

## PROPOSED AGENDA

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

To be held Tuesday, August 14, 2018 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. Approval of the Minutes

1. The minutes of the Regular Meeting held on Tuesday, July 17, 2018 will be presented for approval.

#### C. Public Comment

#### D. Reports of Officers

1. Chief of Skyland Fire and Rescue
2. Police Department
3. Public Works Director
4. Town Manager

#### E. New Business

1. Consideration of Order for Tax Settlement for FY17-18
2. Consideration of Order for Tax Collection for FY18-19
3. Consideration of Resolution 2018-02 – Approving Town’s Water Shortage Response Plan
4. Consideration of Resolution 2018-03 - Approving Town’s General Fund Balance Policy
5. Consideration of Agreement with Buckeye Bridge for Bridge Repairs
6. Consideration of Resolution 2018-04 – Approving Application LGC for Installment Financing Agreement
7. Consideration of Amendment to Town Code Traffic Schedule and Traffic Pattern Changes Discussion
8. Presentation of Proposed Amendments to Accessory Structure Ordinance

#### F. Petitions, Motions, and Other Business

#### G. Public Comment

#### H. Adjourn

MINUTES OF THE MEETING OF THE MAYOR AND TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD JULY 17, 2018.

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

Roll call by the Clerk:

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

Mr. Jonathan Kanipe, the Town Manager was also present.

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

Mayor Goosmann asked for a motion to approve the June 4, 2018 and June 12, 2018 minutes. A motion was made by Commissioner Cogburn to approve the minutes. The motion was seconded by Commissioner Kelly and unanimously approved.

Mayor Goosmann asked for Public Comment. Ms. Toya Hauf suggested that Public Comment be moved until after the discussion. Commissioner Loomis agreed with Ms. Hauf. Mayor Goosmann indicated they would do this, and that there could be a public comment period at the beginning and ending of the meeting.

Mr. Jonathan Kanipe gave the report for the Town. Mr. Kanipe updated the Board on Public Works building project. Beverly-Grant has issued the Public Notice to prequalify subcontract bidders for that project. The advertisement went out last week. A copy of that ad was also shown to the Board. This information was also posted to the Town website. Construction bidding will be finalized in September, and construction will begin afterward. The construction will last nine months. The design documents are finished.

The Board of Adjustment approved several projects in June. The country club maintenance shed was approved, a project at 8 Southwood Road to add a pergola was approved, 6 Ridgefield Place had a project approved to add an accessory building, and 10 Greenwood Road had a project approved for removal of an existing chain link fence and added a stone wall. In addition, an outdoor fire place and chimney was also approved for 10 Greenwood Road. The Design Review Board approved project at 22 Hilltop for a modification of an under decking area that was turned into a workshop.

The Community Preservation Committee (formerly known as the Community Committee) has appointed members to serve one year terms. Mrs. Millie Elmore agreed to serve as the chair for one year. Mr. Kanipe included a working mission statement for the Board to look at. The focus will be to provide more recommendations to Town staff for the preservation group. Mr. Kanipe said Commissioner Cogburn represents the Board as an ex officio member on the Community Preservation Committee.

WithersRavenel has finished the field collection work regarding the storm water master plan. They are currently collecting quality control and assurance checks for that data.

Mr. Kanipe discussed the ongoing project with the West Next Generation Network (West NGN) to bring more fiber and broadband capability to the region. Mr. Hunter Goosmann was also present to provide background information for the Board regarding this process. No commitments have been made as of now by any municipalities but the Towns are attempting to bring competition to this area. Mr. Kanipe said he recently met with the fiber provider RiverStreet to discuss next steps in improving fiber availability and access throughout the Town. Mr. Kanipe asked them to provide a cost estimate for the Town to conduct a feasibility study, but as of the meeting, it had not been presented to the Town. Mr. Hunter Goosmann said they did provide an estimate of \$10,000-\$20,000. Mr. Goosmann said they would also bring in more competitive services.

Mayor Goosmann asked if there were potential grants available. Mr. Hunter Goosmann said there are two potential grants that are available right now. The first one is a Federal grant.

Biltmore Forest does not qualify for it. Second, the State of North Carolina has created a \$10,000,000 bucket on broadband services, however, those are only tier one counties. This means the funds are not available to Biltmore Forest. There are some funds that are potentially available but they are much smaller in scope.

Commissioner Kelly asked how this will help a Biltmore Forest resident. Mr. Hunter Goosmann said it will increase the value of the homeowner's property and will create more competition with the other providers. Commissioner Kelly asked if there would be more overhead lines or if the cables would be buried. Mr. Hunter Goosmann said Riverstreet would have the cables buried.

The Board was in support of this project. Mayor Goosmann thanked Mr. Hunter Goosmann for coming.

Chief Chris Beddingfield presented the Advanced Law Enforcement Certificates which were earned and awarded to Sgt. Shane Burrell and Officer Kim Rhinehart. Sgt. Kenny Merritt graduated from the North Carolina Law Enforcement Leadership Academy. Sgt. John Driver, Officer Samantha Bombace, and Officer Ian Grant also earned their Advanced Certificate but were unable to attend.

Chief Ryan Cole gave the monthly report for the Skyland Fire Department. Chief Cole said the State death benefit has increased from \$50,000 to \$100,000. There were 15 incidents in June which is very slow. The 4<sup>th</sup> of July parade went very well and Chief Cole thanked the Town for having them at the parade. The Board thanked Chief Cole for all of the hard work the Fire Department puts in. Chief Beddingfield thanked Chief Cole for the Fire Department's assistance on the 4<sup>th</sup> of July.

Chief Beddingfield gave the report for the Police Department. Commissioner Kelly asked if the bear calls are aggressive bears. Chief Beddingfield said they usually go after trash and bird feeders. They are usually traveling or looking for a food source. There have not been any aggressive bears so far. Commissioner Loomis asked the best way for an individual to get away

from a bear. Chief Beddingfield said he has heard many different ways to get away from a bear but he suggested backing away slowly from a bear. Commissioner Cogburn asked about the fight call referenced in the report. Chief responded saying it was an argument over a parking space at MAHEC. Mayor Goosmann thanked Chief Beddingfield for all the hard work the Police Department puts in.

Mr. Terry Crouch gave the report for Public Works. Mayor Goosmann commented on the Brooklawn Chase Pond and how unattractive it looks. Mr. Crouch said he spoke to a representative working on the pond and they said the project will be completed next week. Many residents are concerned about the appearance of the pond. Mayor Goosmann was very concerned about this issue. Mr. Crouch said he talks daily to the company working on the pond. Commissioner Cogburn noted the condition of the pond at this late stage is very disappointing. Mr. Crouch asked the Board if they had any further questions.

Mayor Goosmann said buttercups should be put in around the road shoulder at 15 Cedar Hill. Mr. Crouch said he doesn't have any but they will make some and put them in within the next few months.

Mr. Kanipe said there was a State law put in place requiring the City of Asheville to move to district elections for their City Council races. Senator Van Duyn introduced an Amendment to that bill that moved elections from 2019 to 2020 and from 2021 to 2022, respectively. The Legislature extended the terms of office by one year for those incumbents who would be running if they choose to do so in 2019 and 2021. The Town was contacted by Representative Brian Turner who was concerned about municipal election prices for the Town of Biltmore Forest and Woodfin due to the loss of Asheville's population in the per capita election cost. Mr. Kanipe said Representative Turner wanted to know if the Town would be interested in moving to even year elections. Commissioner Loomis asked what the counter argument would be. Mr. Kanipe said keeping the status quo, which is historically that municipal elections are held in odd years. Mr. Kanipe believed it made sense from the Town's standpoint to move to even year elections. The Board was in support of Mr. Kanipe's suggestion. The Asheville elections would still be non-

partisan, per the new law, and the Board desired this provision as well. Mr. Kanipe will prepare a Resolution for next month's meeting.

The next topic of discussion was the proposed Amendments to the accessory structure ordinance. Mr. Kanipe presented the changes to the Board. Mr. Clarke pointed out page 1 paragraph 3, and specifically asked that the Board consider the use of the word "may" instead of "shall." If Mr. Kanipe is going to approve these administratively and thinks vegetative buffering should be required, he can require it. If for some reason he doesn't think it should be required, Mr. Clarke did not want Mr. Kanipe to be obligated to do so. The "may" means Mr. Kanipe can do it at his discretion. "Shall" means Mr. Kanipe has to do it.

Commissioner Kelly asked the definition of mature vegetation. Commissioner Loomis said that would be up to the Town Manager or the Board of Adjustment as to what type of buffering would be placed. Commissioner Loomis said she likes the use of the word "may." Commissioner Cogburn also agreed but said the Ordinance needs to be more specific as to the type of vegetation. Mr. Clarke and Mr. Kanipe will draft a revision for final review. The fence height requirement (eight feet) was also added in on page three (for a non-deer fence).

Commissioner Loomis asked where gates were included in this Ordinance, specifically driveway gates. Commissioner Loomis asked for the Board's opinion. Mayor Goosmann suggested putting something on the agenda for next month to have the discussion about whether front yard gates should be allowed. Right now gate language is included with the fencing language but it has not been passed. Commissioner Cogburn agreed with Commissioner Loomis and said front yard gates should not be allowed. Commissioner Kelly observed the various gates around Town and said the majority of the gates were aesthetically pleasing.

Commissioner Loomis said that when she served on the Board of Adjustment, there had to be a reason a front gate was required such as for safety purposes. Commissioner Loomis likes the openness of the Town. Commissioner Kelly stated he neither likes nor dislikes the front yard gates. Mr. Clarke said he can send out a revised definition and the Board can determine the final decision regarding the front yard gates.

The discussion of traffic and speed mitigation strategies for Vanderbilt Road were discussed. The traffic study was presented in March. Chief Beddingfield discussed the 35 and 25 mph speed limits and different mitigation techniques. One of the options is to place a four-way stop sign at the intersection of Cedarcliff and Vanderbilt Road. Another option is to lower the speed limit starting at the intersection outside Town Hall going north to the Interstate 40 bridge. Chief Beddingfield said the average consistent speed throughout this area is 47 mph. Residents would have to receive plenty of warning that the speed limit and intersection will be changing. These are easier alternatives to installing speed bumps, which can be done first to see if the desired effect can be achieved without more aggressive design changes.

Ms. Toya Hauf agreed that a four way stop would be appropriate and she agreed with the 25 mph speed limit. Mr. Kanipe will provide an implementation plan to show what the four way stop will look like to the Board by next month's meeting. Commissioner Cogburn stated she was in favor of the four way stop as well. At some point, Commissioner Cogburn would like to discuss a four-way stop at the intersection of Busbee and Vanderbilt Road.

Next, the Greenwood Park master plan was discussed and Mr. Kanipe showed the Board the plan. This park gets used frequently and there a lot of things that could be done to improve it. The stream bank restoration would be much more environmentally sound with the new plan. It would be widened and extended out and children could walk into the creek. Commissioner Kelly asked if the gabion baskets could be swapped out. Mr. Clarke said the point of stream bank restoration is to try and put the natural twisting in the stream so when water is flowing at a high rate, it drives the sediment up on the bank. Sometimes when there are gabion baskets involved, the stream is going to scour more. Mr. Kanipe said there might be grant funding for the restoration as well. Commissioner Cogburn said this would definitely improve the appearance and accessibility of the park.

Mr. Clarke asked to go into Closed Session to consult with the Board regarding a personnel matter. A motion was made by Commissioner Loomis to go into Closed Session at 5:56 pm. The

motion was seconded by Commissioner Cogburn and unanimously approved. The Closed Session meeting was adjourned at 5:59pm.

Commissioner Cogburn made a motion to go back into Open Session at 5:58 pm. Commissioner Loomis seconded the motion. The motion was unanimously approved.

There being no further business, Mayor Goosmann adjourned the meeting at 5:58 p.m. The next Board of Commissioners meeting was scheduled for Tuesday, August 14, 2018 at 4:30 p.m.

ATTEST:

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Jonathan B. Kanipe  
Town Manager

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George F. Goosmann, III  
Mayor



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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Town Manager's Monthly Report

Date: August 8, 2018

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### Town Open House Event

With so many ongoing projects, I felt it might be a good opportunity to have a drop-in, open house event for our residents. My recommendation in doing this is to have the Town Hall, Police Department, Public Works Department open and staff available to answer questions about ongoing projects. This would also be a good opportunity for our citizens to view the specialized equipment that is operated and used by the Police Department. I have also invited Skyland Fire Department to join us and they have indicated they can be available for this event.

Additional projects that will be available for informal review and discussion include:

- (1) Public Works building project (allow an opportunity for a "before and after" open house)
- (2) Greenwood Park Master Plan project – this will enable us to receive public comments and gather community input, which is a requirement for grant funding opportunities
- (3) Storm water master plan project
- (4) Traffic and street information and updates (including potential all way stop signs, new traffic light at Hendersonville and Eastwood Roads, changes in the Town wide speed limit, and traffic study findings)
- (5) Opportunity to meet with Chief Beddingfield
- (6) Information related to amendment changes for accessory structures (fences and gates) and other ordinance information.
- (7) Financial transparency information and budget and audit documents for review
- (8) Information on CodeRED alert system
- (9) Information on new smart water meter technology and how residents can utilize this system

This list should not be considered exhaustive, and we will likely add several more items to it as the event gets closer. I would like to hold this informal event on Wednesday, September 12 from 4pm-6pm. This would allow us time to send information out via the Town's newsletter as well. The Town could provide light refreshments and make available this information all throughout the Town Hall, Police, and Public Works Departments.

### Greenwood Park Master Plan Project

As noted above, the proposed open house will provide a good opportunity to receive public comment and input regarding the master plan proposal from WithersRavenel. I have spoken with the consultants on this project, and they are available to attend the open house. This was a budgeted portion of our contract for the master plan project. I have reviewed potential funding opportunities and a crucial component of the Parks and Recreation Trust Fund (NC PARTF) funding is public input and feedback. We will likely have questionnaires on hand for this input, and will evaluate afterward if the amount of feedback and discussion is adequate enough to assure we receive the maximum number of points on our grant application. Our consultant from WithersRavenel has also provided two other potential grant funding agencies that have funding opportunities for stream restoration, and we will pursue these options as well when funding cycle deadlines get closer.

### Storm Water Master Plan Update

The engineers have prepared the draft report with their findings and recommendations for the storm water master plan. They are presently reviewing the information and editing the document and I anticipate having this within the next week or so for review and discussion. As a reminder, this portion of the project was Phase 1 of the master plan and we have funds allocated from the FY19 budget process to complete Phase 2. We should have a larger update on this item at the September meeting, if not before.

### Even Year Election Cycle for Buncombe County Municipalities Update

During the meeting last month, the Board signaled agreement with moving the municipal elections to an even year cycle, provided that the elections were kept non-partisan and the existing terms were extended to the 2020 election. I have relayed this information to both Senator Van Duyn and Representative Turner, but there is no requested information or action from the Town as of yet. I will certainly keep you apprised of this, and follow up with our state elected officials regarding this issue.

### American Tower Concerns and Issues

Over the course of the past two years, the Town has received several concerns from neighbors to the cellular tower regarding frequencies and safety. The Town Attorney and I have communicated with American Tower for some answers regarding these frequency questions, but have not received much in the way of specific answers to this point. However, a more tangible concern was raised recently as the neighbor has experienced several faux branches falling into their rear yard from the tower. I intend to contact American Tower regarding these safety concerns and wanted to make the Board aware that we are working on these matters.

### Board of Adjustments and Design Review Board Meeting

The Board of Adjustments did not meet in July. The Design Review Board approved a modification to the home at 9 Cedar Chine and the plans for the new Biltmore Forest Country Club maintenance building located off Hendersonville Road.



# Biltmore Forest Public Works Department

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**Terry Crouch**  
**Director Of Public Works**  
**355 Vanderbilt Road**  
**Biltmore Forest NC, 28803**

**Phone: 274-3919**  
**Fax: 274-3921**  
**Mobile: 777-4466**  
**Email: [tcrouch@biltmoreforest.org](mailto:tcrouch@biltmoreforest.org)**

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## **PUBLIC WORKS MONTHLY REPORT** **JULY 18, 2018 TO AUGUST 14, 2018**

- Completed all of the normal routine services to the residents on schedule, garbage collection, recycling and brush removal.
- Replaced leaking service line under the roadway that serves 14 and 16 Stuyvesant Crescent. We had to bore the roadway and replace everything from the water main back to each of the water meters.
- We have collected a total of 13 loads of brush for the residents and transported them to Asheville Stump and Dump.
- Dug up and repaired the streetlight wire at White Oak and Busbee road and also repaired the wire for the light at the upper end of Stuyvesant Crescent.
- Repaired 3 streetlights (general repairs).
- Collected 30 tons of garbage for the month of July and 16.35 tons of recycling.
- Completed 48 special requests from the residents, extra garbage collection, meter rereads, house no. signs, recycling request, etc and completed 44 utility locate request.
- Completed the 2 monthly bacteriological water samples for July 2018 and both were in compliance with the state.

- Completed the 10 required Lead & Copper water samples that are due every 3 years and all 10 were in compliance with the state and all 10 residence were notified of the results as required by the state.
- Cut up and removed a fallen tree from 120 Stuyvesant that was in the roadway.
- We are still continuing with the annual inspections of the residents RPZ devices (backflow devices). There are a total of 150 of these devices.
- Completed repairs to the catch basin and sunk in area at 19 Westwood road.
- 88 hours were spent maintaining the Town's parks and pond.
- Mowed and weedeated all of the road shoulders and parks as needed.
- We are still collecting litter on the road shoulders on Hendersonville road from Cedarcliff road to Busbee road weekly.
- We spent 292 hours maintaining the Town's roads and road shoulders.

Sincerely

A handwritten signature in black ink that reads "Terry Crouch". The signature is written in a cursive, slightly slanted style.

Terry Crouch  
Director of Public Works

# BILTMORE FOREST POLICE DEPARTMENT

## Department Head Report

August 14<sup>th</sup>, 2018 Board of Commissioners Meeting

*Chris Beddingfield, Police Chief*

### **Police Dept. Monthly Report 07/01/2018--07/31/2018**

#### **Calls for Service:**

#### **Officers responded to 700 calls for service.**

Accident - 7	Accident - PI -0
Alarm - 38	Animal Carcass - 1
Assist EOC - 10	Assist Motorist - 9
Assist Other Agency -6	Assist Resident - 16
Bear Report – 34	Business Check - 94
Busy -4	Crime Prev. - 3
Chase-3	Direct Traffic -2
Distressed Animal -4	Disturbance - 2
Dog Complaint - 19	Escort - 1
Fire - 10	Gun/Gunshots - 2
Hit and Run - 0	House Check - 100
Improper Parking –3	Incomplete 911- 1
Investigation – 4	Larceny - 2
Mental Patient - 1	Missing Person - 1
Noise Disturbance – 1	Ordinance Violation - 9
Out of Service - 0	Out of Town - 7
Person Down – 1	Power Outage -1
Radar Operation – 5	Road Blocked -13
Service of Car - 2	Sign Ord Violation - 3

Special Assignment - 2	Special Check - 5
Speed/Reckless Driving-2	Suspicious Person - 4
Suspicious Vehicle - 24	Vandalism - 1
Vehicle Stop - 47	Well-being Check - 2

**Total Number Of Calls: 700**

**Time Consumption Summary:**

Approximations

Business Checks-24 hours

House Checks-98 hours

Radar Operation-8 hours

Vehicle Crash Invest.-9 hours

**Notable Calls and Projects:**

Situation and Arrest with Asheville Police between TGIFriday and MAHEC (8/8)  
Excellent Team Effort-Positive Resolution

Vehicle Break-ins/Package Thefts-Bourne Lane, White Oak, Buena Vista (8/8)  
Subsequent Arrest

Getting very close to completing operational policies and procedures utilizing new software that manages and insures reception of these guidelines.

Still experiencing very high number of bear complaints  
Working from educational/proactive side with the residents



## MONTHLY FINANCIAL REPORT

# JULY 2018

### CASH ACCOUNTS

First Citizens Money Market Checking	310,418.60
NCCMT General Fund Term	2,329,750.80
NCCMT General Fund Government	937,420.18
NCCMT Water Fund Government	94,387.11
<b>TOTAL</b>	<b>3,671,976.69</b>

### FIRST CITIZENS CHECKING (Monthly Transaction Report)

<b>Beginning Balance</b>	<b>315,188.24</b>
Cleared Checks	(157,579.60)
Cleared Deposits	126,929.91
Cleared Credits	407,804.28
Cleared Debits	(167,848.49)
Cleared E-payments	(198,101.30)
<b>Change in Account Balance</b>	<b>11,204.80</b>
<b>Outstanding Items</b>	<b>(15,974.44)</b>
<b>Ending Balance</b>	<b>310,418.60</b>

### NORTH CAROLINA CASH MANAGEMENT TRUST

#### GENERAL FUND Government

Beginning Balance	1,242,307.73
Transfer to GF Term Account	(400,000.00)
Local Gov't Distribution (NCDOR)	93,714.31
Interest Earned	1,398.14
<b>Ending Balance</b>	<b>937,420.18</b>

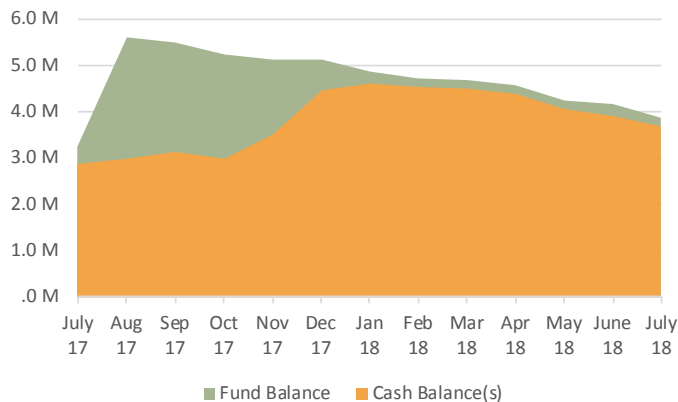
#### GENERAL FUND Term

Beginning Balance	2,325,574.17
Transfer from GF Gov't Account	-
Interest Earned	4,176.63
<b>Ending Balance</b>	<b>2,329,750.80</b>

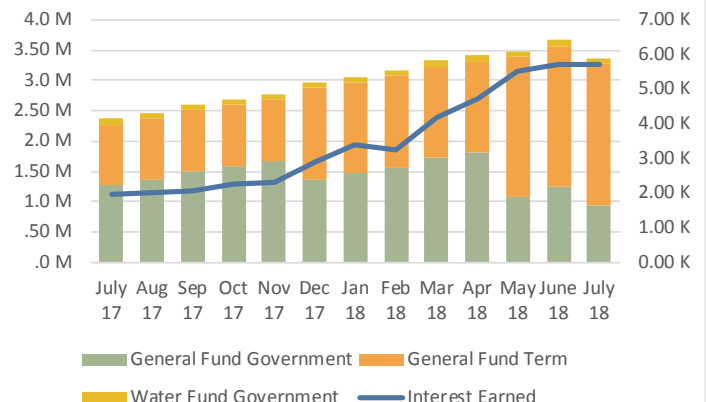
#### WATER FUND Government

Beginning Balance	94,243.33
Interest Earned	143.78
<b>Ending Balance</b>	<b>94,387.11</b>

13 Month Cash Flow Analysis



Investment Balances



### TAXES

The Annual Tax Settlement and the Order of Collection for 2018 and Prior Years are included as separate documents in the Board Packet. The Town anticipates receiving the 2018 tax scroll from Buncombe County on or after August 15<sup>th</sup>; it will take approximately 7-10 days to enter the data and process the Town bills. The Town has received \$88,551.85 in prepaid taxes for the 2018 tax cycle.

## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2018 To 07/31/2018

FY 2018-2019

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10 General Fund						
Revenue						
3010 Ad Valorem Tax Subtotal	\$7,844.42	\$7,844.42	\$0.00	\$2,555,274.00	0	
3020 Unrestricted Intergovernm Subtotal	\$93,714.31	\$93,714.31	\$0.00	\$1,273,619.00	7	
3030 Restricted Intergovernmen Subtotal	\$0.00	\$0.00	\$0.00	\$64,470.00	0	
3040 Permits & Fees Subtotal	\$2,608.00	\$2,608.00	\$0.00	\$26,600.00	10	
3050 Investment Earnings Subtotal	\$5,595.49	\$5,595.49	\$0.00	\$15,000.00	37	
3060 Miscellaneous Subtotal	\$424.00	\$424.00	\$0.00	\$42,664.00	1	
Revenue Subtotal	\$110,186.22	\$110,186.22	\$0.00	\$3,977,627.00	3	
Expenditure						
4200 Administration Subtotal	\$36,905.30	\$36,905.30	\$0.00	\$417,331.00	9	
4300 Subtotal	\$0.00	\$0.00	\$0.00	\$37,228.00	0	
5100 Police Department Subtotal	\$110,582.68	\$110,582.68	\$6,658.99	\$1,413,634.00	8	
5200 Fire Services Subtotal	\$106,250.00	\$106,250.00	\$0.00	\$425,000.00	25	
5600 Public Works Subtotal	\$37,550.41	\$37,550.41	\$4,238.27	\$589,091.00	7	
5700 Streets & Transportation Subtotal	\$5,176.83	\$5,176.83	\$616.24	\$359,309.00	2	
5800 Sanitation & Recycling Subtotal	\$16,378.08	\$16,378.08	\$270.03	\$310,222.00	5	
6600 General Government Subtotal	\$81,742.11	\$81,742.11	\$0.00	\$330,083.00	25	
6700 Debt Service Subtotal	\$9,214.50	\$9,214.50	\$0.00	\$105,729.00	9	
Expenditure Subtotal	\$403,799.91	\$403,799.91	\$11,783.53	\$3,987,627.00	10	
Before Transfers	Deficiency Of Revenue Subtotal	-\$293,613.69	-\$293,613.69	-\$11,783.53	-\$10,000.00	3,054
Other Financing Source						
3500 Other Financing Subtotal	\$0.00	\$0.00	\$0.00	\$10,000.00	0	
Other Financing Source Subtotal	\$0.00	\$0.00	\$0.00	\$10,000.00	0	
After Transfers	Deficiency Of Revenue Subtotal	-\$293,613.69	-\$293,613.69	-\$11,783.53	\$0.00	0
30 Water & Sewer Fund						
Revenue						
3290 Subtotal	\$143.78	\$143.78	\$0.00	\$1,000.00	14	
3350 Commissions, Sw Chg Coll Subtotal	\$1,554.28	\$1,554.28	\$0.00	\$6,000.00	26	
3710 Water Sales Subtotal	-\$1,174.38	-\$1,174.38	\$0.00	\$702,000.00	0	
3730 Water Tap & Connect Fees Subtotal	\$90.00	\$90.00	\$0.00	\$18,000.00	1	
Revenue Subtotal	\$613.68	\$613.68	\$0.00	\$727,000.00	0	
Expenditure						
8100 Water Dept. Subtotal	\$19,421.72	\$19,421.72	\$250.00	\$727,000.00	3	
Expenditure Subtotal	\$19,421.72	\$19,421.72	\$250.00	\$727,000.00	3	
Before Transfers	Deficiency Of Revenue Subtotal	-\$18,808.04	-\$18,808.04	-\$250.00	\$0.00	0
After Transfers	Deficiency Of Revenue Subtotal	-\$18,808.04	-\$18,808.04	-\$250.00	\$0.00	0



## REVENUE &amp; EXPENDITURE STATEMENT

Town of Biltmore Forest

07/01/2018 To 07/31/2018

FY 2018-2019

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
<b>10 General Fund</b>					
<b>Revenue</b>					
<b>3010 Ad Valorem Tax</b>					
10-3010-0000 AD VALOREM TAXES (PROPERTY)	0.00	0.00	0.00	2,447,140.00	0
10-3010-0100 AD VALOREM TAXES (DMV)	7,783.56	7,783.56	0.00	105,634.00	7
10-3010-0200 TAX INTEREST & PENALTIES	60.86	60.86	0.00	2,500.00	2
<b>3010 Ad Valorem Tax Subtotal</b>	<b>\$7,844.42</b>	<b>\$7,844.42</b>	<b>\$0.00</b>	<b>\$2,555,274.00</b>	<b>0</b>
<b>3020 Unrestricted Intergovernm</b>					
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	0.00	0.00	0.00	168,794.00	0
10-3020-0100 ALCOHOL BEVERAGE TAX	0.00	0.00	0.00	5,996.00	0
10-3020-0200 BUNCOMBE COUNTY 1% TAX	49,326.08	49,326.08	0.00	568,397.00	9
10-3020-0300 1/2 CENT SALES TAX A.40	18,694.15	18,694.15	0.00	228,879.00	8
10-3020-0400 1/2 CENT SALES TAX A.42	25,694.08	25,694.08	0.00	298,053.00	9
10-3020-0700 GASOLINE TAX REFUND	0.00	0.00	0.00	3,500.00	0
<b>3020 Unrestricted Intergovernm Subtotal</b>	<b>\$93,714.31</b>	<b>\$93,714.31</b>	<b>\$0.00</b>	<b>\$1,273,619.00</b>	<b>7</b>
<b>3030 Restricted Intergovernmen</b>					
10-3030-0000 SOLID WASTE DISPOSAL TAX	0.00	0.00	0.00	970.00	0
10-3030-0100 POWELL BILL	0.00	0.00	0.00	63,500.00	0
<b>3030 Restricted Intergovernmen Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$64,470.00</b>	<b>0</b>
<b>3040 Permits &amp; Fees</b>					
10-3040-0000 BUILDING PERMITS	2,603.00	2,603.00	0.00	25,000.00	10
10-3040-0100 DOG LICENSE FEE	5.00	5.00	0.00	1,600.00	0
<b>3040 Permits &amp; Fees Subtotal</b>	<b>\$2,608.00</b>	<b>\$2,608.00</b>	<b>\$0.00</b>	<b>\$26,600.00</b>	<b>10</b>
<b>3050 Investment Earnings</b>					
10-3050-0000 INTEREST EARNED	5,595.49	5,595.49	0.00	15,000.00	37
<b>3050 Investment Earnings Subtotal</b>	<b>\$5,595.49</b>	<b>\$5,595.49</b>	<b>\$0.00</b>	<b>\$15,000.00</b>	<b>37</b>
<b>3060 Miscellaneous</b>					
10-3060-0100 AMERICAN TOWER AGREEMENT	400.00	400.00	0.00	27,664.00	1
10-3060-0200 MISCELLANEOUS	24.00	24.00	0.00	15,000.00	0
<b>3060 Miscellaneous Subtotal</b>	<b>\$424.00</b>	<b>\$424.00</b>	<b>\$0.00</b>	<b>\$42,664.00</b>	<b>1</b>
<b>Revenue Subtotal</b>	<b>\$110,186.22</b>	<b>\$110,186.22</b>	<b>\$0.00</b>	<b>\$3,977,627.00</b>	<b>3</b>
<b>Expenditure</b>					
<b>4200 Administration</b>					
10-4200-0200 SALARIES	17,649.16	17,649.16	0.00	228,184.00	8
10-4200-0300 LEGAL AND ENGINEERING	73.72	73.72	0.00	0.00	0
10-4200-0500 FICA	1,295.77	1,295.77	0.00	17,265.00	8
10-4200-0600 HEALTH INSURANCE (MEDICAL)	2,443.54	2,443.54	0.00	24,621.00	10
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	412.56	412.56	0.00	4,153.00	10
10-4200-0675 HEALTH REIMBURSEMENT ACC	375.00	375.00	0.00	3,750.00	10
10-4200-0700 LGERS RETIREMENT	2,525.50	2,525.50	0.00	32,074.00	8
10-4200-0800 401K SUPP RETIREMENT	886.48	886.48	0.00	11,284.00	8
10-4200-1000 ACCOUNTING & TAXES	3,800.00	3,800.00	0.00	35,000.00	11
10-4200-1200 POSTAGE, PRINTING, STATIONARY	147.00	147.00	0.00	8,000.00	2

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10-4200-1400 MILEAGE & BOARD SALARY	3,000.00	3,000.00	0.00	22,000.00	14
10-4200-3300 SUPPLIES AND EQUIPMENT	598.42	598.42	0.00	5,000.00	12
10-4200-5300 DUES & FEES	2,554.00	2,554.00	0.00	5,000.00	51
10-4200-5700 MISCELLANEOUS	0.00	0.00	0.00	5,000.00	0
10-4200-6500 STAFF DEVELOPMENT	1,144.15	1,144.15	0.00	16,000.00	7
<b>4200 Administration Subtotal</b>	<b>\$36,905.30</b>	<b>\$36,905.30</b>	<b>\$0.00</b>	<b>\$417,331.00</b>	<b>9</b>
<b>4300</b>					
10-4300-1000 CONTRACT	0.00	0.00	0.00	34,128.00	0
10-4300-1200 POSTAGE, PRINTING & STATIONARY	0.00	0.00	0.00	500.00	0
10-4300-3300 SUPPLIES & EQUIPMENT	0.00	0.00	0.00	500.00	0
10-4300-5300 DUES & FEES	0.00	0.00	0.00	100.00	0
10-4300-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	2,000.00	0
<b>4300 Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$37,228.00</b>	<b>0</b>
<b>5100 Police Department</b>					
10-5100-0200 SALARIES	56,026.94	56,026.94	0.00	806,975.00	7
10-5100-0300 OVERTIME	11,745.09	11,745.09	0.00	15,000.00	78
10-5100-0400 SEPARATION ALLOWANCE	2,355.18	2,355.18	0.00	30,617.00	8
10-5100-0500 FICA	5,175.14	5,175.14	0.00	60,433.00	9
10-5100-0550 UNEMPLOYMENT INSURANCE	0.00	0.00	0.00	500.00	0
10-5100-0600 HEALTH INSURANCE (MEDICAL)	10,267.84	10,267.84	0.00	126,684.00	8
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	1,460.48	1,460.48	0.00	18,333.00	8
10-5100-0675 HRA HEALTH REIMB ACCT	1,750.00	1,750.00	0.00	21,000.00	8
10-5100-0700 LGERS RETIREMENT	9,487.20	9,487.20	0.00	114,593.00	8
10-5100-0800 401K SUPP RETIREMENT	3,243.14	3,243.14	0.00	39,499.00	8
10-5100-0900 SHORT TERM DISABILITY	0.00	0.00	0.00	5,000.00	0
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	0.00	0.00	0.00	10,000.00	0
10-5100-1600 MAINT/REPAIR - EQUIPMENT	0.00	0.00	0.00	12,000.00	0
10-5100-1700 MAINT/REPAIR - VEHICLES	1,240.14	1,240.14	0.00	15,000.00	8
10-5100-3100 MOTOR FUELS	1,517.97	1,517.97	0.00	16,000.00	9
10-5100-3300 SUPPLIES	233.17	233.17	0.00	15,000.00	2
10-5100-3600 UNIFORMS	0.00	0.00	2,723.15	9,500.00	29
10-5100-3700 TECHNOLOGY & SOFTWARE	624.00	624.00	0.00	15,000.00	4
10-5100-5700 MISCELLANEOUS	5,456.39	5,456.39	0.00	10,000.00	55
10-5100-5800 PHYSICAL EXAMS	0.00	0.00	0.00	2,500.00	0
10-5100-6500 STAFF DEVELOPMENT	0.00	0.00	2,568.00	15,000.00	17
10-5100-7400 EQUIPMENT PURCHASES	0.00	0.00	1,367.84	55,000.00	2
<b>5100 Police Department Subtotal</b>	<b>\$110,582.68</b>	<b>\$110,582.68</b>	<b>\$6,658.99</b>	<b>\$1,413,634.00</b>	<b>8</b>
<b>5200 Fire Services</b>					
10-5200-0000 FIRE CONTRACT	106,250.00	106,250.00	0.00	425,000.00	25
<b>5200 Fire Services Subtotal</b>	<b>\$106,250.00</b>	<b>\$106,250.00</b>	<b>\$0.00</b>	<b>\$425,000.00</b>	<b>25</b>
<b>5600 Public Works</b>					
10-5600-0200 SALARIES	21,820.66	21,820.66	0.00	319,598.00	7
10-5600-0300 OVERTIME	1,852.86	1,852.86	0.00	0.00	0

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10-5600-0500 FICA	1,779.98	1,779.98	0.00	24,449.00	7
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	3,139.22	3,139.22	0.00	37,741.00	8
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	382.44	382.44	0.00	5,218.00	7
10-5600-0675 HRA HEALTH REIMB ACCT	625.00	625.00	0.00	7,500.00	8
10-5600-0700 LGERS RETIREMENT	3,319.03	3,319.03	0.00	44,105.00	8
10-5600-0800 401K SUPP RETIREMENT	1,184.25	1,184.25	0.00	15,980.00	7
10-5600-1000 OUTSIDE SERVICES	0.00	0.00	0.00	10,000.00	0
10-5600-1300 STREETLIGHTS ELECTRIC	515.03	515.03	0.00	7,000.00	7
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	0.00	0.00	246.10	5,000.00	5
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	0.00	0.00	0.00	10,000.00	0
10-5600-1700 MAINT/REPAIR - VEHICLES	0.00	0.00	642.00	15,000.00	4
10-5600-3100 MOTOR FUELS	1,214.36	1,214.36	0.00	15,000.00	8
10-5600-3300 SUPPLIES	575.98	575.98	0.00	8,000.00	7
10-5600-3400 STREET SIGNS & NUMBERS	0.00	0.00	0.00	2,000.00	0
10-5600-3600 UNIFORMS	1,121.60	1,121.60	3,029.17	7,000.00	59
10-5600-5200 PARKS	0.00	0.00	0.00	45,000.00	0
10-5600-5800 PHYSICAL EXAMS	0.00	0.00	0.00	500.00	0
10-5600-5900 MISCELLANEOUS	0.00	0.00	0.00	5,000.00	0
10-5600-6500 STAFF DEVELOPMENT	20.00	20.00	321.00	5,000.00	7
<b>5600 Public Works Subtotal</b>	<b>\$37,550.41</b>	<b>\$37,550.41</b>	<b>\$4,238.27</b>	<b>\$589,091.00</b>	<b>7</b>
<b>5700 Streets &amp; Transportation</b>					
10-5700-0200 SALARIES	3,273.98	3,273.98	0.00	47,516.00	7
10-5700-0500 FICA	250.47	250.47	0.00	3,635.00	7
10-5700-0600 HEALTH INSURANCE (MEDICAL)	548.68	548.68	0.00	6,749.00	8
10-5700-0650 DENTAL, VISION, LIFE INSURANCE	52.42	52.42	0.00	632.00	8
10-5700-0675 HRA HEALTH REIMB ACCT	125.00	125.00	0.00	1,500.00	8
10-5700-0700 LGERS RETIREMENT	459.01	459.01	0.00	6,557.00	7
10-5700-0800 401K SUPP RETIREMENT	163.69	163.69	0.00	2,376.00	7
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	0.00	0.00	0.00	5,000.00	0
10-5700-2200 CONTRACTS- PAVING & STRIPING	0.00	0.00	0.00	89,844.00	0
10-5700-2300 SUPPLIES	303.58	303.58	616.24	22,500.00	4
10-5700-2400 TRAFFIC SIGNS	0.00	0.00	0.00	500.00	0
10-5700-2500 STORM WATER DRAINAGE	0.00	0.00	0.00	75,000.00	0
10-5700-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	2,500.00	0
10-5700-7400 EQUIPMENT PURCHASES	0.00	0.00	0.00	20,000.00	0
10-5700-7500 ENGINEERING	0.00	0.00	0.00	75,000.00	0
<b>5700 Streets &amp; Transportation Subtotal</b>	<b>\$5,176.83</b>	<b>\$5,176.83</b>	<b>\$616.24</b>	<b>\$359,309.00</b>	<b>2</b>
<b>5800 Sanitation &amp; Recycling</b>					
10-5800-0200 SALARIES	8,320.76	8,320.76	0.00	121,891.00	7
10-5800-0300 OVERTIME	53.79	53.79	0.00	0.00	0
10-5800-0500 FICA	640.67	640.67	0.00	9,325.00	7
10-5800-0600 HEALTH INSURANCE (MEDICAL)	1,646.04	1,646.04	0.00	29,716.00	6
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	235.04	235.04	0.00	3,874.00	6
10-5800-0675 HRA HEALTH REIMB ACCT	375.00	375.00	0.00	4,500.00	8

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10-5800-0700 LGERS RETIREMENT	1,174.12	1,174.12	0.00	16,821.00	7
10-5800-0800 401K SUPP RETIREMENT	418.74	418.74	0.00	6,095.00	7
10-5800-1700 MAINT/REPAIRS - VEHICLES	264.97	264.97	270.03	10,000.00	5
10-5800-3100 MOTOR FUELS	859.65	859.65	0.00	10,000.00	9
10-5800-3300 SUPPLIES	0.00	0.00	0.00	2,000.00	0
10-5800-5900 MISCELLANEOUS	0.00	0.00	0.00	1,000.00	0
10-5800-6000 CAPITAL OUTLAY	0.00	0.00	0.00	25,000.00	0
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	1,789.30	1,789.30	0.00	55,000.00	3
10-5800-8100 RECYCLING	600.00	600.00	0.00	15,000.00	4
<b>5800 Sanitation &amp; Recycling Subtotal</b>	<b>\$16,378.08</b>	<b>\$16,378.08</b>	<b>\$270.03</b>	<b>\$310,222.00</b>	<b>5</b>
<b>6600 General Government</b>					
10-6600-0400 OUTSIDE PROFESSIONAL SERVICES	0.00	0.00	0.00	100,000.00	0
10-6600-1100 TECHNOLOGY	3,359.35	3,359.35	0.00	72,061.00	5
10-6600-1300 ENERGY & BF SEWER	1,251.32	1,251.32	0.00	16,000.00	8
10-6600-1500 GE. REPS. AND MAINT.	1,027.32	1,027.32	0.00	20,000.00	5
10-6600-2800 ELECTIONS	0.00	0.00	0.00	6,000.00	0
10-6600-3300 SUPPLIES & EQUIPMENT	0.00	0.00	0.00	2,000.00	0
10-6600-5400 INSURANCE	71,507.80	71,507.80	0.00	75,000.00	95
10-6600-6000 CONTINGENCY	0.00	0.00	0.00	9,022.00	0
10-6600-6100 MISCELLANEOUS	225.00	225.00	0.00	5,000.00	5
10-6600-6300 COMMUNITY EVENTS	4,371.32	4,371.32	0.00	20,000.00	22
10-6600-6400 WILDLIFE MANAGEMENT	0.00	0.00	0.00	5,000.00	0
<b>6600 General Government Subtotal</b>	<b>\$81,742.11</b>	<b>\$81,742.11</b>	<b>\$0.00</b>	<b>\$330,083.00</b>	<b>25</b>
<b>6700 Debt Service</b>					
10-6700-0100 Police Dept Renovations-Principal	5,833.33	5,833.33	0.00	23,334.00	25
10-6700-0200 Street Improvements-Principal	1,666.67	1,666.67	0.00	6,667.00	25
10-6700-0300 2016 Garbage Truck-Principal	0.00	0.00	0.00	32,638.00	0
10-6700-0400 2017 Garbage Truck-Principal	0.00	0.00	0.00	33,543.00	0
10-6700-1100 Police Dept Renovations-Interest	1,333.50	1,333.50	0.00	5,001.00	27
10-6700-1200 Street Improvements-Interest	381.00	381.00	0.00	1,429.00	27
10-6700-1300 2016 Garbage Truck-Interest	0.00	0.00	0.00	706.00	0
10-6700-1400 2017 Garbage Truck-Interest	0.00	0.00	0.00	2,411.00	0
<b>6700 Debt Service Subtotal</b>	<b>\$9,214.50</b>	<b>\$9,214.50</b>	<b>\$0.00</b>	<b>\$105,729.00</b>	<b>9</b>
<b>Expenditure Subtotal</b>	<b>\$403,799.91</b>	<b>\$403,799.91</b>	<b>\$11,783.53</b>	<b>\$3,987,627.00</b>	<b>10</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$293,613.69</b>	<b>-\$293,613.69</b>	<b>-\$11,783.53</b>	<b>3,054</b>
<b>Other Financing Source</b>					
<b>3500 Other Financing</b>					
10-3500-0000 SALE OF PERSONAL PROPERTY	0.00	0.00	0.00	10,000.00	0
<b>3500 Other Financing Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$10,000.00</b>	<b>0</b>
<b>Other Financing Source Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$10,000.00</b>	<b>0</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$293,613.69</b>	<b>-\$293,613.69</b>	<b>-\$11,783.53</b>	<b>0</b>
<b>30 Water &amp; Sewer Fund</b>					
<b>Revenue</b>					

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<b>3290</b>					
30-3290-0000 INTEREST EARNED	143.78	143.78	0.00	1,000.00	14
<b>3290 Subtotal</b>	<b>\$143.78</b>	<b>\$143.78</b>	<b>\$0.00</b>	<b>\$1,000.00</b>	<b>14</b>
<b>3350 Commissions, Sw Chg Coll</b>					
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	1,554.28	1,554.28	0.00	6,000.00	26
<b>3350 Commissions, Sw Chg Coll Subtotal</b>	<b>\$1,554.28</b>	<b>\$1,554.28</b>	<b>\$0.00</b>	<b>\$6,000.00</b>	<b>26</b>
<b>3710 Water Sales</b>					
30-3710-0000 WATER CHARGES	-554.46	-554.46	0.00	415,000.00	0
30-3710-0100 MSD CHARGES	-619.92	-619.92	0.00	280,000.00	0
30-3710-0200 AMI TRANSMITTER CHARGES	0.00	0.00	0.00	7,000.00	0
<b>3710 Water Sales Subtotal</b>	<b>-\$1,174.38</b>	<b>-\$1,174.38</b>	<b>\$0.00</b>	<b>\$702,000.00</b>	<b>0</b>
<b>3730 Water Tap &amp; Connect Fees</b>					
30-3730-0000 WATER TAP AND CONNECTION FEES	90.00	90.00	0.00	18,000.00	1
<b>3730 Water Tap &amp; Connect Fees Subtotal</b>	<b>\$90.00</b>	<b>\$90.00</b>	<b>\$0.00</b>	<b>\$18,000.00</b>	<b>1</b>
<b>Revenue Subtotal</b>	<b>\$613.68</b>	<b>\$613.68</b>	<b>\$0.00</b>	<b>\$727,000.00</b>	<b>0</b>
<b>Expenditure</b>					
<b>8100 Water Dept.</b>					
30-8100-0200 SALARIES	0.00	0.00	0.00	29,371.00	0
30-8100-0300 OVERTIME	0.00	0.00	0.00	2,247.00	0
30-8100-0400 PROFESSIONAL SERVICES	85.00	85.00	250.00	0.00	0
30-8100-0500 FICA	0.00	0.00	0.00	5,435.00	0
30-8100-0600 HEALTH INSURANCE (MEDICAL)	0.00	0.00	0.00	838.00	0
30-8100-0650 DENTAL, VISION, LIFE INSURANCE	0.00	0.00	0.00	750.00	0
30-8100-0675 HRA HEALTH REIMBURSEMENT ACCT	0.00	0.00	0.00	4,053.00	0
30-8100-0700 LGERS RETIREMENT	0.00	0.00	0.00	1,469.00	0
30-8100-0800 401K SUPP RETIREMENT	0.00	0.00	0.00	14,600.00	0
30-8100-1200 POSTAGE, PRINTING,& STATIONARY	0.00	0.00	0.00	5,000.00	0
30-8100-1500 GENERAL REPAIRS	0.00	0.00	0.00	20,000.00	0
30-8100-3300 SUPPLIES & EQUIPMENT	0.00	0.00	0.00	20,000.00	0
30-8100-4800 WATER PURCHASES	19,307.38	19,307.38	0.00	232,656.00	8
30-8100-4900 SEWER PURCHASES	0.00	0.00	0.00	280,000.00	0
30-8100-5000 AMI TRANSMITTER FEES	0.00	0.00	0.00	7,000.00	0
30-8100-5700 MISCELLANEOUS	29.34	29.34	0.00	1,500.00	2
30-8100-6500 STAFF DEVELOPMENT	0.00	0.00	0.00	5,000.00	0
30-8100-7400 CAPITAL IMPROVEMENT	0.00	0.00	0.00	97,081.00	0
<b>8100 Water Dept. Subtotal</b>	<b>\$19,421.72</b>	<b>\$19,421.72</b>	<b>\$250.00</b>	<b>\$727,000.00</b>	<b>3</b>
<b>Expenditure Subtotal</b>	<b>\$19,421.72</b>	<b>\$19,421.72</b>	<b>\$250.00</b>	<b>\$727,000.00</b>	<b>3</b>
Before Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$18,808.04</b>	<b>-\$18,808.04</b>	<b>-\$250.00</b>	<b>\$0.00</b>
After Transfers	<b>Deficiency Of Revenue Subtotal</b>	<b>-\$18,808.04</b>	<b>-\$18,808.04</b>	<b>-\$250.00</b>	<b>\$0.00</b>

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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Tax Settlement for FY17-18  
Date: August 6, 2018

---

Pursuant to N.C.G.S. 105-373, the attached Tax Settlement must be approved by the Board of Commissioners prior to ordering the collection of taxes for the coming year. Please let me know if you have any questions regarding this settlement.



# **TAX COLLECTOR ANNUAL SETTLEMENT FY 2017-2018**

August 9, 2018

Pursuant to the provisions of NCGS 105-373, the following is the Tax Collector's Report of Settlement for 2017 taxes for Fiscal Year 2017-18 as of August 9<sup>th</sup>, 2018.

2017 Levy from Scroll <i>(Real &amp; Personal Property Tax)</i>	2,541,189.03
Exemptions, Releases & Deferrals	(102,532.13)
Afterlist	3,794.34
Public Service Companies	16,005.56
Total 2017 Levy	2,458,456.80
Penalties, Costs & Interest (all years)	4,467.21
Total 2017 Charges	2,462,924.01
Collected (2017 Real & Personal)	2,462,028.75
Uncollected (2017 Real & Personal)	819.12
Percentage of Levy Collected	99.9637%
Prior Years Collected During Period <i>(includes interest &amp; Penalty)</i>	1,571.69

#### List of 2017 Delinquent Taxes - Real Property

Pankow, Joanne F	964774933200000	796.90
Rector, Judith Eller	965608142100000	22.22

#### List of 2017 Delinquent Taxes - Personal Property

#### Total Delinquent Taxes - By Year

Year	2011	2012	2014	2015	2016
Amount	48.19	162.28	18.14	247.83	35.18

*NCGS 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body as required by statute.*

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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Order for Tax Collection  
Date: August 6, 2018

---

Pursuant to N.C.G.S. 105-321, the Board of Commissioners must issue an order directing the Tax Collector to collect taxes as set forth in the Town's records. Helen Stephens, Town Tax Collector, will send out tax notices to all property owners after the scroll is received from Buncombe County.





## **ORDER OF COLLECTION**

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State of North Carolina  
Town of Biltmore Forest

Order of the Board of Commissioners  
Pursuant to NCGS 105-321 for the  
Collection of 2018 and Prior Years' Taxes

To the Tax Collector of the Town of Biltmore Forest:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Administration and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Biltmore Forest, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 14<sup>th</sup> day of August, 2018:

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

Attest:

---

Jonathan B. Kanipe  
Clerk, Town of Biltmore Forest

*The Order of Collection shall be entered into the minutes of the governing body as required by statute (NCGS 105-321(b)).*

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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Consideration of Resolution Regarding Water Shortage Response Plan

Date: August 6, 2018

---

The Town's Water Shortage Response Plan (WSRP) was officially accepted by the State of North Carolina's Department of Environmental Quality (NC DEQ) on July 3, 2018. The Town's Board of Commissioners must now adopt the WSRP via resolution.

A copy of the Town's Water Shortage Response Plan, proposed resolution acknowledging acceptance of the plan, and letter from the State regarding the approval is attached. Please let me know if you have any questions.

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF BUNCOMBE )

**TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS**

\*\*\*\*\*

**RESOLUTION 2018-02**

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WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interest of sound local planning, a Water Shortage Response Plan for the Town of Biltmore Forest has been developed and submitted to the Town Board of Commissioners for approval; and

WHEREAS, the Town Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Biltmore Forest, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Biltmore Forest that the Water Shortage Response Plan entitled, Biltmore Forest Water Shortage Response Plan dated July 3, 2018 is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 14<sup>th</sup> day of August, 2018.

---

George F. Goosmann, III  
Mayor

Attest:

---

Jonathan B. Kanipe  
Town Manager



ROY COOPER  
*Governor*  
MICHAEL S. REGAN  
*Secretary*  
LINDA CULPEPPER  
*Interim Director*

July 3, 2018

Terry Crouch, Director of Public Works  
Town of Biltmore Forest  
P.O. Box 5352  
Asheville, NC 28813

**Subject: WSRP Meets Minimum Criteria**  
Town of Biltmore Forest  
PWSID#: 01-11-030  
Buncombe County

Dear Mr. Crouch,

This letter is to notify you that our staff has reviewed the information contained in the Water Shortage Response Plan (WSRP) update submitted by your office. Since all the required information is complete, the WSRP for the Town of Biltmore Forest hereby meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E. 0607.

The Water Shortage Response Plan must next be adopted by your water system's governing board; a model WSRP resolution is available online on the right side of the page in the Forms and Docs section at: [http://www.ncwater.org/Water\\_Supply\\_Planning/Water\\_Shortage\\_Response\\_Plans/learn](http://www.ncwater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/learn). Once adopted, a copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Branch Supervisor, at the address printed at the bottom of this letter. Please note, the WSRP cannot be considered compliant with the requirements of NCGS 143-355(l) until an adopted resolution is received by the Division.

Please be advised that the review process for Water Shortage Response Plans is separate from the review process for your Local Water Supply Plan (LWSP). If you have submitted your LWSP but haven't already been contacted by the Division, you will receive notification as soon as the review of your LWSP is complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Vardry E. Austin at [vardry.austin@ncdenr.gov](mailto:vardry.austin@ncdenr.gov) or (919) 707-9002, or Linwood Peele at [linwood.peele@ncdenr.gov](mailto:linwood.peele@ncdenr.gov) or (919) 707-9024, if we can be of further assistance.

Sincerely,

Linwood E. Peele, Supervisor  
Division of Water Resources  
NCDEQ

## I. BILTMORE FOREST WATER SHORTAGE RESPONSE PLAN PROCEDURE

The Town of Biltmore Forest water system will, at a minimum, adopt and enforce water use reduction measures contained in this plan as a condition of water purchased from the City Asheville. When the thresholds established in Section IV of this plan are reached the Mayor will implement the plan, if the Mayor is unavailable the Town's Board of Commissioners shall declare a water shortage and institute the provisions of this plan. Upon the declaration of a water shortage, a press release will be forwarded to the media outlets:

## II. YEAR-ROUND WATER CONSERVATION POLICY FOR THE TOWN OF BILTMORE FOREST

Year Round Water Use Policy			
The Biltmore Forest governing body encourages all municipally supplied water users to use water efficiently at all times. Biltmore Forest Director of Public Works will monitor regional water resource conditions through the North Carolina Drought Monitor. ( <a href="http://www.ncwater.org/drought/">http://www.ncwater.org/drought/</a> ) When the Drought Monitor indicates impending drought conditions the Utility Director will increase monitoring of water demand and the available supply of water. The findings will be reported to the Mayor. In the event of a declaration of a water shortage by the Mayor, the Director will submit a weekly report on water supply conditions to the Mayor.			
Public education and outreach consists of the following activities:			
Independent Mailings to Major Users	Website	Water Audits	Presentations
Bill Stuffers to All Customers	Newspaper Ads	Presentations/Workshops	Signs & Posters
Radio (public service announcements)	TV Ads	Informational Videos	Flyers/Handouts

## III: TOWN OF BILTMORE FOREST WATER USE CLASSIFICATION

To aid implementation of this plan the following classes of water use have been established.

### **CLASS I: ESSENTIAL POTABLE WATER USES FOR BILTMORE FOREST**

<b>Domestic</b>	Water to sustain human and domestic pet life; minimum standards of hygiene and sanitation.
<b>Patient Care</b>	Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.
<b>Public Use</b>	Firefighting and approved flushing of sewers and hydrants to ensure public health and safety.

### **CLASS II: SOCIALLY/ECONOMICALLY IMPORTANT POTABLE WATER USES FOR BILTMORE FOREST**

<b>Domestic</b>	Minimal use for kitchen, bathroom and laundry; Minimal watering of vegetable gardens and trees to preserve them.
<b>Public Use</b>	Filling and operation of public swimming pools, which serve more than 25 residents.
<b>Institutional</b>	Efficient use by schools and government facilities.

### **CLASS III: NON-ESSENTIAL POTABLE WATER USES FOR BILTMORE FOREST**

<b>All</b>	Ornamental uses (fountains, reflecting pools, etc.); Residential lawn irrigation; Non-commercial washing of motor vehicles; Washdown of impervious surfaces; Filling and operation of recreational swimming pools serving less than 25 residents.
<b>Public Use</b>	Gardens, lawns, parks, golf courses (except greens), playing fields and recreational areas.

#### **IV: DROUGHT RESPONSE TRIGGERS AND PHASED WATER USE REDUCTIONS**

When the following water supply thresholds (TRIGGERS) are reached, the Mayor shall initiate the following PHASE reduction measures as outlined under the corresponding RESPONSE heading.

##### **PHASE I: VOLUNTARY WATER USE REDUCTION FOR BILTMORE FOREST**

###### **TRIGGERS**

When a voluntary water use reduction has been placed in affect by The City of Asheville, Or greater than 80% of the system's capacity is being used for 5 consecutive days within a 30-day period; Or any combinations of the above conditions for 5 consecutive days within a 30-day period.

###### **RESPONSE (Begin Distribution of Water Use Reduction Education Materials)**

The Mayor shall declare a **Water Shortage Advisory**; Begin public notification as previously outlined and distribute water conservation tips; Request Voluntary Conservation for all users of the Biltmore Forest water system as outlined in distributed information; Request Class III non-essential uses to be reevaluated;

##### **PHASE II: MANDATORY WATER USE REDUCTION MEASURES FOR BILTMORE FOREST**

###### **TRIGGERS**

When a mandatory water use reduction has been placed in affect by the City of Asheville Or greater than 90% of the system's capacity is being used for 3 consecutive days within a 30-day period; Or any combinations of the above conditions for 3 consecutive days within a 30-day period. Or failure of Phase I measures to result in a reduction of potable water-use demand.

###### **RESPONSE**

The Mayor shall declare a **Water Shortage Alert**; All voluntary measures become mandatory in addition to the following measures: Enforce a system-wide 25% water use reduction goal Notify water use customers by any or all methods as previously outlined; Non-commercial car washing & residential outdoor watering is limited to two days per week between 6pm - 8am; Ban all non-commercial pressure washing and wash down of impervious surfaces; Ban the filling of newly constructed or recently drained pools; Public recreational areas are limited to watering on Monday between the hours of 6pm-8am; All non-public hydrant use by permit only; Ban ornamental uses; Mayor may authorize additional water use restrictions or bans to be enforced 10 days after public notification. **The Town will evaluate the effectiveness of the plan by monitoring the Town's new Cellular Meter Reading Program which gives daily water usage for the entire Town and also receive weekly meter readings from The City of Asheville.**

##### **PHASE III: EMERGENCY WATER USE REDUCTION MEASURES FOR BILTMORE FOREST**

###### **TRIGGERS**

When a mandatory water use reduction has been placed in affect by the City of Asheville Or greater than 95% of the system's capacity is being used for 2 consecutive days within a 30-day period; Or any combinations of the above conditions for 2 consecutive days within a 30-day period. Or failure of Phase II measures to result in a 25% reduction of potable water-use demand.

###### **RESPONSE**

The Mayor shall declare a **Water Shortage Emergency**; In addition to the above measures the following measures will also be imposed: Notify water use customers by any or all methods as previously outlined; Ban Class III non-essential uses; Request additional conservation from Class 1 (essential) users as may be possible; Enact advanced restriction pricing with fines for overuse; Limit garden irrigation to two days per week between 6pm to 8am; Ban all landscape irrigation (including golf course greens, school grounds, residential lawns); Ban all recreational use.

#### **V: BILTMORE FOREST ENFORCEMENT PENALTIES**

The provisions of the water shortage response plan will be enforced by Town of Biltmore Forest personnel and local law enforcement. Violators may be reported on the Town's phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

OFFENSE	Phase I: VOLUNTARY	Phase II: MANDATORY	Phase III: EMERGENCY
FIRST	Notice of Violation (NOV)	NOV and \$50 Fine	\$100 Fine
SECOND	NOV	\$100 Fine	\$350 Fine
THIRD	NOV	\$250 Fine	Water Service Disconnection + Associated Reconnect Fees
MORE THAN 3 OFFENSES	NOV	Water Service Disconnection + Associated Reconnect Fees	

#### **VI: BILTMORE FOREST RESIDENTIAL & NON-RESIDENTIAL CONSERVATION RATES**

Water System Operating Status	Conservation Rates
Normal Conditions or Phase I Advisory;	Normal Rate
Declaration of Phase II Alert;	2 x Normal Rate
Declaration of Phase III Emergency.	4 x Normal Rate

#### **Variance Protocols**

There shall be no Variance Request during any type of water restrictions for the Town.

#### **Revision Of The Plan**

The Town's WSRP will be revised every 5 years and will be reviewed annually to include new updates. The Authorities responsible for plan revisions are Jonathan Kanipe Town Manager, The Town Board of Commissioners, Terry Crouch Director of Public Works.

#### **Public Comment**

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at Town Hall for customers to view and published on the Town's website. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Biltmore Forest Town Commissioners.

## **VI. RETURN TO NORMAL OPERATIONS IN BILTMORE FOREST**

Phase conservation measures and restrictions will expire incrementally when the Mayor, after consultation with the Director, finds that the water supply has returned to normal. Each phase shall last a minimum of 21 days.



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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Consideration of Resolution Approving Town's General Fund Balance Policy

Date: August 6, 2018

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The Board of Commissioners has long had an informal policy of keeping the Town's fund balance at or above 20 percent. The North Carolina Local Government Commission (LGC) recommends that local governments keep a minimum of eight (8) percent available for emergency purposes. The Town historically has been fortunate and able to keep fund balances above this threshold, and staff felt it appropriate to present the Board with a formal policy outlining these plans.

This policy requires sound fiscal management practice from the Town Manager and finance staff. The Town must walk a fine line between having enough funds set aside in fund balance for emergency purposes and allocating fund balance when necessary, as is typical with capital projects. Again, the attached policy does not stray from what the Town is presently doing; rather, this codifies with Board action the Town's existing and sound fiscal policy in regards to fund balance. Please let me know what questions you may have regarding this policy proposal or any of its inclusive sections.

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF BUNCOMBE )

**TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS**

\*\*\*\*\*

**RESOLUTION 2018-03**

\*\*\*\*\*

WHEREAS, the North Carolina Local Government Commission (LGC) recommends that all local government agencies maintain a general fund balance of at least eight (8) percent; and

WHEREAS, the Town Board of Commissioners believe that fiscal prudence and transparency is of the utmost importance to serving its citizens; and

WHEREAS, a formal policy statement is a means to establish guidelines for preserving an adequate fund balance in the Town of Biltmore Forest operating funds in order to provide sufficient financial flexibility to meet future obligations, enhance the financial position of the Town, plan for contingencies in the event of emergency, and to ensure adequate cash flow; and

WHEREAS, the Town Board of Commissioners recognizes that it is essential to maintain adequate unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of Biltmore Forest that the Fund Balance Policy as presented on August 14, 2018, is found to be in the best interest of the Town, fiscally prudent, and ensures that fund balance in the General Fund is managed and maintained consistently from year to year.

This the 14<sup>th</sup> day of August, 2018.

---

George F. Goosmann, III  
Mayor

Attest:

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Jonathan B. Kanipe  
Town Manager



## FUND BALANCE POLICY- GENERAL FUND

Presented to the Board of Commissioners August 14, 2018

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### SECTION 1. PURPOSE

- 1.1 The purpose of this policy is to define the level of Unassigned Fund Balance and establish guidelines for preserving an adequate fund balance in the Town of Biltmore Forest operating funds in order to provide sufficient financial flexibility to meet future obligations, enhance the financial position of the Town, plan for contingencies in the event of emergency, and to ensure adequate cash flow.

### SECTION 2. DEFINITIONS

- 2.1 Fund Balance: the difference between a fund's assets and liabilities.
- 2.2 Types of Fund Balance. An accounting distinction is made between the portions of governmental fund balance that is spendable and non-spendable. Governmental Accounting Standards Board (GASB) Statement 54 classifies fund balance based on relative strength of the constraints that control the purposes for which designated amounts may be spent.
  - 2.2a Non-spendable: Amounts not in a spendable form or are required to be maintained intact. Examples include inventory and prepaid items.
  - 2.2b Restricted: Amounts that can be spent only for the specific purposes stipulated by external resource providers, whether constitutionally or through enabling legislation. Examples include grants and debt proceeds.
  - 2.2c Committed: Amounts that can be used only for specific purposes determined by a formal action of the Town's highest level of decision making authority, which is the Town Board of Commissioners. Commitments may be changed or lifted only by the Board of Commissioners taking the same formal action that originally imposed the commitment.
  - 2.2d Assigned: Amounts intended to be used by the Town for specific purposes. Intent may be expressed by the Town Board of Commissioners by the approval of a budget appropriation. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund. An example includes funds assigned by the Town Board of Commissioners for specific capital projects.
  - 2.2e Unassigned: The residual classification of the general fund and includes all amounts not contained in other classifications. The Town uses the term available fund balance when referring to unassigned fund balance. Available fund balance (or unassigned fund balance) is the amount that is available for appropriation for public purposes.

### SECTION 3. OBJECTIVES

- 3.1 The Town recognizes that it is essential to maintain adequate unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances.



## FUND BALANCE POLICY- GENERAL FUND

Presented to the Board of Commissioners August 14, 2018

- 3.2 The fund balance also provides cash flow liquidity for the Town's operations and increases the potential for investment income.
- 3.3 Ample fund balance enhances short term and long term financial credit by helping to achieve the highest credit and bond ratings possible to provide the Town the ability to borrow at the lowest possible rate.
- 3.4 A fund balance policy promotes the long-term financial stability by establishing clear and consistent guidelines.
- 3.5 Adequate unassigned fund balance will provide funding flexibility during unanticipated emergencies and natural disasters.

### SECTION 4. GUIDELINES

- 4.1 The Town commits to maintained reserves required by law, ordinance, and/or bond covenants.
- 4.2 North Carolina Local Government Commission, which is charged with the oversight of the fiscal health of North Carolina cities and counties, recommends that a minimum of eight percent (8%) of annual budgeted expenditures be maintained for unassigned fund balance. Higher levels may be set based on the current operating needs of the Town and the individual fund and future funding needs.
- 4.3 The Town Board of Commissioners hereby establishes a goal for unassigned fund balance for the General Fund in the range of twenty five to thirty five percent (25%-35%) of budgeted expenditures.
- 4.4 The State and Local Government Finance Division of the North Carolina Department of State Treasurer publishes a memo annually regarding the management of cash and taxes and fund balance available for municipalities for fiscal year end date. The division compares fund balance available and the trend of percentage of fund balance available and will advise units if fund balance available is materially below the average of similar units or the trend is for fund balance available to decline. The Town will review the memo annually to ensure fund balance available is in the acceptable peer group range. The Town will, as part of the Comprehensive Annual Financial Report, monitor the trend of change in available fund balance to ensure there is not a trend of decline.
- 4.5 All expenditures made using appropriation(s) from fund balance will require the Board of Commissioners approval unless previously authorized by the Board of Commissioners for expenditure within the Town's annual budget.
- 4.6 Should fund balance fall below the goal levels, the Town Manager shall implement a plan to restore fund balance to the goal level within thirty-six (36) months from the date of appropriation. The restoration plan shall be included in the annual budget until the goal level is reached.
  - 4.6a Should the fund balance fall below goal levels as a result of a declared fiscal emergency or to protect long-term fiscal security, and the restoration of fund balance cannot be completed within thirty-six (36) months without severe hardship to the Town, the Board of Commissioners will establish an alternative restoration plan.



## FUND BALANCE POLICY- GENERAL FUND

Presented to the Board of Commissioners August 14, 2018

- 4.7 The Town Manager is authorized by the Board of Commissioners to credit all revenue in excess of expenditures realized at the end of any fiscal year for the General Fund that is not non-spendable, restricted, assigned, or committed to the unassigned fund balance.

### SECTION 5. EXPENDITURE OF FUNDS

- 5.1 Available fund balance above the Town's goal should be considered, through the annual budget process, as a funding source for capital needs funded with pay-as-you-go capital. Appropriations outside the annual budget will generally be limited to:
- 5.1a Expenditures to support or facilitate projects that generate new revenues or cost savings in excess of the investments within established time frames;
  - 5.1b Interim partial year funding for new programs that are needed before the next fiscal year;
  - 5.1c Cost related to unanticipated workload in the current fiscal year that cannot be addressed with budgeted resources;
  - 5.1d Prudent supplemental funding for existing capital projects that require additional resources before the next fiscal year in order to fund unanticipated costs, avoid excessive delays, or improve service levels.
- 5.2 Appropriation of available fund balance exceeding the minimum funding levels may only be used at the discretion of the Board of Commissioners in dire financial circumstances in order to:
- 5.2a Provide resources to offset unforeseen revenue shortfalls in combination with expenditure reductions;
  - 5.2b Fund emergency expenditures in a disaster.
- 5.3 If multiple categories of fund balance are available for expenditure, the Town will start with the most restricted category and spend those funds first before moving down to the next category with available funds.

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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Consideration of Agreement with Buckeye Bridge for Stuyvesant Road Bridge Work

Date: August 6, 2018

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The Town has two bridges within its jurisdiction that require inspections in accordance with Federal Highway Administration regulations every two years. Secondary maintenance notices were provided to the Town requiring us to install four (4) delineators on the bridges located on Southwood Road and Stuyvesant Road. This does not require significant work from the Town and I have asked the Public Works Director to perform this work.

The bridge located on Stuyvesant Road (north of the intersection with Southwood Road) was found to need repairs under a Primary Maintenance notice. As noted in the attached letter, the concrete slab underneath the bridge has advanced deterioration of the concrete and there is scour at the downstream end that is undermining the slab. As this inspection report was not received by the Town until after the FY19 budget was approved, we did not include funding for this project, but it is necessary to undertake it in a prompt manner.

The Town consulted with WithersRavenel regarding the proposed repair to the culvert. After reviewing an earlier proposal by Buckeye Bridge to perform the necessary repairs, WithersRavenel offered no additional design or engineering work and indicated that the proposal from Buckeye was in accordance with prevailing practices, and this proposed work is acceptable under a nationwide permit for maintenance. As a result, the Town does not have to receive permit approval from any state or federal regulatory agency for this work.

The work will be conducted as follows:

- (1) Flow through the culvert will be diverted to one-half of the culvert through the use of heavy duty sandbags.
- (2) Work will commence on the “closed” side of the channel with Buckeye using concrete that cures in approximately 8-10 hours. This work will be completed with normal set concrete but this concrete will achieve “initial set” in 8-10 hours. Buckeye will monitor weather forecasts to ensure that this concrete pour occurs during a time period in which a rain event is unlikely.

(3) Work will take several days or a week in order to prepare the “closed” surface in order to pour the concrete. During this prep period, it is possible that afternoon downpours could push water in the prep area before concrete is ready to be poured, thereby eliminating some of the prep work that has commenced. WithersRavenel representatives and the Town both spoke with Buckeye regarding this possibility, and they indicated their sandbags were heavy duty and would be structured to prevent this, but they did agree that an extreme rain event could result in some prep work being undone. As a result, if heavy rain falls occur during the prep time for the work, this may delay the overall job’s completion time. Buckeye has acknowledged this as well, and indicated they are accustomed to working in these conditions. The Town did reiterate to Buckeye that all care should be taken to ensure the concrete pouring happens with weather conditions in mind to ensure that the 8-10 hour curing period occurs with as little chance of rain as possible. The WithersRavenel representative did indicate that some wetness toward the end of the curing process could actually improve the process.

Buckeye has indicated they can begin this project in mid-September with the entire project lasting two (2) weeks if weather cooperates. I have asked them for a worst case scenario estimate as well, and they indicated that a four (4) week timeframe would reflect significant weather challenges during this project.

The total proposal from Buckeye for this project is \$28,000 and will be paid from the Town’s Street department funds. Town staff recommends approval of this agreement and moving forward with the bridge repair project.

# BUCKEYE BRIDGE, LLC

---

June 26, 2018

Mr. Terry Crouch  
Public Works Director  
Town of Biltmore Forest  
PO Box 5352  
Biltmore Forest, NC 28813-5652

RE: Proposal for Bridge Repair on Bridge #100767 on Stuyvesant Rd.

Dear Mr. Crouch,

We are in receipt of the latest bridge inspection report for this bridge completed by Mr. Mike Mills of Michael Baker Engineering dated June 6, 2018.

Buckeye is proposing to complete the following work as requested by the bridge inspection report:

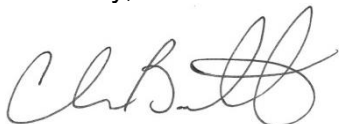
1. Repair the bottom slab – This work will involve management of the existing water during repair, to thoroughly clean the bottom slab and check for “soundness” of the slab, remove all “unsound” concrete, splice in new reinforcing steel to the existing, re-steel and place new concrete. Our lump sum price to mobilize and provide all Labor, Equipment & Materials to complete this work is \$12,500 (repair area is approx. 8'x3'x4" per report)
2. Repair scour area – This work will involve management of the existing water, excavation of a “toe wall”, placement of re-steel, chipped holes in deck for backfill of scour, placement of concrete. Our lump sum price to mobilize and provide all Labor, Equipment & Materials to complete this work is \$15,500.

Our price is based upon the following qualifications:

- Payment and Performance Bond is not included; however, we will gladly furnish this bond for an additional 1% to our contract price. No Retainage to be held for this work
- Buckeye Bridge is a licensed construction firm however we are not a design or engineering firm. Buckeye makes no representation to have engineered any of these repairs.
- Buckeye Bridge will require a minimum 4 week notice to start this work and will require approx.. 4 weeks to complete this work
- All Traffic Control, Erosion Control, Permits, Special Insurance, Special Licenses, etc. to be by others however Buckeye will provide the necessary Traffic Control and Erosion Control for this project.
- We will require a fully executed agreement for this work prior to our mobilization.
- All conflicting utilities and obstructions to be located and/or relocated by others, prior to our mobilization.
- Buckeye will require a disposal area for any chipped concrete debris.
- This quote will expire July30, 2018.

We appreciate the opportunity to assist you with these bridge repairs and look forward to a favorable response to this proposal. Please feel free to contact us should you have any questions or require additional information concerning this matter.

Sincerely,



Christopher K. Britton  
Managing Member



June 8, 2018

Terry Crouch  
Public Works Director  
Town of Biltmore Forest  
PO Box 5352  
Biltmore Forest, NC 28813-5652

Re: Priority Maintenance Notice  
Bridge Number 100767 on Stuyvesant Rd

Dear Terry,

The Federal Highway Administration, through their National Bridge Inspection Standards, requires that certain highway structures be inspected for condition every two years. As part of this inspection requirement, the above structure was inspected on 6/7/2018.

During the inspection of this structure a condition requiring prompt attention was discovered. A Priority Maintenance Notice outlining the problems that need immediate attention is attached. In this case, the bottom slab has advanced deterioration of the concrete, and there is scour at the downstream end undermining the slab.

Please contact Mr. David Snoke of the Department of Transportation – Structures Management Unit within thirty (30) calendar days of this notice with information on how and when you are going to proceed concerning this problem. When the repair is completed, Mr. Snoke will need a signed copy of the Priority Maintenance Notice form containing a description of what was done. His contact information is:

David Snoke, PE  
NCDOT – Structures Management Unit  
1581 Mail Service Center  
Raleigh, NC 27699-1581  
Phone: 919-707-6431  
Email: [dsnoke@ncdot.gov](mailto:dsnoke@ncdot.gov)

Our staff is available to meet with you to review the findings and explain the reasons for this notification. Our contact information is:

Michael Baker Engineering  
8000 Regency Parkway, Suite 600  
Cary, NC 27518  
Phone: 919-818-0458  
Email: [mike.mills@mbakerintl.com](mailto:mike.mills@mbakerintl.com)

Sincerely,

**Michael Baker Engineering**

A handwritten signature in black ink, appearing to read 'Mike Mills', with a stylized flourish at the end.

Mike Mills, PE  
Bridge Inspection Manager

**PRIORITY**  
**MAINTENANCE**  
**NOTICE**

Bridge: **100767**  
County: **Buncombe**  
City: **Biltmore Forest**  
Route: **Stuyvesant Rd**

Team Leader : **Mike Mills**

Date : **6/8/2018**

MEMORANDUM TO: **Terry Crouch**  
Town of Biltmore Forest

A condition inspection of the subject bridge was made **6/7/2018**. It is recommended that the conditions listed below be given prompt attention. Please send an electronic notice of the action taken as a result of these recommendations to the NCDOT Structures Management Unit. Retain one copy for your files.

**PRIORITY MAINTENANCE**

Barrel 1 Section 1: (PM) at outlet scour (2' deep x full width x 6') with undermining (4.5') of bottom slab

Photo 1

**PHOTOGRAPH**



Photo 2



**REPAIRS  
COMPLETED**

By Bridge Maintenance Supervisor: \_\_\_\_\_

Date : \_\_\_\_\_

**Action Taken:**

**WILL NOT DO RECOMMENDED  
WORK AT THIS TIME**

By Bridge Engineer: \_\_\_\_\_

Date : \_\_\_\_\_

**PRIORITY**  
**MAINTENANCE**  
**NOTICE**


Bridge: **100767**  
County: **Buncombe**  
City: **Biltmore Forest**  
Route: **Stuyvesant Rd**

Team Leader : **Mike Mills**

Date : **6/8/2018**

MEMORANDUM TO: **Terry Crouch**  
Town of Biltmore Forest

A condition inspection of the subject bridge was made **6/7/2018**. It is recommended that the conditions listed below be given prompt attention. Please send an electronic notice of the action taken as a result of these recommendations to the NCDOT Structures Management Unit. Retain one copy for your files.

PRIORITY MAINTENANCE		PHOTOGRAPH	
Barrel 1 Section 1: (PM) bottom slab abrasion with loss of concrete (8" wide x full length x up to 4" deep), at north edge downstream end (7) exposed bars (8' x 3' area)			
Photo 1			
Photo 2			
<b>REPAIRS COMPLETED</b>	By Bridge Maintenance Supervisor: _____ <b>Action Taken:</b> _____	Date : _____	
<b>WILL NOT DO RECOMMENDED WORK AT THIS TIME</b>		By Bridge Engineer: _____ Date : _____	

355 Vanderbilt Rd | Biltmore Forest, NC  
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www.biltmoreforest.org



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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Public Works Building Financing Schedule

Consideration of Resolution 2018-04 – Resolution Approving Application to Local Government Commission for Installment Financing Agreement

Date: August 6, 2018

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The Town has scheduled a public hearing to consider financing proposals for the Public Works Building renovation project. The public hearing will be held on Tuesday, August 21, 2018 at 4:00 p.m. in the Town Hall. It is assumed at this public hearing the Town will be able to provide proposals from financial institutions interested in funding \$800,000 worth of this project. As a reminder, the Town has committed \$700,000 from the Town fund balance for the remainder of the project cost.

The North Carolina Local Government Commission (LGC) requires specific steps to be completed before approving the installment financing project. The LGC must approve the project because it deals with real property, or improvements to real property. One step in this process is that the Board of Commissioners must approve a resolution authorizing the filing of the application with the LGC. Due to time constraints, it is advantageous for the Board to approve the application for this project and hold the public hearing next month. The application deadline is Tuesday, September 4, and this timeline will allow staff the ability to have all pertinent information submitted prior to this deadline. Proper advertisement was placed in the *Asheville Citizen-Times* on August 9, 2018 which meets the statutory deadline of ten days prior to the public hearing.

Staff recommends approval of the resolution. A proposed schedule with key dates and upcoming items are included below. Please let me know if you have any questions regarding the proposed schedule, the financing plan, or the application to the LGC.

*8/1/8 – Issue RFP for Installment Financing*

*8/9/18 – Advertise Public Hearing*

*8/14/18 – BOC consideration of Public Hearing*

*8/21/18 – Public Hearing to Consider Financing Agreement*

*Week of 8/27-8/31 – Finalize LGC Application for submission*

*10/2/18 – LGC Hearing in Raleigh for Installment Financing Agreement*

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF BUNCOMBE )

**TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS**

\*\*\*\*\*

**RESOLUTION 2018-04**

\*\*\*\*\*

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR  
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH  
CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the Town of Biltmore Forest, North Carolina desires to renovate and repair its existing Public Works Building (the "Project") located at 355 Vanderbilt Road to better serve the citizens of Biltmore Forest and for the safety and welfare of its employees; and

WHEREAS, the Town of Biltmore Forest desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Biltmore Forest, North Carolina, meeting in regular session on the 14th day of August 2018, make the following findings of fact:

1. The proposed contract is necessary or expedient because the installment funding will provide the necessary means to complete the full renovation project for the Public Works building.
2. The proposed contract is preferable to a bond issue for the same purpose because the cost to issue general obligation bonds would be greater.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose.
4. The Town of Biltmore Forest's debt management procedures and policies are carried out in accordance with North Carolina law. Examination of the audit reports for the past three (3) fiscal years of the Town of Biltmore Forest reflect that the Town's debt management policies are in strict compliance these regulations and sounds fiscal policies.
5. It is not anticipated that any increase in taxes will be needed to fund the debt service requirements.
6. The Town of Biltmore Forest, North Carolina is not in default in any of its debt service obligations.

7. The attorney for the Town of Biltmore Forest has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager is hereby authorized to act on behalf of the Town of Biltmore Forest in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 14th day of August, 2018.

The motion to adopt this resolution was made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and passed by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
George F. Goosmann, III  
Mayor

Attest:

\_\_\_\_\_  
Jonathan B. Kanipe  
Town Manager

This is to certify that this is a true and accurate copy of Resolution No. \_\_\_\_\_ Adopted by the

Anywhere Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
[Clerk/Secretary]

\_\_\_\_\_  
Date



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

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Traffic Pattern Changes and Speed Limit Amendments along Vanderbilt Road

Consideration of Ordinance Amendment regarding Speed Limit on Vanderbilt Road

Date: August 6, 2018

---

### Speed Limit Amendment along Vanderbilt Road

During last month's Board meeting, there was consensus to consider amending the Town's speed limit along Vanderbilt Road north of the Town Hall to the Asheville city limits in Biltmore Village. The police department, and Town, have received numerous complaints of speeding along this section of road from citizens residing in this area.

After reviewing the Board's last major speed limit change in 2013, I have prepared a draft ordinance which would reduce the speed limit along this section of Vanderbilt Road. This is attached as a red line version and "clean" version. If you elect to consider this ordinance at the August meeting, there is no public hearing required as this is a Town Code ordinance amendment.

### All Way Stop at Vanderbilt Road and Cedarcliff Road

The Board also discussed the possibility of installing a four-way (now generally called an "All Way") stop sign at the intersection of Cedarcliff and Vanderbilt Roads last month. Again, this was in relation to accident history in recent years and the presentation from Chief Beddingfield regarding sight line visibility at this intersection for vehicles traveling along Cedarcliff Road.

In the interest of ensuring appropriate traffic pattern signage and notice is provided for motorists (citizens and non-citizens alike), my recommendation is to prepare this information and proposal for a resident meeting in the middle of September. Commissioner Kelly had also suggested holding an event whereby our residents could view the equipment utilized by our officers, and we have extended an invitation to Skyland Fire Department to bring some of their equipment for citizens to view as well. Ideally, this information would be published in the newsletter that is scheduled to be sent out in late August. More information is included in the Manager's Report regarding this proposed event. Ample notice and information is necessary to ensure we have effectively communicated this traffic change to our residents, and this event would allow us time to interact and address questions or concerns from residents.



ORDINANCE AMENDING  
CHAPTER 17-TRAFFIC, ARTICLE II- OPERATION OF VEHICLES  
OF THE TOWN CODE OF ORDINANCES

BE IT ORDAINED by the Town Board of Commissioners of the Town of Biltmore Forest:

That Title VII, Chapter 73, Schedule I – Speed Limits be amended to read as follows:

I. Speed limits

SCHEDULE I. SPEED LIMITS.

~~—(A) No person shall operate a vehicle in excess of 35 mph on the following streets in the town: Vanderbilt Road, north from the Town Hall to the town limits with the City of Asheville.~~

(2013 Code, § 17-35.1)

(~~A~~~~B~~) No person shall operate a vehicle in excess of 25 mph on the following streets in the town: Amherst Road; Arboretum Road; Brooklawn Chase; Brookside Road; Browntown Road; Buena Vista Road; Busbee Road; Cedar Chine Road; Cedarcliff Road; Cedar Hill Drive; Chauncey Circle; Deerfield Road; East Forest Road; Eastwood Road; Fairway Place; Fir Tree Lane; Forest Road; Frith Drive; Greenwood Place; Greenwood Road; Hemlock Road; Hilltop Road; Holly Hill Road; Lone Pine Road; Niagara Drive; Park Road; Parkway Road; Ridgefield Place; Southwood Road; Stuyvesant Crescent; Stuyvesant Road; Valley Springs Road; Vanderbilt Road ~~South from the Town Hall~~; Westwood Road; and White Oak Road.

(2013 Code, § 17-35.2)

(~~B~~~~C~~) No person shall operate a vehicle in excess of ten mph on Stuyvesant Road between Browntown and Southwood as posted.

***Statutory reference:***

*Speed restrictions and authority of town relative thereto, see G.S. § 20-141*

*When speed limits not applicable, see G.S. § 20-145*

ORDINANCE AMENDING  
CHAPTER 17-TRAFFIC, ARTICLE II- OPERATION OF VEHICLES  
OF THE TOWN CODE OF ORDINANCES

BE IT ORDAINED by the Town Board of Commissioners of the Town of Biltmore Forest:

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(B) No person shall operate a vehicle in excess of ten mph on Stuyvesant Road between Browntown and Southwood as posted.

***Statutory reference:***

*Speed restrictions and authority of town relative thereto, see G.S. § 20-141*

*When speed limits not applicable, see G.S. § 20-145*

Adopted this 14th day of August, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Manager

Approved as to Form:

---

Attorney

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E. Glenn Kelly, Commissioner  
Doris P. Loomis, Commissioner

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Accessory Structure Ordinance (Draft Versions) Discussion

Date: August 6, 2018

---

Last month, the Board asked staff to include gates in a draft of the proposed accessory structure ordinance amendments. In light of that request, staff provided three versions of the accessory structure ordinance as follows:

- (1) The first version is an accessory structure ordinance that includes gates as a part of the fences and walls that are regulated. Please note, this draft does not specifically include a prohibition on driveway gates, though it does of course say that "fences, gates, or walls" are not allowed in the front yard. My suggestion is that if a driveway gate restriction is desired by the Board, this should be stated explicitly as such – similar to how we currently specifically prohibit structures in the front yard. Conversely, if there is a desire to permit driveway gates, perhaps we should include an explicit provision for that allowance and providing specific guidelines for their design and installation.
- (2) The second version is the accessory structure ordinance from last month with changes reflected from the discussion at that meeting.
- (3) The third document is additional zoning amendments discussed in April. I do not believe there were any issues with these changes, and these should likely be included with any public hearing/ordinance amendment discussion.

The public hearing/consideration of the final ordinance could then be held at our September meeting. Please let me know if I can provide any additional information or if you have questions with which I can assist.

**An Ordinance Amending the Town of Biltmore Forest Zoning Ordinance**

**§ 153.029 - ACCESSORY STRUCTURES AND BUILDINGS**

(C) (1) The Town is a unique community concerned with historic continuity. The Town, originally part of the Vanderbilt Estate, was established almost 100 years ago. Since its establishment, Biltmore Forest has been a forested residential community with substantial open space. Preservation of the forest environment requires substantial open space for trees, plants and wildlife.

(2) Given Biltmore Forest's proximity to the Biltmore Estate, and the Estate's large deer population, a number of residents have had problems with deer. In response to resident requests, the Board of Adjustment has approved a number of requests for temporary deer fencing. Over the last several years, the Town has attempted to reduce the number of deer through depredation. The Board of Commissioners is committed to preservation and protection of the forested residential community concept. Current and prospective residents can participate in this effort by landscaping with plants that will not attract deer, confining dogs and other household pets with invisible fencing, limiting the construction of new fences, gates, and walls, and removing and not replacing existing fences, gates, and walls. In addition, fences, gates, and walls inhibit access to properties by the Town's Police Department, Skyland Fire Department and other first responders.

The effective date of this ordinance shall be [ENTER DATE OF ADOPTION]. As of the effective date of this Ordinance, construction of new fences, gates, or walls is allowed only as follows:

(3) (a) The fence, gate, or wall is constructed entirely within the backyard, is not located in any side or rear yard setbacks and is constructed of materials deemed acceptable in 153.029(C) (5). Mature vegetation or other buffering may be required. A fence, gate, or wall meeting the requirements of this section may be approved by the Town Manager and does not have to be approved by the Board of Adjustment.

Except as set forth in 153.029(C) (3)(a), construction of new fences, gates, or walls is allowed only as follows:

(b) The fence, gate, or wall is necessary for safety, the protection of the public health, or is required as a condition of obtaining homeowner's insurance. Examples include the installation of a fence, gate, or wall around a swimming pool or along a steep grade or bank to prevent injury resulting from a fall. The property owner should provide written information from an insurance company documenting the need for the fence.

(c) Where a retaining wall is part of a landscape plan, and there is a structural requirement for the wall. Structural requirements for retaining walls must be in accordance with *The Retaining Wall Ordinance of the Buncombe County Code of Ordinances* as the same may be amended from time to time, and must be certified by a Professional Engineer licensed in the State of North Carolina. . The wall must otherwise comply with this ordinance.

*ORDINANCE DRAFT VERSION 1*  
*Accessory Structure Ordinance including Gates*

(d) On those properties abutting Hendersonville Road where, in the discretion of the Board of Adjustment, a fence, gate, or wall is necessary to provide protection from pedestrians and motorists on Hendersonville Road.

(e) Properties abutting the Blue Ridge Parkway and the Biltmore Estate shall be allowed to construct appropriate fencing to protect the property from deer. Fencing that does not meet the requirements of subsection (a) above or section (4) below shall be subject to review and approval by the Board of Adjustment.

(f) The Board of Adjustment may require a property owner to construct a wall, fence, or gate to provide buffering between incompatible land uses. See 153.063.

(g) Except as set forth in paragraph (a) and (e), the Board of Adjustment shall not approve a fence or gate for the purpose of confining or protecting dogs, other household pets or children, or for the purpose of preventing wild animals from entering a property.

(h) Electrified Fences, defined as an above ground fence carrying an electric voltage intended to deliver a shock if touched by a person or animal, are not allowed. Existing electrified fences should be removed within 180 days of the adoption of this ordinance whether or not the fences are currently carrying an electric voltage. Invisible fences, defined as underground cable systems carrying an electric voltage intended to trigger a shock through a compatible pet collar, are allowed.

4) Replacement of existing fences, gates, and walls. Replacement of an existing fence, gate, or wall is a conditional use, except as laid out in subsection (d) below, subject to the approval of the Board of Adjustment and the requirements of this zoning ordinance. An application to replace an existing fence, gate, or wall must include a photograph of the existing fence or wall, specify the type of fence, gate, or wall, include a map or sketch depicting the height and length of the fence, gate, or wall and state whether or not the fence, gate, or wall is located within any setbacks.

(a) Existing chain link fences or gates may not be replaced with new chain link fences or gates.

(b) Existing fences, gates, or walls in the front yard may not be replaced. No new fences, gates, or walls shall be allowed in the front yard.

(c) Repair of more than half of an existing fence, gate, or wall shall be considered a replacement and shall be subject to this ordinance.

(d) Replacement of an existing fence or wall in the side or rear yard may be approved by the Town Manager so long as the replacement fence is constructed of materials deemed acceptable in 153.029 (C)(5). Otherwise, replacement of an existing fence or wall is a

*ORDINANCE DRAFT VERSION 1*  
*Accessory Structure Ordinance including Gates*

conditional use subject to the approval of the Board of Adjustment and the requirements of this zoning ordinance.

5) Acceptable Materials and Standards for Fences and Walls / Maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

- (a) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.
- (b) Non wooden fencing or gates shall be black, dark green or brown to blend with surrounding trees or vegetation.
- (c) No new chain link fencing or gates shall be allowed.
- (d) Fences may not exceed six (6) feet in height without approval from the Board of Adjustments. Fences designed to prevent deer or other wildlife from entering the property may not exceed eight (8) feet in height.
- (e) Walls should be constructed of stone or similar material, and should be compatible with the construction materials of the house located on the same property.
- (f) When a fence, gate, or wall is not properly maintained or fails to comply with a condition imposed by the Board of Adjustment, the Town may require the property owner to repair the fence, gate, or wall, or, remove the fence, gate, or wall at the property owner's expense. If the property owner fails to repair or remove the fence, gate, or wall, the Town may remove the fence, gate, or wall and recover the cost of removal, including the cost of disposal, if any, from the property owner.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Approved as to Form:

\_\_\_\_\_  
Attorney

**An Ordinance Amending the Town of Biltmore Forest Zoning Ordinance**

**§ 153.029 - ACCESSORY STRUCTURES AND BUILDINGS**

(C) (1) The Town is a unique community concerned with historic continuity. The Town, originally part of the Vanderbilt Estate, was established almost 100 years ago. Since its establishment, Biltmore Forest has been a forested residential community with substantial open space. Preservation of the forest environment requires substantial open space for trees, plants and wildlife.

(2) Given Biltmore Forest's proximity to the Biltmore Estate, and the Estate's large deer population, a number of residents have had problems with deer. In response to resident requests, the Board of Adjustment has approved a number of requests for temporary deer fencing. Over the last several years, the Town has attempted to reduce the number of deer through depredation. The Board of Commissioners is committed to preservation and protection of the forested residential community concept. Current and prospective residents can participate in this effort by landscaping with plants that will not attract deer, confining dogs and other household pets with invisible fencing, limiting the construction of new fences and walls, and removing and not replacing existing fences and walls. In addition, fences and walls inhibit access to properties by the Town's Police Department, Skyland Fire Department and other first responders.

The effective date of this ordinance shall be [ENTER DATE OF ADOPTION]. As of the effective date of this Ordinance, construction of new fences or walls is allowed only as follows:

(3) (a) The fence is constructed entirely within the backyard, is not located in any side or rear yard setbacks and is constructed of materials deemed acceptable in 153.029(C) (5). Mature vegetation or other buffering may be required. A fence meeting the requirements of this section may be approved by the Town Manager and does not have to be approved by the Board of Adjustment.

Except as set forth in 153.029(C) (3)(a), construction of new fences or walls is allowed only as follows:

(b) The fence or wall is necessary for safety, the protection of the public health, or is required as a condition of obtaining homeowner's insurance. Examples include the installation of a fence or wall around a swimming pool or along a steep grade or bank to prevent injury resulting from a fall. The property owner should provide written information from an insurance company documenting the need for the fence.

(c) Where a retaining wall is part of a landscape plan, and there is a structural requirement for the wall. Structural requirements for retaining walls must be in accordance with *The Retaining Wall Ordinance of the Buncombe County Code of Ordinances* as the same may be amended from time to time, and must be certified by a Professional Engineer licensed in the State of North Carolina. . The wall must otherwise comply with this ordinance.



*ORDINANCE DRAFT VERSION 2*  
*Accessory Structure Ordinance with Amendments from Last Meeting*  
*(Does not include gate language)*

(d) On those properties abutting Hendersonville Road where, in the discretion of the Board of Adjustment, a fence or wall is necessary to provide protection from pedestrians and motorists on Hendersonville Road.

(e) Properties abutting the Blue Ridge Parkway and the Biltmore Estate shall be allowed to construct appropriate fencing to protect the property from deer. Fencing that does not meet the requirements of subsection (a) above or section (4) below shall be subject to review and approval by the Board of Adjustment.

(f) The Board of Adjustment may require a property owner to construct a wall or fence to provide buffering between incompatible land uses. See 153.063.

(g) Except as set forth in paragraph (a) and (e), the Board of Adjustment shall not approve a fence for the purpose of confining or protecting dogs, other household pets or children, or for the purpose of preventing wild animals from entering a property.

(h) Electrified Fences, defined as an above ground fence carrying an electric voltage intended to deliver a shock if touched by a person or animal, are not allowed. Existing electrified fences should be removed within 180 days of the adoption of this ordinance whether or not the fences are currently carrying an electric voltage. Invisible fences, defined as underground cable systems carrying an electric voltage intended to trigger a shock through a compatible pet collar, are allowed.

4) Replacement of existing fences and walls. Replacement of an existing fence or wall is a conditional use, except as laid out in subsection (d) below, subject to the approval of the Board of Adjustment and the requirements of this zoning ordinance. An application to replace an existing fence or wall must include a photograph of the existing fence or wall, specify the type of fence or wall, include a map or sketch depicting the height and length of the fence, and state whether or not the fence is located within any setbacks.

(a) Existing chain link fences may not be replaced with new chain link fences.

(b) Existing fences or walls in the front yard may not be replaced. No new fences or walls shall be allowed in the front yard.

(c) Repair of more than half of an existing fence or wall shall be considered a replacement and shall be subject to this ordinance.

(d) Replacement of an existing fence or wall in the side or rear yard may be approved by the Town Manager so long as the replacement fence is constructed of materials deemed acceptable in 153.029 (C)(5). Otherwise, replacement of an existing fence or wall is a conditional use subject to the approval of the Board of Adjustment and the requirements of this zoning ordinance.

5) Acceptable Materials and Standards for Fences and Walls / Maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

*ORDINANCE DRAFT VERSION 2*  
*Accessory Structure Ordinance with Amendments from Last Meeting*  
*(Does not include gate language)*

- (a) Wooden fencing shall be of natural color or painted in a manner compatible with the residence and the lot.
- (b) Non wooden fencing shall be black, dark green or brown to blend with surrounding trees or vegetation.
- (c) No new chain link fencing shall be allowed.
- (d) Fences may not exceed six (6) feet in height without approval from the Board of Adjustments. Fences designed to prevent deer or other wildlife from entering the property may not exceed eight (8) feet in height.
- (e) Walls should be constructed of stone or similar material, and should be compatible with the construction materials of the house located on the same property.
- (f) When a fence or wall is not properly maintained or fails to comply with a condition imposed by the Board of Adjustment, the Town may require the property owner to repair the fence or, remove the fence at the property owner's expense. If the property owner fails to repair or remove the fence, the Town may remove the fence and recover the cost from the property owner.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

Approved as to Form:

\_\_\_\_\_  
Attorney

ORDINANCE DRAFT VERSION 3  
Additional Zoning Ordinance Amendments Previously Discussed  
(Does not include fence, gate, or wall language)

**Proposed Amendments to Town of Biltmore Forest Zoning Ordinance**

Add a new definition to 153.004 (B).

**CONSTRUCTION SITE** – The construction, on any lot or lots within the Town of Biltmore Forest of a new house or building, and the addition to, renovation of, or repair of an existing house or building.

**Amend 153.034 (A)** - By changing the title to “*Land Disturbing Activity Requiring Approval of the Board of Adjustment.*” No change to the text of this section.

**Amend 153.034 by adding a new Section (E)**

The Owner of any Construction Site, as defined in 153.004, shall be required to install and maintain, during the period of any construction on a lot or lots, appropriate measures to minimize soil erosion and to retain sediment on site. Such measures may include mud mats and sediment ponds. Prior to the start of construction, the Owner shall submit a plan for the minimization of soil erosion and the retention of sediment on sites to the Town Manager or his designee. The Town Manager or his designee may require the utilization of additional measures to minimize soil erosion, including mud mats, and to retain sediment on site. No construction shall begin until the plan has been approved by the Town Administrator.

Amend the definition of “**ACCESSORY STRUCTURE**” in 153.00(B) by revising to read as follows:

**ACCESSORY STRUCTURE.** A structure incidental and subordinate to the principal use or building on the lots and located on the same lot with such principal use or building. **ACCESSORY STRUCTURES** include but are not limited to, fences, gates, walls, curbs pools, play sets, statues, water features, playhouses, decorative walls, sculptures, solar collectors, residential street lamps, rock and stone moved from its original location to any other location on the property and the like.