCE ON FOREST ROAD SCOTT SLECHTER, 58 FOREST ROAD**

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##### Background

Mr. Scott Slechter, 58 Forest Road, requests permission from the Board of Commissioners to construct a new driveway entrance that will connect onto Forest Road. Mr. Slechter's residence currently has a driveway entrance, but he would like to construct a new driveway loop as part of an overall planned renovation.

Mr. Slechter has provided the attached documents for the Board to review which include the layout for the new driveway, tree cuttings associated with the planned driveway, and tree replacement included with the project. Mr. Slechter's plan also shows a new porch on the front of the home. This has been reviewed and approved by the Design Review Board.

##### Governing Ordinance

The Town's Code of Ordinance requires approval from the Board of Commissioners for private driveways not associated with Board of Adjustment review. This ordinance is attached to this memorandum for the Board's review.

## **§ 91.02 CONSTRUCTION OF PRIVATE DRIVES; PERMIT.**

(A) No private drive or entranceway shall be constructed upon any public street or road shoulder in the town without adequate provision through or under said way to preserve the pre-existing flow and drainage of surface water along the margin of the street or road affected.

(B) Before constructing or causing the construction of any drive or entranceway upon a public street or road shoulder, the owner of the lot or lots to be sewed thereby shall notify the Town Clerk in writing and the Clerk shall issue to the owner a permit for such construction when the same complies with the requirements of this section.

(C) (1) Private driveways and entranceways constructed within the town right-of-way shall be constructed of stone base or asphalt and any damages or disturbance of same resulting from maintenance or installation of underground facilities located in said right-of-way shall be repaired or replaced by the Town or other entity causing the damage.

(2) Such repair or replacement or existing driveways or entrances or curbing or obstructions constructed of concrete, brick pavers, or similar materials shall be the sole responsibility of the property owner. The construction of curbing or obstructions across the town right-of-way is prohibited.

(a) No person, firm, corporation, governmental body, or agency shall construct or cause to be constructed any drive or entranceway upon or connecting to any public street or road shoulder in the town which drive or entranceway shall serve or be designed to serve dwelling(s), residence(s), building(s), business(es) or separately platted lot(s), or any area, without first receiving written permission from the Town Board of Commissioners. This chapter shall not, however, apply to those applicants who receive driveway entrances by obtaining a certificate of zoning compliance for a new residence. The Board may grant or deny permission or may grant permission upon such terms as it, in its discretion, deems reasonably necessary to protect the best interest of the town.

(b) In determining whether or not to grant permission and if granted, under what conditions, the Board may consider and employ the provisions of G.S. §§ 160A-11, 160A-174, 160A-296, 160A-300, and 160A-307, and all other applicable statutes now or hereafter enacted by the State General Assembly.

(2013 Code, § 15-4) Penalty, see § 91.99

**NOTES:**

- 1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER F.I.R.M.#3700964600, DATED 1/06/2010.
- 2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- 3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY BE EASEMENTS OF RECORD, ENCUMBRANCES, RESISTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS PROPERTY.
- 4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 5) AREA BY COORDINATE COMPUTATION.
- 6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND ARE US SURVEY FEET MEASUREMENTS.
- 7) NO NC65 CONTROL MONUMENTS WERE RECOVERED WITHIN 2000' OF THE SUBJECT PROPERTY.
- 8) SUBJECT PROPERTY IS ZONED R-1 PER THE TOWN OF BILTMORE FOREST ZONING ORDINANCE REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.
- 9) BUILDING SETBACKS PER R-1 CLASSIFICATION:  
FRONT = 60' (75' PER PLAT BOOK 10 PAGE 12)  
SIDE = 20'  
REAR = 25'
- 10) THE RIGHT-OF-WAY SHOWN OVER FOREST ROAD IN PLAT BOOK 10 PAGE 12 IS NOT FORMALLY DIMENSIONED. THE RIGHT-OF-WAY SCALES 30' IN WIDTH, AS SHOWN HEREON.
- 11) A RECORDED EASEMENT OVER THIS SANITARY SEWER LINE WAS NOT RECOVERED BY THE SURVEYOR DURING THE LEGAL RESEARCH CONDUCTED AS A PART OF THIS SURVEY. IT IS ADVISED THAT AN EASEMENT, DESCRIBED IN PLAT BOOK 10 PAGE 12, IS RECORDED IN THIS JURISDICTION. THE SURVEYOR'S RECORDS ARE GENERALLY 20' IN WIDTH, AS SHOWN HEREON. HOWEVER, THE ASSOCIATED WIDTH IS MORE SPECIFICALLY DEFINED AS THE WIDTH NECESSARY TO REPAIR AND MAINTAIN THE SAID SANITARY SEWER LINE.
- 12) THE ORIGINAL LOCATION OF THE NOTED CONCRETE FILLED IRON PIPE APPEARS TO HAVE BEEN LOST DUE TO THE RECENT INSTALLATION OF THE 60" DIA. CULVERT PIPE SHOWN HEREON. THIS FINDING IS BASED ON THE BOUNDARY MONUMENTS AS COMPARED TO THE CALINGS SHOWN ON PLAT BOOK 10 PAGE 12. THERE IS ALSO READING APPARENT AND OBSERVABLE EVIDENCE OF RECENT EARTHWORK ASSOCIATED WITH THE CULVERT PIPE INSTALLATION IN THE IMMEDIATE AREA WHERE THE PIPE WAS FOUND TO BE CURRENTLY LOCATED. IT IS THE SURVEYOR'S OPINION THIS ORIGINAL MONUMENT WAS LIKELY REPLACED ERRONEOUSLY BY A PERSON OR PARTY NOT DULY QUALIFIED AND LICENSED AS A LAND SURVEYOR.

**REFERENCES:**

- DB 5621 PG 1054
- DB 1299 PG 370
- PB 10 PG 12

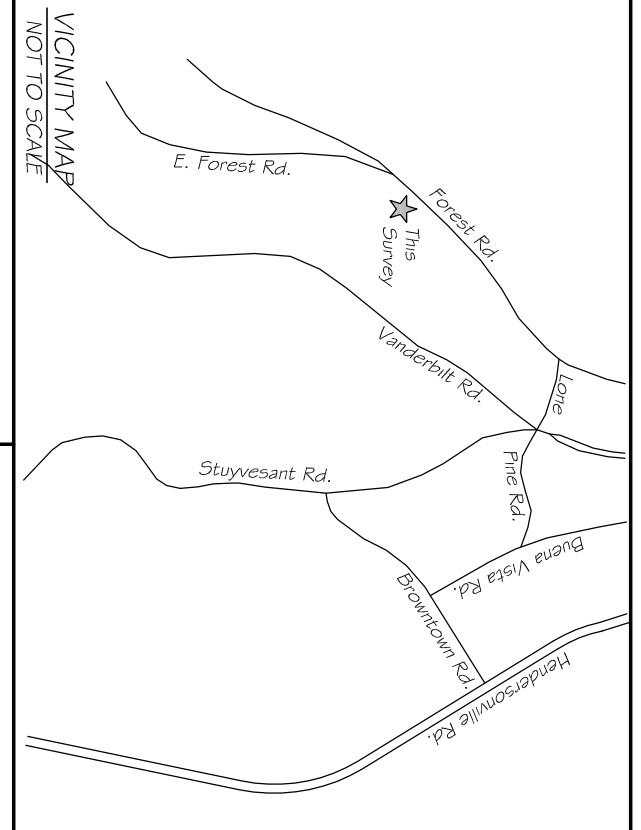
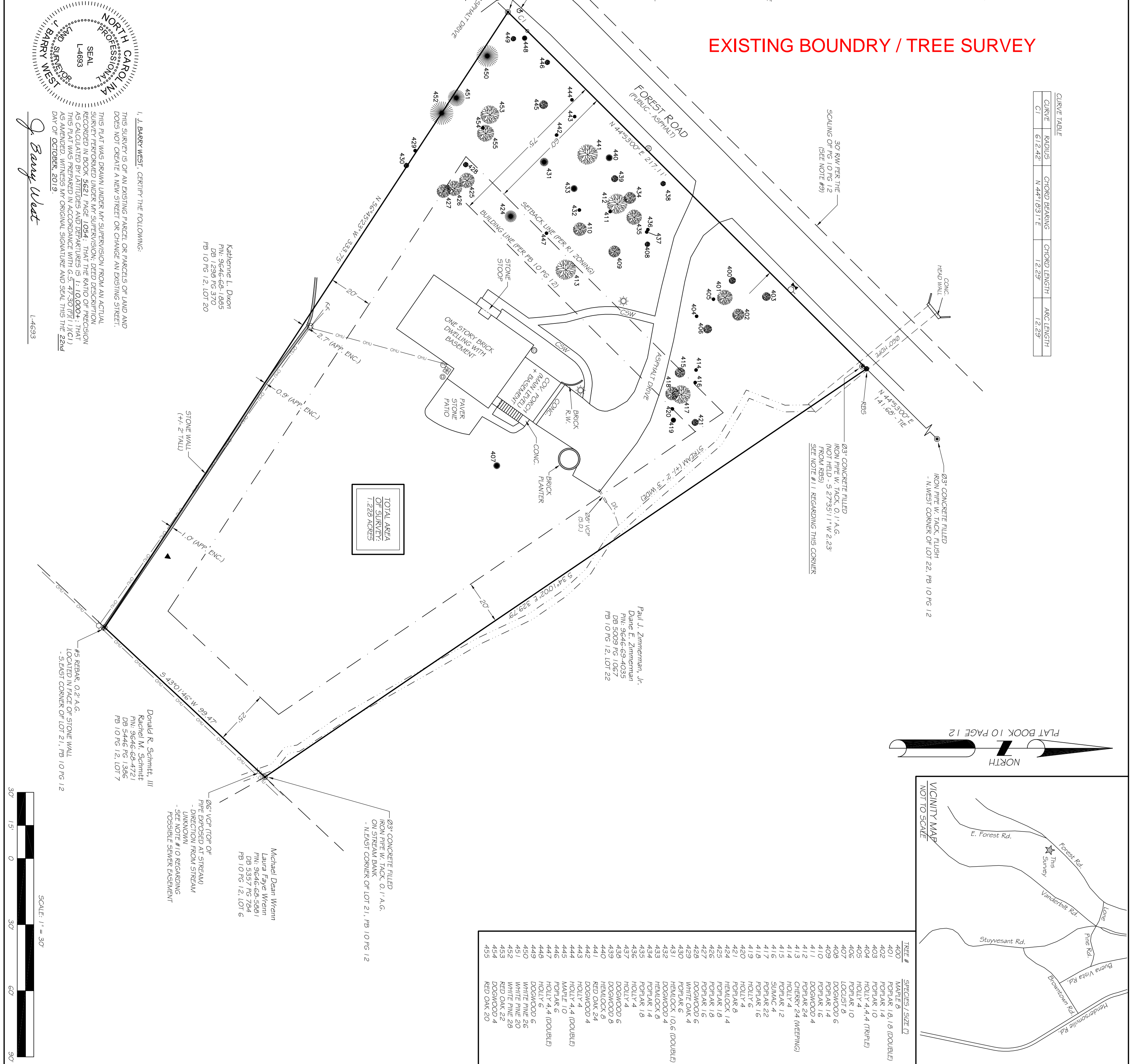
**LEGEND & ABBREVIATIONS:**

- PB = PLAT BOOK
- DB = DEED BOOK
- PG = PAGE
- R/W = RIGHT OF WAY
- PI = PARCEL IDENTIFICATION NUMBER
- = CALCULATED POINT
- (NOT MARKED IN FIELD)
- (RECOVERED BOUNDARY MONUMENT)
- (SIZE AND TYPE AS NOTED)
- (BOUNDARY MONUMENT SET BY MCABEE)
- (BOUNDARY LINE (FIELD SURVEYED))
- (BOUNDARY LINE (COMPOSITE, PLOTTED FROM RECORD DESCRIPTIONS))
- A.G. = ABOVE ADJACENT GRADE
- APP. = APPARENT
- (CLEAN-OUT)
- (AREA LIGHT)
- (CONC. = CONCRETE)
- (COV. = COVERED)
- (CSW = CONCRETE SIDEWALK)
- (DL = DITCHLINE)
- (ELECTRIC SERVICE METER)
- (ENC. = ENCROACHMENT)
- (FIRE HYDRANT)
- (GAS SERVICE METER)
- (H.P.F. = HIGH DENSITY POLY PIPE)
- (H.V.A.C. UNIT)
- (MB = MAIL BOX)
- (OVERHEAD UTILITY LINE)
- (UTILITY POLE)
- (R.W. = RETAINING WALL)
- (S.D. = STORM DRAIN)
- (VCP = VITRIFIED CLAY PIPE)
- (WATER METER)
- (WATER SPRIG)
- (WATER VALVE)

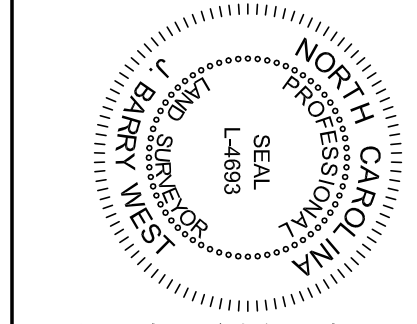
**EXISTING BOUNDRY / TREE SURVEY**

**CURVE TABLE**

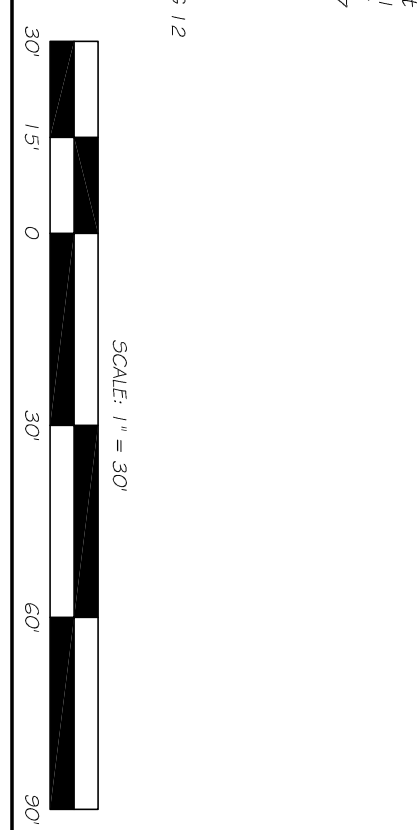
CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	612.42	N 44° 18' 31" E	12.29	12.29



TREE #	SPECIES / SIZE (I)
400	MAPLE 8
401	FORLAR 18.18 (DOUBLE)
402	FORLAR 14
403	FORLAR 10
404	HOLLY 4.44 (TRIPLE)
405	POPLAR 10
406	LOCUST 8
407	DOGWOOD 6
408	FORLAR 14
409	FORLAR 16
410	DOGWOOD 4
411	FORLAR 24 (WEENING)
412	FORLAR 4
413	HOLLY 4
414	POPLAR 12
415	SUMAC 4
416	FORLAR 22
417	FORLAR 16
418	HOLLY 4
419	HOLLY 4
420	HOLLY 4
421	HIBISCUS 14
422	FORLAR 18
423	FORLAR 18
424	FORLAR 16
425	DOGWOOD 6
426	WHITE OAK 4
427	DOGWOOD 4
428	FORLAR 6
429	FORLAR 6 (DOUBLE)
430	DOGWOOD 4
431	HIBISCUS 8
432	HIBISCUS 6
433	FORLAR 14
434	FORLAR 18
435	HOLLY 4
436	HOLLY 4
437	DOGWOOD 6
438	HIBISCUS 8
439	HIBISCUS 8
440	RED OAK 24
441	DOGWOOD 4
442	HOLLY 4
443	HOLLY 4 (DOUBLE)
444	HOLLY 4
445	MAPLE 10
446	FORLAR 6
447	HOLLY 6
448	DOGWOOD 6
449	WHITE PINE 26
450	WHITE PINE 20
451	WHITE PINE 28
452	RED OAK 22
453	DOGWOOD 4
454	RED OAK 20
455	RED OAK 20



I, J. BARRY WEST, CERTIFY THE FOLLOWING:  
 THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.  
 THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK 5621 PAGE 1054. THAT THE KIND OF REGION RECORDED IN BOOK 5621 PAGE 1054. THAT THE KIND OF REGION RECORDED IN BOOK 5621 PAGE 1054. THAT THE KIND OF REGION RECORDED IN BOOK 5621 PAGE 1054. THAT THE KIND OF REGION RECORDED IN BOOK 5621 PAGE 1054.  
 AS AMENDED, WITNESSE MY ORIGINAL SIGNATURE AND SEAL THIS 22nd DAY OF OCTOBER, 2019.  
 J. Barry West  
 L-4893



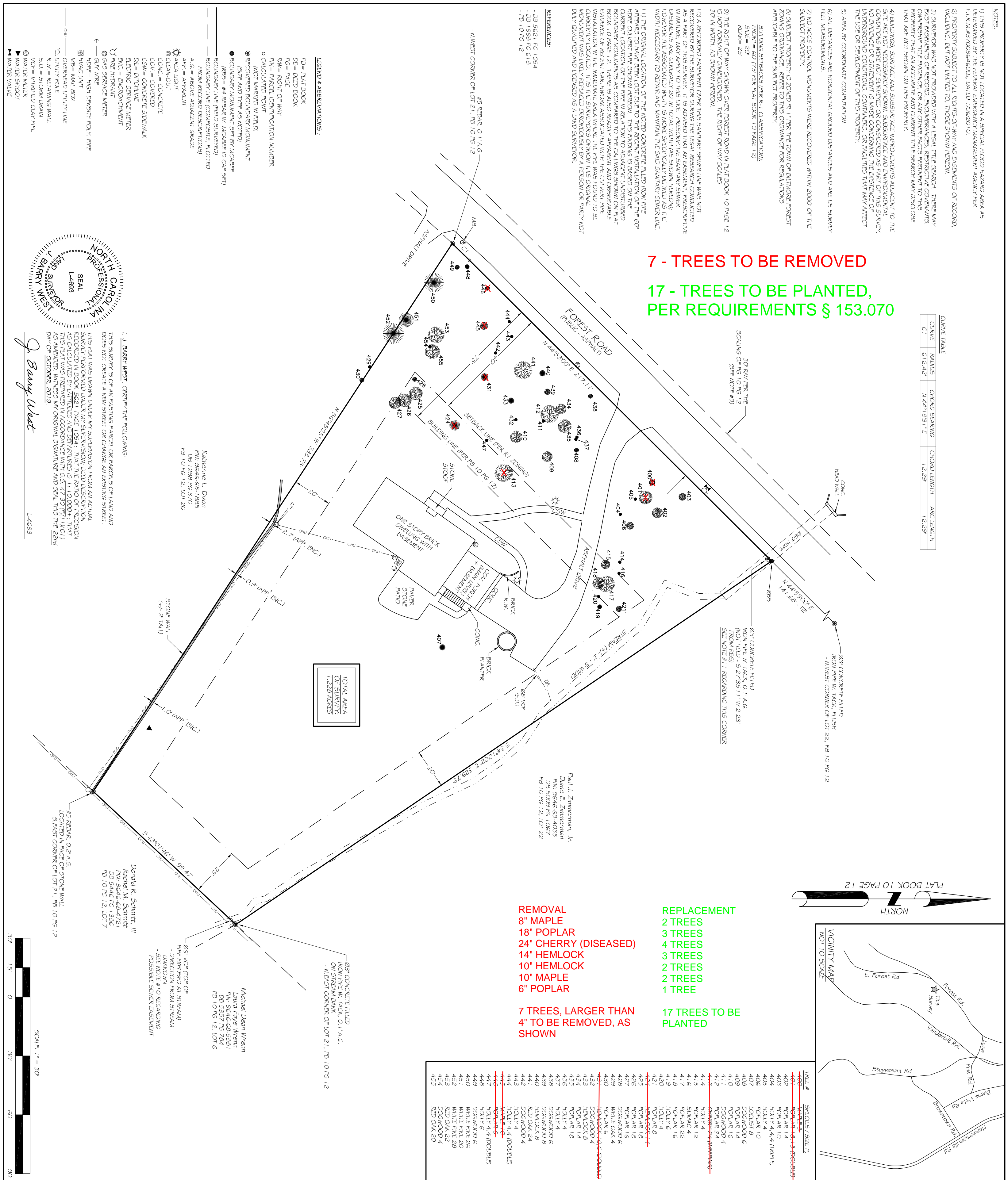
<p><b>McAbee &amp; Associates, P.A.</b> PROFESSIONAL LAND SURVEYING</p> <p>Eric S. McAbee, PLS J. Barry West, PLS Wallace S. McAbee, PLS (Emeritus) 3 McAbee Trail Fairview North Carolina, 28730 www.mcabeesurvey.com Firm License Number: C-694</p>	<p>REVISION HISTORY</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY													<p>BOUNDARY # IMPROVEMENTS # PARTIAL TREE SURVEY FOR:</p> <p><b>SCOTT K. SLECHTER &amp; JENNIFER S. SLECHTER</b></p> <p>(BEING ALL OF LOT 21 OF BILTMORE FOREST - BLOCK N RECORDED IN PLAT BOOK 10 PAGE 12)</p> <p>ADDRESS: 58 FOREST RD. TOWN OF BILTMORE FOREST PIN: 9646-69-2082 BUNCOMBE COUNTY, N.C.</p>	<p>DATE: 10/22/19 DRAWING #: C-17-1588 DRAWN BY: JBW SCALE: 1" = 30'</p>
	NO.	DATE	DESCRIPTION	BY															
<p>McAbee &amp; Associates, P.A. Lansing, Fayetteville, NC P.O. Box 5599 DB 5337 PG 724 PB 10 PG 12, LOT 6</p> <p>Michael Dean Weems Lansing, Fayetteville, NC P.O. Box 5599 DB 5337 PG 724 PB 10 PG 12, LOT 6</p> <p>Donald R. Schmitt, III Rochester, NC P.O. Box 4721 DB 5446 PG 1366 PB 10 PG 12, LOT 7</p> <p>Katherine L. Dixon P.O. Box 64-1995 DB 1299 PG 370 PB 10 PG 12, LOT 20</p> <p>Paul J. Zimmerman, Jr. Diane E. Zimmerman P.O. Box 69-4035 DB 5009 PG 1067 PB 10 PG 12, LOT 22</p> <p>Diane E. Zimmerman P.O. Box 69-4035 DB 5009 PG 1067 PB 10 PG 12, LOT 22</p> <p>Paul J. Zimmerman, Jr. Diane E. Zimmerman P.O. Box 69-4035 DB 5009 PG 1067 PB 10 PG 12, LOT 22</p>																			

NOTES:  
 1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER F.I.R.M.#3700964600, DATED 1/06/2010.  
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 5) AREA BY COORDINATE COMPUTATION.  
 6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND ARE US SURVEY FEET MEASUREMENTS.  
 7) NO NC85 CONTROL MONUMENTS WERE RECOVERED WITHIN 2000' OF THE SUBJECT PROPERTY.  
 8) SUBJECT PROPERTY IS ZONED R-1 PER THE TOWN OF BILTMORE FOREST. ALL DISTANCES REFER TO THIS ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.  
 BUILDING SETBACKS PER R-1 CLASSIFICATION:  
 FRONT = 60' (75' PER PLAT BOOK 10 PAGE 12)  
 SIDE = 20'  
 REAR = 25'  
 9) THE RIGHT OF WAY SHOWN OVER FOREST ROAD IN PLAT BOOK 10 PAGE 12 IS NOT FORMALLY DIMENSIONED. THE RIGHT OF WAY SCALES 30' IN WIDTH, AS SHOWN HEREON.  
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 REFERENCES:  
 DB 5621 PG 1054  
 - DB 1299 PG 370  
 - PB 10 PG 12  
 - PB 10 PG 12

CURVE TABLE

CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	612.42	N 44° 18' 31" E	12.239	1.2239

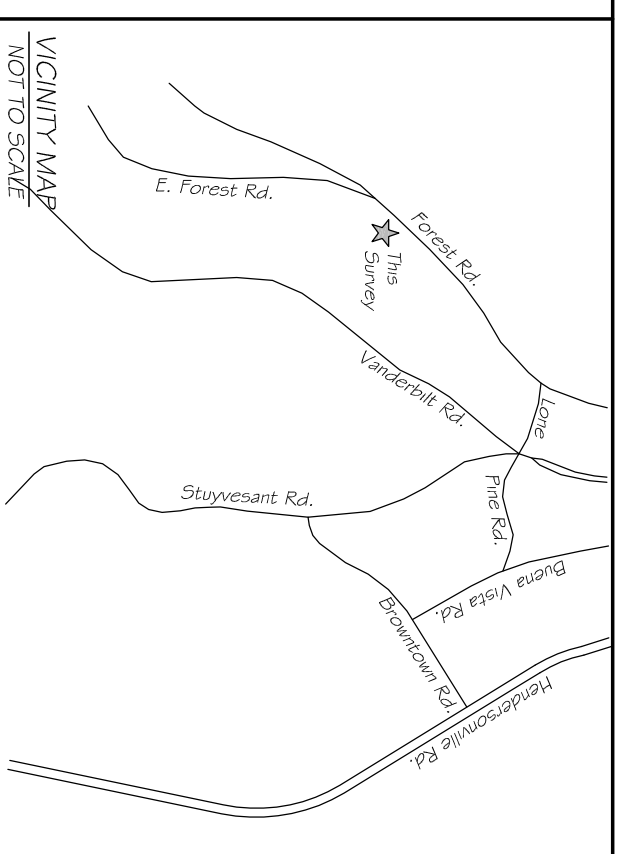
**7 - TREES TO BE REMOVED**  
**17 - TREES TO BE PLANTED,**  
**PER REQUIREMENTS § 153.070**



TREE #	SPECIES / SIZE (")
400	POPLAR 14 (DOUBLED)
401	POPLAR 14 (DOUBLED)
402	POPLAR 10
403	HOLY 4,4,4 (TRIPLE)
404	HOLY 4,4,4 (TRIPLE)
405	POPLAR 10
406	POPLAR 10
407	LOCUST 8
408	DOGWOOD 6
409	POPLAR 14
410	POPLAR 16
411	DOGWOOD 4
412	POPLAR 24
413	HOLLY 4
414	HOLLY 4
415	POPLAR 12
416	SUMAC 4
417	POPLAR 22
418	POPLAR 16
419	HOLLY 4
420	HOLLY 4
421	HOLLY 4
422	POPLAR 18
423	POPLAR 18
424	POPLAR 18
425	POPLAR 18
426	POPLAR 18
427	DOGWOOD 6
428	WHITE OAK 4
429	POPLAR 6
430	DOGWOOD 4 (DOUBLED)
431	DOGWOOD 4
432	HEMLOCK 6
433	POPLAR 14
434	POPLAR 14
435	HOLLY 4
436	HOLLY 4
437	HOLLY 4
438	DOGWOOD 6
439	DOGWOOD 6
440	HEMLOCK 8
441	RED OAK 24
442	DOGWOOD 4
443	HOLLY 4
444	HOLLY 4,4 (DOUBLED)
445	HOLLY 4
446	HOLLY 4 (DOUBLED)
447	HOLLY 4
448	DOGWOOD 6
449	DOGWOOD 6
450	WHITE PINE 26
451	WHITE PINE 20
452	WHITE PINE 28
453	RED OAK 22
454	DOGWOOD 4
455	RED OAK 20

**REMOVAL**  
 8" MAPLE  
 18" POPLAR  
 24" CHERRY (DISEASED)  
 14" HEMLOCK  
 10" HEMLOCK  
 10" MAPLE  
 6" POPLAR  
 7 TREES, LARGER THAN 4" TO BE REMOVED, AS SHOWN

**REPLACEMENT**  
 2 TREES  
 3 TREES  
 4 TREES  
 3 TREES  
 2 TREES  
 2 TREES  
 1 TREE  
 17 TREES TO BE PLANTED



**McABEE & ASSOCIATES, P.A.**  
 PROFESSIONAL LAND SURVEYING

Eric S. McAbee, PLS  
 J. Barry West, PLS  
 Wallace S. McAbee, PLS (Emeritus)  
 3 McAbee Trail  
 www.mcabeesurvey.com

Fax (828) 628-1294  
 Telephone (828) 628-1295  
 Fairview North Carolina, 28730  
 Firm License Number: C-694

REVISION HISTORY

NO.	DATE	DESCRIPTION	BY

**BOUNDARY & IMPROVEMENTS & PARTIAL TREE SURVEY FOR:**  
**SCOTT K. SLECHTER & JENNIFER S. SLECHTER**  
 (BEING ALL OF LOT 21 OF BILTMORE FOREST - BLOCK N RECORDED IN PLAT BOOK 10 PAGE 12)

ADDRESS: 58 FOREST RD.  
 PIN: 9646-69-2082

TOWN OF BILTMORE FOREST  
 BUNCOMBE COUNTY, N.C.

DATE: 10/22/19  
 DRAWING #: C-17-1588  
 DRAWN BY: JBW  
 SCALE: 1" = 30'



## Slechter Residence Impervious Areas

### Existing Conditions:

Home	2,223 sf
Driveway	2,315 sf
Back Patio	501 sf
Front Porch	100 sf
Front Sidewalks	450 sf
<b>Total Impervious Area</b>	<b>5,589 sf</b>

Existing Lot Size 55,492 sf (1.228 acres)  
Percentage of Lot 10.07%

### Proposed Conditions:

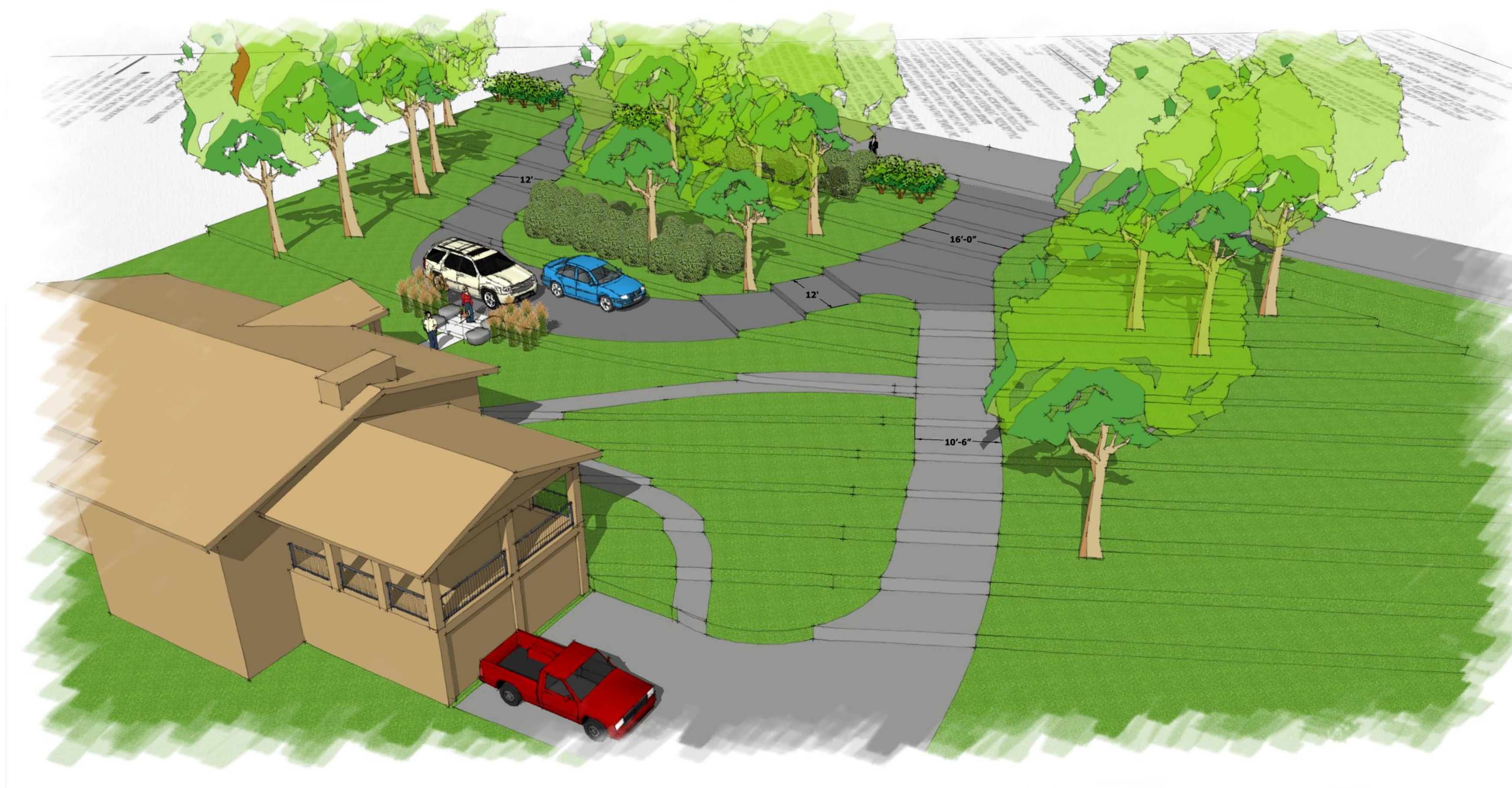
Home	<del>2,223 sf</del>	<b>PROPOSED HOME INCL. ADDITION - 5384 SF</b>
Driveway	4,718 sf	
Back Patio	501 sf	
Front Porch	100 sf	
Front Sidewalks	560 sf	
<b>Total Impervious Area</b>	<del>8,102 sf</del>	<b>11,263 SF</b>

Existing Lot Size 55,492 sf (1.228 acres)



**ALLOWABLE IMPERVIOUS AREA, PER  
TABLE 153.048 (55,492 X 25%) - 13,873 SF**

PROPOSED DRIVEWAY LOOP





## **BOARD OF COMMISSIONERS MEETING**

### **STAFF MEMORANDUM**

**FEBRUARY 14, 2023**

#### **AGENDA ITEM E-3**

#### **CONSIDERATION OF ORDINANCE 2023-01**

#### **AN ORDINANCE DESIGNATING AUXILIARY POLICE OFFICERS FOR THE TOWN OF BILTMORE FOREST**

---

#### Background

N.C.G.S. 160A-282 allows local law enforcement agencies to designate volunteer members as auxiliary members of the Police Department. Typically, these are officers who are retired from law enforcement service but want to retain their sworn law enforcement certification. Often, these officers do not work regularly as part-time or reserve officers but currently retain status as a “reserve” officer. Designation as an auxiliary officer more accurately identifies these officers and also removes those who do not work regularly from the Town’s payroll. Auxiliary officers, by statute, are volunteer members.

#### Ordinance Purpose

The formal creation of an auxiliary police officer designation is recommended by the NC League of Municipalities as a best practice. Chief Beddingfield and BFPD staff have spent considerable time reviewing and updating internal policies to better align with best practices and the League’s recommendations. Many policies are being amended internally, but the creation of an auxiliary police officer division requires Board approval via ordinance.

Staff recommends approval of the proposed ordinance.

**ORDINANCE 2022-01**  
**AN ORDINANCE TO AMEND CHAPTER 31 OF THE TOWN CODE**  
**OF THE TOWN OF BILTMORE FOREST**

§31.15 (F). ORDINANCE CREATING AUXILIARY POLICE DIVISION.

Auxiliary police division.

The Police Department of the Town may establish an auxiliary police division. The auxiliary police division shall be a volunteer organization, whose members shall serve without compensation, composed of as many members as may from time to time be determined by the Chief of Police and approved by the Town Manager.

Auxiliary police, while undergoing official training and while performing duties on behalf of the town pursuant to orders or instructions of the Chief of Police of the Town, shall be entitled to benefits under North Carolina Workers-Compensation Act and to any fringe benefits for which such volunteer personnel qualify.

State law reference(s)—G.S. 160A-282 (a) and (b).

Adopted this, the 14<sup>th</sup> day of February, 2023.

---

George F. Goosmann, III  
Mayor

Attest:

---

Laura M. Jacobs  
Town Clerk

## Article 13.

### Law Enforcement.

#### **§ 160A-281. Policemen appointed.**

A city is authorized to appoint a chief of police and to employ other police officers who may reside outside the corporate limits of the city unless the council provides otherwise. (R.C., c. 111, s. 16; Code, c. 3803; Rev., s. 2926; C.S., s. 2641; 1969, c. 23, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 45.)

#### **§ 160A-282. Auxiliary law-enforcement personnel; workers' compensation benefits.**

(a) A city may by ordinance provide for the organization of an auxiliary police department made up of volunteer members.

(b) A city, by enactment of an ordinance, may provide that, while undergoing official training and while performing duties on behalf of the city pursuant to orders or instructions of the chief of police of the city, auxiliary law-enforcement personnel shall be entitled to benefits under the North Carolina Workers' Compensation Act and to any fringe benefits for which such volunteer personnel qualify.

(c) The board of commissioners of any county may provide that persons who are deputized by the sheriff of the county as special deputy sheriffs or persons who are serving as volunteer law-enforcement officers at the request of the sheriff and under his authority, while undergoing official training and while performing duties on behalf of the county pursuant to orders or instructions of the sheriff, shall be entitled to benefits under the North Carolina Workers' Compensation Act and to any fringe benefits for which such persons qualify.

This subsection shall not apply to volunteer school safety resource officers as described in G.S. 162-26. (1969, c. 206, s. 1; 1971, c. 698, s. 1; 1973, c. 1263, s. 1; 1979, c. 714, s. 2; 1979, 2nd Sess., c. 1247, s. 28; 2013-360, s. 8.45(d).)

#### **§ 160A-283. Joint county and city auxiliary police.**

The governing body of any city, town, or county is hereby authorized to create and establish a joint law-enforcement officers' auxiliary force with one or more cities, towns, or counties. Each participating city, town, or county shall, by resolution or ordinance, establish the joint auxiliary police force. The resolution or ordinance shall specify whether the members of the joint auxiliary police force shall be volunteers or shall be paid. Members shall be appointed by the respective governmental units and shall take the oath required for regular police officers. The joint auxiliary force may be called into active service at any time by the mayor or chief of police of the participating town or city or the chairman of the board of commissioners or sheriff of a participating county. Members of the joint auxiliary force, while undergoing official training and while on active duty shall be members of the unit which called the auxiliary force into active duty and shall be entitled to all powers, privileges and immunities afforded by law to regularly employed law-enforcement officers of that unit including benefits under the Workers' Compensation Act. Members of the joint auxiliary force shall not be considered as public officers within the meaning of the North Carolina Constitution. Such members shall be dressed in the uniform prescribed by such auxiliary force at any time such members or member exercises any of the duties or authority herein provided for. (1971, c. 607; c. 896, s. 4; 1979, c. 714, s. 2.)

#### **§ 160A-284. Oath of office; holding other offices.**

(a) Each person appointed or employed as chief of police, policeman, or auxiliary policeman shall take and subscribe before some person authorized by law to administer oaths the oath of office required by Article VI, Sec. 7, of the Constitution. The oath shall be filed with the city clerk.

(b) The offices of policeman and chief of police are hereby declared to be offices that may be held concurrently with any other appointive office pursuant to Article VI, Sec. 9, of the Constitution. The offices of policeman and chief of police are hereby declared to be offices that may be held concurrently with any elective office, other than elective office in the municipality employing the policeman or chief of police, pursuant to Section 9 of Article VI of the Constitution.

(c) The office of auxiliary policeman is hereby declared to be an office that may be held concurrently with any elective office or appointive office pursuant to Article VI, Sec. 9, of the Constitution. (1971, c. 698, s. 1; c. 896, s. 4; 1975, c. 664, s. 10; 2018-13, s. 4(a).)

#### **§ 160A-285. Powers and duties of policemen.**

As a peace officer, a policeman shall have within the corporate limits of the city all of the powers invested in law-enforcement officers by statute or common law. He shall also have power to serve all civil and criminal process that may be directed to him by any officer of the General Court of Justice and may enforce the ordinances and regulations of the city as the council may direct. (Code, s. 3811; Rev., s. 2927; C.S., s. 2642; 1971, c. 698, s. 1; c. 896, s. 4.)

#### **§ 160A-286. Extraterritorial jurisdiction of policemen.**

In addition to their authority within the corporate limits, city policemen shall have all the powers invested in law-enforcement officers by statute or common law within one mile of the corporate limits of the city, and on all property owned by or leased to the city wherever located.

Any officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all of the privileges, immunities, and benefits to which he would be entitled if acting within the city, including coverage under the workers' compensation laws. (1971, c. 698, s. 1; c. 896, s. 4; 1973, c. 426, s. 46; c. 1286, s. 24; 1991, c. 636, s. 3.)

#### **§ 160A-287. City lockups. [Effective until January 1, 2023]**

A city shall have authority to establish, erect, repair, maintain and operate a lockup for the temporary detention of prisoners pending their transferal to the county or district jail or the State Division of Adult Correction and Juvenile Justice. (Code, ss. 704, 3117; 1901, c. 283; 1905, c. 526; Rev., s. 2916; 1907, c. 978; P.L. 1917, c. 223; C.S., s. 2623; Ex. Sess. 1921, c. 58; 1927, c. 14; 1933, c. 69; 1949, c. 938; 1955, c. 77; 1959, c. 391; 1961, c. 308; 1967, c. 100, s. 2; c. 1122, s. 1; 1969, c. 944; 1971, c. 698, s. 1; c. 896, s. 4; 2011-145, s. 19.1(h); 2017-186, s. 3(a).)

#### **§ 160A-287. City lockups. [Effective January 1, 2023]**

A city shall have authority to establish, erect, repair, maintain and operate a lockup for the temporary detention of prisoners pending their transferal to the county or district jail or the Division of Prisons of the Department of Adult Correction. (Code, ss. 704, 3117; 1901, c. 283; 1905, c. 526; Rev., s. 2916; 1907, c. 978; P.L. 1917, c. 223; C.S., s. 2623; Ex. Sess. 1921, c. 58; 1927, c. 14; 1933, c. 69; 1949, c. 938; 1955, c. 77; 1959, c. 391; 1961, c. 308; 1967, c. 100, s. 2; c. 1122, s. 1; 1969, c. 944; 1971, c. 698, s. 1; c. 896, s. 4; 2011-145, s. 19.1(h); 2017-186, s. 3(a); 2021-180, s. 19C.9(qqqq).)

**§ 160A-288. Cooperation between law enforcement agencies.**

(a) Unless specifically prohibited or limited by an ordinance officially adopted by the governing body of the city or county by which the person is employed, appointed, or elected to serve, the head of any law enforcement agency may temporarily provide assistance to another agency if so requested in writing by the head of the requesting agency. The assistance may comprise allowing officers of the agency to work temporarily with officers of the requesting agency (including in an undercover capacity) and lending equipment and supplies. While working with the requesting agency under the authority of this section, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses. While on duty with the requesting agency, the officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. The officer shall furthermore be entitled to workers' compensation and the same benefits when acting pursuant to this section to the same extent as though the officer were functioning within the normal scope of the officer's duties.

(b) As used in this section:

- (1) "Head" means any director or chief officer of a law enforcement agency including the chief of police of a local department, chief of police of county police department, and the sheriff of a county, or an officer of one of the above named agencies to whom the head of that agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.
- (2) "Law enforcement agency" or "agency" means a municipal police department, a county police department, or a sheriff's office of this State. Subject to G.S. 15A-403, it also includes a municipal police department, a county police department, or a sheriff's office of another state if the laws of the other state allow for the provision of mutual aid with out-of-state law enforcement officers. All other State and local agencies are exempted from the provisions of this section.

(c) This section in no way reduces the jurisdiction or authority of State law enforcement officers.

(d) For purposes of this section, the following shall be considered the equivalent of a municipal police department:

- (1) Campus law enforcement agencies established pursuant to G.S. 115D-21.1(a) or G.S. 116-40.5(a).
- (2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes.
- (3) Law enforcement agencies operated or eligible to be operated by a municipality pursuant to G.S. 63-53(2).
- (4) Repealed by Session Laws 2013-360, s. 16B.4(d), effective July 1, 2013.
- (5) A Company Police agency of the Department of Agriculture and Consumer Services commissioned by the Attorney General pursuant to Chapter 74E of the General Statutes. (1967, c. 846; 1971, c. 698, s.1; c. 896, s.4; 1977, c. 534;

1981, c. 93, s. 2; 1987, c. 671, s. 4; 1989, c. 518, s. 2; 1991, c. 636, s. 3; 1991 (Reg. Sess., 1992), c. 1043, s. 6; 1997-143, s. 1; 1999-68, s. 4; 2005-231, s. 8; 2006-159, s. 4; 2009-94, s. 1; 2011-260, s. 4; 2013-360, s. 16B.4(d); 2018-87, s. 1; 2019-130, s. 1.)

**§ 160A-288.1. Assistance by State law-enforcement officers; rules; cost.**

(a) The governing body of any city or county may request the Governor to assign temporarily State law-enforcement officers with statewide authority to provide law-enforcement protection when local law-enforcement officers: (i) are engaged in a strike; (ii) are engaged in a slowdown; (iii) otherwise refuse to fulfill their law-enforcement responsibilities; or (iv) submit mass resignations. The request from the governing body of the city or county shall be in writing. The request from a county governing board shall be upon the advice of the sheriff of the county.

(b) The Governor shall formulate such rules, policies or guidelines as may be necessary to establish a plan under which temporary State law-enforcement assistance will be provided to cities and counties. The Governor may delegate the responsibility for developing appropriate rules, policies or guidelines to the head of any State department. The Governor may also delegate to a department head the authority to determine the number of officers to be assigned in a particular case, if any, and the length of time they are to be assigned.

(c) While providing assistance to a city or county, a State law-enforcement officer shall be considered an employee of the State for all purposes, including compensation and fringe benefits.

(d) While providing assistance to the city or county, a State officer shall be subject to the lawful operational commands of his State superior officers. The ranking representative of each State law-enforcement agency providing assistance shall consult with the appropriate city or county officials prior to deployment of the State officers under his command. (1979, c. 639, s. 1.)

**§ 160A-288.2. Assistance to State law-enforcement agencies.**

(a) Unless specifically prohibited or limited by an ordinance officially adopted by the governing body of the city or county by which the officer is employed, appointed, or elected to serve, the head of any local law-enforcement agency may temporarily provide assistance to a State law-enforcement agency in enforcing the laws of North Carolina if so requested in writing by the head of the State agency. The assistance may comprise allowing officers of the local agency to work temporarily with officers of the State agency (including in an undercover capacity) and lending equipment and supplies. While working with the State agency under the authority of this section, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and the payment of judgments) as the officers of the State agency in addition to those the officer normally possesses. While on duty with the State agency, the officer shall be subject to the lawful operational commands of the officer's superior officers in the State agency, but the officer shall for personnel and administrative purposes, remain under the control of the local agency, including for purposes of pay. The officer shall furthermore be entitled to workers' compensation and the same benefits when acting pursuant to this section to the same extent as though the officer were functioning within the normal scope of the officer's duties.

(b) As used in this section:

- (1) "Head" means any director or chief officer of any State or local law-enforcement agency including the chief of police of a local department, chief of police of a county police department, and the sheriff of a county, or an



officer of the agency to whom the head of that agency has delegated authority to make or grant requests under this section, but only one officer in the agency shall have this delegated authority at any time.

(2) "Local law-enforcement agency" means any municipal police department, a county police department, or a sheriff's office.

(3) "State law-enforcement agency" means any State agency, force, department, or unit responsible for enforcing criminal laws.

(c) This section in no way reduces the jurisdiction or authority of State law-enforcement officers.

(d) For the purposes of this section, the following shall be considered the equivalent of a municipal police department:

(1) Campus law-enforcement agencies established pursuant to G.S. 116-40.5(a).

(2) Colleges or universities which are licensed, or exempted from licensure, by G.S. 116-15 and which employ company police officers commissioned by the Attorney General pursuant to Chapter 74E or Chapter 74G of the General Statutes.

(3) Repealed by Session Laws 2013-360, s. 16B.4(e), effective July 1, 2013. (1981, c. 878; 1989, c. 518, s. 3; 1991, c. 636, s. 3; 1991 (Reg. Sess., 1992), c. 1043, s. 7; 2005-231, s. 9; 2006-159, s. 5; 2011-260, s. 5; 2011-326, s. 10; 2013-360, s. 16B.4(e); 2018-87, s. 2.)

**§ 160A-288.3.** Expired pursuant to Session Laws 2019-109, s. 1, effective October 1, 2020.

**§ 160A-288.4. Police chief may establish volunteer school safety resource officer program.**

(a) The chief of police of a local police department or of a county police department may establish a volunteer school safety resource officer program to provide nonsalaried special law enforcement officers to serve as school safety resource officers in public schools. To be a volunteer in the program, a person must have prior experience as either (i) a sworn law enforcement officer or (ii) a military police officer with a minimum of two years' service. If a person with experience as a military police officer is no longer in the armed services, the person must also have an honorable discharge. A program volunteer must receive training on research into the social and cognitive development of elementary, middle, and high school children and must also meet the selection standards and any additional criteria established by the chief of police.

(b) Each volunteer shall report to the chief of police and shall work under the direction and supervision of the chief of police or the chief's designee when carrying out the volunteer's duties as a school safety resource officer. No volunteer may be assigned to a school as a school safety resource officer until the volunteer has updated or renewed the volunteer's law enforcement training and has been certified by the North Carolina Criminal Justice Education and Training Standards Commission as meeting the educational and firearms proficiency standards required of persons serving as criminal justice officers. A volunteer is not required to meet the physical standards required by the North Carolina Criminal Justice Education and Training Standards Commission but must have a standard medical exam to ensure the volunteer is in good health. A person selected by the chief of police to serve as a volunteer under this section shall have the power of arrest while performing official duties as a volunteer school safety resource officer.

(c) The chief of police may enter into an agreement with the local board of education to provide volunteer school safety resource officers who meet both the criteria established by this

section and the selection and training requirements set by the chief of police of the municipality or county in which the schools are located. The chief of police shall be responsible for the assignment of any volunteer school safety resource officer assigned to a public school and for the supervision of the officer.

(d) There shall be no liability on the part of and no cause of action shall arise against a volunteer school safety resource officer, the chief of police or employees of the local law enforcement agency supervising a volunteer school safety officer, or the public school system or its employees for any good-faith action taken by them in the performance of their duties with regard to the volunteer school safety resource officer program established pursuant to this section. (2013-360, s. 8.45(f).)

#### **§ 160A-289. Training and development programs for law enforcement.**

A city shall have authority to plan and execute training and development programs for law-enforcement agencies, and for that purpose may

- (1) Contract with other cities, counties, and the State and federal governments and their agencies;
- (2) Accept, receive, and disburse funds, grants and services;
- (3) Create joint agencies to act for and on behalf of participating counties and cities;
- (4) Make applications for, receive, administer, and expend federal grant funds; and
- (5) Appropriate and expend available tax or nontax funds. (1969, c. 1145, s. 3; 1971, c. 698, s. 1; c. 896, s. 4.)

#### **§ 160A-289.1. Resources to protect the public.**

Subject to the requirements of G.S. 7A-41, 7A-44.1, 7A-64, 7A-102, 7A-133, and 7A-498.7, a city may appropriate funds under contract with the State for the provision of services for the speedy disposition of cases involving drug offenses, domestic violence, or other offenses involving threats to public safety. Nothing in this section shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this section. Further, nothing in this section shall be construed to obligate the Administrative Office of the Courts or the Office of Indigent Defense Services to maintain positions or services initially provided for under this section. (1999-237, s. 17.17(c); 2000-67, s. 15.4(f); 2001-424, s. 22.11(f).)

#### **§ 160A-289.2. Neighborhood crime watch programs.**

A city may establish neighborhood crime watch programs within the city to encourage residents and business owners to promote citizen involvement in securing homes, businesses, and personal property against criminal activity and to report suspicious activities to law enforcement officials. (2006-181, s. 2.)

#### **§ 160A-290. Reserved for future codification purposes.**