

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest
Board of Commissioners

To be held Tuesday, July 9, 2024 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. Consent Agenda

1. Approval of Agenda
2. Approval of June 4, 2024 Minutes
3. Approval of June 26, 2024 Special Meeting Minutes

D. Public Comment

E. Departmental Reports

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

F. New Business

1. Consideration of Tax Penalty Waiver Request – 9 Hilltop Road
2. Review and Discuss Potential Bridge Options – Brooklawn Park
3. Town Noise Ordinance – Review and Discussion

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 JUNE 4, 2024

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 Fran Cogburn, present
Commissioner Glenn Kelly, present

Mr. Jonathan Kanipe, the Town Manager, was present. The Town Attorney, Billy Clarke, was not present.

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

The Pledge of Allegiance was conducted.

Consent Agenda

Commissioner Loomis made a motion to approve the agenda and the minutes from May 21, 2024. Commissioner Cogburn seconded the motion and was unanimously approved.

Public Comment

Mr. Charles Snider at 17 Brookside Road expressed his opposition to the proposed parking spaces on Brookside Road, which were related to the new walking trail. Mr. Jonathan Kanipe said there are no plans for parking spaces and that the board never considered such a proposal.

Chief Chris Beddingfield gave the report for the Police Department. There were 742 calls for service, noting an increase due to the shortened reporting period. This included routine patrols and responses to community concerns.

Chief Beddingfield said there were a significant number of bear related calls. The department is taking proactive measures to educate residents on how to handle bear encounters safely. The police are using sirens, rubber bullets, and blank rounds to scare off bears, as a safety measure. No recent coyote sightings were reported.

Mr. Harry Buckner gave the report for the Public Works Department. Mr. Buckner said they have also received calls about bears going through garbage. Mr. Buckner said several residents requested Town-provided bear-proof trash cans. Mr. Buckner provided general advice on handling trash to prevent bear encounters.

Mr. Buckner said the stormwater project is currently underway with visible progress. The goal is to have the area tidied up by July 4th for the picnic in the park.

Mr. Buckner said the main bridge components are expected to be delivered soon, with a crane scheduled for installation at Greenwood Park. Mr. Buckner said he is also going to work on other projects which include relocating the shields in the social room, improving the Brooklawn Hemlock pond, and addressing concerns about maintenance of the trail.

Commissioner Loomis asked about the signage at the parks. Mr. Buckner said they hope to have the signs up later in June. Commissioner Loomis and Commissioner Cogburn praised the work done on Southwood and discussed the condition and maintenance of the walking trail.

Mr. Tony Williams gave the Town Planning report. Mr. Williams participated in a UNC School of Government workshop which went over planning and zoning in North Carolina. Mr. Williams has 85 land use conferences. There were six notices of violations and seven resolved violations and/or complaints. There were a total of twenty one plans reviewed and three permits issues.

Mr. Kanipe gave the report for the Town. Mr. Kanipe said the stormwater project began last week. The project will be highlighted in the upcoming Town newsletter to keep residents informed.

Mr. Kanipe said the joint meeting with the Planning Commission and Board of Commissioners will be held on June 25th at 4pm. The discussion will address collaborative efforts and ongoing projects.

Mr. Kanipe said the Town is required to have two municipal bridges inspected as part of a sharing enterprise with the State of North Carolina. The Town will also have all bridges inspected to ensure safety and proper maintenance this year. This will result in twelve bridges being inspected.

Mr. Kanipe discussed the Biltmore Forest LEADS Ad-Hoc Tick Reduction Committee. They will have a meeting in July. The committee is making progress and is expected to present recommendations by September.

PUBLIC HEARING

Commissioner Loomis made a motion to go into Public Hearing at 4:55pm. Commissioner Cogburn seconded the motion and was unanimously approved. The Public Hearing was published in the Asheville Citizen Times. A copy of the notice is also included in the agenda packet. An overview of the budget highlights was provided, including project rollovers and a fund balance surplus. Commissioner Kelly asked what the fund balance will be. Mr. Kanipe said it will be around a \$500,000 surplus at this point. Commissioner Kelly asked how that came about. Mr. Kanipe said generally it occurs when there are certain projects that don't get fully completed in a year or it could happen if there is staff turnover with salaries. Generally, in the past several years it has been with large projects that haven't been completed within the designated time frame.

Commissioner Kelly asked if the taxable real estate amount went up. Mr. Kanipe said yes it did roughly 1.8% in value.

Commissioner Cogburn made a motion to leave the Public Hearing at 4:58pm. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed the Consideration of Resolution 2024-05 which is a Resolution Amending the Town of Biltmore Forest's Personnel Policy. Mr. Kanipe said if this is approved, this would go into effect July 1, 2024. The Town Attorney, Billy Clarke made some administrative changes per Commissioner Kelly's request to make it clearer. Commissioner Cogburn moved to accept Resolution 2024-05. Commissioner Kelly seconded the motion and was unanimously approved.

Consideration of Budget 2024-2025. Mr. Kanipe said this would be approved July 1, 2024. This is the proposal for this year moving forward. Commissioner Cogburn made a motion to approve the 2024-25 Budget, Commissioner Kelly seconded the motion and was unanimously approved.

BUDGET ORDINANCE

**BUDGET ORDINANCE FOR THE TOWN OF BILTMORE FOREST
NORTH CAROLINA FOR THE FISCAL YEAR 2024-2025**

BE IT ORDAINED by the Board of Commissioners of the Town of Biltmore Forest, North Carolina, that in accordance with NCGS 159-13(b)(16) the 2023-2024 Budget be approved as follows:

SECTION 1. GENERAL FUND REVENUES

Ad Valorem	3,170,293
Unrestricted Intergovernmental	1,805,135
Restricted Intergovernmental	76,000
Permits & Fees	31,300
Investment Earnings	233,333
Miscellaneous	58,800
Other Financing Source	1,258,836
TOTAL General Fund Revenues	6,633,697

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

SECTION 2. GENERAL FUND APPROPRIATIONS

Administration	695,921
Police Department	2,049,731
Fire Contract	425,000
Public Works	623,503
Streets & Transportation	1,339,100
Sanitation & Recycling	612,899
General Government	776,708
Debt Service	110,836
TOTAL General Fund Expenditures	6,633,697

The following amounts are appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025 in accordance with the chart of accounts heretofore established for this Town on June 4, 2024:

SECTION 3. WATER FUND REVENUES

It is estimated that the following revenues will be available in the Water Fund for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Operating Revenues	1,142,795
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SECTION 4. WATER FUND APPROPRIATIONS

The following amounts are appropriated in the Water Fund for the operation of the enterprise fund and its activities for the fiscal year beginning July 1, 2024 and ending June 30, 2025:

Operating Expenditures	1,142,795
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SECTION 5. LEVY OF TAXES

There is hereby levied a tax at the rate of \$0.345 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2024, as listed as “Ad Valorem Taxes” in the General Fund section 1 of this ordinance. The rate is based on an estimated valuation of \$881,988,781 and an estimated rate of collection of 99.98%.

SECTION 6. FEES & CHARGES

There is hereby established, for fiscal year 2024-2025, various fees and charges as contained in the Schedule of Fees attachment to this document.

SECTION 7. SPECIAL AUTHORIZATION OF THE BUDGET OFFICER

The Budget Officer is authorized to transfer appropriations of up to \$5,000 between line items within the same department. Reallocations of appropriations transferred shall be reported to the Town Board monthly.

SECTION 8. CLASSIFICATION & PAY PLAN

The Cost-of-Living Adjustment (COLA) for all full-time Town employees shall be 3.8% and shall begin the first payroll in the new fiscal year.

SECTION 9. RE-APPROPRIATION OF ENCUMBERED FUNDS

Operating funds encumbered on the financial records as of June 30, 2024 are hereby re-appropriated to fiscal year 2024-25.

SECTION 10. COPIES OF THIS BUDGET ORDINANCE

Copies of this Budget Ordinance shall be furnished to the Finance Director of the Town of Biltmore Forest to be kept on file for the disbursement of funds.

Adopted this 4th day of June, 2024.

Consideration of 24-25 Schedule of Fees. This is adopted in line with the budget this year. This year, water rates will increase dramatically due to the cost the Town will be paying from the City of Asheville and their increases at least for the next three years. The only other fee that changed in this is the cost for MSD and we incorporated this into ours as well. Mr. Kanipe responded to Commissioner Loomis about notifying residents of the water rate changes and said we wrote a large article in our Town newsletter with a breakdown. We also published something on the Town of Biltmore Forest website that provides the study as well as the background information with it. We are also going to put something on the August bills as well notifying residents of the rate changes. Commissioner Cogburn asked about the Zoning Permit extension and if a resident gets another extension, what will happen. Mr. Kanipe suggested one extension for half price so to speak and if it went beyond that, we could charge a different fee and have that incorporated. Commissioner Loomis and Commissioner Cogburn said this would be a good idea as an incentive for the residents to get the project finished. Mr. Kanipe said they could have the original permit fee for the extension and then double the permit fee for two extensions. Mr. Kanipe will prepare this and amend it at next month's meeting to have this effective July 1st.

Commissioner Loomis made a motion to approve the Schedule of Fees but change the permit fee to the second extension begins the original fee and then double each time after that. Commissioner Cogburn seconded the motion and was unanimously approved.

Consideration of FY 24 Audit Agreement with Carter P.C. A motion was made by Commissioner Cogburn to approve the audit agreement. Commissioner Loomis seconded the motion. The motion was unanimously approved. The meeting was adjourned at 5:07 pm.

The next meeting is scheduled for Tuesday, July 9th, 2024 at 4:30pm.

ATTEST:

Laura Jacobs

Town Clerk

George F. Goosmann, III

Mayor

MINUTES OF SPECIAL CALL MEETING OF THE MAYOR AND TOWN
COMMISSIONERS OF

BILTMORE FOREST HELD TUESDAY, JUNE 25, 2024

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 by the Clerk:

Mayor George F. Goosmann, III, present

Commissioner Fran G. Cogburn, present

Commissioner Doris P. Loomis, present

Commissioner E. Glenn Kelly, present

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

Mayor Goosmann called the meeting to order at 3:30 pm.

The purpose of this Special Call meeting is to receive and consider budget amendments for FY 24. General Fund Revenues and Appropriations total 6.78 million for FY 24. Commissioner Kelly made a motion to approve the FY 24 Budget Ordinance Amendments, Commissioner Loomis seconded the motion. The motion was unanimously approved. The meeting was adjourned at 3:34pm.

There being no further business, Mayor Goosmann adjourned the meeting at 4:23 p.m.

ATTEST:

Laura Jacobs, Town Clerk

George F. Goosmann, III, Mayor



Skyland Fire & Rescue

Biltmore Forest Valley Springs Station

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



Biltmore Forest Valley Springs Station

Incident Response

June 2024

Incident Type

161 - Outside storage fire	1
311 - Medical assist, assist EMS crew	9
322 - Motor vehicle accident with injuries	1
324 - Motor vehicle accident with no injuries.	1
611 - Dispatched & canceled en route	4
622 - No incident found on arrival at dispatch address	2
735 - Alarm system sounded due to malfunction	3
736 - CO detector activation due to malfunction	1
745 - Alarm system activation, no fire - unintentional	3
Total Calls	25

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 July 9th, 2024 Commission Report

June 2024 Data-6/1/24 through 6/30/24

Total Calls For Service:

769 (742 last month)

Arrests:

0-Felony Arrests

5-Misdemeanor Arrests-4-Driving While Impaired From Traffic Stops. 1-Driving After Consuming Alcohol Under the Age of 21 From a Traffic Stop.

Citations:

42-Citations for various traffic violations (34 last month)

Time Consumption Summary:

Approximations:

Business Checks- 4 hours

House Checks- 4 hours

Radar Operation- 4 hours

Vehicle Crash Investigation- 1 hours

Notable Calls and Projects:

The Chief received a very nice award from The National Alliance on Mental Illness. He received the North Carolina Law Enforcement Executive of the Year Award for his work with CIT programs.

Participated in safety/security walk throughs at Carolina Day School. All officers and telecommunicators participated in campus walk throughs to be more familiar with the property in the event of an emergency.

Officer Joe Zub graduated from the WNC Law Enforcement Leadership Academy. This is a challenging six-month program on multiple leadership topics. Zub did extremely well and is applying these concepts professionally.

Sergeant Matt Kelly and Officer Michael Anton graduated from Blue Ridge Community College's Online Extensive Leadership Program. This was a five topic forty week program that provides leadership techniques for all facets of law enforcement.

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

Calls for Service 06/01/2024 - 06/30/2024

BILTMORE FOREST POLICE DEPARTMENT	Count	Percent
ALARM	26	3.38%
ANIMAL CONTROL	24	3.12%
ASSIST MOTORIST	16	2.08%
ASSIST NON-RESIDENT	1	0.13%
ASSIST OTHER AGENCY	10	1.30%
ASSIST RESIDENT	9	1.17%
BICYCLIST VIOLATION	1	0.13%
BUSINESS CHECK	308	40.05%
CHASE	1	0.13%
CRIME PREVENTION	5	0.65%
DEBRIS IN ROADWAY	2	0.26%
DEPARTMENT OTHER	3	0.39%
DISPUTE	2	0.26%
DISTURBANCE	3	0.39%
DOWN POWER LINES	1	0.13%
EXTRA PATROL	1	0.13%
FIRE	1	0.13%
FOLLOW UP	2	0.26%
FOLLOW-UP INVESTIGATION	2	0.26%
FRAUD	1	0.13%
HOUSE CHECK	180	23.41%
IMPROPER PARKING	4	0.52%
LARCENY	1	0.13%
MEDICAL EMERGENCY	10	1.30%
NOISE COMPLAINT	3	0.39%
ORDINACE VIOLATION	6	0.78%
RADAR OPERATION	13	1.69%
ROAD BLOCKED	1	0.13%
SPECIAL ASSIGNMENT	4	0.52%
SPECIAL CHECK	5	0.65%
SUSPICIOUS ACTIVITY	1	0.13%
SUSPICIOUS PERSON	18	2.34%
SUSPICIOUS VEHICLE	17	2.21%
TALK WITH OFFICER	4	0.52%
TRAFFIC CONTROL	5	0.65%
TRAFFIC STOP	69	8.97%
TREE DOWN	5	0.65%
TRESPASSING	1	0.13%
VEHICLE ACCIDENT	1	0.13%
WELFARE CHECK	2	0.26%
Total Records For BILTMORE FOREST POLICE DEPARTMENT	769	Dept Calls/Total Calls 100.00%

BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

July 3, 2024



Agenda Item D-3

Public Works Director Monthly Report

Recurring Activities:

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

- Collected 32.71 tons of garbage.
- Diverted 11.69 tons of recycled goods from garbage.
- Picked up 21 loads of brush (approximately 630 cubic yards) over 9 days.
- Responded to 62 total utility locate requests, comprised of 30 new requests and 32 updates.
- Visited 3 residences for Tree Assessments, approving the removal of 5 trees, and requiring the installation of 2 replacement trees.
- Completed daily chlorine residual tests across town and the required two (2) bacteriological tests. All tests were passed.
- Used the Beacon/Badger Meter automated meter reading system to monitor water leaks daily and attempted to contact residents of suspected leaks.
- We continue to perform litter pick-ups as needed, focusing on the entrances.
- Brush collection on the North Route began on June 17th and the South Route began on July 1st.

Miscellaneous Activities in June

- We continue our weekly routine maintenance of all public spaces including general clean-up and servicing of twelve (12) dog waste stations.
- We continue to use the tractor and blower to keep the roads cleared of leaf and other debris.
- The broken sewer service in Brooklawn Park has successfully been repaired for the second time by the homeowner.
- Staff repaired a broken 2-inch water line on Hendersonville Road.
- Our team removed a downed tree from the roadway after hours on Cedarcliff Road this month.
- We responded to a broken irrigation line after hours on Stuyvesant Crescent, cutting the water off at the meter.
- A new irrigation meter was installed at 331 Vanderbilt Road.

- Right-of-way clearing along Southwood Road from Brookside Road to the east was completed this month.
- I was unable to attend the June French Broad River Metropolitan Planning Organization (MPO) Technical Coordinating Committee (TCC) monthly meeting on June 13th due to the above water line leak. There is no meeting in July, but meetings will resume in August.
- Supervisor Dale and I reviewed a proposal from Enterprise for a new garbage truck in June. Enterprise made some minor revisions, and we anticipate moving forward with this in July.
- Our staff wished to let the Board know that we are very appreciative of the revisions approved last month to the Personnel Policies. These revisions were meaningful to our team members, and we very much appreciate all the support we receive from the Board.
- The two (2) state supported Municipal Bridge Inspections were very recently completed, and we are reviewing the reports now. There are some minor repairs needed to some spalled areas in the Stuyvesant Road bridge at the golf course, and we are arranging for those repairs to be completed now. There were no deficiencies identified on the Southwood Road bridge. We are also engaging a consultant to complete additional bridge inspections on all similar town bridges in the coming months.
- I reached out to our roadway striping contractor to get on their schedule for the new fiscal year. They will likely be able to get to our annual contract in August this year, and we will firm up the schedule this month. The next roads to be striped in accordance with the previously approved Striping Capital Improvements Plan are as follows:

Road Name	From	To	Length (Ft)
Stuyvesant Rd	Vanderbilt Rd	Hilltop Rd	5660
Stuyvesant Rd	Hilltop Rd	Frith Dr	3170
Parkway	Stuyvesant Rd	End	650
FY 2024-2025 TOTAL			9480

Larger/Capital Projects Updates

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

- The Contractor began work on the stormwater project on May 20, 2024. Approximately 400 feet of 48” diameter storm drain is installed and the outfall headwall and first inlet structure.
- There is a significant quantity of pipe and other material stockpiled in Rosebank Park.
- Work was temporarily paused and cleaned to allow the Independence Day celebration to occur. Work is anticipated to resume on July 8, 2024.
- The park playground will be closed for portions of July while heavy equipment is near the playground area.
- The construction contract completion date is currently November 16, 2024, for substantial completion and December 16, 2024, for final completion.

Streetlight LED Conversions and Service Upgrades

- No updates on this project as we continue to wait for Flock to complete equipment installations.

Greenwood Park Improvements

- The pedestrian bridge is effectively complete, only lacking the cable rail system to be installed.
- Rock bridge wing walls have been installed and some of the fine grading around the picnic slab and pedestrian bridge is completed.
- Additional string trimming was completed within the undisturbed buffer along the creek. The Town is working to abide by the Army Corps of Engineers permit requirement for the stream stabilization project while understanding the needs to improve the aesthetic look of the creek bank.
- The final paving of the walking trail is scheduled to begin the week of July 15th and will take approximately 3 days, weather pending.
- Once trail paving is completed, the landscape company will return to import additional topsoil to further fine grade the site, correct any drainage issues, and provide suitable soil for additional plant material and turf grass.
- Upon completion of the fine grading, additional plant material will be installed throughout the park.

Brooklawn Park Clean-up and Trail Construction

- Trail construction was completed on April 30, 2024, with final punch-list items finalized on May 15th. The trail is in service now.
- Supervisor Dale walked the entire trail with our tree service company and identified additional hazardous trees to be removed. Additional tree removals occurred in June, with more to come in July.
- Staff installed handrails on both sets of stairs at Brooklawn Chase and the slope on the trail access nearest Hemlock Road and Cedar Hill Road.
- Supervisor Dale and I are working with the sign company to finalize the new Park signage. Installation is anticipated to occur in July.
- Staff completed re-grading and re-mulching the large beds at the pond. We anticipate installing some flowering plant material to beautify that area in July.
- Staff are now focused on weed control (invasives and poison ivy) near the walking trails.

Upcoming in July

- Staff will complete the required daily chlorine and monthly bacteriological testing, and the quarterly disinfection byproduct tests.

- Normal brush collection will continue with the North Route on July 15th, 2024, and the South Route on July 30th, 2024.
- Mowing will continue under its routine weekly schedule until further notice.
- Our team will work with the other Town departments to prepare and provide staff for the annual Independence Day celebration.
- Supervisor Dale and I will continue to monitor the stormwater project.
- Hazardous tree removals will continue in Brooklawn Park.
- Our contractor is scheduled to begin work replacing the 24” culvert under Forest Road in mid- to late-July. This will involve a brief road closure on Forest Road while the culvert is replaced.

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



MEMORANDUM

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

From: Tony Williams, Town Planner

Re: June Monthly Report

Date: July 9, 2024

Recurring

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

Monthly Breakdown

- Review of potential subdivisions: 0
- Land use conferences virtual/on site: 104
- Notice of violations verbal/written: 5
- Resolved violations/complaints: 6
- Complaints: 2
- Plans reviewed: 24
- Plans reviewed for BOA: 6
- Plans reviewed for Design Review Board: 6
- Permits issued: 1



Monthly Financial Report

May 2024

CASH ACCOUNTS

First Citizens Money Market Checking	494,916.98
NCCMT General Fund Government	5,206,368.83
NCCMT Water Fund Government	106,340.41
TOTAL	5,807,626.22

NORTH CAROLINA CASH MANAGEMENT TRUST

GENERAL FUND Government

Beginning Balance	5,074,893.52
Local Gov't Distribution (NCDOR)	108,694.42
Transfer to First Citizens Checking	-
Interest Earned	22,780.89
Ending Balance	5,206,368.83

WATER FUND Government

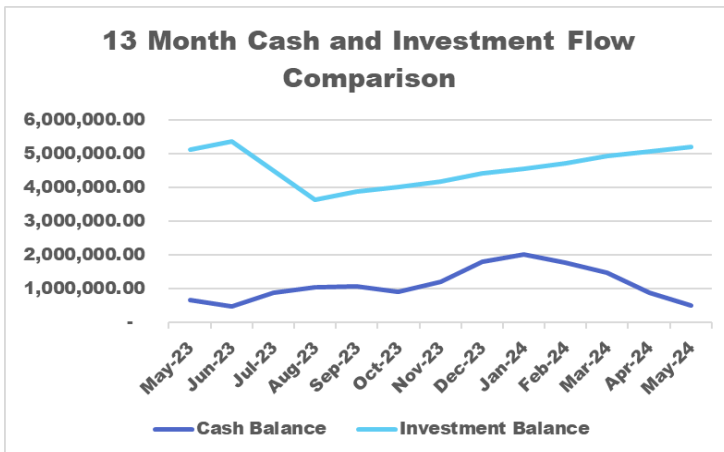
Beginning Balance	105,870.50
Interest Earned	469.91
Ending Balance	106,340.41

FIRST CITIZENS CHECKING (Monthly Transaction Report)

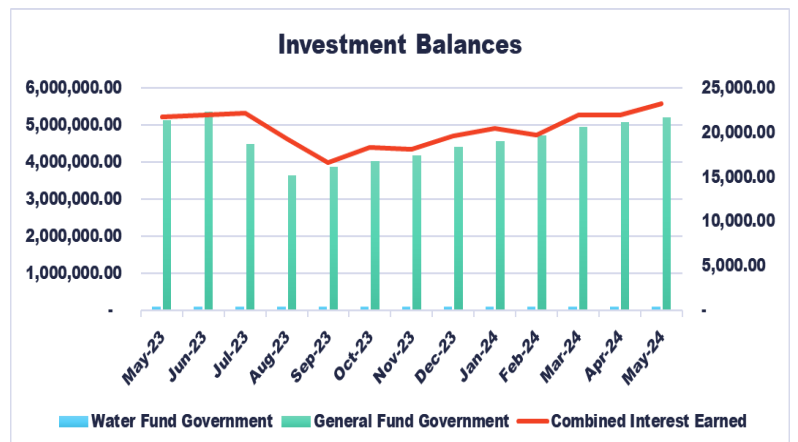
Beginning Balance	894,960.66
Cleared Checks	(265,554.95)
Cleared Deposits	159,431.29
Cleared Credits	16,536.80
Cleared Debits	(236,753.34)
Cleared E-payments	126,064.48
Change in Account Balance	(200,275.72)
Prelim balance	694,684.94
Outstanding Items	(199,767.96)
Ending Balance (F/L Balance)	494,916.98

2023 PROPERTY TAXES

Real Property	859,381,390.00
Personal Property (Including BUS & IND)	7,120,468.00
Personal Property (Public Service Companies)	5,393,345.00
Total Assessed	871,895,203.00
Total Levy	3,006,757.20
Budgeted Levy	2,980,215.00



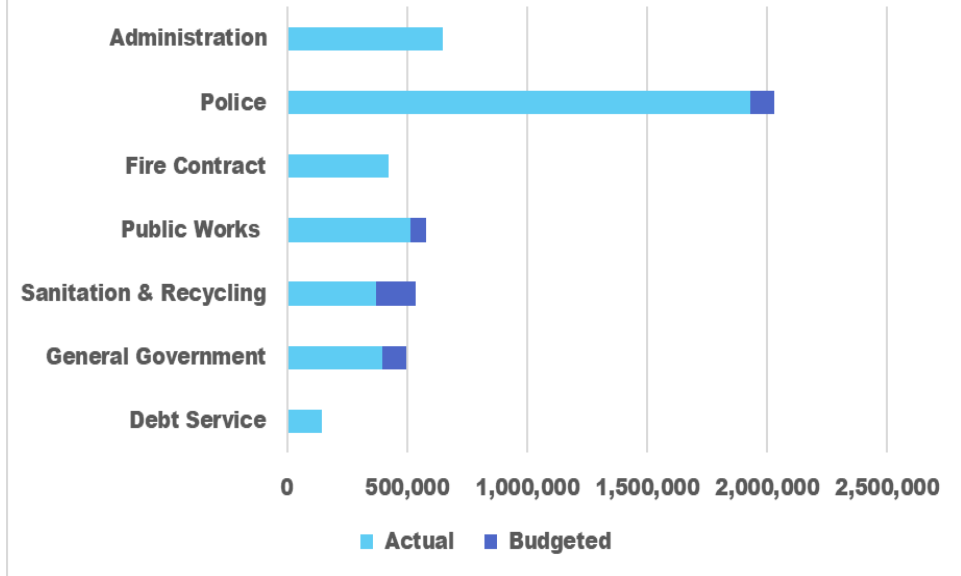
Tax Collection	Budgeted Levy	Total Levy	Amount Collected
Ad Valorem (2023)	2,980,215.00	3,006,757.20	3,006,521.02
Unpaid per Levy Type	(26,306.02)	236.18	
Percent Collected	100.883%	99.992%	
DMV Ad Valorem	122,399.00		114,863.05
Difference	7,535.95		
Percent Collected	93.84%		



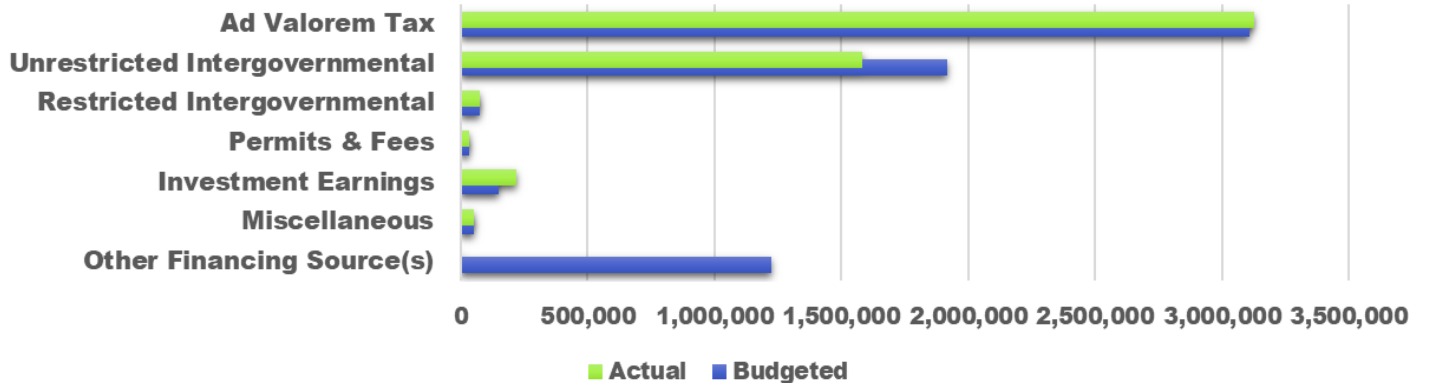
Budget to Actual Revenues vs Expenditures FY 2023-2024



Budget to Actual Expenditures FY 2023-2024



Budget to Actual Revenues FY 2023-2024





Monthly Financial Report

June 2024

CASH ACCOUNTS

First Citizens Money Market Checking	581,832.29
NCCMT General Fund Government	4,940,743.63
NCCMT Water Fund Government	106,796.40
TOTAL	5,629,372.32

NORTH CAROLINA CASH MANAGEMENT TRUST

GENERAL FUND Government

Beginning Balance	5,206,368.83
Local Gov't Distribution (NCDOR)	212,621.63
Transfer to First Citizens Checking	(500,000.00)
Interest Earned	21,753.17
Ending Balance	4,940,743.63

WATER FUND Government

Beginning Balance	106,340.41
Interest Earned	456.06
Ending Balance	106,796.47

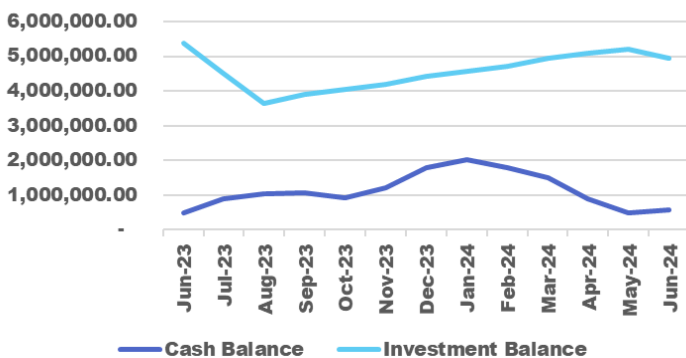
FIRST CITIZENS CHECKING (Monthly Transaction Report)

Beginning Balance	494,916.98
Cleared Checks	(179,011.48)
Cleared Deposits	69,294.62
Cleared Credits	513,577.82
Cleared Debits	(144,502.99)
Cleared E-payments	172,442.66
Change in Account Balance	431,800.63
Prelim balance	926,717.61
Outstanding Items	(344,885.32)
Ending Balance (F/L Balance)	581,832.29

2023 PROPERTY TAXES

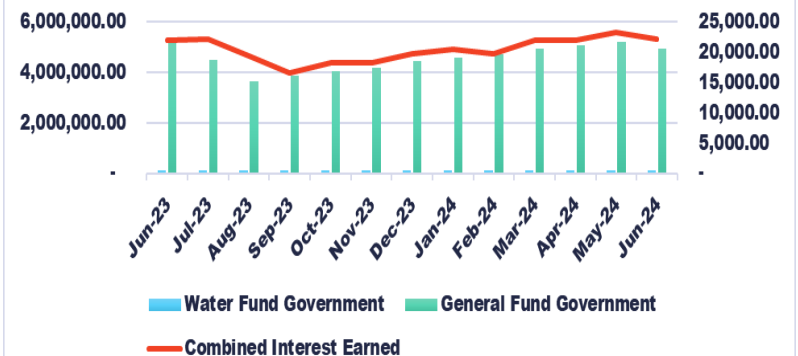
Real Property	859,381,390.00
Personal Property (Including BUS & IND)	7,120,468.00
Personal Property (Public Service Companies)	5,393,345.00
Total Assessed	871,895,203.00
Total Levy	3,012,957.55
Budgeted Levy	3,010,215.00

13 Month Cash and Investment Flow Comparison



Tax Collection	Budgeted Levy	Total Levy	Amount Collected
Ad Valorem (2023)	3,010,215.00	3,012,957.55	3,012,769.11
Unpaid per Levy Type	(2,554.11)	188.44	
Percent Collected	100.085%	99.994%	
DMV Ad Valorem	122,399.00		126,751.72
Difference	(4,352.72)		
Percent Collected	103.56%		

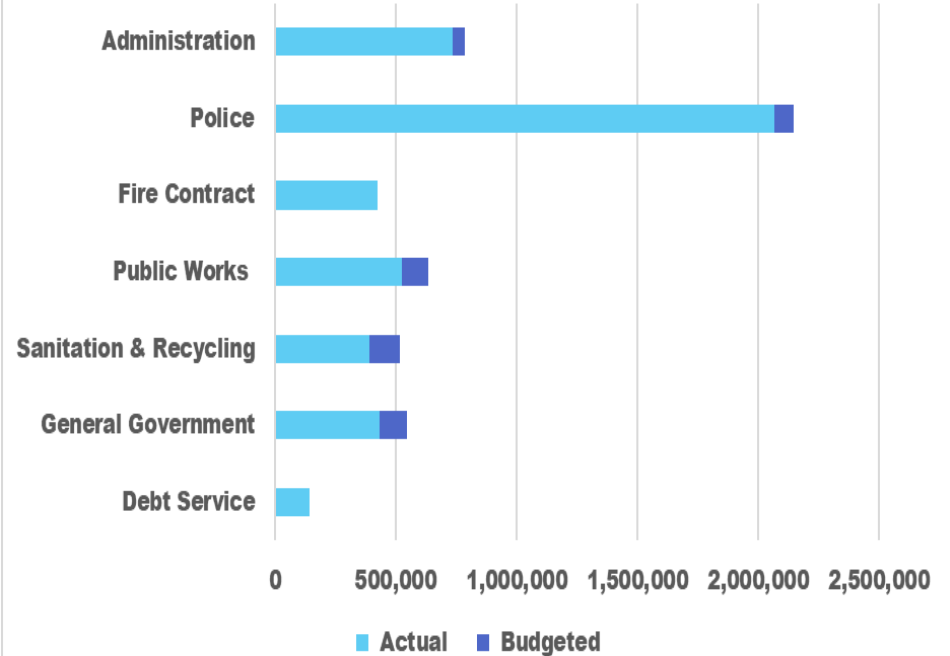
Investment Balances



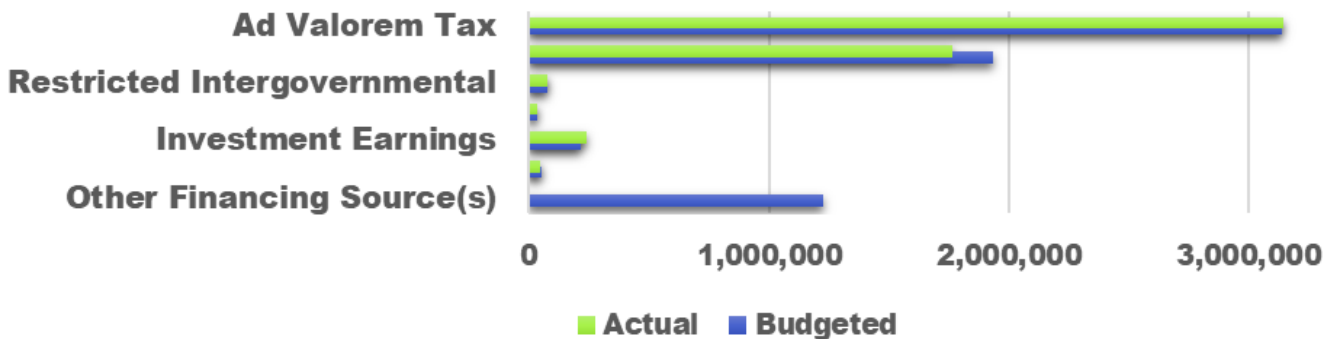
Budget to Actual Revenues vs Expenditures FY 2023-2024



Budget to Actual Expenditures FY 2023-2024



Budget to Actual Revenues FY 2023-2024



BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

July 9, 2024



Agenda Item E-5

Town Manager's Monthly Report

Stormwater Project

The Town's stormwater project is ongoing with roughly 400 feet of pipe being installed in Rosebank Park. The contractor ran into an unknown sewer line during the first portion of the project, which caused some initial delay that required coordination with MSD for repair. Hyatt Pipeline, the Town's contractor, has done a good job working with us over the last several weeks to make advancements and provide necessary (and, fairly typical) access to the park for our Independence Day celebrations. They will resume work in the park the week of July 8.

Joint Meeting with Planning Commission

The Board met with the Planning Commission on June 26 to gather feedback and information regarding their plan of work over the next few months and discuss ideas with the Board of Commissioners. This meeting proved beneficial and provided good insight for the Planning Commission in the coming months. Additionally, Town staff has begun pulling together the information requested by commissioners at the joint meeting and will provide that to both boards in the coming months.

FY24 Budget Re-Allocations

Several re-allocations were made prior to the conclusion of the fiscal year. Per the Town's budget ordinance, my authorization level for re-allocations is \$5,000.00 per line item and then they must be submitted to the Board at the next regular meeting. The budget re-allocations are attached to this memorandum for the Board's reference.

FY25 Audit Fieldwork

The Town's FY25 audit fieldwork is scheduled to begin the week of August 19. Town staff has worked diligently to prepare for this year's audit. We are appreciative of the Board's time at the end of June to make the necessary amendments to the budget, which will also help us with the coming year's audit.

Board of Adjustment Meeting

There is no Board of Adjustment meeting scheduled for the month of July. The next BOA meeting will take place on Monday, August 26.

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131
www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Krystal Curtis, Finance Director
From: Jonathan Kanipe, Town Manager
Re: FY24 Budget Re-Allocations
Date: June 28, 2024

Krystal,

Per the Town's approved budget ordinance, I am authorized to make budget re-allocations within departments up to \$5,000.00. I have reviewed the current year to date expenditures and made the attached budget re-allocations through June 30, 2024. If you have any questions regarding these re-allocations or find any errors, please do not hesitate to let me know.

BUDGET REALLOCATIONS 06/30/2024

ADMIN		CHANGE	FROM	TO
10-4200-0500	FICA	3,000	24,605	27,605
10-4200-1200	Postage	2,000	12,140	14,140
10-4200-5700	Miscellaneous	(5,000)	44,158	39,158
NET CHANGE ADMIN		-		

PUBLIC WORKS		CHANGE	FROM	TO
10-5600-6500	Staff Development	2,000	500	2,500
10-5600-5900	Miscellaneous	(2,000)	45,658	43,658
NET CHANGE PUB WKS		-		

BUDGET REALLOCATIONS 06/30/2024

ADMIN		CHANGE	FROM	TO
10-4200-0500	FICA	3,000	24,605	27,605
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10-5600-6500	Staff Development	2,000	500	2,500
10-5600-5900	Miscellaneous	(2,000)	45,658	43,658
NET CHANGE PUB WKS		-		

**BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
JULY 9, 2024**



AGENDA ITEM F-1

**REQUEST FOR TAX PENALTY WAIVER
9 HILLTOP RD**

Background

The Town received a request from the property owner at 9 Hilltop Rd for a tax penalty waiver. As you know, state law prohibits Town staff from making adjustments or providing waivers without prior Governing Board approval. To note, there have been no prior instances on this property for any collection remedies.

The property owner is unable to attend the Board meeting but has stated the reasons for this request below. This request was submitted to the Town via email to the Tax Collector on 6/27/2024.

- 1. The owner states the check for Real Estate property taxes were dropped in the drop box on the due date of 01/05/2024.**
- 2. There has not been prior communication regarding this balance.**
- 3. The owner has not been living in home since March 2024 and possibility of someone other than owner receiving delinquent notices mailed.**
- 4. Always paid taxes on time previously.**

There were notices each month mailed and emails sent to the other owner of the property, who did not respond, or gave any indication to whom the information should be forwarded. The entirety of the principal amount was paid, but no further proof of payment being on time, or dropped off after 5 p.m. collection.

Type of Taxes: Real Property

Waiver of Penalty and Interest: \$43.23

BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
JULY 9, 2024



AGENDA ITEM F-2

**Review and Discuss Potential Bridge Options in
Brooklawn Park**

Background

The Town's trail construction project in Brooklawn Park has been completed. Signage will be installed and a formal grand opening will occur within the next several months. As the trail has been opened, discussion has resumed regarding the construction of a replacement bridge across Four Mile Creek.

Previous Review

The bridge that failed in mid-2020 was substantially undersized due to the erosion of the creek and widening of the banks over approximately twenty years. The Town closed this bridge due to safety concerns and a new bridge would need to be constructed in this area to provide for a crossing at this location. Per the engineer's study, the previous location is the most appropriate for a reconstructed bridge. The bridge that failed was 27 feet in length. Due to the widened nature of the creek bank, the new bridge would need to be double this length – somewhere between 50 and 55 feet. For comparison purposes, the new bridge crossing the creek in Greenwood Park is 35 feet.

Staff previously evaluated several options and provided those to the Board, including an option that would allow for maintenance equipment to travel over the bridge. This was deemed unnecessary and other, narrower bridge options were considered, but no decision was made to move forward. Previous cost estimates for the bridge ranged from \$120,000 to \$150,000, depending on materials and the width of the bridge itself.

Action Requested

Staff requests direction from the Board on how to proceed and wants to ensure any action taken reflects the will of the Board. Staff is happy to provide any additional information and investigate any design, idea, or concept the Board may offer and are striving to be as responsive to the Board's vision for this area as possible.

BOARD OF COMMISSIONERS MEETING
STAFF MEMORANDUM
JULY 9, 2024



AGENDA ITEM F-4

Town Noise Ordinance – Review and Next Steps

Background

The Town's ordinance related to "sounds impacting residential life" governs as the Town's noise ordinance. The Town also has an ordinance related to excessive dog barking. Each of these ordinances is attached to this memorandum. Each ordinance is subjective in regard to the volume and specific noise levels for particular offenses. There is substantial benefit for the Police Department to have guideposts within this ordinance.

In addition to the "sounds impacting residential life", the Town's existing ordinance also addresses construction activities. While many locations include construction activity within their noised ordinance (including the one attached) the Police often have concerns that this portion of the ordinance is also vague.

Action Requested

Staff requests feedback from the Board on whether there are things within the existing ordinance you would like to see amended. We have provided two attachments from other jurisdictions as sample ordinances that may provide some thought as you consider this question.

Attachments

- (1) Existing Town of Biltmore Forest Ordinance
- (2) Sample ordinance – Blowing Rock, NC
- (3) Sample Ordinance – Rock Island, WA

§ 130.02 SOUNDS IMPACTING RESIDENTIAL LIFE. Attachment 1

(A) (1) As a means of controlling and reducing noise levels in the town, all construction activities and property maintenance, including delivery of worker's material, machinery, or equipment to or from a work site, must be conducted from 7:30 a.m. until 6:00 p.m., on Monday thru Saturday.

(2) Such activities are prohibited on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. These restrictions apply on all properties within the town, except for clubs.

(B) Should conditions on any property within the town occur that have the potential of injury or damage to persons or property during prohibited hours, persons in charge or involved in such matters shall contact the town's police officer in charge, present the problem, and seek permission to take appropriate action.

(C) Any sound from radio, music, or other noises are not permitted to the extent that they disrupt the quiet enjoyment of property.

(2013 Code, § 12-2) (Ord. passed 11-12-2006) Penalty, see § 130.99

§ 90.36 RESTRAINT OF DOGS.

Attachment 1

(A) Every person owning or having possession, charge, care, custody, or control of any dog shall keep such dog exclusively upon his or her premises; however, such dog may be off premises if it is under the physical control of a competent person and physically restrained by a chain, leash, or harness, not to exceed eight feet in length and held in the hand of said person.

(B) At all times dogs shall be under sufficient control so as not to disturb neighbors by barking excessively, and more particularly after dark.

(2013 Code, § 4-33) (Ord. passed 5-11-2005) Penalty, see § 90.99

Town Code for Blowing Rock, North Carolina

CHAPTER 5 - GENERAL OFFENSES

Section 5-1 Excessive, Unnecessary, Loud Noises Prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivity, or to interfere with normal human activity within the corporate limits of the town. *[Amended November 11, 2003]*

Section 5-1.2 Terminology.

(A) *Terminology.* The following definitions apply to Section 5-1 and all subsections.

- (1) ***Emergency work:*** Any work performed for the purposes of preventing or alleviating physical trauma or property damage threatened or caused by an existing or eminent peril.
- (2) ***Outdoor amplified sound:*** Any sound using amplifying equipment whose sound is outside or whose source is inside and the sound propagates to outside through open doors or windows or other openings in the building.
- (3) ***Sound amplifying equipment:*** Any device for the amplification of the human voice, music, or any other sound, including jukeboxes, stereos, and radios.
[Amended November 11, 2003]

Section 5-1.3 Noises Expressly Prohibited.

(A) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

- (1) ***Horns, signaling devices, etc.*** The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time, or the use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicles or equipment.
- (2) ***Radios, phonographs, etc.*** The using, operating or playing, or permitting to be played, used or operated, of any television set, radio receiving set, phonograph, musical instrument or sound amplifying device or other machine or device for the producing or reproducing of sound in such manner or with such volume as to disturb the peace, quiet, comfort or repose of persons such that complaints are received by the Town. The operation of any such machine or device, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place in such a

manner as to be plainly and continuously audible such that the average decibel reading as measured at a location 65 feet from the property line each minute over a ten minute period exceeds 65 decibels and meets the conditions set forth in Section 5.1 shall be prima facie evidence of a violation of this section. If no decibel reading can be obtained, law enforcement or zoning officials may still determine the noise level violates Section 5.1 of this chapter.

(3) ***Loudspeakers, amplifiers, etc., used for advertising.*** The using or operating, or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(4) ***Yelling, shouting, etc.*** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or any place in such manner as to annoy or disturb the peace, quiet, comfort or repose of the neighboring inhabitants or of any persons in any office, or in any dwelling, motel, hotel or other type of residence, or of any persons in the vicinity.

(5) ***Animals, birds, etc.*** The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(6) ***Defect in vehicle or load.*** The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(7) ***Loading, unloading, or opening boxes, etc.*** The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, crates, containers, or the disposal of garbage or recyclables between the hours of 11:00 p.m. and 7:00 a.m. [*Amended November 11, 2008*]

(8) ***Noises near schools, courts, churches and hospitals.*** The creation of any excessive noise on any street adjacent to any school, institution of learning, church, court, or hospital while the same is in use, which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed in such streets indicating that the same are schools, churches, courts or hospitals.

(9) ***Hawkers and peddlers.*** The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(10) ***Noises to attract attention.*** The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale.

(11) ***Raucous parties.*** Any party or assembly of persons in dwelling units or on residential premises producing loud and raucous noise, particularly between 11:00 p.m. and 7:00 a.m., or at any time or place in such a manner that tends to disturb the comfort, quiet, or repose of persons in other dwelling units or on other residential premises. The person in possession of the premises where such a party or assembly of persons takes place shall be deemed responsible for the emission of loud and raucous noises under this subdivision.
[*Amended November 11, 2008*]

(12) **Construction noise.** Including but not limited to hammering, pneumatic nailing, power saws, heavy equipment, delivery trucks, other construction vehicles or equipment associated with a construction site, inconsistent with the time periods set forth in Section 5-1.5 (A)(2).
[Amended November 11, 2008]

(13) **Motor vehicles.** A motor vehicle, including a motorcycle, moped, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by an engine, whether operated on a public street or on private property, shall at all times be equipped with a muffler in good working condition and in constant operation to prevent excessive or unusual noise or annoying smoke. A person shall not remove, destroy, or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device upon any such vehicle. Such vehicle shall at all times be equipped with a properly operating exhaust system, which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator, consistent with G.S. 20-128.
[Amended November 11, 2003]

Section 5-1.4 Owner and Occupant Responsibility.

(A) Penalties for violations of this section may be assessed against persons, jointly and severally, responsible for the premises or devices producing or causing the noise disturbance.

(B) An owner, or rental agent, of any premises subject to this section who is not also an occupant of the premises shall be responsible for any actions by tenants, guests, or other licensees that constitute second or subsequent violations of this section; provided, that no absentee owner or rental agent, shall be liable unless notified of first or previous violations of the section, and further provided that such first or previous violations shall have occurred within the previous 12-month period. Notice of any first or previous violations pursuant to this paragraph shall be sent by certified mail. No absentee owner, or rental agent, may be subjected to criminal liability under this section, but shall be subject to civil penalties and equitable relief. This section shall in no way relieve any other person, jointly and severally, from responsibility for violations of this section.

[Amended November 11, 2003]

Section 5-1.5 Exceptions.

(A) The following are exempt from the provisions of this section:

(1) Sound emanating from regularly scheduled outdoor athletic, musical, and cultural events, no later than 11:00 p.m., on the campuses of local schools, Chetola Resort, Blowing Rock Country Club, and other civic and public functions.

(2) Construction operations and/or sanitation collection services from 7:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday. Construction activities are prohibited on Sunday and the following holidays: New Year's Day, Good Friday, Thanksgiving Day, and Christmas Day. Construction operations include those activities for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of the government; provided all equipment is operated in accord with manufacturer's mufflers and noise-reducing equipment and in proper operating condition.

[Amended November 11, 2008]

- (3) Noises of safety signals, warning devices, emergency pressure relief valves, all church bells, and clock towers.
- (4) Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
- (5) Unamplified and amplified sound at street fairs and parades.
- (6) All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard mufflers and in good working order.
- (7) Noise from lawful fireworks and noisemakers on holidays, special events, and at religious ceremonies.
- (8) Lawn mowers, agricultural equipment, and landscape maintenance equipment, including leaf blowers, weed trimmers, chain saws, and chippers used between the hours of 7:00 a.m. and 9:00 p.m. Monday through Saturday, and 1:00 p.m. to 6:00 p.m. on Sunday when operated with all the manufacturer's standard mufflers and noise-relating equipment in use and proper operating condition." *[Amended November 11, 2008]*
- (9) Musical accompaniment or firearm discharge related to military ceremonies.
- (10) Emergency work and equipment necessary to restore and maintain property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.
- (11) Noises resulting from the provision of government services.
[Amended November 11, 2003]

Section 5-1.6 Enforcement.

The chief of police or his designee may adopt standards for sound level measurement and enforcement consistent with this section. Complainants may be required to provide a written record of the noise disturbance(s) at issue, such as a log of basic details with time, date and location of the disturbance(s). Complainants and defendants may be permitted to present witnesses and documentation such as photos and police records in support of their case.
[Amended November 11, 2003]

Section 5-1.7 Penalties and Remedies.

- (A) A violation of any of the provisions of this section shall subject the offender to a civil penalty of one hundred dollars (\$100.00) for the first offense, two hundred and fifty dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for the third and subsequent offenses. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.
- (B) A violation of any of the provisions of this section may constitute a misdemeanor, punishable as provided in G.S. 14-4.
- (C) The town may seek to enforce this section through any appropriate equitable action.

(D) Each separate occurrence that a violation continues after the offender has been issued a violation penalty within the same evening, shall be considered a separate offense. Each day that a violation continues after the offender has been notified of the violation shall also constitute a separate offense. In these instances, the civil penalty shall escalate to the next level, not to exceed \$500.00.

(E) After a period of 24 months lapses without a violation, any additional violations of this section will subject the offender to the schedule of penalties as described in (A) above.

(F) The town may seek to enforce this section by using any one or a combination of the foregoing remedies.

(G) Any appeal to this section shall be heard by the Board of Commissioners.

[Amended November 11, 2003]

**Example Noise Ordinance
Rock Island, Washington**

The purpose of this chapter is to control noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment. (Ord. 05-080 § 1).

8.17.020 Public disturbance noises defined.

Public disturbance noises include the following:

A. Loud, raucous, frequent, repetitive or continuous sounds which occur at such a volume that the sound can be audible by a person of normal hearing at a distance of 75 feet or more from the source of the sound, including, but not limited to, sounds from audio equipment, musical instruments, or social gatherings;

B. Sounds coming from portable or motor vehicle audio equipment, or any horn or siren attached to a motor vehicle, operated at such a volume so as to be audible by a person of normal hearing at a distance of 75 feet or more from the source of the sound;

C. The frequent, repetitive or continuous sounding of any horn or siren, except as a warning of danger or as specifically permitted or required by law;

D. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property, unless otherwise authorized by law;

E. Yelling, shouting, whistling, or other raucous noises, on or near the public streets between the hours of 11:00 p.m. and 7:00 a.m.;

F. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as, but not limited to, sounds from audio equipment, musical instruments, band sessions, or social gatherings. Unreasonable interference shall be a sound volume which is audible by a person of normal hearing at a distance of 30 feet or more

from the source, unless it occurs within a multifamily unit such as a duplex, apartment or condominium, in which case it shall be a public disturbance noise if it is clearly audible to a neighbor, with hearing of a person of normal hearing, at a site located within the neighbor's unit or common area. (Ord. 05-080 § 1).

8.17.030 Exemptions.

The following shall be exempt from the application of this chapter: regularly scheduled public events, authorized community-sponsored events, safety devices, fire alarms, and emergency vehicles. (Ord. 05-080 § 1).

8.17.040 Violation.

A. It shall be unlawful for any person to permit, cause, make or allow a public disturbance noise to originate from any property, including real or personal property, under such person's control or ownership.

B. The content of the sound will not be considered in determining a violation of this section. (Ord. 05-080 § 1).