

## AGENDA

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

To be held Tuesday, April 12, 2022 at 4:30 p.m.

#### A. Roll Call by the Clerk

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

#### B. The minutes of the March 8, 2022 meeting will be presented for approval.

#### C. Reports of Officers

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

#### D. New Business

1. Public Works Storage & Maintenance Facility - Needs Analysis Discussion
2. Consideration of American Rescue Plan (ARP) Policies
  - i. Eligible Use Policy
  - ii. Allowable Costs & Cost Principles Policy
  - iii. Non-discrimination Policy
  - iv. Records Retention Policy
3. Consideration of Grant Project Ordinance Amendment to Accept Lump-Sum Distribution of ARP Funds
4. Transportation Study Project – All-Way Stop at Vanderbilt and Busbee Roads
5. Consideration of FY22 Budget Amendment
6. Consideration of Appointments to Town Advisory Boards
  - i. Appointments to Planning Commission
  - ii. Appointments to Friends of Biltmore Forest Committee

#### E. Public Comment

#### F. Closed Session Pursuant to N.C.G.S. 143-318.11 (3) (5) and (6)

#### G. Adjourn

**Town of Biltmore Forest  
Board of Commissioners Meeting  
April 12, 2022**

Town of Biltmore Forest is inviting you to a scheduled Zoom meeting.

Topic: April Board of Commissioners Meeting

Time: Apr 12, 2022 04:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83204057400?pwd=WkVxY1FjdzF4aGNqSGlxN2FVMXFKUT09>

Meeting ID: 832 0405 7400

Passcode: 037890

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MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD MARCH 8, 2022

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. The meeting was held remotely via Zoom for purposes of limiting the spread of Covid-19.

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

Commissioner Loomis made a motion to approve the minutes from February 8, 2022. The motion was seconded by Commissioner Cogburn. The minutes were unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were nineteen calls for the month. Chief Lance informed the audience about fire pit dangers and burning. Mayor Goosmann thanked Chief Lance and the entire staff for all their hard work.

Chief of Police, Chris Beddingfield gave the report for the police department. The calls for the police department also decreased. Chief Beddingfield held a community relations event at the Ramble where they presented crime prevention information to residents. Chief Beddingfield said there were approximately one hundred people that attended this event. A great deal of feedback was received especially regarding lighting issues.

Chief Beddingfield said all vehicles budgeted for the year are now in service.

Sgt. John Driver retired and the police department held a drop-in retirement celebration.

Chief Beddingfield said the mobile phone app will be ready to use soon. This will be an application to download on your phone regarding community engagement. Residents will be informed when this will occur. Mayor Goosmann thanked Chief Beddingfield for his hard work and the entire staff.

Director of Public Works, Harry Buckner, gave the report for the public works department. In February, water bills were mailed out.

New employee, Kasey Lake, has been assigned to the Route B sanitation route and is doing a great job.

The work at Brookside Park is being done and made a good first step in tidying up the park and have received positive feedback.

The culvert replacement will be starting at Park Road soon. The street light meter bases project is underway. The construction of this should start this month. Repairs of storm drain issues along 111 Stuyvesant were also completed last week and staff did an excellent job.

Commissioner Kelly asked when the new trash cans will arrive. Mr. Buckner said it should arrive in 8-10 weeks.

Town Manager, Jonathan Kanipe gave the report for the Town. The mask requirement expired on February 16<sup>th</sup>.

The Greenwood Park stream restoration project pre construction meeting is scheduled for next Thursday at 1:00pm.

Mayor Goosmann, Commissioner Loomis and Mr. Kanipe attended a seminar in mid-February. Information was received from the Naval Postgraduate Academy regarding emergency preparedness. The panelists for this seminar included a former Assistant Secretary in the Department of Homeland Security, a former FEMA division head, and a former Senate aide whose portfolio included FEMA funding.

Discussion centered on natural disasters and continuing to work well together during these emergencies. An emerging focus is on the threat of cybercrime to our units of government, and Buncombe County provided specific information regarding their current plans. Mr. Kanipe said they will be working on and looking at internal policies.

On Tuesday, March 22<sup>nd</sup>, there will be a Public meeting regarding the Comprehensive Plan to gather feedback from residents'.

Mr. Kanipe introduced Sergeant John Driver and described how he has served as a member of the Biltmore Forest Police Department since 2007. Prior to joining the BFPD, Sgt. Driver served in the Asheville Police Department, the United States National Guard, and the United States Navy. Sgt. Driver completed the Law Enforcement Leadership Academy (LELA) last year, and has been a strong example of service for the Town and its officers.

Chief Chris Beddingfield read the Resolution of Appreciation for Sergeant John Driver.

STATE OF NORTH CAROLINA

TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS

COUNTY OF BUNCOMBE

**RESOLUTION 2022-01**

**RESOLUTION OF APPRECIATION**

**WHEREAS**, Sergeant John Driver has faithfully completed 15 years of service to the Town of Biltmore Forest, serving admirably as an Officer and then a Sergeant of the Town's Police Department; and

**WHEREAS**, Sergeant Driver served as a member of the Asheville Police Department from February 1999 through April 2006; and

**WHEREAS**, Sergeant Driver served his country as a member of the United States Army North Carolina National Guard from June 1998 through August 2003, including two deployments for Operations Enduring Freedom and Iraqi Freedom; and

**WHEREAS**, Sergeant Driver previously served as a member of the United States Navy from August 1994 through March 1997; and

**WHEREAS**, the Mayor and Town Board of Commissioners recognize the valuable service that Sergeant Driver has provided to the Town, this community, and the United States of America; and

**WHEREAS**, the Mayor and Town Board of Commissioners take this opportunity to express their thanks and gratitude formally to Sergeant Driver for outstanding dedication to the Town; and

**THEREFORE**, the Mayor and Town Board of Commissioners express their appreciation for the outstanding manner in which Sergeant Driver performed his duties, for his dedication in serving the citizens of the Town of Biltmore Forest each day, and for his work to improve the lives of Biltmore Forest citizens.

This the 8th day of March, 2022.

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**George F. Goosmann, III**

**Mayor**

ATTEST:

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**Laura M. Jacobs**  
**Town Clerk**

Commissioner Loomis made a motion to approve Resolution 2022-01 for Sergeant John Driver. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Consideration of Resolution 2022-02, which is a Resolution authorizing Badge and Service Sidearm to Sergeant John Driver. Commissioner Kelly made a motion to approve and Commissioner Loomis seconded the motion. The motion was unanimously approved.

Consideration of Resolution 2022-03- A Resolution authorizing the surplus of Town personal property. The Town received delivery of two new patrol vehicles and both were placed into service within the past month. As a result, Chief Beddingfield has recommended the following two vehicles be declared surplus and sold via GovDeals. 2016 Ford Explorer VIN# 1FM5K8AR7HGA63784 and 2017 Ford Explorer VIN# 1FM5K8AR9JGA05374.

The Town still maintains auxiliary vehicles that are in excellent operating condition. The surplus of old cars and purchase of new cars is part of the Town's vehicle program that ensures the most appropriate and effective equipment for our officers. Commissioner Cogburn made a motion to approve and Commissioner Kelly seconded the motion. The motion was unanimously approved.

Consideration of Ordinance 2022-01, An Ordinance to Amend the Town of Biltmore Forest Town Code. The Board of Commissioners has reviewed the Town's existing sign ordinance over the course of the past three months. As part of this review, the Board has received feedback from residents regarding the existing sign ordinance as it specifically relates to "no trespassing" signs. The Board has provided feedback to the residents as well as staff regarding potential amendments to the sign ordinance that are specifically geared to "no trespassing" signage.

**ORDINANCE 2022-03**  
**AN ORDINANCE TO AMEND CHAPTER 93 OF THE TOWN CODE**  
**OF THE TOWN OF BILTMORE FOREST**

**§93.02. POLICY REGARDING SIGNS.**

This subchapter sets forth the Town of Biltmore Forest policies and regulations regarding the size, type and location of signs. The subchapter is intended to regulate size, type and location of signs, ensure that signs are not located in the public right of way, do not pose a threat to public safety, do not unreasonably interfere with aesthetic quality and are consistent with the nature of a primarily residential community. It is not the intent of this ordinance to regulate the content of signs or to limit the right of free speech.

(Ord. 2021-02, passed 2-9-21)

**§ 93.03 SIGNS AND POSTERS GENERALLY.**

Except as set forth herein, no sign of any kind, including posters, advertisements, billboards, announcements and like, shall be erected by any person in any district zoned R-1, R-2, R-3, R-4 or R-5 unless the sign, type, size and intended location comply with this subchapter or unless prior approval of the sign type, size, and intended location are first obtained from the Town Manager or Board of Commissioners. Any sign erected in violation of this subchapter shall be promptly removed.

(2013 Code, § 15-2) (Ord. 2021, passed 2-9-2021)

**§93.04 DEFINITIONS**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CONSTRUCTION SIGNS.** Signs identifying a company or individual constructing or renovating a house or building on a property in the town.

**IDEOLOGICAL SIGNS.** Signs advocating support for a particular system of ideas and ideals which may form the basis of an economic or political theory and policy.

**INVISIBLE FENCING SIGNS.** Signs advertising the location of underground (invisible) fencing on a property or the location of installed underground utilities

**NO TRESPASSING SIGNS.** Signs providing notice, in a manner reasonably likely to come to the attention of intruders, not to enter the property on which the sign(s) are located.

**ON-PREMISES COMMERCIAL SIGNS.** On Premises Commercial signs – signs located on or



attached to buildings in the zoning districts in the Town where commercial businesses are allowed.

**POLITICAL SIGNS.** Signs advocating support for a particular candidate for political office or political party.

**REAL ESTATE SIGNS.** Signs advertising the sale or lease of residential or commercial real property.

**SECURITY COMPANY SIGNS.** Signs indicating that a security system has been installed on a property.

### **§ 93.05 SIGNS AND POSTERS; REQUIREMENTS.**

**(A) *Real Estate Signs.*** No person, either as owner or real estate agent, shall post any sign except as follows:

- (1) One sign per lot, not to exceed six square feet in size, not to contain any electrical component and not to be lighted in any way;
- (2) If the sign is posted by a real estate agency, the wording shall be limited appropriately to indicate that the property is for sale or rent, the name and telephone number of the agency, the listing firm website, and the multiple listing service number, texting code, or individual website assigned to the home for sale;
- (3) If the sign is posted by an owner, the wording shall be limited to appropriately indicate that the property is for sale or rent, the name of seller, if so desired, a telephone number, and individual website assigned to the home for sale;
- (4) Wording shall be the same on both sides of the sign if both sides are exposed to the roadway;
- (5) The sign shall be set back at least 20 feet from the nearest edge of the pavement of the public road on which the house fronts or faces and in no event shall the sign be located within any public road right-of-way;
- (6) No portion of the sign shall extend more than four feet above the ground;
- (7) The sign shall be removed no later than three days after the closing of the sale of the property;
- (8) If a sign is for commercial use in the R-4 or R-5 Residential Zoning District and does not comply with the limitations herein, application must be made to the Board of Commissioners for approval; and
- (9) The owner of a residential lot and the real estate agent placing a real estate sign on the residential lot shall each be responsible for any violation of this section.

**(B) *Construction Signs.*** Signs advertising the name of an individual or company constructing or renovating a house or other building on a property are allowed as follows:

- (1) On any residential lot on which construction or renovation has begun, neither the general contractor nor the owner of the residential lot shall post or permit to be posted more than one sign in addition to any sign required by law to be posted (i.e., building permits and the like);

- (2) The general contractor may place one sign on the residential lot on which construction or renovation has begun which sign shall not exceed six square feet in size and shall be limited in wording to the street number or address of the property and the name, address, and telephone number of the general contractor. The general contractor's sign shall also be subject to divisions (A) (1), (A) (4), (A) (5), and (A) (6) above. The general contractor's sign shall be removed from the property not later than three days from the completion of construction by the general contractor or occupancy by the owner of the property being constructed, whichever comes first; and
- (3) The sign shall be set back at least 20 feet from the nearest edge of pavement of the public road on which the house fronts or faces. The sign shall not be posted in the public right of way.
- (4) The owner of the residential lot and the general contractor shall be responsible for any violation of this section.

**(C) *No Trespassing Signs*** – No Trespassing Signs are allowed on private property provided the signs are erected as follows:

- (1) The sign(s) shall be posted in manner reasonably likely to come to the attention of intruders and include notice not to enter the premises, with verbiage limited to the following, or some combination thereof: No Trespassing, Do Not Enter, Private Property
- (2) The sign(s) shall not exceed two square feet in size, not contain electrical components, and not be lighted in any way, including reflective, luminous, or “glow in the dark” components.
- (3) The sign(s) must be set back at least ten feet from the nearest edge of the pavement on the public road or street, and in no event shall the sign be located within any public road or right-of-way.
- (4) If a property has multiple driveways, a sign may be allowed at each driveway entrance.
- (5) There may be no more than one (1) sign every fifty (50) feet. There may be no more than four signs on a single parcel.
- (6) Signs may not be placed within a side yard or rear yard setback, according to the setbacks in place for that specific zoning district. The only exception to this provision is found in part 7 below.
- (7) Properties that abut non-residential property may place no trespassing signs on the property line, but only on the property line where these properties abut non-residential property.
- (8) No portion of the sign(s) shall extend more than two (2) feet above the ground.
- (9) Signs may not include neon, “day-glow”, or fluorescent colors.
- (10) The owner of a residential property placing a no trespassing sign on the property shall be responsible for any violation of this section.

**(D) *Political and Ideological Signs***. Political and ideological signs are allowed on private property provided the signs are erected as follows.

- (1) Each sign shall not exceed four square feet in size and not contain any electrical component or be lighted in any way;
- (2) The sign shall not be located within the Town owned public right-of-way or on Town property and must be set back at least twenty feet from the nearest edge of the paved road on which the house fronts or faces and shall not encroach on the public right of way;
- (3) No portion of the sign is to extend more than four feet above the ground;

- (4) A sign located on private property requires the owner's approval;
- (5) Up to four (4) political signs may be placed on private property beginning thirty days before the beginning of early voting for a primary or general election. Political signs should be removed within five days after the primary, general or special election; and
- (6) Political and ideological signs are not allowed on Town property.

**(E) Security Company Signs.** Security Company signs are allowed on private property as follows:

- (1) On any residential or business property with a commercial security system, up to two (2) signs bearing the name of the security company and appropriate contact information, may be posted;
- (2) The signs shall not exceed one (1) square foot in size, not contain electrical components and not be lighted in any way;
- (3) The signs shall be set back at least ten (10) feet from the nearest edge of the pavement on the public road or street.

**(F) Invisible Fencing Signs.** Signs indicating the presence and location of underground fencing are allowed as follows:

- (1) On any property with an underground "invisible fence," up to two signs noting the presence of the invisible fence and the name of the company providing the fence may be posted on the property;
- (2) The signs shall not exceed one (1) square foot in size, not contain electrical components and not be lighted in any way;
- (3) The signs shall be set back at least ten feet from the nearest edge of the pavement on the public road or street.
- (4) For the purpose of this subchapter, temporary flags indicating the installation of underground (invisible) fencing shall be removed no later than forty-five (45) days after installation.

**(G) Flags for Underground Utilities.** – Are allowed on a temporary basis to indicate the presence and location of underground utilities.

**(H) Signs Located in the R-4 and R-5 Zoning Districts.**

- (1) On any lot occupied by a business in the R-4 and R-5 Districts, on-premises signs are allowed provided the following definitions and permit requirements are met.
- (2) For the purpose of this division (G), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ATTACHED SIGN.** Any sign attached to, applied on, or supported by the front wall or wall facing street of a building.

**CLEARANCE.** The vertical distance from the established finished grade to the lowest edge

of the sign.

**DEVELOPMENT IDENTIFICATION SIGN.** A sign bearing only the name of the multiple tenant development.

**ERECT.** To construct, build, raise, assemble, install, place, replace, locate, affix, attach, display, alter, use, create, paint, draw, illuminate, or in any other way bring into being or establish.

**FREESTANDING POLE SIGN.** A sign which is permanently affixed to the ground by a pole or other structure and which is not part of the building.

**GRADE.** The lowest point at which a sign is attached to the ground.

**GROUND SIGN.** A freestanding sign flush to the ground and not elevated upon poles or stanchions and not attached to the building.

**HEIGHT.** The vertical distance between the highest part of the sign or its supporting structure, whichever is highest, and the base of the sign at grade.

**INTERNALLY ILLUMINATED.** Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material, from a light source within the sign.

**LOT.** A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use.

**MULTIPLE TENANT DEVELOPMENT.** A development in which there exists a number of individual or separate activities and in which there are appurtenant-shared facilities (such as parking areas).

**NONCONFORMING SIGN.** Any sign, which was allowed when, erected or displayed but which does not conform to the standards of this ordinance and any sign, which was not allowed, but was nonetheless impermissibly created or displayed before the effective date of this ordinance and any amendments thereto.

**ON-PREMISES SIGN.** Any sign used for the purpose of displaying, advertising, identifying, or directing attention to a business, products, operations, or services sold or offered on the lots where the sign is located.

**SETBACK.** The horizontal distance between the leading face of the curb of a street and the closest point of a sign or sign structure on such lot. Where there is not a curb, the measurement shall be made from the edge of the pavement.

**SIGN.** Any words, lettering, numerals, parts of letters or numerals, figure, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is

known, made of any material, except live vegetation, including any surface, fabric, or other material background structure designed to carry such devices, as are used to designate or attract attention.

***SIGN STRUCTURE.*** Any structure, which supports, has supported or is capable of supporting a sign.

***SINGLE TENANT.*** A single business establishment, activity or use.

***WALL SIGN.*** Any sign painted or attached flat against and parceled to the exterior wall or surface of a building or other structure and/or which projects from the wall or surface.

(3) *On-premises single-tenant signs.*

(a) Allowed within the R-4 and R-5 Zoning District may be either:

1. *Freestanding.* Pole or ground; or
2. *Attached.* Wall.

(b) Two business identification signs are allowed per lot, only one of which shall be a freestanding or ground sign. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 40 square feet per face, with two faces per freestanding or ground sign allowed. In the event the freestanding sign is less than the 40 square feet per face allowed, the size of the attached sign erected may be increased by that difference. Signs may be internally or externally illuminated.

(c) Additionally, the following requirements must be met based on the type of sign selected:

1. If freestanding pole or ground, then the sign shall be a maximum of eight feet in height with a minimum setback of ten feet; and
2. If wall, then the maximum projection from a wall shall be six inches.

(4) *On-premises multiple-tenant development signs.*

(a) On-premises multiple-tenant development signs allowed within the R-4 and R-5 zoning district may be either:

1. Freestanding; pole or ground attached; or
2. Wall.

(b) For a multiple-tenant development, the development itself is allowed one identification sign. For a freestanding sign, the total allowable area per face of selected sign shall not exceed 60 square feet with two faces per freestanding or ground sign allowed. If freestanding pole or ground, the sign shall be a maximum of 20 feet in height and minimum setback of 15 feet. Individual tenants within the development shall be allowed one attached wall sign not to exceed ten square feet, and at the due discretion of the Board of Commissioners, not more than two, not to exceed ten square feet. The maximum projection from a wall shall be six inches.

(I) The owner of the business establishment erecting a sign shall be responsible for any violation of this ordinance.

(J) Any sign removed by the Town for violation of (A) or (B) of this ordinance shall be

disposed of by the Town within five days from the date the sign is removed from the residential lot unless the residential lot owner, real estate agent or general contractor, as the case may be, claims said sign within the five-day period.

This section as amended on March 8, 2022, shall become effective on March 9, 2022.  
(2013 Code, § 15-2) (Ord. passed 9-15-1987; Ord. passed 12-8-1990; Ord. passed 9- -2002; Ord. passed 2/9/2021, Ord. passed 3/8/2022)

This 8th day of March, 2022.

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George F. Goosmann, III  
Mayor

Attest:

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Laura Jacobs  
Town Clerk

Commissioner Kelly made a motion to approve. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe suggested the discussion of a special separation allowance policy for early retiree law enforcement officers. In 2019, Keith Mackey retired and retired as an early retiree at 25 years. In September 2019, the Town awarded a lump-sum payment to him after twenty-five (25) years of service. Some of his service was as a public safety officer when the Town still operated in this manner. The Board of Commissioners authorized a payment of \$1,000.00 per year of service to the officer and stipulated that the amount be in recognition of his combined service as a public safety officer.

As officers consider an early retirement, Mr. Kanipe said from the Town's perspective, it would be a good idea to have a set policy for the future if an officer decides to retire early.

Chief Beddingfield explained the retirement process and supplement for a law enforcement officer and said if an officer decides to retire at twenty five years, they lose a great deal of their pension with a reduced benefit so they were looking at a policy the town could develop to help officers retire early with some type of supplement involved by adopting a policy.

Mayor Goosmann asked for a write up to show the various financial possibilities regarding a supplement for an officer who chooses to retire early on the twenty five year plan. The Board could then decide how to proceed.

The Biltmore Forest transportation study presentation was conducted by Mr. Kenny Armstrong with J.M. Teague Engineering. In September 2021, the Board of Commissioners authorized an agreement with J.M. Teague Engineers to perform a transportation study for the Town. The focus for this transportation study was to identify challenges and opportunities regarding traffic and transportation within Biltmore Forest, while utilizing survey tools to gauge resident opinions on the matter. Specifically, the study focused on the following three items: Researching and cataloging relevant existing plans from other jurisdictions that border Biltmore Forest, including these plans' data and recommendations, collect and coordinate traffic-related community concerns, Provide recommendations to the Board of Commissioners that promote safety for all roadway users.

Over the course of the past six months, JMTE performed work related to these focus areas, including conducting a Town-wide survey. Verbatim survey responses are found in the appendix of the attached report. The report includes specific recommendations for the Town to consider. These recommendations range in timeframe (from short term to long term) as well as financial commitments.

The traffic study objectives are to research and catalog relevant existing plan data and recommendations, collect and coordinate traffic-related community concerns, and provide recommendations to promote safety for all roadway users. The key findings for this study are: residents like to walk and do so often along many roadways, overgrown shrubs cause concern for visibility at driveways and intersections, left turns onto and from Hendersonville Road are seen as dangerous, construction and landscaping vehicles occasionally cause safety concerns, and finally residents have various concerns about Valley Springs Road.

Visibility is an issue, suggestion of keeping hedges trimmed and wearing reflective clothing while walking is important. Left turn movements onto Hendersonville Road are dangerous at non-signalized intersections. Other takeaways are a designated walking trail and police patrols for speeding and general safety.

Another suggestion would be to rethink the pattern of Busbee Road by keeping the right turn only lane.

A traffic study was also suggested for Valley Springs road and adding a right turn lane on Eastwood Road.

Another recommendation is to focus on the edges (installing safety edges) and to also widen the white edge line.

Establish a traffic calming policy would also be effective. The Town could provide traffic cones for residents, install a pair of roundabouts at town hall, and install a series of mini roundabouts.

Recommend installation of bike racks and expanding Brooklawn Park were the final recommendations.



Commissioner Kelly asked Mr. Armstrong about whether the Town owns right of way to do the roundabouts. Mr. Armstrong said the Town can fit within the framework that already exists for a mini round about.

Mrs. Diane Zimmerman asked what traffic calming is. Mr. Armstrong said it could be speed bumps, speed humps, traffic circles, and improving signage. Mrs. Zimmerman also was concerned that pedestrians that considered the roads their sidewalks and asked for educational components that can be implemented to help people understand how to safely walk in the Town.

Mayor Goosmann said if there is not enough right-of-way at Busbee and Vanderbilt Road, he suggested an all way stop.

Mr. Paul Zimmerman said this dovetails almost identically with the Planning Commission traffic survey. Mr. Zimmerman was very pleased with this report and the conclusions and recommendations from Mr. Armstrong. Mr. Zimmerman suggested we start doing something in regards to walking trails by beginning at Rosebank Park and head south. He also suggested tie-in the existing bus stops, re-roof as necessary and then allow them to be placed and used as a place to stop.

Commissioner Loomis asked about the “confusing intersections” and what deemed them as confusing intersections. Mr. Armstrong said residents brought out the safety element and many people drove through stop signs. Commissioner Loomis asked if we can identify and differentiate between the intersections that were identified as confusing to residents and those that were identified as confusing to the staff surveyors. Mr. Armstrong said he could differentiate the level of comment for each intersection. Mr. Kanipe spoke about the consultant vetting their interpretation of confusing intersections with staff.

Commissioner Loomis asked if they looked at the shading of the trees at Vanderbilt Road and how it is very difficult to see the walkers at certain times of the day. Mr. Armstrong said it will help to have trails.

Mrs. Zimmerman thanked Mr. Armstrong for conducting this survey.

Public Comment

There was no public comment

Mayor Goosmann adjourned the meeting at 6:01 p.m. The next meeting is scheduled for Tuesday, April 12, 2022 at 4:30 pm.

ATTEST:

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Ms. 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

March 2022

Station: 4 - BILTMORE FOREST STATION	
141 - Forest, woods or wildland fire	6
311 - Medical assist, assist EMS crew	3
323 - Motor vehicle/pedestrian accident (MV Ped)	1
500 - Service Call, other	1
571 - Cover assignment, standby, moveup	1
611 - Dispatched & cancelled en route	3
671 - HazMat release investigation w/no HazMat	1
740 - Unintentional transmission of alarm, other	1
745 - Alarm system activation, no fire - unintentional	2
# Incidents for 4 - Biltmore Forest Station:	
	19

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	Count	Percent
ALARM	37	5.85%
ANIMAL CONTROL	10	1.58%
ASSIST MOTORIST	7	1.11%
ASSIST NON-RESIDENT	1	0.16%
ASSIST OTHER AGENCY	7	1.11%
ASSIST RESIDENT	18	2.84%
BUSINESS CHECK	229	36.18%
CHECK POINT	1	0.16%
COMMUNITY EVENT	1	0.16%
CRIME PREVENTION	6	0.95%
DEBRIS IN ROADWAY	1	0.16%
DEPARTMENT OTHER	1	0.16%
DISTURBANCE	3	0.47%
DOMESTIC	1	0.16%
ESCORT	1	0.16%
EXTRA PATROL	2	0.32%
FOLLOW-UP INVESTIGATION	4	0.63%
HIT AND RUN	1	0.16%
HOUSE CHECK	154	24.33%
IMPROPER PARKING	5	0.79%
JUVENILE ISSUE	1	0.16%
MEDICAL EMERGENCY	6	0.95%
No CallType	1	0.16%
NOISE COMPLAINT	2	0.32%
ORDINACE VIOLATION	5	0.79%
PROPERTY DAMAGE	1	0.16%
RADAR OPERATION	3	0.47%
ROAD BLOCKED	8	1.26%
SMOKE COMPLAINT	1	0.16%
SPECIAL ASSIGNMENT	1	0.16%
SPECIAL CHECK	21	3.32%
SUSPICIOUS ACTIVITY	3	0.47%
SUSPICIOUS PERSON	13	2.05%
SUSPICIOUS VEHICLE	19	3.00%
TALK WITH OFFICER	5	0.79%
TRAFFIC CONTROL	2	0.32%
TRAFFIC STOP	39	6.16%
TREE DOWN	2	0.32%
VEHICLE ACCIDENT	6	0.95%
WARRANT SERVICE	1	0.16%
WELFARE CHECK	3	0.47%
Total Records For BILTMORE FOREST POLICE DEPARTMENT	633	Dept Calls/Total Calls 100.00%

**Total Calls For Service:**

633 (567 last month)

**Arrests:**

3-Felony Arrests-One for possession of fentanyl out of a suspicious person call, One for felony possession of marijuana out of a traffic stop, One for felony court violations out of a traffic stop

1-Misdemeanor Arrests-For failure to appear.

**Citations:**

9-Citations for various traffic violations (15 last month)

**Time Consumption Summary:**

*Approximations:*

Business Checks- 4 hours

House Checks- 5 hours

Radar Operation- 2 hours

Vehicle Crash Investigation- 7 hours

**Notable Calls and Projects:**

Significant vehicle accident with injuries involving an unoccupied vehicle and a pedestrian

Phone application should be released very shortly

Recovered a stolen vehicle for Henderson County Sheriff's Department

Continuing hiring process for vacancy created by Sgt. John Driver's retirement

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  
E. Glenn Kelly, Commissioner  
Fran G. Cogburn, Commissioner

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Jonathan Kanipe, Town Manager

Mayor and Board of Commissioners

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

Re: Public Works Department March 2022 Monthly Report

Date: April 6, 2022

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### **Recurring Activities:**

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

- Collected 31.64 tons of garbage.
- Diverted 17.35 tons of recycled goods from garbage.
- Picked up 28 loads of brush (approximately 840 cubic yards) over 14 days.
- Responded to 214 total utility locate requests, comprised of 72 new requests and 142 updates. This total includes 1 short-notice and 3 emergency, and 1 rush requests.
- Visited 14 residences for Tree Assessments, approving the removal of 55 trees, and requiring the installation of 70 trees.
- Completed daily chlorine residual tests across town and passed the required two bacteriological tests. Results are reported via the State's on-line reporting system.
- Used the Beacon/Badger Meter automated meter reading system to monitor for water leaks daily and informed residents of suspected leaks.
- We continue to perform litter pick-ups as needed, focusing on the entrances.
- Normal brush collection continued on the North Route on March 15<sup>th</sup>, and the South Route on March 30<sup>th</sup>. This schedule will continue with one collection for each route per month.

### **Miscellaneous Activities in March**

- Mr. Kasey Lake, Public Services Worker is continuing his departmental training.

- We installed two (2) additional “No Parking” signs in and near the Niagara Drive cul-de-sac to aide with unauthorized parking by people accessing the Mountains to Sea Trail.
- We performed 8 core samples (4 in the northbound lane and 4 in the southbound lane) of the pavement on Vanderbilt Road between Cedarcliff Road and the I-40 Bridge. This information is used to inform us and the paving contractor as to the best approach to our planned resurfacing project for this spring.
- Installation has been completed at 10 of the 15 streetlight meter base locations associated with the Duke Energy-Progress TUG program. Based on Board and citizen feedback, we have paused this work while we reassess the initially selected locations for the meter bases and propose alternative locations or relocations for some of the more visible bases.
- We completed maintenance activities on the department’s mowers and will be beginning mowing activities in April.
- Repairs have been completed on the back-up garbage truck and it is back in service. We have created a rotation schedule for our back-up equipment to aide in keeping the equipment in good shape and ready for service.
- We have completed the invasive plants removal at the Busbee Wye, and are continuing to work on general beautification of the area.
- We are continuing to monitor the usage of all six (6) dog waste stations to see if any of them may benefit from being relocated. While all of the stations have some usage, the most used locations continue to be the Greenwood Place cut-through and the Forest Road / Cedarcliff Road intersection. The lowest usage is occurring at Cedar Hill Road between Hemlock and Cedar Chine, and at 394 Vanderbilt Rd. We would very much appreciate any feedback you may have on these locations or suggested locations.
- The two (2) park benches were delivered on March 11, 2022. One has been placed at the entrance to Town Hall, and the second one is being stored at Public Works until a final installation location is determined.
- Storm drain repairs between 105 and 111 Stuyvesant Road were completed on March 3rd.
- We installed a new tap for an irrigation meter at 414 Vanderbilt Road.
- Repairs to a failed storm drain box at the intersection of Browntown and Deerfield were completed this month. A new, hand-built brick inlet box was constructed by Town staff.
- Town crews aerated, fertilized, and overseeded the Town Hall complex, Rosebank Park, and the Pond Park this month.
- We patched several potholes throughout town, including ones on Vanderbilt Road, Busbee Road, and Arboretum Road.
- We concluded the majority of the invasives removal in Brookside Park, including along Hemlock Road.
- We replaced two damaged stop signs in Town; at Cedarcliff and Vanderbilt and Eastwood and Hilltop. Both were damaged by vehicles.
- Our On-Call worker and Supervisor Dale responded to a significant water leak caused by a ruptured meter at 330 Vanderbilt.

- Crews repaired another water leak on the Town's side of the water meter at 19 Brookside Road.
- We had several hydraulic leaks on the compactor unit of the recycling truck repaired by our mobile repair service.
- Our On-call worker also responded to a very large, dangerous tree hanging across Vanderbilt Road just north of 292 on April 1<sup>st</sup>. We had a tree service come in to fell the tree safely into and across the road, and our person removed it from the roadway. Clean-up is continuing this week.
- Work has continued on the hazardous tree identification program by the Town arborist. Green paint dots mark the identified trees. The north side of town has had a first pass of identifications made, and work will continue to the south this month. Once the initial list is compiled, it will be reviewed again with possible adjustments made, and separated into trees within the Town ROW or Town owned property and those on private property. The resulting lists will then be ranked by level of hazard and removals scheduled or notifications made accordingly.

## **Larger/Capital Projects Updates**

### **Greenwood Park Stream Restoration**

- This project is slated to begin construction in mid-April. A separate agenda item for this topic is in the Manager's report.

### **Automatic Water Meter Reading System Endpoint Replacement Program**

- Staff have completed the installation of approximately 60 of the 715 replacement endpoints (8.4%). The goal is to be completed with this project by the end of the year.
- As we visit each water meter in Town, we are also identifying additional meter maintenance that may be required. We will develop work orders for these identified preventive maintenance improvements and schedule the work as appropriate.

### **Cedar Hill Road Stream Stabilization Project**

- This project is currently in the permitting process, which is anticipated to conclude in another 60 days or so.
- We did have informal conversations with Baker Grading and Landscaping about potentially providing a bid to complete this work at the end of the permitting phase. They did express an interest in the work, and we will continue to foster this option.
- The schedule remains unchanged, with the design and permitting phase of the project being completed in the spring, allowing us to pursue informal bids. Construction is anticipated to be completed by the end of the 2022, pending Board approval.



### Town-wide Traffic Study

- This project has concluded and Manager Kanipe, Supervisor Dale, and I are working together on recommended implementation strategies.

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

- I successfully secured the required permanent and construction easement document for 15 Park Road.
- Hyatt Pipeline began work the week of April 4. While we anticipated completion by April 8, we did encounter conflicts with the surrounding infrastructure that necessitated several field adjustments. While we anticipate the pipe will be in service at the end of the 8<sup>th</sup>, restoration will need to continue into the following week.

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

- We will be having the final meeting with the consultant on this project in April. Manager Kanipe, Supervisor Dale, and I are working together on recommended implementation strategies and to determine how we may incorporate or phase this work into the 2022-2023 budget.

### Upcoming in April

- Training will continue with our new Public Works employee.
- Scheduled brush collection will continue in April, beginning Monday, April 18<sup>th</sup> for the North Route, and Monday, May 2<sup>nd</sup> on the South Route.
- The mowing season will begin in April, falling into the weekly schedule with the growing season.
- We will be continuing to pursue the paving contract with the intention completing the work by June 30.
- We are working on a striping plan for the Town streets, with the goal of performing some work this fiscal year.
- We anticipate the completion of the 15 Park Road culvert replacement in early April.
- We have identified another storm drain failure at 392 Vanderbilt Road. There is a significant sinkhole and erosion on the Brookside Park shoulder and we have already had a contractor provide a proposal to complete this work in early April.
- We will be continuing work on the streetlight meter project, incorporating feedback from the Board.
- We will be upgrading the electrical services in Rosebank Park to accommodate multiple food trucks.
- I will be completing and submitting the 2021 Water Supply Plan as required by the NC Public Water Supply Section.
- I am working with CES on scheduling the installation of the cart grabbers on the garbage trucks, to be completed in the first quarter of 2022.

- We are awaiting the delivery of the new garbage cans in the next 45 days or so.
- I will be working with Manager Kanipe on the 2022-2023 department budget and any recommended capital projects.

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

# BOARD OF COMMISSIONERS MEETING STAFF MEMORANDUM

April 12, 2022



## Agenda Item C-4

### Town Manager's Monthly Report

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#### Stormwater Projects

##### *Park Road*

The Town began the Park Road stormwater project on Monday, April 4. This project was the second identified in the Stormwater Master Plan and replaces a failed stormwater pipe underneath Park Road. The Town received appropriate permits from the US Army Corps of Engineers and Department of Environmental Quality before proceeding. This infrastructure work will result in a great improvement to the Town's stormwater system.



##### *Vanderbilt Road*

During the scheduled repairs on Park Road, Town staff noted a failure in the stormwater pipe across the Rosebank Park adjacent to 392 Vanderbilt Road. The pipe has failed and the heavy

rain on April 5th resulted in a sink hole developing from the park side toward Vanderbilt Road. This is an exceptionally problematic location as the Town has a main water line immediately parallel to Vanderbilt Road and perpendicular to the pipe.



As a result, staff has asked Hyatt Pipeline to begin work to remedy this project as soon as possible. It is likely work will begin next Monday or Tuesday and this should protect the road from deteriorating any further.



### *Fairway Place/Browntown Road*

This project remains in the initial stages and the Town is currently working with an adjacent property owner regarding potential tree removal associated with this work.

### Planning Commission Comprehensive Planning

The Planning Commission public meeting was exceptionally well attended with thoughtful comment and information from all participants. The Planning Commission members presented draft goals and objectives for the Comprehensive Plan and received feedback on the draft. The Commission and Town staff are now drafting the Comprehensive Plan document. This draft will be presented at the April 26th meeting, with a goal to provide a final draft to the Board of Commissioner in May.

### Greenwood Park Stream Restoration Project

The long awaited stream restoration project will commence in April, as the contractor begins final surveying along the property and mobilizing equipment. The full plantings for the project will likely take place in the fall of 2022 in order to provide the most chance for success, but the construction itself should take 45-60 days once work begins.

### Duke Energy Targeted Underground Project

Duke's targeted underground project is moving quickly through the south part of Biltmore Forest. Work is ongoing along Brookside, Greenwood, and Westwood Roads, and right of way specialists are beginning work along the eastern side of Hilltop Road and Eastwood Road. Duke representatives are scheduled to attend the Board's next meeting to provide further updates.



## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 03/31/2022

FY 2021-2022

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)	2,835,096.00	2,940,958.77	2,940,958.77	0.00	-105,862.77	104
10-3010-0100 AD VALOREM TAXES (DMV)	104,332.00	71,719.42	71,719.42	0.00	32,612.58	69
10-3010-0200 TAX INTEREST & PENALTIES	10,000.00	5,059.67	5,059.67	0.00	4,940.33	51
<b>3010 Ad Valorem Tax Subtotal</b>	<b>\$2,949,428.00</b>	<b>\$3,017,737.86</b>	<b>\$3,017,737.86</b>	<b>\$0.00</b>	<b>-\$68,309.86</b>	<b>102</b>
<b>Revenue Subtotal</b>	<b>\$2,949,428.00</b>	<b>\$3,017,737.86</b>	<b>\$3,017,737.86</b>	<b>\$0.00</b>	<b>-\$68,309.86</b>	<b>102</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$2,949,428.00</b>	<b>\$3,017,737.86</b>	<b>\$3,017,737.86</b>	<b>\$0.00</b>	<b>102</b>
<b>3020 Unrestricted Intergovernm</b>						
<b>Revenue</b>						
<b>3020 Unrestricted Intergovernm</b>						
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	205,227.00	152,277.21	152,277.21	0.00	52,949.79	74
10-3020-0100 ALCOHOL BEVERAGE TAX	6,000.00	0.00	0.00	0.00	6,000.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	540,724.00	531,313.43	531,313.43	0.00	9,410.57	98
10-3020-0300 1/2 CENT SALES TAX A.40	227,111.00	221,074.46	221,074.46	0.00	6,036.54	97
10-3020-0400 1/2 CENT SALES TAX A.42	282,736.00	281,147.61	281,147.61	0.00	1,588.39	99
10-3020-0600 SALES TAX REFUND	10,000.00	0.00	0.00	0.00	10,000.00	0
10-3020-0700 GASOLINE TAX REFUND	3,500.00	0.00	0.00	0.00	3,500.00	0
<b>3020 Unrestricted Intergovernm Subtotal</b>	<b>\$1,275,298.00</b>	<b>\$1,185,812.71</b>	<b>\$1,185,812.71</b>	<b>\$0.00</b>	<b>\$89,485.29</b>	<b>93</b>
<b>Revenue Subtotal</b>	<b>\$1,275,298.00</b>	<b>\$1,185,812.71</b>	<b>\$1,185,812.71</b>	<b>\$0.00</b>	<b>\$89,485.29</b>	<b>93</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$1,275,298.00</b>	<b>\$1,185,812.71</b>	<b>\$1,185,812.71</b>	<b>\$0.00</b>	<b>93</b>
<b>3030 Restricted Intergovernmen</b>						
<b>Revenue</b>						
<b>3030 Restricted Intergovernmen</b>						
10-3030-0000 SOLID WASTE DISPOSAL TAX	950.00	803.77	803.77	0.00	146.23	85
10-3030-0100 POWELL BILL	55,505.00	67,821.50	67,821.50	0.00	-12,316.50	122
<b>3030 Restricted Intergovernmen Subtotal</b>	<b>\$56,455.00</b>	<b>\$68,625.27</b>	<b>\$68,625.27</b>	<b>\$0.00</b>	<b>-\$12,170.27</b>	<b>122</b>
<b>Revenue Subtotal</b>	<b>\$56,455.00</b>	<b>\$68,625.27</b>	<b>\$68,625.27</b>	<b>\$0.00</b>	<b>-\$12,170.27</b>	<b>122</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$56,455.00</b>	<b>\$68,625.27</b>	<b>\$68,625.27</b>	<b>\$0.00</b>	<b>122</b>
<b>3040 Permits &amp; Fees</b>						
<b>Revenue</b>						
<b>3040 Permits &amp; Fees</b>						
10-3040-0000 BUILDING PERMITS	30,000.00	70,949.00	70,949.00	0.00	-40,949.00	236
10-3040-0100 DOG LICENSE FEE	1,300.00	1,205.10	1,205.10	0.00	94.90	93
<b>3040 Permits &amp; Fees Subtotal</b>	<b>\$31,300.00</b>	<b>\$72,154.10</b>	<b>\$72,154.10</b>	<b>\$0.00</b>	<b>-\$40,854.10</b>	<b>231</b>
<b>Revenue Subtotal</b>	<b>\$31,300.00</b>	<b>\$72,154.10</b>	<b>\$72,154.10</b>	<b>\$0.00</b>	<b>-\$40,854.10</b>	<b>231</b>
After Transfers	<b>Excess Of Revenue Subtotal</b>	<b>\$31,300.00</b>	<b>\$72,154.10</b>	<b>\$72,154.10</b>	<b>\$0.00</b>	<b>231</b>
<b>3050 Investment Earnings</b>						
<b>Revenue</b>						
<b>3050 Investment Earnings</b>						
10-3050-0000 INTEREST EARNED	1,000.00	420.03	420.03	0.00	579.97	42
<b>3050 Investment Earnings Subtotal</b>	<b>\$1,000.00</b>	<b>\$420.03</b>	<b>\$420.03</b>	<b>\$0.00</b>	<b>\$579.97</b>	<b>42</b>

## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 03/31/2022

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>Revenue Subtotal</b>	<b>\$1,000.00</b>	<b>\$420.03</b>	<b>\$420.03</b>	<b>\$0.00</b>	<b>\$579.97</b>	<b>42</b>
After Transfers <b>Excess Of Revenue Subtotal</b>	<b>\$1,000.00</b>	<b>\$420.03</b>	<b>\$420.03</b>	<b>\$0.00</b>		<b>42</b>
<b>3060 Miscellaneous</b>						
<b>Revenue</b>						
<b>3060 Miscellaneous</b>						
10-3060-0100 AMERICAN TOWER AGREEMENT	38,000.00	29,844.39	29,844.39	0.00	8,155.61	79
10-3060-0200 MISCELLANEOUS	18,000.00	38,085.74	38,330.77	-245.03	-20,330.77	213
<b>3060 Miscellaneous Subtotal</b>	<b>\$56,000.00</b>	<b>\$67,930.13</b>	<b>\$68,175.16</b>	<b>-\$245.03</b>	<b>-\$12,175.16</b>	<b>122</b>
<b>Revenue Subtotal</b>	<b>\$56,000.00</b>	<b>\$67,930.13</b>	<b>\$68,175.16</b>	<b>-\$245.03</b>	<b>-\$12,175.16</b>	<b>122</b>
After Transfers <b>Excess Of Revenue Subtotal</b>	<b>\$56,000.00</b>	<b>\$67,930.13</b>	<b>\$67,930.13</b>	<b>-\$245.03</b>		<b>121</b>
<b>3290</b>						
<b>Revenue</b>						
<b>3290</b>						
30-3290-0000 INTEREST EARNED	50.00	6.50	6.50	0.00	43.50	13
<b>3290 Subtotal</b>	<b>\$50.00</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$0.00</b>	<b>\$43.50</b>	<b>13</b>
<b>Revenue Subtotal</b>	<b>\$50.00</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$0.00</b>	<b>\$43.50</b>	<b>13</b>
After Transfers <b>Excess Of Revenue Subtotal</b>	<b>\$50.00</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$0.00</b>		<b>13</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	6,554.80	6,554.80	0.00	1,445.20	82
<b>3350 Commissions, Sw Chg Coll Subtotal</b>	<b>\$8,000.00</b>	<b>\$6,554.80</b>	<b>\$6,554.80</b>	<b>\$0.00</b>	<b>\$1,445.20</b>	<b>82</b>
<b>Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$6,554.80</b>	<b>\$6,554.80</b>	<b>\$0.00</b>	<b>\$1,445.20</b>	<b>82</b>
After Transfers <b>Excess Of Revenue Subtotal</b>	<b>\$8,000.00</b>	<b>\$6,554.80</b>	<b>\$6,554.80</b>	<b>\$0.00</b>		<b>82</b>
<b>3500 Other Financing</b>						
<b>Other Financing Source</b>						
<b>3500 Other Financing</b>						
10-3500-0000 SALE OF PERSONAL PROPERTY	15,000.00	3,520.00	3,520.00	0.00	11,480.00	23
10-3500-0700 INTERGOVERNMENTAL LOAN (RESTRIC	300,000.00	0.00	0.00	0.00	300,000.00	0
<b>3500 Other Financing Subtotal</b>	<b>\$315,000.00</b>	<b>\$3,520.00</b>	<b>\$3,520.00</b>	<b>\$0.00</b>	<b>\$311,480.00</b>	<b>1</b>
<b>Other Financing Source Subtotal</b>	<b>\$315,000.00</b>	<b>\$3,520.00</b>	<b>\$3,520.00</b>	<b>\$0.00</b>	<b>\$311,480.00</b>	<b>1</b>
After Transfers <b>Excess Of Revenue Subtotal</b>	<b>\$315,000.00</b>	<b>\$3,520.00</b>	<b>\$3,520.00</b>	<b>\$0.00</b>		<b>1</b>
<b>3710 Water Sales</b>						
<b>Revenue</b>						
<b>3710 Water Sales</b>						
10-3710-0000 TAX REFUNDS	0.00	-383.24	-383.24	0.00	383.24	0
30-3710-0000 WATER CHARGES	442,800.00	229,654.60	229,654.60	0.00	213,145.40	52
30-3710-0100 MSD CHARGES	338,789.00	119,649.35	119,649.35	0.00	219,139.65	35
30-3710-0200 AMI TRANSMITTER CHARGES	7,700.00	4,074.42	4,074.42	0.00	3,625.58	53
<b>3710 Water Sales Subtotal</b>	<b>\$789,289.00</b>	<b>\$352,995.13</b>	<b>\$352,995.13</b>	<b>\$0.00</b>	<b>\$436,293.87</b>	<b>45</b>
<b>Revenue Subtotal</b>	<b>\$789,289.00</b>	<b>\$352,995.13</b>	<b>\$352,995.13</b>	<b>\$0.00</b>	<b>\$436,293.87</b>	<b>45</b>
After Transfers <b>Excess Of Revenue Subtotal</b>	<b>\$789,289.00</b>	<b>\$352,995.13</b>	<b>\$352,995.13</b>	<b>\$0.00</b>		<b>45</b>
<b>3730 Water Tap &amp; Connect Fees</b>						

## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 03/31/2022

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>Revenue</b>						
<b>3730 Water Tap &amp; Connect Fees</b>						
30-3730-0000 WATER TAP AND CONNECTION FEES	6,000.00	2,600.00	2,600.00	0.00	3,400.00	43
<b>3730 Water Tap &amp; Connect Fees Subtotal</b>	<b>\$6,000.00</b>	<b>\$2,600.00</b>	<b>\$2,600.00</b>	<b>\$0.00</b>	<b>\$3,400.00</b>	<b>43</b>
<b>Revenue Subtotal</b>	<b>\$6,000.00</b>	<b>\$2,600.00</b>	<b>\$2,600.00</b>	<b>\$0.00</b>	<b>\$3,400.00</b>	<b>43</b>
After Transfers <b>Excess Of Revenue Subtotal</b>	<b>\$6,000.00</b>	<b>\$2,600.00</b>	<b>\$2,600.00</b>	<b>\$0.00</b>		<b>43</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	214,530.00	167,900.30	167,900.30	0.00	46,629.70	78
10-4200-0300 OVERTIME	5,000.00	85.14	85.14	0.00	4,914.86	2
10-4200-0500 FICA	16,794.00	10,546.69	10,546.69	0.00	6,247.31	63
10-4200-0600 HEALTH INSURANCE (MEDICAL)	28,502.00	17,391.60	17,391.60	0.00	11,110.40	61
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	4,470.00	3,481.86	3,481.86	0.00	988.14	78
10-4200-0675 HEALTH REIMBURSEMENT ACC	3,750.00	2,812.50	2,812.50	0.00	937.50	75
10-4200-0700 LGERS RETIREMENT	39,581.00	25,637.10	25,637.10	0.00	13,943.90	65
10-4200-0800 401K SUPP RETIREMENT	10,976.00	8,186.09	8,186.09	0.00	2,789.91	75
10-4200-1000 ACCOUNTING & TAXES	45,000.00	30,302.98	30,302.98	0.00	14,697.02	67
10-4200-1200 POSTAGE, PRINTING, STATIONARY	6,000.00	5,465.18	7,095.50	1,630.32	-1,095.50	118
10-4200-1400 MILEAGE & BOARD SALARY	22,000.00	16,200.00	16,200.00	0.00	5,800.00	74
10-4200-3300 SUPPLIES AND EQUIPMENT	8,750.00	6,330.64	6,330.64	0.00	2,419.36	72
10-4200-5300 DUES & FEES	5,000.00	6,723.09	7,288.09	565.00	-2,288.09	146
10-4200-5700 MISCELLANEOUS	1,000.00	2,928.16	2,928.16	0.00	-1,928.16	293
10-4200-6500 STAFF DEVELOPMENT	16,000.00	6,836.70	7,886.37	1,049.67	8,113.63	49
<b>4200 Administration Subtotal</b>	<b>\$427,353.00</b>	<b>\$310,828.03</b>	<b>\$314,073.02</b>	<b>\$3,244.99</b>	<b>\$113,279.98</b>	<b>73</b>
<b>Expenditure Subtotal</b>	<b>\$427,353.00</b>	<b>\$310,828.03</b>	<b>\$314,073.02</b>	<b>\$3,244.99</b>	<b>\$113,279.98</b>	<b>73</b>
Before Transfers <b>Deficiency Of Revenue Subtotal</b>	<b>-\$427,353.00</b>	<b>-\$310,828.03</b>	<b>-\$310,828.03</b>	<b>-\$3,244.99</b>		<b>73</b>
After Transfers <b>Deficiency Of Revenue Subtotal</b>	<b>-\$427,353.00</b>	<b>-\$310,828.03</b>	<b>-\$310,828.03</b>	<b>-\$3,244.99</b>		<b>73</b>
<b>4300</b>						
<b>Expenditure</b>						
<b>4300</b>						
<b>4300 Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$64.11</b>	<b>\$64.11</b>	<b>-\$64.11</b>	<b>0</b>
<b>Expenditure Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$64.11</b>	<b>\$64.11</b>	<b>-\$64.11</b>	<b>0</b>
Before Transfers <b>Deficiency Of Revenue Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>-\$64.11</b>		<b>0</b>
After Transfers <b>Deficiency Of Revenue Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>-\$64.11</b>		<b>0</b>
<b>5100 Police Department</b>						



## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

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FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<b>Expenditure</b>						
<b>5100 Police Department</b>						
10-5100-0200 SALARIES	908,986.00	738,966.88	738,966.88	0.00	170,019.12	81
10-5100-0300 OVERTIME	26,000.00	16,585.44	16,585.44	0.00	9,414.56	64
10-5100-0400 SEPARATION ALLOWANCE	30,617.00	23,551.80	23,551.80	0.00	7,065.20	77
10-5100-0500 FICA	71,526.00	49,222.60	49,222.60	0.00	22,303.40	69
10-5100-0600 HEALTH INSURANCE (MEDICAL)	148,416.00	109,898.68	109,898.68	0.00	38,517.32	74
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	18,892.00	14,476.20	14,476.20	0.00	4,415.80	77
10-5100-0675 HRA HEALTH REIMB ACCT	25,500.00	18,875.00	18,875.00	0.00	6,625.00	74
10-5100-0700 LGERS RETIREMENT	168,681.00	117,269.11	117,269.11	0.00	51,411.89	70
10-5100-0800 401K SUPP RETIREMENT	45,474.00	36,916.01	36,916.01	0.00	8,557.99	81
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	20,000.00	4,806.70	9,591.81	4,785.11	10,408.19	48
10-5100-1600 MAINT/REPAIR - EQUIPMENT	2,000.00	793.24	911.24	118.00	1,088.76	46
10-5100-1700 MAINT/REPAIR - VEHICLES	12,000.00	4,959.05	6,408.72	1,449.67	5,591.28	53
10-5100-3100 MOTOR FUELS	13,000.00	13,826.17	13,826.17	0.00	-826.17	106
10-5100-3300 SUPPLIES	10,000.00	3,618.11	3,618.11	0.00	6,381.89	36
10-5100-3600 UNIFORMS	7,500.00	3,351.25	7,133.36	3,782.11	366.64	95
10-5100-3700 SOFTWARE	50,000.00	46,396.90	56,833.89	10,436.99	-6,833.89	114
10-5100-3800 TECHNOLOGY	60,000.00	45,660.27	48,616.19	2,955.92	11,383.81	81
10-5100-5700 MISCELLANEOUS	7,500.00	7,735.55	7,819.55	84.00	-319.55	104
10-5100-5800 PHYSICAL EXAMS	5,000.00	760.00	2,087.90	1,327.90	2,912.10	42
10-5100-6500 STAFF DEVELOPMENT	10,000.00	9,828.27	10,983.87	1,155.60	-983.87	110
10-5100-7400 CAPITAL EQUIPMENT PURCHASES	125,000.00	104,936.45	121,254.92	16,318.47	3,745.08	97
<b>5100 Police Department Subtotal</b>	<b>\$1,766,092.00</b>	<b>\$1,372,433.68</b>	<b>\$1,414,847.45</b>	<b>\$42,413.77</b>	<b>\$351,244.55</b>	<b>80</b>
<b>Expenditure Subtotal</b>	<b>\$1,766,092.00</b>	<b>\$1,372,433.68</b>	<b>\$1,414,847.45</b>	<b>\$42,413.77</b>	<b>\$351,244.55</b>	<b>80</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,766,092.00</b>	<b>-\$1,372,433.68</b>	<b>-\$1,372,433.68</b>	<b>-\$42,413.77</b>	<b>78</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,766,092.00</b>	<b>-\$1,372,433.68</b>	<b>-\$1,372,433.68</b>	<b>-\$42,413.77</b>	<b>78</b>
<b>5200 Fire Services</b>						
<b>Expenditure</b>						
<b>5200 Fire Services</b>						
10-5200-0000 FIRE CONTRACT	425,000.00	318,750.00	318,750.00	0.00	106,250.00	75
<b>5200 Fire Services Subtotal</b>	<b>\$425,000.00</b>	<b>\$318,750.00</b>	<b>\$318,750.00</b>	<b>\$0.00</b>	<b>\$106,250.00</b>	<b>75</b>
<b>Expenditure Subtotal</b>	<b>\$425,000.00</b>	<b>\$318,750.00</b>	<b>\$318,750.00</b>	<b>\$0.00</b>	<b>\$106,250.00</b>	<b>75</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>-\$318,750.00</b>	<b>-\$318,750.00</b>	<b>\$0.00</b>	<b>75</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$425,000.00</b>	<b>-\$318,750.00</b>	<b>-\$318,750.00</b>	<b>\$0.00</b>	<b>75</b>
<b>5600 Public Works</b>						
<b>Expenditure</b>						
<b>5600 Public Works</b>						
10-5600-0200 SALARIES	239,707.00	179,719.28	179,719.28	0.00	59,987.72	75
10-5600-0300 OVERTIME	15,000.00	0.00	0.00	0.00	15,000.00	0
10-5600-0500 FICA	19,485.00	11,411.10	11,411.10	0.00	8,073.90	59
10-5600-0550 UNEMPLOYMENT INSURANCE	500.00	0.00	0.00	0.00	500.00	0
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	46,872.00	25,487.06	25,487.06	0.00	21,384.94	54

## REVENUE &amp; EXPENDITURE STATEMENT

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10-5600-0650 DENTAL, VISION, LIFE INSURANCE	6,739.00	2,899.86	2,899.86	0.00	3,839.14	43
10-5600-0675 HRA HEALTH REIMB ACCT	9,000.00	4,625.00	4,625.00	0.00	4,375.00	51
10-5600-0700 LGERS RETIREMENT	45,924.00	27,227.75	27,227.75	0.00	18,696.25	59
10-5600-0800 401K SUPP RETIREMENT	12,735.00	8,384.20	8,384.20	0.00	4,350.80	66
10-5600-1000 OUTSIDE SERVICES	10,000.00	0.00	997.54	997.54	9,002.46	10
10-5600-1300 STREETLIGHTS ELECTRIC	7,000.00	1,772.54	1,772.54	0.00	5,227.46	25
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	10,000.00	2,382.58	2,382.58	0.00	7,617.42	24
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	10,000.00	985.64	1,202.64	217.00	8,797.36	12
10-5600-1700 MAINT/REPAIR - VEHICLES	10,000.00	2,411.47	3,111.62	700.15	6,888.38	31
10-5600-3100 MOTOR FUELS	12,000.00	11,247.35	11,247.35	0.00	752.65	94
10-5600-3300 SUPPLIES	10,000.00	4,224.48	4,522.25	297.77	5,477.75	45
10-5600-3400 STREET SIGNS & NUMBERS	1,000.00	195.07	440.10	245.03	559.90	44
10-5600-3600 UNIFORMS	8,000.00	2,653.47	7,558.22	4,904.75	441.78	94
10-5600-3800 TECHNOLOGY	10,000.00	3,906.56	4,206.15	299.59	5,793.85	42
10-5600-5200 PARKS	50,000.00	11,416.89	13,461.65	2,044.76	36,538.35	27
10-5600-5202 GREENWOOD PARK STREAM RESTORA	300,000.00	20,376.03	20,376.03	0.00	279,623.97	7
10-5600-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5600-5900 MISCELLANEOUS	1,000.00	773.23	1,174.48	401.25	-174.48	117
10-5600-6500 STAFF DEVELOPMENT	8,000.00	1,209.77	1,209.77	0.00	6,790.23	15
40-5600-7401 ARP CAPITAL PROJECTS	451,275.58	0.00	0.00	0.00	451,275.58	0
<b>5600 Public Works Subtotal</b>	<b>\$1,294,737.58</b>	<b>\$323,309.33</b>	<b>\$333,417.17</b>	<b>\$10,107.84</b>	<b>\$961,320.41</b>	<b>26</b>
<b>Expenditure Subtotal</b>	<b>\$1,294,737.58</b>	<b>\$323,309.33</b>	<b>\$333,417.17</b>	<b>\$10,107.84</b>	<b>\$961,320.41</b>	<b>26</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,294,737.58</b>	<b>-\$323,309.33</b>	<b>-\$323,309.33</b>	<b>-\$10,107.84</b>	<b>25</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$1,294,737.58</b>	<b>-\$323,309.33</b>	<b>-\$323,309.33</b>	<b>-\$10,107.84</b>	<b>25</b>
<b>5700 Streets &amp; Transportation</b>						
<b>Expenditure</b>						
<b>5700 Streets &amp; Transportation</b>						
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	5,000.00	5,125.09	5,446.09	321.00	-446.09	109
10-5700-2200 CONTRACTS- PAVING & STRIPING	77,907.00	0.00	0.00	0.00	77,907.00	0
10-5700-2300 SUPPLIES	10,000.00	7,440.60	10,913.55	3,472.95	-913.55	109
10-5700-2400 TRAFFIC SIGNS	500.00	29.87	29.87	0.00	470.13	6
10-5700-2500 STORM WATER DRAINAGE	100,000.00	3,621.90	3,851.95	230.05	96,148.05	4
10-5700-3800 TECHNOLOGY	5,000.00	2,283.89	2,283.89	0.00	2,716.11	46
10-5700-6500 STAFF DEVELOPMENT	1,000.00	157.83	157.83	0.00	842.17	16
10-5700-7400 CAPITAL EQUIPMENT PURCHASES	5,000.00	199.95	199.95	0.00	4,800.05	4
10-5700-7500 ENGINEERING	75,000.00	98,529.50	98,529.50	0.00	-23,529.50	131
<b>5700 Streets &amp; Transportation Subtotal</b>	<b>\$279,407.00</b>	<b>\$117,388.63</b>	<b>\$121,412.63</b>	<b>\$4,024.00</b>	<b>\$157,994.37</b>	<b>43</b>
<b>Expenditure Subtotal</b>	<b>\$279,407.00</b>	<b>\$117,388.63</b>	<b>\$121,412.63</b>	<b>\$4,024.00</b>	<b>\$157,994.37</b>	<b>43</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$279,407.00</b>	<b>-\$117,388.63</b>	<b>-\$117,388.63</b>	<b>-\$4,024.00</b>	<b>42</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$279,407.00</b>	<b>-\$117,388.63</b>	<b>-\$117,388.63</b>	<b>-\$4,024.00</b>	<b>42</b>
<b>5800 Sanitation &amp; Recycling</b>						
<b>Expenditure</b>						
<b>5800 Sanitation &amp; Recycling</b>						

## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

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10-5800-0200 SALARIES	121,642.00	94,633.41	94,633.41	0.00	27,008.59	78
10-5800-0300 OVERTIME	10,000.00	286.10	286.10	0.00	9,713.90	3
10-5800-0500 FICA	10,071.00	6,260.40	6,260.40	0.00	3,810.60	62
10-5800-0600 HEALTH INSURANCE (MEDICAL)	34,400.00	15,442.92	15,442.92	0.00	18,957.08	45
10-5800-0650 DENTAL,VISION, LIFE INSURANCE	4,170.00	1,473.84	1,473.84	0.00	2,696.16	35
10-5800-0675 HRA HEALTH REIMB ACCT	4,500.00	3,375.00	3,375.00	0.00	1,125.00	75
10-5800-0700 LGERS RETIREMENT	23,735.00	14,778.87	14,778.87	0.00	8,956.13	62
10-5800-0800 401K SUPP RETIREMENT	6,582.00	4,789.17	4,789.17	0.00	1,792.83	73
10-5800-1700 MAINT/REPAIRS - VEHICLES	13,000.00	22,289.33	28,754.45	6,465.12	-15,754.45	221
10-5800-3100 MOTOR FUELS	12,000.00	15,058.77	15,058.77	0.00	-3,058.77	125
10-5800-3300 SUPPLIES	0.00	202.45	202.45	0.00	-202.45	0
10-5800-3600 UNIFORMS	1,000.00	776.82	1,039.01	262.19	-39.01	104
10-5800-3800 TECHNOLOGY	1,000.00	414.53	414.53	0.00	585.47	41
10-5800-5800 PHYSICAL EXAMS	500.00	0.00	0.00	0.00	500.00	0
10-5800-5900 MISCELLANEOUS	1,000.00	531.64	531.64	0.00	468.36	53
10-5800-6000 CAPITAL OUTLAY	55,000.00	0.00	49,900.00	49,900.00	5,100.00	91
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	50,000.00	43,109.78	43,109.78	0.00	6,890.22	86
10-5800-8100 RECYCLING	12,000.00	0.00	0.00	0.00	12,000.00	0
<b>5800 Sanitation &amp; Recycling Subtotal</b>	<b>\$360,600.00</b>	<b>\$223,423.03</b>	<b>\$280,050.34</b>	<b>\$56,627.31</b>	<b>\$80,549.66</b>	<b>78</b>
<b>Expenditure Subtotal</b>	<b>\$360,600.00</b>	<b>\$223,423.03</b>	<b>\$280,050.34</b>	<b>\$56,627.31</b>	<b>\$80,549.66</b>	<b>78</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$360,600.00</b>	<b>-\$223,423.03</b>	<b>-\$223,423.03</b>	<b>-\$56,627.31</b>	<b>62</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$360,600.00</b>	<b>-\$223,423.03</b>	<b>-\$223,423.03</b>	<b>-\$56,627.31</b>	<b>62</b>
<b>6600 General Government</b>						
<b>Expenditure</b>						
<b>6600 General Government</b>						
10-6600-0401 LEGAL SERVICES	35,000.00	21,546.90	21,546.90	0.00	13,453.10	62
10-6600-1100 TECHNOLOGY	95,000.00	69,076.31	73,411.54	4,335.23	21,588.46	77
10-6600-1300 MUNICIPAL UTILITIES	20,000.00	16,481.65	16,481.65	0.00	3,518.35	82
10-6600-1500 GE. REPS. AND MAINT.	25,000.00	28,641.88	29,184.55	542.67	-4,184.55	117
10-6600-5400 INSURANCE	90,000.00	82,011.43	82,011.43	0.00	7,988.57	91
10-6600-6000 CONTINGENCY	48,931.00	0.00	0.00	0.00	48,931.00	0
10-6600-6100 MISCELLANEOUS	13,000.00	5,675.80	5,675.80	0.00	7,324.20	44
10-6600-6201 COVID EXPENDITURES	0.00	749.97	1,083.43	333.46	-1,083.43	0
10-6600-6301 4TH OF JULY	7,500.00	5,675.45	6,786.54	1,111.09	713.46	90
10-6600-6302 NATIONAL NIGHT OUT	2,000.00	3,327.90	3,465.67	137.77	-1,465.67	173
10-6600-6303 HOLIDAY LIGHTING	14,000.00	10,842.70	20,892.70	10,050.00	-6,892.70	149
10-6600-6304 ARBOR DAY EVENT	2,000.00	0.00	0.00	0.00	2,000.00	0
10-6600-6400 WILDLIFE MANAGEMENT	1,000.00	926.92	1,419.12	492.20	-419.12	142
10-6600-6500 FOREST MANAGEMENT	60,000.00	13,800.00	18,200.00	4,400.00	41,800.00	30
<b>6600 General Government Subtotal</b>	<b>\$413,431.00</b>	<b>\$258,756.91</b>	<b>\$280,159.33</b>	<b>\$21,402.42</b>	<b>\$133,271.67</b>	<b>68</b>
<b>Expenditure Subtotal</b>	<b>\$413,431.00</b>	<b>\$258,756.91</b>	<b>\$280,159.33</b>	<b>\$21,402.42</b>	<b>\$133,271.67</b>	<b>68</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$413,431.00</b>	<b>-\$258,756.91</b>	<b>-\$258,756.91</b>	<b>-\$21,402.42</b>	<b>63</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$413,431.00</b>	<b>-\$258,756.91</b>	<b>-\$258,756.91</b>	<b>-\$21,402.42</b>	<b>63</b>

## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2021 To 03/31/2022

FY 2021-2022

Account	Budget (\$)	Current Period (\$)	YTD With Encumbrance (\$)	Encumbrance (\$)	Remaining Balance (\$)	% Used
<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	42,458.79	42,458.79	0.00	41,752.21	50
10-6700-0600 2020 POLICE CARS-PRINCIPAL	28,327.00	28,327.00	28,327.00	0.00	0.00	100
10-6700-1100 Police Dept Renovations-Interest	2,334.00	1,833.57	1,833.57	0.00	500.43	79
10-6700-1200 Street Improvements-Interest	667.00	523.87	523.87	0.00	143.13	79
10-6700-1500 Public Works Building-Interest	20,514.00	10,257.00	10,257.00	0.00	10,257.00	50
10-6700-1600 2020 POLICE CARS-INTEREST	1,580.00	1,578.76	1,578.76	0.00	1.24	100
<b>6700 Debt Service Subtotal</b>	<b>\$167,634.00</b>	<b>\$107,478.99</b>	<b>\$107,478.99</b>	<b>\$0.00</b>	<b>\$60,155.01</b>	<b>64</b>
<b>Expenditure Subtotal</b>	<b>\$167,634.00</b>	<b>\$107,478.99</b>	<b>\$107,478.99</b>	<b>\$0.00</b>	<b>\$60,155.01</b>	<b>64</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$167,634.00</b>	<b>-\$107,478.99</b>	<b>-\$107,478.99</b>	<b>\$0.00</b>	<b>64</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$167,634.00</b>	<b>-\$107,478.99</b>	<b>-\$107,478.99</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	142,619.00	80,193.14	80,193.14	0.00	62,425.86	56
30-8100-0400 PROFESSIONAL SERVICES	10,000.00	3,679.76	4,048.50	368.74	5,951.50	40
30-8100-0500 FICA	10,910.00	5,513.60	5,513.60	0.00	5,396.40	51
30-8100-0600 HEALTH INSURANCE (MEDICAL)	18,351.00	12,401.80	12,401.80	0.00	5,949.20	68
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	2,718.00	1,889.36	1,889.36	0.00	828.64	70
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	2,250.00	2,187.50	2,187.50	0.00	62.50	97
30-8100-0700 LGERS RETIREMENT	25,714.00	13,349.24	13,349.24	0.00	12,364.76	52
30-8100-0800 401K SUPP RETIREMENT	7,131.00	4,673.92	4,673.92	0.00	2,457.08	66
30-8100-1200 POSTAGE, PRINTING, & STATIONARY	5,000.00	2,745.13	3,222.33	477.20	1,777.67	64
30-8100-1500 GENERAL REPAIRS	10,000.00	0.00	0.00	0.00	10,000.00	0
30-8100-3300 SUPPLIES & EQUIPMENT	15,000.00	5,737.54	7,422.36	1,684.82	7,577.64	49
30-8100-3800 TECHNOLOGY	5,000.00	2,283.89	2,283.89	0.00	2,716.11	46
30-8100-4800 WATER PURCHASES	146,066.00	142,353.58	142,353.58	0.00	3,712.42	97
30-8100-4900 SEWER PURCHASES	275,595.00	119,888.17	119,888.17	0.00	155,706.83	44
30-8100-5000 AMI TRANSMITTER FEES	7,700.00	6,395.54	6,395.54	0.00	1,304.46	83
30-8100-5700 MISCELLANEOUS	14,284.00	0.00	0.00	0.00	14,284.00	0
30-8100-6500 STAFF DEVELOPMENT	5,000.00	4,943.43	5,614.07	670.64	-614.07	112
30-8100-7400 CAPITAL IMPROVEMENT	100,000.00	18,243.51	18,243.51	0.00	81,756.49	18
<b>8100 Water Dept. Subtotal</b>	<b>\$803,338.00</b>	<b>\$426,479.11</b>	<b>\$429,680.51</b>	<b>\$3,201.40</b>	<b>\$373,657.49</b>	<b>53</b>
<b>Expenditure Subtotal</b>	<b>\$803,338.00</b>	<b>\$426,479.11</b>	<b>\$429,680.51</b>	<b>\$3,201.40</b>	<b>\$373,657.49</b>	<b>53</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$803,338.00</b>	<b>-\$426,479.11</b>	<b>-\$426,479.11</b>	<b>-\$3,201.40</b>	<b>53</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$803,338.00</b>	<b>-\$426,479.11</b>	<b>-\$426,479.11</b>	<b>-\$3,201.40</b>	<b>53</b>

# BOARD OF COMMISSIONERS MEETING

## STAFF MEMORANDUM

April 12, 2022



### Agenda Item D-1

#### Public Works Storage & Maintenance – Facility Needs Analysis Discussion

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#### Background

The Town completed a full renovation of the Public Works building in 2019. This building houses the Town's public works staff, garage bays for vehicle maintenance on some Town vehicles, and storage for lawnmowers, small engine equipment, and other departmental supplies. The renovation for this building allowed the Town to more effectively organize the Department and upgrade the facility from its original construction in the late 1920s.

During early design stages, the Town considered combining the new Public Works facility with the Town's material storage shed, located on the northwestern corner of the property. The existing shed was to be demolished within this iteration. This option was rejected early in the design phase, however, as the high cost was not worth the anticipated result. A new, combined building in this location simply would not meet the needs of the Town. The Town decided to move forward with completely renovating the existing Public Works building and moving toward a solution for the materials storage shed later.

#### *Materials Storage Shed*

The storage shed was constructed in the mid-1970s. The shed houses the Town's salt, sand, bulk materials, and additionally, provides lay down space, in and around the building, for large materials and equipment. Examples of this equipment are long segments of pipe, leaf collection boxes, and snow plows. These items are often too large to fit within the Public Works building due to size or space constraints. The area in front of the storage shed includes the Town's fueling station (for Public Works and Police vehicles) and the publicly accessible dumpsters. Several parking spots are adjacent to the shed and utilized during the week by Public Works employees' personal vehicles or spare patrol cars. In February 2016, the Town received a report from a structural engineer recommending major renovation or removal of the storage shed building due to its deteriorating condition and safety concerns. A copy of this report is attached to this memorandum.

#### Facility Needs Review

Town staff was asked to review the storage shed and consider ways to effectively and safely provide high-level services to the Town's citizens. During this time, concern was raised over the open nature of the Town's fueling station from a liability perspective. Town staff asked our insurer, the NC

League of Municipalities, to provide a recommendation regarding the fueling station. The recommendations that resulted from the visit included securing both the Town's fueling station, modernizing the fueling station, and securing the storage shed itself. An additional observation was made regarding the congested nature of the parking area adjacent to the storage shed. A copy of this recommendation email is attached to this memorandum.

With the above set of facts, town staff completed an internal needs assessment of facilities that could best benefit the Town and the department's responsiveness to Town needs. The purpose in this review was to analyze the Department's existing needs, potential growth, and the overall impact for Town citizens. Based on these internal discussions, staff recommends that most utilitarian functions of the department be relocated off the Town Hall Complex site in order to improve the aesthetics at that site, provide necessary space to accommodate the modern needs of a sophisticated and responsive department, and better serve Town residents most efficiently. In order to relocate these functions in a cost-effective manner, staff recommends utilizing approximately 2.5 acres of Town-owned property north of 292 Vanderbilt Road, and west of Asheville Cardiology along Vanderbilt Road. The construction of a new facility at this site would also allow for a renovation project at the Town Hall Complex that includes; demolition of the existing dilapidated storage building and numerous improvements to the Town Hall Complex to improve the efficiency, beauty, and utility of the site. Administrative functions and some services of the Public Works Department will remain stationed in the recently remodeled Public Works building.

#### *Alternative Considerations*

Several alternatives were considered and evaluated before reaching this recommendation. Specifically, two options were seriously considered, and a brief discussion of each is below.

#### Option 1 – Do Nothing

Due to the significant decline and structural distress of the existing storage building, this option is not viable. The attached analysis and recommendation from a licensed structural engineer is that the building should be abandoned and demolished or completely reconstructed. Since the facility serves as a storage unit for much of the department's equipment and materials, including serving as the primary facility for salt and sand storage used during snow events, a replacement facility is required, whether it be replaced on-site or at a new location.

#### Option 2 – Replace the Facility at the Same Location

While this option is possible, it requires substantial logistical planning to relocate all existing materials, demolish the existing structure, and construct a new structure, while continuing to occupy and use the Town Hall Complex site for all of its existing uses. Advantages of this option are that the facility is more centrally located to all residents, access to the facility from the Public Works headquarters is closer and more convenient, and all Town facilities are centrally located together. Disadvantages of replacing the facility in the same location include the site being too small to adequately and attractively house all current and needed functions, there are limited or no opportunities for expansion of any Town functions at the site, there will be interruptions to current access and services during construction. This option is not recommended because it is not large enough to effectively meet the current and future needs of the department or the Town.

### Option 3 – Construct a New Facility on Vanderbilt Road (Recommended Option)

As discussed above, this alternative has several positives and is the recommended solution. Since the site is new, it can be constructed largely without constraint to serve both current and potential future needs; it allows the new site to be constructed without affecting the current Public Works services or the public; the new site will be located in a more private area of town more in alignment with adjacent land uses. This alternative also allows several town functions to be relocated out of the main public area, improve the citizen experience, and beautify the Town Hall Complex.

Lastly, this alternative generates open space at the Town Hall Complex that can be reserved for future town facilities growth as needed or for additional open green space. Disadvantages of this option include moving some Public Works services further away from the center of Town, increasing response time, and effectively creating two sites that are not together and thus are more difficult to supervise and manage.

### Vanderbilt Road Property

The Town owned property on Vanderbilt Road was acquired in 1997 as a deed of gift from Biltmore Farms. A copy of the deed is attached to this memorandum. The deed specified the parcel “*shall not be used for any purpose except those uses permitted in the P-S Public Service District of the Town of Biltmore Forest in effect at the date hereof for a period of 15 years*”. The deed then lists the specific provisions of the P-S District from August 6, 1997. This deed restriction expired on August 6, 2012.

The deed further stipulates

*after 15 years from the recording date of this deed (August 6, 1997) and in the event that the Town of Biltmore Forest shall desire to utilize any portion of the Property for municipal purposes other than those permitted by the P-S Public Service District ... the Town shall have the right to give notice to its residents of the Town of the intended change in use and following the statutory procedures for a change in a zoning classification, present at a public hearing the details of the desired change in use. Thereafter, the Town shall, at a special or scheduled election, conduct a referendum seeking approval of the change in zoning and use as proposed at the public hearing. If a majority of the registered voters voting approve the proposed changes, the Town may proceed to make the changes. If a majority of the registered voters voting against any change from those uses allowed in the P-S Public Service District ... then the Town shall make no change in the zoning or use of the property.*

There are additional reservations specifically for Biltmore Farms as the grantor that may be found on the attached deed, but no other reservations that require a question from the citizens of the Town of Biltmore Forest prior to use. It is specified that the conveyance be “*intended to be for Public purposes and for the benefit of the residents of the Town*”. The Town is not allowed to sale or otherwise convey the property to any other entity or person and has no ability to change the use of the property except as provided above.

### Process for Compliance with Deed Restrictions

In order to utilize a portion of the Vanderbilt Road property for the maintenance facility, the Town would need to follow the process laid out within the deed to re-zone the parcel from P-S (Public Service District). The P-S district verbiage in 1997 remains the same as the P-S district verbiage in our current ordinance. As the Board considers whether to pursue this option, staff believes re-zoning to

the R-5 zoning district is appropriate. In addition to being compatible with the existing land use to the north and east, the R-5 zoning district description is consistent with this proposed use.

*R-5 Residential District.*

*(a) The medium-density district is established as a district where both residential and business uses are accommodated. In addition, a wide range of community facilities and services are also available. It is intended that nonresidential uses, including business uses, shall be compatible with and exist in harmony with the community in which they are located and that adequate standards will be maintained pertaining to the public health, safety, and welfare.*

*(b) In addition, these areas should provide sufficient space for ample off-street parking and well-designed entrances and exits to avoid congestion and safety hazards. Most land use in this District will require a special use permit as a means of assuring and promoting safety and good design.*

The current Town Hall complex, which includes the maintenance storage shed, is zoned R-1 and is surrounded on each side by single-family residences. Re-zoning the Vanderbilt Road parcel as R-1, as found in the current Zoning Ordinance, does not seem an appropriate choice

*R-1 Residential District.*

*(a) The R-1 Residential District encompasses most of the town's developed residential areas and contains residential structures of historical and architectural significance in a most unique residential environment. The intent of the R-1 District is to preserve and enhance the character of existing neighborhoods and generally to provide a pleasant living environment. These neighborhoods consist of single-family owner occupied detached dwelling units placed on relatively large lots with considerable open spaces between structures, thus creating a low-density residential environment.*

*(b) Nonresidential uses, including home occupations, have been limited in this District as a means of maintaining the character of these neighborhoods. Likewise, dimensional requirements pertaining to lot size, building setbacks, yard requirements, and height limitations have been established to promote the general welfare and preservation of the community.*

*(c) Future construction and alteration of existing structures should be oriented at maintaining and enhancing the existing character of the residential neighborhoods. Therefore, structures should be compatible in materials, height, siting, color, texture, scale, and proportion to the other structures in the neighborhood. The R-1 District also contains undeveloped areas to provide locations for future single-family subdivisions.*

*(d) Consistent with, and to protect the existing character of the neighborhoods in this District, home stays and short term rentals are not allowed.*

Deed Restriction and Public Hearing Processes

Upon reviewing the deed restriction with the Town Attorney, and in consideration of the possible re-zoning as stated above, the Town would conduct the following process **IF** the Board wants to consider utilizing a portion of the Vanderbilt Road property for a new maintenance storage facility.

1. Draft the language to change the zoning in this area to allow the maintenance storage facility.



2. Schedule a public hearing to consider the changes.
3. Schedule a special election administered by the Town (per the Town Attorney). The question could also be placed upon the ballot of a general election.
4. If a majority of those voting approve the change, the Board of Commissioners can consider an amendment to the Zoning Map to re-zone this parcel, or portion thereof.

#### Action Requested

If the Board desires to consider a portion of the Vanderbilt Road property for this use, the first step is formal direction to begin the process as laid out above. As noted, this would involve scheduling a public hearing (appropriately noticed and advertised) regarding the proposed re-zoning. Staff requests Board consideration and direction on whether to move forward with this process.

#### Attachments

1. Structural Engineer's Report – Storage Facility – February 2016
2. NCLM Risk Control Consultant Follow Up Email – August 2021
3. Deed from Biltmore Farms to Town of Biltmore Forest – August 6, 1997
4. Town of Biltmore Forest Zoning Ordinance Section 153.005 (E) – Statement of (Zoning) District Intent

**Robin L. Kanipe, PE**

33 Fox Hollow Ct., Arden, North Carolina, 28704  
Telephone - 828-779-4906



February 26, 2016

Gary Davis, PE  
134 Charlotte Hwy  
Asheville, NC 28803

Re: Biltmore Forest Public Works Buildings

Dear Mr. Davis,

As per your firms request, I visited the subject building on February 22, 2016. The purpose of this visit was to conduct a visual structural assessment of the main building and the salt and sand storage buildings. This report is based solely on the observations made during the visit. No calculations or structural analysis have been performed.

**MAIN BUILDING:**

The Main Building consists of two stories and is constructed of clay tile bearing walls, a wood framed supported upper floor system, and wood framed roof system that has a relatively high pitch. The building's primary use at the time of the visit was the storage of miscellaneous items. The front of the building is at pavement level, while the rear of the building is recessed into the grade two to four feet. In other words, the rear wall retains two to four feet of soil. Behind the building, a precast concrete wall and cell phone tower have been constructed.

It is my understanding that during periods of moderate rainfall, substantial amounts of water seep through the rear wall and up between the joint of the rear wall and the slab on grade. During the time of my visit, moisture was noted on the interior face of the wall and it was not raining at that time. Numerous areas of wood decay were noted around the perimeter of the exterior of the building.

It is also my understanding that the Town of Biltmore Forest is interested in renovating the building. For the following reasons, it is my opinion that the economic feasibility of doing any moderate modifications to the structural elements of the structure are not reasonable:



1. The rear wall of the structure is constructed of clay tile. It is my professional opinion that this material is a poor choice for a retaining wall. Unlike today's concrete masonry units that have vertical open cells that can be reinforced, the open cells of clay tile units run horizontal, not allowing the ability to reinforce the wall for lateral loads such as the soil. It is my opinion that the reason the walls function properly at this time is due to the partition walls that intersect the rear wall at relatively short spacing. In structural terms, the rear wall is acting like a plate being laterally supported on three sides. The removal of any one of these walls, which may be required in order to make this area more functional, could lead to a failure of the rear wall.
2. The rear wall is showing indications of deterioration on the interior face where the moisture was noted. This deterioration is most likely due to the presence of the moisture during extreme cold temperatures. It is my opinion that this deterioration will continue.
3. One possible solution to the moisture issue of this building would be to install a functional waterproofing to the exterior of the walls below grade. Unfortunately, the presence and proximity of the precast concrete wall constructed for the cell phone tower makes this option a relatively costly venture. The excavation required to install the waterproofing may lead to an undermining of the precast wall foundations leading to a failure of the wall.
4. The existing structural elements do not meet the present North Carolina State Building Code requirements for seismic loads. While it is not required at this time to bring existing structures up to present seismic code requirements, the local building officials may require the building to be brought up to present code standards if in their opinion the amount of renovations warrant such action. Or, if the building were to be classified to a higher risk category, the local building officials may require the building to be brought up to present code. The latter being a more common occurrence.

#### **STORAGE BUILDING:**

The storage building consists of numerous building materials. The roof is constructed of plywood sheathing supported by prefabricated wood trusses spaced at 4'-0" o.c. supported by beams and columns. Various types of push walls have been added to the build to facilitate the loading of sand and salt. Some of the walls appear to be similar to the Ready Rock wall system provided by Southern Concrete Materials. The exterior of the building is sheathed with wood

material. Because of the presence of the sand and salt, many of the structural elements were not open to observation.

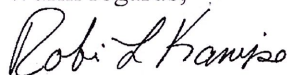
The following was noted:

1. The exterior sheathing appears to be in a deteriorating stage.
2. The added push wall elements appear to have been moved by the equipment operating in the structure. This was evidenced by the arrangement of the subject elements.

Due to the deteriorated conditions noted during the visit, it is my professional opinion that the existing facility should undergo major renovations or be replaced. This opinion is also based on what appeared to be movement of the push walls. This movement is a significant safety concern in my opinion. If the walls were to come into contact with a column or some other structural element it may cause a failure of that element. This is an even higher concern since some of the elements may have deteriorated over the years due to exposure of elements and a corrosive atmosphere.

Should you have any questions regarding this report, do not hesitate to contact me.

Warm regards,



Robin L. Kanipe, PE





**From:** [Amy Whisnant](#)  
**To:** [Jonathan Kanipe](#)  
**Subject:** Follow up to Aug. 4 visit  
**Date:** Friday, August 06, 2021 9:45:45 AM  
**Attachments:** [image001.png](#)

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**WARNING:** This email originated from outside of the Town of Biltmore Forest Network.

Hi Jonathan,

I wanted to follow up with you on my visit to Biltmore Forest on Aug. 4<sup>th</sup>. The purpose of my visit was to look at the fuel tanks and the Public Works storage area and building for any risk concerns. As your NCLM Risk Control Consultant, I work in the best interest of Biltmore Forest, and emphasize these are only recommendations. It is ultimately the decision of Biltmore Forest to determine appropriate actions to take.

The fuel tanks, while still serviceable, are showing signs of age, and wear, which will soon be a concern. The other concerns are that the tanks are unsecured and the pumps are unlocked, which allows for anyone to access the pumps. The tanks should be secured; at a minimum, there should be an access control to the pump to prevent unauthorized dispensing of the fuel. It is also recommended that the old tanks be replaced with new tanks designed with built-in spill containment to reduce the risk of an environmental release.

The Public Works storage building is in disrepair and, like the fuel tanks, unsecured. From a property and liability standpoint, there is a significant risk exposure of theft and vandalism. It is common practice for such storage facilities to be located behind a secured fence with controlled access.

Finally, the location of the pumps, storage facility, and equipment storage, creates a congestion hazard in the parking area resulting in an increased risk of vehicle and property damage. Relocating the Public Works storage area and building, as well as the fuel pumps, will eliminate these risk exposures for Biltmore Forest. While I recognize these are expensive remedies, the cost of one claim resulting from these potential risks could far exceed those expenses.

I appreciate Biltmore Forest's efforts in providing a safe community for its employees and citizens. If you have any questions, or concerns, please let me know.

Thank you,  
Amy



**AMY WHISNANT, CSP**

Risk Control Consultant

**p** [919-715-2921](tel:919-715-2921)

**m** [828-231-0276](tel:828-231-0276)

**e** [awhisnan@NCLM.ORG](mailto:awhisnan@NCLM.ORG)

**f** [919-301-1052](tel:919-301-1052)

434 Fayetteville Street, Suite 1900, Raleigh, NC 27601

[www.nclm.org](http://www.nclm.org)

REGISTERED

'97 AUG -6 P2:54

*[Signature]*  
RECORDED  
3 AUG 1997

Excise Tax \$0.00

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
Verified by ..... County on the ..... day of ....., 19 ....  
by .....

Mail after recording to O.E. STARNES, Esq.

This instrument was prepared by Philip G. Carson

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 30th day of July, 19 97, by and between

GRANTOR

GRANTEE

BILTMORE FARMS, INC.,  
a North Carolina corporation

TOWN OF BILTMORE FOREST

355 Vanderbilt Road  
Asheville, N.C. 28803

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the ~~city~~ <sup>town</sup> of Biltmore Forest, Biltmore Township, Buncombe County, North Carolina and more particularly described as follows:

BEING 10.2962 acres lying on the east side of Vanderbilt Road to the south of Interstate Highway 40 as more particularly described and as restricted and with the reservations set forth in Exhibit A attached hereto and incorporated by reference herein.

THIS IS A DEED OF GIFT

004661

EXHIBIT A  
TO DEED FROM  
BILTMORE FARMS, INC. TO  
THE TOWN OF BILTMORE FOREST  
DATED JULY 30, 1997

Beginning on an existing concrete monument (city limit marker) as described in Deed Book 1642 Page 252 and the terminus of the sixteenth call of Deed Book 79 Page 1, said point also being a corner of the fourth parcel described in Deed 1222 Page 645 and runs thence from said beginning point North 86 degrees 17 minutes 19 seconds West 0.56 feet to a point in the Eastern right-of-way of Vanderbilt Road; thence with the right-of-way of Vanderbilt Road the following eight courses and distances; North 29 degrees 38 minutes 54 seconds West 101.00 feet to a point; thence North 31 degrees 08 minutes 05 seconds West 105.44 feet to a point; thence with a curve to the left whose radius is 431.99 feet, arc length 258.00 feet, chord bearing and distance North 48 degrees 14 minutes 40 seconds West 254.18 feet to a point; thence North 65 degrees 21 minutes 15 seconds West 186.49 feet to a point; thence with a curve to the right whose radius is 492.56 feet, arc length 243.00 feet, chord bearing and distance North 51 degrees 13 minutes 16 seconds West 240.54 feet to an existing concrete right-of-way monument; thence continuing with a curve to the right whose radius is 492.56 feet, arc length 113.26 feet, chord bearing and distance North 30 degrees 30 minutes 03 seconds West 113.01 feet to a point; thence North 23 degrees 54 minutes 49 seconds West 661.78 feet to an existing concrete right-of-way monument in said right-of-way; thence North 22 degrees 50 minutes 01 seconds West 26.69 feet to an existing concrete right-of-way monument at the Intersection of the Eastern right-of-way of Vanderbilt Road with the Southern right-of-way of Interstate 40, said monument having N.A.D. 1927 coordinates of  $N = 676831.46$ ,  $E = 945825.03$ ; thence leaving the Eastern right-of-way of Vanderbilt Road and with the Southern right-of-way of Interstate 40 North 77 degrees 31 minutes 05 seconds East 349.07 feet to a point in said right-of-way; thence leaving the right-of-way of Interstate 40 and with the Western margin of an existing soil road bed which is the new division line for the new Asheville city limit and Town of Biltmore Forest limits (1997) the following seventeen courses and distances; South 25 degrees 32 minutes 03 seconds East 17.00 feet to a point; thence South 28 degrees 07 minutes 01 seconds East 65.72 feet to a point; thence South 28 degrees 27 minutes 55 seconds East 89.48 feet to a point; thence South 21 degrees 54 minutes 35 seconds East 43.19 feet to a point; thence South 18 degrees 56 minutes 21 seconds East 43.05 feet to a point; thence South 21 degrees 33 minutes 58 seconds East 97.71 feet to a point; thence South 25 degrees 19 minutes 59 seconds East 90.57 feet to a point; thence South 23 degrees 41 minutes 33 seconds East 60.32 feet to a point; thence South 27 degrees 46 minutes 19 seconds East 54.22 feet to a point; thence South 29 degrees 52 minutes 23 seconds East 82.15 feet to a point; thence South 42 degrees 06 minutes 19 seconds East 40.47 feet to a point; thence South 42 degrees 37 minutes 05 seconds East 88.97 feet to a point; thence South 37 degrees 03 minutes 52 seconds East 36.70 feet to a point; thence South 36 degrees 08 minutes 48 seconds East 48.80 feet to a point; thence South 28 degrees 12 minutes 02 seconds East 32.52 feet to a point; thence South 20 degrees 56 minutes 24 seconds East 46.30 feet to a point; thence South 31 degrees 28 minutes 47 seconds East 26.44 feet to a point in the Western edge of the above described soil road bed; thence leaving the Western edge of the soil road bed and crossing said road bed and continuing with the new town limit division line and with a curve to the right whose radius is 651.99 feet, arc length 282.13 feet, chord bearing and distance South 51 degrees 22 minutes 50 seconds East 279.94 feet to a point in the old Asheville city limit line, said point also being in the Western boundary of the property described in Deed Book 352 Page 198 and also Deed Book 1564 Page 641; thence with said line South 05 degrees 00 minutes 48 seconds West 158.11 feet to a point in said line; thence South 05 degrees 00 minutes 48 seconds West 208.16 feet to the point and place of beginning containing 10.296 acres more or less and shown on plat of survey by Webb A. Morgan & Associates P. A. (John B. Young, R.L.S.) and designated "Tract B"; said survey entitled "Property Exchange Map For The Town of Biltmore Forest and The City of Asheville", dated March 4, 1997, Job File No. 90086-D-591, Dwg. File VPARK100.

Bearings in the above description are relative to N.C. Grid North N.A.D. 1927. Distances in the above description are grid lengths. To convert distances to horizontal ground measurement they must be divided by a combined scale and sea level factor of 0.9997832.

The above description was prepared by Webb A. Morgan & Associates, P.A.



BK 1978 PG 166

EXHIBIT B  
TO DEED FROM  
BILTMORE FARMS, INC. TO  
THE TOWN OF BILTMORE FOREST  
DATED JULY 30, 1997

This conveyance is subject to the following restrictions and provisions:

1. Subject to easements, restrictions and rights-of-way of record and to ad valorem taxes for the year 1997.
2. The Property conveyed shall not be used for any purpose except those uses permitted in the P-S Public Service District of the Town of Biltmore Forest in effect at the date hereof for a period of 15 years, said P-S Public Service District in effect at the date of this deed being as follows:

P-S Public Service District. This district is designed to provide for open green spaces, including forestation and other natural vegetation throughout the jurisdiction. It is to be used to protect the ambiance of the community by providing a series of natural buffers between residential and nonresidential development. It is expressly intended that any structures and/or buildings shall be prohibited except as associated with a public park or recreational area. Any land disturbing activity such as driveway connections or landscaping shall be approved by the Board of Adjustment.

3. After 15 years from the recording date of this deed and in the event that the Town of Biltmore Forest shall desire to utilize any portion of the Property for municipal purposes other than those permitted by the P-S Public Service District set forth above, the Town of Biltmore Forest (Town) shall have the right to give notice to the residents of the Town of the intended change in use and following the statutory procedures for a change in a zoning classification, present at a public hearing the details of the desired changes in use. Thereafter, the Town shall, at a special or scheduled election, conduct a referendum seeking approval of the change in zoning and use as proposed at the public hearing. If a majority of the registered voters voting approve the proposed changes, the Town may proceed to make the changes. If a majority of the registered voters voting against any change from those uses allowed in the P-S Public Service District set forth above, then the

(ATTACHMENT)

Town shall make no changes in the zoning or the use of the property. Nothing shall prevent the Town from resubmitting the proposed change or any other change to a further and future public hearing and referendum at any time after one year from the Town's voters have voted against the proposed change.

4. There is permanently reserved a 20 foot set back from the eastern line of the Property in which area no structures or improvements shall be permitted except for landscaping, berming and the drainage provided for in paragraph 5 below.

5. There is reserved by the Grantor to itself, its successors and assigns the right without further approval to locate underground piping upon the Property for the purpose of carrying surface water from the Grantor's property lying to the east of the Property conveyed by this deed to an existing culvert at the north end of the existing wet weather creek bed existing on the Property. There is further reserved a construction easement 50 feet in width and a permanent easement of 20 feet in width at such location or locations that any underground drainage pipes shall be installed pursuant to this reservation of easement. Any use of this easement shall be subject to a minimal disturbance of land and plant life in constructing any underground drainage system and further subject to the requirement that any disturbed area be restored to its former state by grading and planting in as complete a manner as can be reasonably accomplished.

6. This conveyance by the Grantor is intended to be for public purposes and for the benefit of the residents of the Town. The Grantee shall have no right and by recording this deed agrees that it shall have no right to convey the Property to any other entity or person or change the use of the Property except as provided above. This provision is for the citizens and residents of the Town of Biltmore Forest.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1222 at  
Page 849 of the Buncombe County Registry

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

See Exhibit B for exceptions, reservations and restrictions

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

BILTMORE FARMS, INC.

By: Joel M. Carson  
President

USE BLACK INK ONLY

(SEAL)

(SEAL)

(SEAL)

(SEAL)

ATTEST: Philip G. Carson  
Secretary (Corporate Seal)

NORTH CAROLINA, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
Grantor,  
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my  
hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires: \_\_\_\_\_ Notary Public

SEAL-STAMP

NORTH CAROLINA, Buncombe County.

I, a Notary Public of the County and State aforesaid, certify that Philip G. Carson  
personally came before me this day and acknowledged that he is \_\_\_\_\_ Secretary of  
Biltmore Farms, Inc., \_\_\_\_\_ a North Carolina corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name by its  
President, sealed with its corporate seal and attested by him as its Secretary.  
Witness my hand and official stamp or seal, this 30th day of July, 1997.

My commission expires: 10-9-2000 Myra G. Keykendall Notary Public

The foregoing Certificate(s) of Myra G. Keykendall

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By Officer DeBrah REGISTER OF DEEDS FOR Buncombe COUNTY  
Linda J. Loon Deputy/Assistant - Register of Deeds

## § 153.005 ESTABLISHMENT OF ZONING DISTRICTS AND MAP.

(A) *Use districts.* For the purpose of this chapter, the town is hereby divided into the following use districts:

- (1) R-1 Residential District;
- (2) R-2 Residential District;
- (3) R-3 Residential District;
- (4) R-4 Residential District;
- (5) R-5 Residential District; and
- (6) P-S Public Service District.

(B) *Establishment of district boundaries.* The boundaries of these districts are hereby established as shown on the official zoning map of the town.

(C) *Establishment of zoning map.* A zoning map, entitled the "Official Zoning Map of the Town of Biltmore Forest," depicts all approved use districts and their respective boundaries. Such map is hereby made a part of this chapter and shall be maintained by the Town Zoning Administrator and updated to reflect changes and amendments to this zoning ordinance. This map shall be available for inspection by interested persons during normal business hours of the Town Zoning Administrator. It shall be the duty of the Town Zoning Administrator to maintain the map and post any changes thereto as they may be made.

(D) *Rules governing district boundaries.* Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys, streams, rivers, or other bodies of water, shall be construed to follow such lines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following town limit lines shall be construed as following such town limit lines;

(4) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefor as indicated on the zoning map. If no distance is given on the map, such dimension shall be determined by the use of the scale shown on said zoning map; and

(5) Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by divisions (D)(1) through (D)(4) above, the Board of Adjustment shall interpret the district boundaries.

(E) *Statement of district intents.*

(1) *R-1 Residential District.*

(a) The R-1 Residential District encompasses most of the town's developed residential areas and contains residential structures of historical and architectural significance in a most unique residential environment. The intent of the R-1 District is to preserve and enhance the character of existing neighborhoods and generally to provide a pleasant living environment. These neighborhoods consist of single-family owner occupied detached dwelling units placed on relatively large lots with considerable open spaces between structures, thus creating a low-density residential environment.

(b) Nonresidential uses, including home occupations, have been limited in this District as a means of maintaining the character of these neighborhoods. Likewise, dimensional requirements pertaining to lot size, building setbacks, yard requirements, and height limitations have been established to promote the general welfare and preservation of the community.

(c) Future construction and alteration of existing structures should be oriented at maintaining and enhancing the existing character of the residential neighborhoods. Therefore, structures should be compatible in materials, height, siting, color, texture, scale, and proportion to the other structures in the neighborhood. The R-1 District also contains undeveloped areas to provide locations for future single-family subdivisions.

(d) Consistent with, and to protect the existing character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(2) *R-2 Residential District.*

(a) The R-2 Residential District is established to protect and maintain existing neighborhoods, which are characterized by single-family residences with smaller lots, and thus greater residential densities than found in the R-1 District.

(b) As in the R-1, nonresidential uses, including home occupations, have been limited in this District as a means of assuring a pleasant residential atmosphere.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(3) *R-3 Residential District.*

(a) The R-3 Residential District is intended to provide locations that will accommodate future residential growth south of the Blue Ridge Parkway. This District is intended to provide locations for future subdivisions and for planned unit residential developments as special uses when design plans show that such developments will be compatible with the surrounding development and available public services.

(b) This District is primarily a low-density residential district; however, to accommodate contemporary design and building practices, it includes residential planned unit developments as a conditional use at a maximum density of eight dwelling units per acre. Nonresidential uses, including home occupations, will also be limited in the R-3 District in order to maintain the same quiet and pleasant living environment as found in the R-1 and R-2 Districts.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(4) *R-4 Residential District.*

(a) The R-4 Residential District provides areas for residential uses, and for special uses professional offices and commercial services. Urban sprawl, strip commercial development, and congestion will be discouraged by promoting good design and clustered development. These areas should provide sufficient space for ample off-street parking and well designed entrances and exits to avoid traffic congestion and safety hazards.

(b) Land uses in this District, other than single-family detached dwelling units, will require a special use permit as a means of assuring and promoting safety and good design. The integrity of residential uses in this zone will be preserved by requiring a 20-foot wide buffer strip between residential and nonresidential uses.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(5) *R-5 Residential District.*

(a) The medium-density district is established as a district where both residential and business uses are accommodated. In addition, a wide range of community facilities and services are also available. It is intended that nonresidential uses, including business uses, shall be compatible with and exist in harmony with the community in which they are located and that adequate standards will be maintained pertaining to the public health, safety, and welfare.

(b) In addition, these areas should provide sufficient space for ample off-street parking and well designed entrances and exits to avoid congestion and safety hazards. Most land use in this District will require a special use permit as a means of assuring and promoting safety and good design.

(c) Consistent with and to protect and preserve the character of the neighborhoods in this District, home stays and short term rentals are not allowed.

(6) *P-S Public Service District.*

(a) This District is designed to provide for open green spaces, including forestation and other natural vegetation throughout the jurisdiction.

(b) It is to be used to protect the ambiance of the community by providing a series of natural buffers between residential and nonresidential development.

(c) It is expressly intended that any structures and/or buildings shall be prohibited except as associated with a public park or recreational area. Any land-disturbing activity such as driveway connections or landscaping shall be approved by the Board of Adjustment.

(Ord. passed 10-19-1983; Ord. passed 6-8-2021)

# BOARD OF COMMISSIONERS MEETING

## STAFF MEMORANDUM

April 12, 2022



### Agenda Item D-2

### Consideration of American Rescue Plan (ARP) Policies

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#### Background

The US Treasury Department issued Final Rules for the American Rescue Plan/Coronavirus State & Local Fiscal Recovery Funds (ARP/CSLFRF) in January 2022. These rules included the introduction of a “Standard Allowance” that enabled local governments to utilize up to \$10 million in ARP funds as revenue replacement. These funds may be expended upon any general government services allowed by state law, with some exceptions.

As part of the Final Rule, the US Treasury requires ARP recipients to adopt specific policies prior to the expenditure of funds. At minimum, all local governments must adopt and maintain the following policies:

1. Eligible Use Policy
2. Allowable Costs and Cost Principles Policy
3. Non-Discrimination Policy
4. Records Retention Policy

UNC School of Government faculty have devoted countless hours to the proper adoption of ARP policies and the appropriate expenditure of these funds. Guidance from the School of Government includes sample policies, sample worksheets, and additional information that enables local governments to put these landmark funds into their communities.

The Town has utilized the School of Government’s resources and prepared policies that comply with federal law. Each of these policies is spelled out in full detail in subsequent pages.

#### *Eligible Use Policy*

Local governments must adopt a policy sets up procedures for making project requests, approving requests, and documenting that approval and justification for the approval and purchase. This proposed policy is attached for the Board’s review.

#### *Allowable Cost and Cost Principles Policy*

As noted above, a local government must adopt policies to ensure expenditures are eligible. A subset of this work is to develop a policy that outlines allowable costs and a cost principles policy to

ensure sound management and effective administration of the award. Internal controls and accountability are built into this policy. Subsequent audit requirement associated with the ARP funds will utilize these policies and verify that expenditures received appropriate oversight and accountability. This proposed policy is attached for the Board's review.

#### *Non-Discrimination Policy*

The Town adopted a Title VI non-discrimination policy required by NCDOT in 2019. The School of Government's recommended Title VI non-discrimination policy matches the requirements found in the US Treasury's Final Rule. The proposed policy is attached for the Board's review.

#### *Records Retention Policy*

The Town is required to retain certain records by North Carolina law and the Town Clerk handles these responsibilities. The US Treasury's Final Rule requires more stringent record retention than required by North Carolina law, and the attached policy matches these requirements. The proposed policy is attached for the Board's review.

#### Method of Board Approval

The Board of Commissioners does not need to approve these policies in a formal resolution. Rather, the Board may consider these policies, adopt them individually, and satisfy the requirements for utilization of ARP funds.



**ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE  
PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY  
FUNDS BY TOWN OF BILTMORE FOREST**

**WHEREAS** the Town of Biltmore Forest, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing; and

**WHEREAS** US Treasury has issued a Compliance and Reporting Guidance v.2.1 (November 15, 2021) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

**WHEREAS** the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

**BE IT RESOLVED** that the Town of Biltmore Forest hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.



# Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how the Town of Biltmore Forest will spend its ARP/CSLFRF funds.

## I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its **Final Rule** regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

## II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding

(There is an exception to this prohibition if the settlement or judgment requires the Town of Biltmore Forest to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);

5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Biltmore Forest, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

### III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town of Biltmore Forest employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing on the Town's Eligibility Worksheet and include the following information.
  - a. Brief description of the project
  - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the US Treasury Compliance and Reporting Guidance.)
  - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARPA funding should review the Final Rule and Final Rule Overview prior to submitting a proposal.
  - d. Proposed budget, broken down by cost item, in accordance with the [Town of Biltmore Forest]'s Allowable Cost Policy.
  - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the Town Manager for approval. All requests will be reviewed by the Town Manager for ARP/CSLFRF compliance and by the Finance Director for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final written approval by the Town Manager.
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the Town Manager immediately.
6. The Finance Director must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.

7. The Town Clerk must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.



## **ALLOWABLE COSTS AND COST PRINCIPLES POLICY FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS**

**WHEREAS** the Town of Biltmore Forest, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

**WHEREAS** the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

**WHEREAS** the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds provides, in relevant part:

**Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust

internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

ARP/CSLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the ARP/CSLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the ARP/CSLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the [ARP/CSLFRF] award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of ARP/CSLFRF award funds; and

**WHEREAS** Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

**WHEREAS** Subpart E of the UG (specifically, 200.400) states that:

The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.
- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

**BE IT RESOLVED** that the governing board of Town of Biltmore Forest hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

# Town of Biltmore Forest

## Allowable Costs and Costs Principles Policy

### I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses that are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

Town of Biltmore Forest shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Mayor, Board of Commissioners, Town Manager, and Finance Director, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to the Town Manager. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

### II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

**1. Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.

- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Biltmore Forest or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to the Town of Biltmore Forest, its employees, the public at large, and the federal government.
- Whether the Town of Biltmore Forest significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

2. **Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

3. **Be authorized and not prohibited under state or local laws or regulations.**



4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**
5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of Town of Biltmore Forest.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, as either a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

### III. SELECTED ITEMS OF COST

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

The Administration Department is responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of Biltmore Forest must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. The Administration department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, Town of Biltmore Forest regulations, and program-specific rules may deem a cost as unallowable, and Administration Department personnel must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

### IV. DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

*Direct costs* are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in

undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

*Indirect costs* are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of Biltmore Forest may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

## V. SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

### § 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in § 200.475). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe;
- (2) Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For Indian tribes and Councils of Governments (COGs) (see definition for *Local government* in § 200.1 of this part), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

## **§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.**

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

## **§ 200.417 INTERAGENCY SERVICE.**

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

# **VI. COST ALLOWABILITY REVIEW PROCESS**

## **PREAPPROVAL COST ALLOWABILITY REVIEW**

Before an ARP/CSLFRF-funded project is authorized, the Administration Department must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Administration Department for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, the Administration Department must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury. The Town of Biltmore Forest's ARP Eligible Use Policy must be utilized during this process.
- If a proposed project includes a request for an unallowable cost, the Administration Department will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.
- Once a proposed project budget is pre-approved by the Administration Department, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

#### **POST-EXPENDITURE COST ALLOWABILITY REVIEW**

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Administration Department must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Administration Department will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Administration Department must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Administration Department must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the Administration Department will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Administration Department may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must

identify other local government funds to cover the disbursement. The Town of Biltmore Forest's governing board must approve any allocation of other funds for this purpose.

- The Administration Department must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

## VII. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

## EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)

Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable

Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed



Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed



**NON-DISCRIMINATION POLICY FOR THE EXPENDITURE OF AMERICAN  
RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL  
RECOVERY FUNDS BY THE TOWN OF BILTMORE FOREST**

**WHEREAS**, the Town of Biltmore Forest has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CSLFRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CSLFRF award”).

**WHEREAS**, CSLFRF funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

**WHEREAS**, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Biltmore Forest agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

**RESOLVED**, That the governing board of the Town of Biltmore Forest hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

## **Nondiscrimination Policy Statement**

It is the policy of the Town of Biltmore Forest to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Biltmore Forest, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds ("CSLFRF"), which the Town of Biltmore Forest received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CSLFRF award").

### **I. Governing Statutory & Regulatory Authorities**

As required by the CSLFRF Award Terms and Conditions, the Town of Biltmore Forest shall ensure that each "activity," "facility," or "program"<sup>1</sup> that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

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<sup>1</sup> 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

## **II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award**

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Biltmore Forest shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

## **III. Reporting & Enforcement**

1. The Town of Biltmore Forest shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Biltmore Forest shall comply with information requests, on-site compliance reviews, and reporting requirements.

2. The Town of Biltmore Forest shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Biltmore Forest shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Biltmore Forest in violation of this policy should contact the Town of Biltmore Forest Town Manager within 180 days from the date of the alleged discriminatory occurrence.





## **RECORD RETENTION POLICY FOR DOCUMENTS CREATED OR MAINTAINED PURSUANT TO THE ARP/CSLFRF AWARD BY THE TOWN OF BILTMORE FOREST**

**Retention of Records:** The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) Award Terms and Conditions and the Compliance and Reporting Guidance set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Biltmore Forest to follow Treasury’s record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Biltmore Forest agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.
- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.
- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act “ARPA,” Treasury’s regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of right of timely and unrestricted access to any records for the purpose of audits or other investigations.
- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Biltmore Forest’s expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.



Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rationale to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

**Storage:** Town of Biltmore Forest's records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the Town of Biltmore Forest, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Biltmore Forest to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Town Clerk is responsible for identifying the documents that Town of Biltmore Forest must or should retain and arrange for the proper storage and retrieval of records. The Town Clerk shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** The Town of Biltmore Forest is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Town Clerk. The Town of Biltmore Forest prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy:** Any questions about this policy should be referred to Laura Jacobs, Town Clerk at (828) 274-0824 or [townhall@biltmoreforest.org](mailto:townhall@biltmoreforest.org) who is in charge of administering, enforcing, and updating this policy.

# BOARD OF COMMISSIONERS MEETING

## STAFF MEMORANDUM

April 12, 2022



### Agenda Item D-3

#### Consideration of Grant Project Ordinance Amendment to Accept Lump-Sum Distribution of ARP Funds

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#### Background

As noted in the prior agenda item, the US Treasury Department's Final Rule for the American Rescue Plan/Coronavirus State & Local Fiscal Recovery Funds (ARP/CSLFRF) included the introduction of a "Standard Allowance". This allowance authorizes local governments and other recipients to utilize up to \$10 million as revenue replacement for general government services. The Town's full allocation is substantially smaller (\$451,275.58) and is being distributed in two tranches. The first tranche was received in August 2021 and the second tranche will be distributed within the next few months. This Final Rule "Standard Allowance" provides dramatically streamlined reporting and greater flexibility for local governments. Local governments that are non-entitlement units must decide by April 30, 2022 whether to accept this "Standard Allowance".

Staff recommends the Town accept this "Standard Allowance" and has prepared an amended grant project ordinance to reflect this acceptance. The Town previously adopted the ARP grant project ordinance in August 2021. This amendment incorporates the "Standard Allowance" provision and appropriately reflects the Town's desire to expend these funds upon general government services.

#### Recommendation

Approval is recommended for the attached grant project ordinance.

**ARP/CSLRF GRANT PROJECT ORDINANCE**

**GRANT PROJECT ORDINANCE FOR THE TOWN OF BILTMORE FOREST  
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

**WHEREAS**, the Town of Biltmore Forest wishes to accept the Coronavirus State and Local Fiscal Recovery Funds and to adopt a grant project ordinance in order to provide for the proper accounting of the revenues received and qualified expenditures made;

**BE IT ORDAINED** by the Board of Commissioners of the Town of Biltmore Forest, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1:** This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). The Town of Biltmore Forest anticipates receiving the first tranche in the amount of \$225,637.79 of CSLRF funds. The total allocation is \$451,275.58, with the remainder to be distributed to the Town within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law:

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

**Section 2.** The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLRF funds for the provision of government services.

**Section 3:** The following amounts are appropriated for the project and authorized for expenditure:

General Government Services	\$451,275.58
for period of July 1, 2021	
through December 31, 2024	

**Section 4:** The following revenues are anticipated to be available to complete the project:

ARP/CSLFRF Funds:	\$451,275.58
General Fund Transfer:	\$0
Total:	\$451,275.58

**Section 5:** The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, **including payroll documentation and effort certifications**, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town's Uniform Guidance Allowable Costs and Cost Principles Policy.

**Section 6:** The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

**Section 7:** Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer, and to the Town Clerk.

**Section 8:** This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLRF funds have been obligated and expended by the town, whichever occurs sooner.

**ADOPTED** by the Biltmore Forest Board of Commissioners this 12<sup>th</sup> day of April, 2022.

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George F. Goosmann, III  
Mayor

ATTEST:

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Laura Jacobs  
Town Clerk

# BOARD OF COMMISSIONERS MEETING

## STAFF MEMORANDUM

April 12, 2022



### Agenda Item D-4

#### Transportation Study Project

#### All-Way Stop at Vanderbilt and Busbee Roads

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#### Background

The recently completed Transportation Study included multiple recommendations for improving safety throughout the Town. A focus was safety at intersections and one recommendation included an all-way stop at Busbee and Vanderbilt Road. A potential longer-term recommendation is a roundabout at this location, but in the interim, an all-way stop is recommended to improve safety at this location. An excerpt from the Transportation Study related to this recommendation is attached.

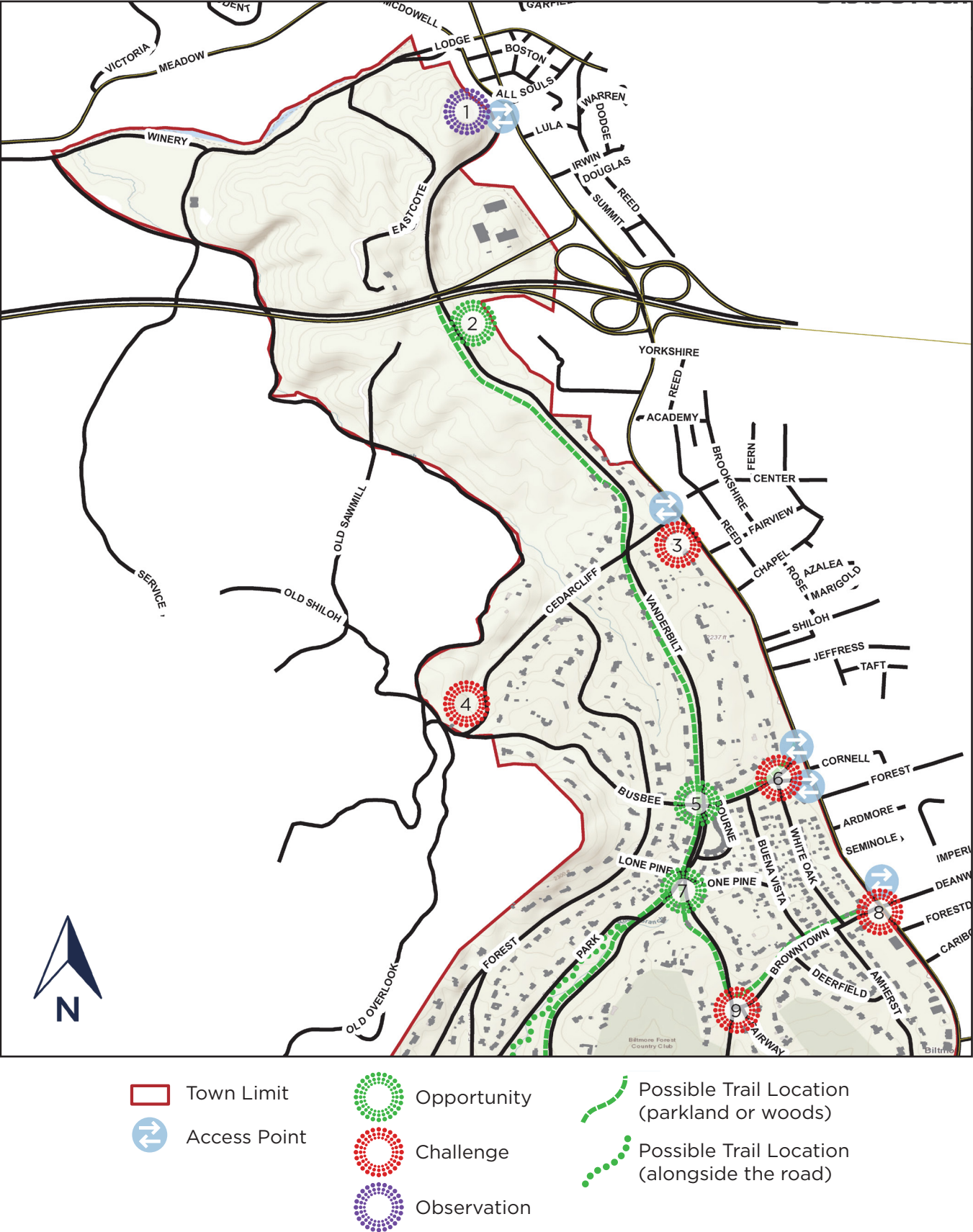
#### All-Way Stop Implementation Process

If the Board elects to implement an all-way stop at this location, the Town will follow a similar process used at Cedarcliff and Vanderbilt Roads in 2019. This process was several weeks long, but ensured that Town residents and other motorists were well prepared for the intersection change.

#### Recommendation

Staff recommends approval of this all-way stop implementation. If the Board approves, staff will begin designing the process by which this will occur.

FIGURE 24 - OPPORTUNITIES & CHALLENGES MAP (NORTHERN SEGMENT)



# BOARD OF COMMISSIONERS MEETING

## STAFF MEMORANDUM

April 12, 2021



### Agenda Item D-5

#### Consideration of FY22 Budget Amendment

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#### Background

The attached budget amendment reflects substantial changes in the Town's revenues for FY22, and subsequently, in the expenditures within many departments. The increases in these expenditures are broken down by departmental function as noted within the ordinance. For your ease, below is a brief description of some items included within these recommended changes.

One important note: the Town had anticipated expending American Recovery Fund proceeds on several of the stormwater projects and additional street projects in Town. Thankfully, with anticipated end of year revenue growth nearly equaling our full allocation, it is my recommendation that we utilize funds from earned revenues and continue holding off on utilizing ARP funds.

#### *Revenue*

The Town's ad valorem taxes are already just over \$105,000 higher in total revenue. The fiscal year sales tax numbers are also fantastic, with current year estimates showing a potential for 15 percent increases over budgeted values. The final numbers included in this budget amendment are a bit more conservative, but still reflect a significant increase. Additional revenue increases are shown in both the zoning permit line item (already \$40,000 higher than projected), Powell Bill, and in miscellaneous revenue. In short, the Town's revenues are doing very well.

#### *Expenditures*

The bulk of increases within the General Fund expenditures are attributed to those areas within Public Works. Specifically, the bulk of increases are within stormwater construction projects and street repaving plans. ARP funds were anticipated to be used for the stormwater projects (Park Road, Fairway Place, and engineering work) but these higher revenues allow us to move forward without utilizing these funds. Additionally, an emergency repair along Vanderbilt Road revealed itself this week and must be fixed within the next few weeks to ensure the protection of the Town's road and water line. Additional funds are planned for a more comprehensive resurfacing and paving job along the northern section of Vanderbilt Road. The Town has performed a pavement analysis of this area that revealed 4 inches of asphalt that has been overlaid with minimal to no backfilling work completed. This more comprehensive work will allow us to appropriately repair our roads and build shoulders back up to align with the roadway, which should also improve stormwater conditions in the future. I am recommending an increase in the maintenance costs for all three (3) public buildings, as these have risen throughout the Covid-19 pandemic. Additional increases are related to vehicle



maintenance costs within the sanitation department and fuel increases in both the Public Works Department and Police Department. There remains an overage of revenue versus expenditure, and I have allocated that amount (over \$100,000) into the general government contingency line item.

Please let me know if you have any questions.



## FY 2021-2022 BUDGET ORDINANCE AMENDMENT

**BE IT ORDAINED** by the Governing Board of the Town of Biltmore Forest, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2022.

GENERAL FUND REVENUE	FY22 Amendment No. 2	FY22 Increase/Decrease
Ad Valorem	\$ 3,054,428	\$ 105,000
Unrestricted Intergovernmental	\$ 1,570,299	\$ 295,000
Restricted Intergovernmental	\$ 68,755	\$ 12,300
Permits & Fees	\$ 72,249	\$ 40,949
Investment Earnings		
Miscellaneous	\$ 76,330	\$ 20,330
Other Financing Source		
<b>TOTAL General Fund Revenues</b>	<b>\$ 5,158,060</b>	<b>\$ 473,579</b>
GENERAL FUND EXPENDITURES	FY22 Amendment No. 2	FY22 Increase/Decrease
Administration	\$ 441,354	\$ 14,000
Planning	\$ -	\$ -
Police Department	\$ 1,790,093	\$ 24,000
Fire Contract	\$ 425,000	\$ -
Public Works	\$ 844,462	\$ 1,000
Streets & Transportation	\$ 509,407	\$ 230,000
Sanitation & Recycling	\$ 392,600	\$ 30,500
General Government	\$ 587,510	\$ 174,079
Debt Service	\$ 167,634	\$ -
<b>TOTAL General Fund Expenditures</b>	<b>\$ 5,158,060</b>	<b>\$ 473,579</b>

The Town Manager drafted this budget amendment and Finance Director has verified this amendment balances with the above listed revenues and expenditures.

Copies of this budget amendment shall be furnished to the Clerk, to the Governing Board, and to the Finance Officer for their direction.

Adopted this 12th day of April 2022.

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George F. Goosmann, III  
Mayor

Attest:

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Laura Jacobs  
Town Clerk

# BOARD OF COMMISSIONERS MEETING

## STAFF MEMORANDUM

April 12, 2022



### Agenda Item D-6

### Consideration of Appointments to Town Advisory Boards

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#### Background

##### *Planning Commission*

The Town's Planning Commission has two positions open for full appointment. Mr. Michael Flynn is an alternate for the Planning Commission and is recommended for full appointment. Mr. Tony Saponaro is currently on the Design Review Board, but is nominated for full appointment to the Planning Commission.

##### *Friends of Biltmore Forest Committee*

The Friends of Biltmore Forest Committee have a need for two new appointments as well. Ms. Lauren Karlsson helped shepherd the new Little Free Library in Rosebank Park and has served on various sub-committees over the past two years. Ms. Cindy Holman is serving as the chair of the Town's 100<sup>th</sup> Anniversary Committee and has served on several sub-committees helping with Town events. Each are recommended for appointment to the Friends of Biltmore Forest Committee.