

## PROPOSED AGENDA

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

To be held Tuesday, July 17, 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 Special Call meeting held June 4, 2018 will be considered for approval.
2. The minutes of the Regular meeting held June 12, 2018 will be considered 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. Presentation of Police Department Certifications

#### F. New Business

1. Discussion of Potential Changes to Municipal Election Schedule
2. Presentation of Proposed Amendments to Accessory Structure Ordinance
3. Discussion of Traffic and Speed Mitigation Strategies for Vanderbilt Road
4. Greenwood Park Master Plan Presentation

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

#### H. Adjourn

MINUTES OF THE SPECIAL CALL MEETING OF THE MAYOR AND TOWN  
COMMISSIONERS OF  
BILTMORE FOREST HELD JUNE 4, 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:

Those present:

Mayor George F. Goosmann, III  
Commissioner Fran G. Cogburn  
Commissioner E. Glenn Kelly  
Commissioner Doris P. Loomis  
Mr. Jonathan Kanipe, Town Manager

This meeting was held at 4:00pm on Monday, June 4, 2018. Mr. Kanipe presented the Fiscal Year 2018-19 Proposed Budget. The first topic of discussion was the Water Fund. Mr. Kanipe said there is a change that needs to be made on the revenue side under "Commissions". This is what the Town ends up getting back from MSD as a pass-through. This change is necessary because the initial analysis of current year revenues included a one-time payment refund from the City of Asheville after it was realized that they had overcharged the Town. After increasing revenue by \$17,000, a corresponding change to the expenditure side was made by increasing capital expenditures for water line work.

Lt. Mark Allen was present to represent the Police Department. Chief Beddingfield was unable to attend.

Commissioner Loomis inquired about the two lifts for the Public Works department. Commissioner Loomis wanted to know if there were any recent injuries. Mr. Crouch said yes. Mr. Kanipe said the biggest issue is the employees have to lift very heavy containers when on the trash route. Commissioner Loomis was very pleased with how well the recycling program was working.

Mr. Kanipe said that changes to recyclables being accepted worldwide may result in Curbside Management not accepting certain materials. Mr. Kanipe said he will continue following this transition and any potential changes. WithersRavenel put together a parks plan that Mr. Kanipe will show the Board. The funding allocated for this will be a good start toward the parks plan.

Mr. Kanipe said there will be a 3% COLA (Cost of Living Adjustment) for Town employees. Included in the packet was a performance based merit plan which is 1.5% of the salary line item for that department.

In September, the new Public Works building will begin construction. The Capital Project Ordinance for this project will be presented in early July or August.

Mr. Kanipe discussed funding for the parks.

The Budget Ordinance will be presented at the Board of Commissioners meeting June 12<sup>th</sup>, 2017.

The meeting concluded at 4:12pm.

ATTEST:

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Jonathan B. Kanipe  
Town Manager

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George F. Goosmann, III  
Mayor

MINUTES OF THE MEETING OF THE MAYOR AND TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD JUNE 12, 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 May 15, 2018 minutes. A motion was made by Commissioner Cogburn to approve the minutes. The motion was seconded by Commissioner Loomis and unanimously approved.

Mr. Mark Dillingham gave the monthly report for Skyland Fire Department. There were 29 calls for service. A few of those calls occurred in The Ramble. Captain Bryson will be assisting with the 4<sup>th</sup> of July festivities and will be the main contact.

Chief Beddingfield gave the monthly report for the Police Department. There have been many reports of bears. Biltmore Village was flooded and the Police Department had to direct traffic during this event. The Police Department hosted a training event with the Presidential Secret Service motorcycle brigade. The event went very well. Commissioner Cogburn inquired about the power line fire on Stuyvesant Road. Mr. Kanipe said this actually occurred near 35 Hilltop Road. There was a tree limb rubbing against the power line. Duke Energy cut the portion of it that was

brushing up against the power line. Duke came back a few days later and took the remainder of the tree down which was also on the power line.

Mr. Dillingham also mentioned the CPR class the Fire Department held for Town residents. The CPR class was held at the Country Club and seven people attended.

Mayor Goosmann asked for Public Comment. Dr. Justice inquired about the size requirements of the brush pickup. Mr. Justice said he had a tree that fell and wanted to know how that worked with the current Ordinance. Mr. Kanipe said brush pick up greater than the ordinance specified was allowed in situations of storm damage or injury of trees. Mr. Kanipe said they are working on better solutions for brush pickup with tree limbs over 6" in diameter. Mr. Kanipe said this is an ongoing battle with landscapers. They are trying to come up with better ways to handle brush collection as this ordinance was last amended in the 1980s when the Town utilized much less efficient equipment.

Mr. Terry Crouch gave the monthly report for Public Works. There were 36 tons of garbage collected last month and 19.5 tons of recycling. Mr. Crouch thanked Chief Beddingfield for the Police Department's assistance as Public Works removed a tree on Cedarcliff Road. The CCR water report was also turned in to the State of North Carolina. The water samples are fine.

A motion was made to go into Public hearing to discuss the 2018-2019 Budget. Commissioner Loomis made the motion. The motion was seconded by Commissioner Cogburn and unanimously approved.

Mr. Kanipe said the City of Asheville water payment was now included in the budget. The budget also includes remaining funding for the storm water master plan and construction work for the master plan. Provisions are included for working on the traffic study recommendations and changes to speed limits are likely to be recommended to the Board. The Police Department will also be getting a new vehicle. Lift arms will be installed on all trash vehicles for Public Works. Improvements to Greenwood Park will also be included and a more formal presentation for the park will be presented next month.

Mr. Kanipe said there will be no tax rate increase and no water/sewer rate increase. Regarding the Public Works building, the building's construction project is anticipated at \$1.5 million. \$700,000 will be taken out from the fund balance and \$800,000 will be obtained through a bank loan.

There were no further questions from the public regarding the proposed FY18-19 budget.

A motion was made by Commissioner Loomis to go out of Public Hearing. The motion was seconded by Commissioner Cogburn and unanimously approved.

Current Fiscal Year Budget Reallocations were discussed. There was no net change. There will likely be another Budget Reallocation June 29<sup>th</sup>. Mr. Kanipe asked the Board for any questions. There were no questions.

The technical assistance agreement with Land of Sky for planning services for FY 18-19 was presented. A motion was made by Commissioner Kelly to approve this agreement. The motion was seconded by Commissioner Cogburn and unanimously approved.

Consideration of the 2018-19 Budget was discussed. A motion was made by Commissioner Loomis to accept the Budget as proposed. Commissioner Cogburn seconded the motion and the motion was unanimously approved.

The 2018-19 Schedule of Fees was presented. Mr. Kanipe proposed two new fees for FY18-19. The first was a demolition fee, which is a flat \$100 flat fee for demolition of a structure. In addition, a penalty fee will be proposed for a project not approved by the Board. The result is that the zoning permit fee is doubled if construction begins without the appropriate review and permit being granted.

A motion was made to adopt the Schedule of Fees for 2018-19. Commissioner Cogburn moved to approve the Schedule of Fees for 2018-19 Fiscal Year. Commissioner Kelly seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed proposed amendments to the zoning ordinance and its accessory structure ordinance. It would fall into the permitted category and elaborated on what Mr. Clarke drafted. Fences would not be allowed on the side or rear yard setback. Commissioner Cogburn suggested the change be made stating “mature vegetation or other buffering shall be required.” This has to go through the Planning Commission and the Board of Commissioners first before approved. Commissioner Loomis asked about the replacement portion of the fencing and where it will go. Mr. Kanipe said it will go under part two. Commissioner Cogburn also suggested adding a height limit. Commissioner Loomis said section “h” should be eliminated. Mr. Kanipe agreed and said this will be cleaned up. Commissioner Loomis asked what aesthetic requirements the Town was still allowed to regulate. Mr. Kanipe indicated the state law approved in 2015 does not allow aesthetic regulation on any structure that is regulated by the state building code. As long as it is not regulated by the state building code, aesthetic regulations can be imposed. A revised copy will be provided to the Board next month.

Commissioner Loomis inquired about local businesses that advertise services provided on residential lots. Commissioner Loomis said these signs are not supposed to be put out. Mr. Kanipe agreed with Commissioner Loomis and said the signs are not supposed to be out per the Ordinance. The Police Department removes the signs.

Mr. Kanipe delivered his manager’s report. He indicated construction will start around Labor Day for the Public Works building. Construction should end around June of next year. The Greenwood Park Master Plan was discussed. Mr. Kanipe indicated that the proposed master plan would be presented to the Board of Commissioners at next month’s meeting.

Mr. Kanipe discussed a more formalized, ad hoc committee status for the community committee. Commissioner Cogburn suggested the name be changed to preservation and restoration committee instead of community committee. The purpose and vision behind the committee will

be presented next month. Mr. Kanipe indicated that a formal, ad hoc committee would provide more structure and validity to the committee. Commissioner Loomis asked whether the Mayor could fill the ad hoc committee, and Mr. Kanipe said yes.

The Brooklawn pond geo tube removal process is ongoing. It will be economically and environmentally advantageous. The pond has not had any wildlife disturbed. WithersRavenel is performing the analysis for the storm water plan update and moving forward with recommended solutions for upgrading the storm water system.

Ms. Helen Stephens was commended for being appointed to the Local Government Fiscal Advisory Board. She will serve on the pre-audit Committee. This is a Board organized by the UNC School of Government. Mr. Kanipe commented on Ms. Stephens's efforts to improve our transparency and how we put out our financial practices and reporting. This will be the first year we submit for the distinguished budget award from the GFOA (Government Finance Officers Association) award, and we are awaiting notice from GFOA regarding our Popular Annual Financial Report and Certificate of Achievement in Financial Reporting award..

The July Board of Commissioner's meeting will be Tuesday, July 17<sup>th</sup>.

Mr. Kanipe informed the Board he would be at the Managers meeting in Atlantic Beach next week. Mr. Kanipe informed the Board that the NC League of Municipalities would hold their annual meeting September 19-21 in Hickory. Safety of pedestrians was discussed, in particular walkers, runners, and bicyclists. Chief Beddingfield suggested posting safety guidelines on the Town's website.

There being no further business, Mayor Goosmann adjourned the meeting at 5:20 p.m. The next Board of Commissioners meeting was scheduled for Tuesday, July 17<sup>th</sup>, 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

UNAPPROVED



# 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** **JUNE 13, 2018 TO JULY 17, 2018**

- Completed all of the normal routine services to the residents on schedule, garbage collection, recycling and brush removal.
- Assisted with the set up and preparation and take down and clean up of the 4<sup>th</sup> of July celebration in the park.
- We have collected a total of 22 loads of brush for the residents and transported them to Asheville Stump and Dump.
- We are still using the tractor mounted sickle bar mower to trim some of the road shoulders throughout the Town.
- Collected 28.39 tons of garbage for the month of June and 16.88 tons of recycling.
- Completed 54 special requests from the residents, extra garbage collection, meter rereads, house no. signs, recycling request, etc and completed 42 utility locate request.
- Completed the 2 monthly bacteriological water samples for June 2018 and both were in compliance with the state and sent in the 3<sup>rd</sup> quarter TTHM's and Haa5 water samples to be tested.
- Installed 20 of the Walk On Left Facing Traffic signs on various signs throughout the Town.
- Repaired a water break at 402 Vanderbilt road.

- We have begun the annual inspections of the residents RPZ devices (backflow devices). There are a total of 150 of these devices.
- Cut up and removed a fallen pine tree at 320 Vanderbilt road which took out the power lines.
- 107 hours were spent maintaining the Town's parks and pond.
- Repaired 3 streetlights (general repairs).
- 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.
- Cut up and removed a large oak tree that Duke Energy had taken down in Busbee park.
- We spent 451 hours maintaining the Town's roads and road shoulders.
- Spread playground mulch in the park on Vanderbilt prior to the 4<sup>th</sup> of July celebration.
- Repaired the road shoulder across from no. 12 Cedarhill.

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**

July 17<sup>th</sup>, 2018 Board of Commissioners Meeting

*Chris Beddingfield, Police Chief*

### **Police Dept. Monthly Report 06/01/2018--06/30/2018**

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

#### **Officers responded to 719 calls for service.**

Accident - 4	Accident - PI - 0
Alarm - 29	Animal Carcass - 2
Assist EOC - 6	Assist Motorist - 11
Assist Other Agency -7	Assist Resident - 10
Bear Report – 23	Business Check - 134
Busy -11	Crime Prev. - 8
Department Paperwork - 2	Direct Traffic -2
Distressed Animal - 3	Disturbance - 1
Dog Complaint - 15	Escort - 1
Fight - 1	Gun/Gunshots - 2
Hit and Run - 0	House Check - 85
Improper Parking - 5	Incomplete 911- 1
Investigation - 10	Larceny - 1
Mental Patient - 0	Missing Person - 0
Noise Disturbance - 2	Ordinance Violation - 9
Out of Service - 0	Out of Town - 1
Person Down - 0	Power Outage - Power Outage-1
Radar Operation - 14	Road Blocked - 6
Service of Car - 3	Sign Ord Violation - 4

Special Assignment - 2	Special Check - 10
Speed Enforcement - 2	Suspicious Person - 3
Suspicious Vehicle - 26	Vandalism - 1
Vehicle Stop - 47	Well-being Check - 2

**Total Number Of Calls: 719**

**Time Consumption Summary:**

Business Checks-23 hours

Crime Prevention at Carolina Day-18 hours

House Checks-92 hours

Radar Operation-7 hours

Vehicle Crash Invest.-5 hours

**Notable Calls and Projects:**

Recognition of Advanced Certification from Criminal Justice Standards Commission.

Recognition of graduation from Law Enforcement Leadership

Assisted APD with several vehicle accidents on Hendersonville Rd. Most notable the fatality on Hendersonville Rd near Browntown

Discussion of Cedarcliff Intersection

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[www.biltmoreforest.org](http://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: Town Manager's Report

Date: July 10, 2018

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### Public Works Building Project

Beverly-Grant, the Town's construction manager at risk for this project, received the final construction plans from Clark Nexsen on Tuesday, July 10. Public notice was issued via the *Asheville Citizen-Times* to pre-qualify bidders. This public advertisement will run for three (3) days in print and online (7-12 through 7-14). A copy of the ad as printed is attached to this memorandum. Beverly-Grant is also distributing this ad through their online bid software which will reach another 1000+ contractors. Additionally, the Town has posted this ad on our website as well. These bids will be accepted through August 1, 2018, and the anticipated final bid date is Tuesday, September 11. Construction is still project to take approximately nine (9) months.

### Board of Adjustments and Design Review Board Meetings

The Board of Adjustments met in June and approved several projects, including a planned renovation to the Biltmore Forest Country Club's maintenance shelter located off Hendersonville Road. This project is scheduled to be reviewed by the Design Review Board at their July meeting. The Board of Adjustments also approved a change to a previously approved conditional use permit for a pergola in the rear yard at 8 Southwood Road, approved a conditional use permit for an accessory building at 6 Ridgefield Place, and approved the removal of a chain link fence (with the replacement of a stone wall) at 10 Greenwood Road. An outdoor fireplace and chimney was also approved as an accessory structure at 10 Greenwood Road. The Design Review Board approved plans for these projects, as well as a project at 22 Hilltop Road that involved the modification of an existing, under-deck area into an enclosed workshop. The Board of Adjustments is not meeting in July.

### Biltmore Forest Community Preservation Committee

Last month, we discussed the Community Committee that has served the Town so well in the past few years as a more formalized ad hoc committee. After reviewing the Town Code and the process for creating an ad hoc committee, the Mayor appointed several members to serve one (1) year terms under Mrs. Millie Elmore's guidance as chair. A working mission statement for this committee is to encourage efforts within the town to beautify properties and public spaces so they more harmoniously align with the vision of the Town's creation. The committee shall make recommendations to the Town Board of Commissioners for landscape and aesthetic improvements, recommend new programs or activities for the Town, and engage Biltmore Forest citizens in the history and traditions of the Town. The Committee shall assist Town staff in efforts to improve the appearance and quality of life in Biltmore Forest by conducting citizen outreach, community education on native landscapes and architectural design, and encouraging the use of these historic characteristics with new projects in the Town.

### West NGN Project and Next Steps

The Board approved the Town's work with the West Next Generation Network (West NGN) as part of the budget process in fiscal year 2016-2017. The Town has worked with the other municipalities of Asheville, Fletcher, Laurel Park, Hendersonville, and Waynesville since that time to effectively bring higher speed internet and fiber access to our residents. The West NGN group issued a Request for Negotiations (RFN) to fiber providers in order to gauge interest in providing increased fiber services in these areas. It should be noted that there were no commitments made by any of the municipalities; in essence, this was simply a blanket invitation saying "we need more reliable and higher speed internet service" and asked interested parties to provide us with their information.

Town staff recently met with the fiber provider RiverStreet to discuss next steps related to improving fiber availability and access throughout the Town. A feasibility study on fiber uptake within Biltmore Forest needs to be conducted to determine whether there is enough demand and interest for implementations. As of this writing, I do not have additional information on this study or any further next steps, but did want you to be informed as to where we are with this process. As evinced by the time between our initial budget outlay and moving toward more tangible results, this is not a quick process. This first step and feasibility study will move us much closer to our goal of improving fiber access and availability across the Town.

### Brooklawn Pond Vegetative Removal

Dragon Fly Pond Works, the company contracted to perform the vegetative removal, has approximately two weeks of work left before finalizing the project. They began work on June 4 with an anticipated timeline of 240 hours to complete this job. There is a great deal left to do, including the final dewatering of the vegetative material seeding/strawing the areas along the bank. Town staff has spoken with Dragon Fly numerous times in the past few weeks to ensure that they clean up all "loosed" vegetative material that accumulates during this process, and they have assured us they will perform this task.

### Storm Water Master Plan Update

WithersRavenel finished their field collection for storm water data the first week of July, and is currently conducting quality assurance and quality control checks of this data. After assuring the data is correct, they will prepare final reports and recommendations for infrastructure improvements identified by their field analysis.

### Upcoming Meetings

The Land of Sky Regional Council is hosting their 3<sup>rd</sup> Annual BBQ and Open House on Wednesday, July 25<sup>th</sup>. Lunch will begin at noon with an open house available from 1-5pm. Please let me know if you would like to attend.

Also, if any Board member is interested in attending the NCLM Annual Meeting in Hickory on September 17-19, please let me know and we will take care of that registration.



Town of Biltmore  
Forest Public  
Works

\$ 200.85

7/12 - 7/14 Run

**NOTICE TO CONTRACTORS** Town of Biltmore Forest Public Works Renovation, **BIDDER PRE-QUALIFICATION REQUEST:** Beverly-Grant Inc. has been selected as the Construction Manager @Risk by the Town of Biltmore Forest, NC and is seeking to pre-qualify construction trades and specialty contractors to submit bids for furnishing labor, materials, equipment and tools for the Town of Biltmore Forest Public Works Building Renovation project in Biltmore Forest, NC.

**PROJECT DESCRIPTION:** The Public Works Building Renovation project will include demolition of interior and exterior structures, a new addition, remodel/renovation of all interior and exterior finishes, including new plumbing/mechanical/electrical systems. The completed facility will create new garage/service bay space, general offices, second story conference room area, and updated ADA access/lift to the building. Total building size is approximately 4,500 sf. Anticipated Project Budget is \$1,300,000 with a 9-Month duration.

**BID PACKAGES:** General Trades, Final Cleaning, Demolition, Turnkey Concrete, Turnkey Masonry, Misc Steel & Railings, Wood Framing/Rough Carpentry/Decking, Membrane/Asphalt Roofing, Caulking/Waterproofing, Doors/Frames/Hardware, Wood Windows, Storefronts/Glass/Glazing, Stucco, Metal Framing/Drywall, Insulation Systems, Finish Carpentry & Casework, Ceramic Tile, Carpet/Resilient/Hardwood Floor/Base, Acoustical Ceilings, Painting, Toilet Specialties/Accessories/Div10, Overhead Doors, Elevators, Plumbing Systems, Mechanical Systems, Electrical Systems & Generator, Turnkey Sitework. Additional Packages may be added and/or deleted at the discretion of the Construction Manager. Historically underutilized business participation is highly encouraged.

**INSTRUCTIONS:** Interested contractors should submit their completed prequalification submittals, by Wednesday August 1st, 2018, to Jason Wightman (jwightman@beverly-grant.com) or Allen Peele (apeele@apeele@beverly-grant.com) at Beverly-Grant Inc. 80 Peachtree Road, Suite 210, Asheville, NC. Prequalification forms can be obtained from our online plan room by visiting our Dropbox link: <https://www.dropbox.com/sh/ebu0n9gjf4l94lh/AAAv3Oeu4FpQ5UqbABnRSHJxa?dl=0> and clicking on Prequalification Documents or by contacting Amanda Angell at aangell@beverly-grant.com or call 828-274-7084 X114. Please note: Plans will not be issued to any contractor until prequalification form is submitted and approved by Beverly-Grant Inc. Target bid date: September 11, 2018. , (828)274-7084

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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: Discussion of Potential Changes to Municipal Election Schedule

Date: July 10, 2018

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Recently, the North Carolina Legislature adopted a bill requiring the City of Asheville to be divided into districts for city council elections. Senator Terry Van Duyn introduced an amendment to this bill that allowed the City of Asheville to defer their municipal election cycle to 2020 and conduct elections on an even-year basis from that time forward. Since this bill was approved, discussion has ensued among other state elected officials and local officials regarding the potential increase in election cost to other Buncombe County municipalities.

Buncombe County Elections Services charges each municipality on a per capita basis. Thus, if the City of Asheville is removed from the 2019 municipal elections equation, the overall cost to each remaining municipality holding an election will increase. The approximate cost of this increase to Biltmore Forest is \$8,000. One option being discussed is moving the municipal elections for other Buncombe County municipalities to 2020, and conducting those on an even-year basis from that point forward. Before moving any further with this proposal, Representative Brian Turner and Senator Van Duyn would like to know the Board's position and whether this is something of interest. The assumption is that this legislation, if requested, would not be discussed within the Legislature until next year's session convenes. There is a slight possibility legislation could be considered in a lame-duck session this fall, but this is not certain.

I have attached the Act approving this legislation for your review, and have taken the liberty to highlight a section on the last page related to the practicalities of how this change will be implemented. The Legislature extended the terms of office for each Asheville City Councilmember by one (1) year so that no elections would take place in 2019. My assumption is that this extension would also be granted to other elected officials where a change is made to even-year elections.

At this point, there is no formal action required from the Board, but a discussion of this and indication to our legislative delegation is requested.

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2017**

**SESSION LAW 2018-123**  
**SENATE BILL 813**

AN ACT TO REVISE THE CHARTER FOR THE CITY OF ASHEVILLE TO PROVIDE FOR THE ELECTION OF CITY COUNCIL MEMBERS FROM DISTRICTS AND TO PROVIDE FOR THE CREATION OF THOSE DISTRICTS AND TO PROVIDE FOR EVEN-YEAR MUNICIPAL ELECTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.**(a) Section 6 of the Charter of the City of Asheville, being Chapter 121 of the Private Laws of 1931, as amended by Ordinance No. 1501 of the City of Asheville, adopted March 19, 1985, and Ordinance No. 2385, adopted June 24, 1997, reads as rewritten:

**"Sec. 6. Composition; qualifications and terms of members.**

(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six councilmembers, all nominated and elected ~~from the city at large~~ in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis in even-numbered years on the Tuesday after the first Monday in November, beginning in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Results shall be determined using the nonpartisan plurality method in accordance with G.S. 163A-1616. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing elections. The county board of elections under the direction of the Bipartisan State Board of Elections and Ethics Enforcement shall make necessary provisions for elections for mayor and councilmembers.

(b) The term of the mayor and councilmembers shall begin at the first regular meeting of the city council ~~next following their election as set forth hereinafter. in December of even-numbered years.~~ The term of office of the mayor and six councilmembers shall be four years, and shall be so staggered that the terms of office of three councilmembers shall expire every two years. ~~Said staggered terms shall begin following~~In the election of 1997, 2020, with those three persons elected to council who receive the highest number of votes of the entire council from District 1, District 2, and from the City at-large to will serve four year terms to expire in 2001, 2024. In the election of 2022, the and the other three persons elected to council from District 3, District 4, and District 5 will to serve two four year terms to expire in 1999, 2026. Commencing with the ~~1999-2020~~ election, all terms of office for council members shall be four years.

(c) One council member shall be nominated and elected from the City at-large. Five council members shall reside in and be elected from five separate districts, as set forth in this section. If this section does not specifically assign any area within the City to a district, and the area is entirely surrounded by a single district, the area shall be deemed to have been assigned to that district. If this section does not specifically assign any area within the City to a district, and the area is contiguous to one or more districts, the area shall be deemed to have been assigned to



that district which contains the least population according to the most recent federal decennial census. If this section specifically assigns to a district any area that is not in the corporate limits of the City, that area outside the corporate limits is not added to the corporate limits and no voter that resides in that area outside the corporate limits may vote in the City election. The names and boundaries of voting tabulation districts, tracts, block groups, and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. If any voting tabulation district boundary is changed, that change shall not change the boundary of a district, which shall remain the same as it is depicted by the 2010 Census Redistricting TIGER/Line Shapefiles.

(d) The districts are as follows:

**District 1:** Buncombe County: VTD 105.1: Block(s) 0210014005001, 0210014005005, 0210014005006, 0210014005007, 0210014005010, 0210014005013, 0210014005021, 0210014005022; VTD 106.1: Block(s) 0210011001021, 0210011001022, 0210011001024, 0210011001025, 0210011001026, 0210011001032, 0210011001033, 0210011001034, 0210012001001, 0210012001003, 0210012001004, 0210012001005, 0210012001006, 0210012001007, 0210012001008, 0210012001009, 0210012001010, 0210012001011, 0210012001012, 0210012001013, 0210012001014, 0210012001015, 0210012001016, 0210012001017, 0210012001018, 0210012001019, 0210012001020, 0210012001021, 0210012001022, 0210012002000, 0210012002001, 0210012002002, 0210012002003, 0210012002004, 0210012002005, 0210012002006, 0210012002007, 0210012002008, 0210012002009, 0210012002010, 0210012002015, 0210012002016, 0210012003000, 0210012003001, 0210012003002, 0210012003003, 0210012003008, 0210012003009, 0210013001000, 0210013001007, 0210013002002, 0210013002003, 0210013002004, 0210013002012, 0210013002013, 0210013002014, 0210013002015, 0210013002016, 0210013002017, 0210013002018, 0210013002019, 0210013002020, 0210013002021, 0210013002022, 0210013002023, 0210013002024, 0210013002026, 0210013002027, 0210013002028, 0210013002029, 0210013002030, 0210013002031, 0210013002032, 0210013002033, 0210013002034, 0210013002037, 0210013002038, 0210013002039, 0210013002040, 0210014005002, 0210014005023, 0210014005024, 0210014005025, 0210025063001, 0210025063006, 0210026052055, 0210026052057; VTD 13.1: Block(s) 0210010001007, 0210010002002, 0210010002003, 0210010002004, 0210010002005, 0210010002006, 0210010002007, 0210010002012, 0210010002013, 0210010002014, 0210010002017, 0210010002018, 0210010002019, 0210010002020, 0210010002021, 0210010002022, 0210010002023, 0210010002024, 0210010002025, 0210010002026, 0210010002027, 0210010002028, 0210010002029, 0210010002030, 0210010002031, 0210011002000, 0210011002003, 0210011002024, 0210011002025, 0210011002026, 0210011002027, 0210011003000, 0210011003001, 0210011003002, 0210011003003, 0210011003004, 0210011003005, 0210011003006, 0210011003007, 0210011003008, 0210011003009, 0210011003010, 0210011003011, 0210011003012, 0210011003013, 0210011003014, 0210011003015, 0210011003016, 0210011003017, 0210011003018, 0210011003019, 0210011003020, 0210011003021, 0210011003022, 0210011003023, 0210011003024, 0210011003025, 0210011003026, 0210011003027, 0210011003029, 0210011003030, 0210023024000, 0210023024001, 0210023024002; VTD 15.1, VTD 24.1: Block(s) 0210012005002, 0210012005003, 0210012005007, 0210012005008, 0210012005009, 0210012005010, 0210012005011, 0210012005012, 0210012005013, 0210012005014, 0210012005015, 0210012005016, 0210012005017, 0210012005018, 0210012005019, 0210012005020, 0210012005021, 0210012005022, 0210012005023, 0210012005024, 0210012005025, 0210012005026, 0210012005027, 0210012005028, 0210012005030, 0210012005031, 0210012005032, 0210012005033, 0210012005034, 0210012005036, 0210012005044, 0210012005045, 0210012005046, 0210012005047, 0210012005048, 0210012005049, 0210012005054, 0210013001021, 0210013001022, 0210013001024, 0210013001025, 0210013001026, 0210013001027, 0210013001030,

0210013001033, 0210013001038, 0210013001044, 0210023021000, 0210023021002,  
0210023021003, 0210023021004, 0210023021005, 0210023021006, 0210023021007,  
0210023021008, 0210023021009, 0210023021010, 0210023021016, 0210023021017,  
0210023021036, 0210023021037, 0210023024009, 0210023024010, 0210023024011,  
0210023024017, 0210023024018, 0210023024019, 0210023024020, 0210023024021,  
0210023024043, 0210023024044, 0210023024045, 0210023024046, 0210023024047,  
0210023024048, 0210023024049, 0210023024050, 0210023024051, 0210023024052,  
0210023024056, 0210023024058, 0210023024060, 0210025051018, 0210025051019,  
0210025052002, 0210025052003, 0210025052015, 0210025052016, 0210025052017,  
0210025052049, 0210025052050, 0210025052051, 0210025052052, 0210025052053,  
0210025052054, 0210025052055, 0210025052067, 0210025061014, 0210025061015,  
0210025061016, 0210025061017, 0210025061018, 0210025061019, 0210025061020,  
0210025061021, 0210025061022, 0210025061023, 0210025061024, 0210025061025,  
0210025061026, 0210025061027, 0210025061030, 0210025061032, 0210025061033,  
0210025061035, 0210025061036, 0210025061037, 0210025061038, 0210025061039,  
0210025061041, 0210025061042, 0210025061043; VTD 26.1, VTD 44.1: Block(s)  
0210012005000, 0210012005037, 0210012005038, 0210012005042, 0210012005043,  
0210023021001, 0210023021011, 0210023021012, 0210023021020, 0210023021021,  
0210023021022, 0210023021023, 0210023021024, 0210023021025, 0210023021026,  
0210023021027, 0210023021030, 0210023021031, 0210023021032, 0210023021035,  
0210023022000, 0210023022002, 0210023022003, 0210023022005, 0210023022006,  
0210023022007, 0210023022008, 0210023022010, 0210023022042, 0210023023000,  
0210023023003, 0210023023004, 0210023023043, 0210023023046, 0210023024007,  
0210023024053, 0210023024061, 0210023024062, 0210023024064, 0210023024067,  
0210023024069, 0210023024070, 0210023024071, 0210023024072, 0210023024090,  
0210023024091, 0210023024094, 0210023024096, 0210023024109, 0210023024110,  
0210023024113, 0210025061029; VTD 45.1: Block(s) 0210013001031, 0210013001032,  
0210025061008, 0210025061009, 0210025061010, 0210025061040; VTD 46.1: Block(s)  
0210023024073, 0210023024074, 0210023024089, 0210023024093, 0210023024095,  
0210023024099; VTD 68.1: Block(s) 0210026052056.

**District 2:** Buncombe County: VTD 01.1, VTD 02.1, VTD 10.1, VTD 101.1: Block(s)  
0210021011018; VTD 105.1: Block(s) 0210012001000, 0210012001002, 0210013002000,  
0210013002001, 0210014003006, 0210014003017, 0210014003023, 0210014003024,  
0210014004011, 0210014004017, 0210014004020, 0210014004021, 0210014004023,  
0210014004024, 0210014005008, 0210014005009, 0210014005011, 0210014005014,  
0210014005018, 0210014005020, 0210014005027, 0210014005028; VTD 11.1, VTD 12.1,  
VTD 14.2: Block(s) 0210002001019, 0210002001020, 0210002001035, 0210003001031,  
0210003001032, 0210009002023, 0210010001000, 0210010001001, 0210010001002,  
0210010001003, 0210010001004, 0210010001005, 0210010001006, 0210010001008,  
0210010001009, 0210010001042, 0210011001000, 0210011001001, 0210011001002,  
0210011001003, 0210011001004, 0210011001005, 0210011001006, 0210011001007,  
0210011001008, 0210011001009, 0210011001010, 0210011001011, 0210011001012,  
0210011001013, 0210011001014, 0210011001015, 0210011001016, 0210011001017,  
0210011001018, 0210011001019, 0210011001020, 0210011001023, 0210011001027,  
0210011001028, 0210011001029, 0210011001030, 0210011001031, 0210011001035,  
0210011001036, 0210011001037, 0210011001038, 0210011001039, 0210014001002,  
0210014001003, 0210014001009, 0210014001012, 0210014001014, 0210014001016,  
0210014001017, 0210014001018, 0210014001019, 0210014001020, 0210014001021,  
0210014001022, 0210014001023, 0210014001024, 0210014001025, 0210014001026,  
0210014001027, 0210014001028, 0210014001029, 0210014001030, 0210014001031,  
0210014001032, 0210014001033, 0210014001034, 0210014001035, 0210014001036,

0210014002000, 0210014002001, 0210014002002, 0210014002003, 0210014002004,  
0210014002005, 0210014002006, 0210014002007, 0210014002008, 0210014003011,  
0210014003014, 0210014003025, 0210014003026, 0210014003027, 0210014003030,  
0210014003031, 0210014003032; VTD 70.1: Block(s) 0210003001022, 0210003001023,  
0210004001044, 0210015001044, 0210015001045.

**District 3: Buncombe County: VTD 03.1, VTD 04.1, VTD 05.1: Block(s) 0210016001000,**  
0210016001001, 0210016001002, 0210016001003, 0210016001004, 0210016001005,  
0210016001006, 0210016001007, 0210016001008, 0210016001009, 0210016001010,  
0210016001011, 0210016001012, 0210016001013, 0210016001014, 0210016001015,  
0210016001016, 0210016001017, 0210016001018, 0210016001019, 0210016001020,  
0210016001021, 0210016001022, 0210016001023, 0210016001024, 0210016001025,  
0210016001026, 0210016001027, 0210016001028, 0210016001029, 0210016001030,  
0210016001031, 0210016001032, 0210016001033, 0210016001034, 0210016001035,  
0210016001036, 0210016001037, 0210016001040, 0210016001041, 0210016001042,  
0210016001043, 0210016001044, 0210016001045, 0210016001047, 0210016001048,  
0210016001049, 0210016001050, 0210016002000, 0210016002001, 0210016002002,  
0210016002003, 0210016002005, 0210016002007, 0210016002010, 0210016002011,  
0210016002012, 0210016002015, 0210016002016, 0210016002017, 0210016002018,  
0210016002019, 0210016002020, 0210016002023, 0210016002024, 0210016002025,  
0210016002026, 0210016002027, 0210016002028, 0210016002029, 0210016002030,  
0210016002031, 0210016002032, 0210016002033, 0210016002035, 0210016002036,  
0210016003057, 0210016003061, 0210016003064, 0210016003067, 0210016003078,  
0210016003080, 0210016003081, 0210016003083, 0210016003087, 0210016003092,  
0210016003093, 0210016003104, 0210016003108, 0210016003109, 0210016003110; VTD  
103.1: Block(s) 0210018011000, 0210018011002, 0210018011030, 0210018011031,  
0210018011032, 0210018011033, 0210018011034, 0210018011035, 0210018011036,  
0210018011037, 0210018011038, 0210018011039, 0210018011040; VTD 104.1: Block(s)  
0210005001000, 0210005001001, 0210005001002, 0210005001003, 0210005001004,  
0210005001005, 0210005001006, 0210005001015, 0210005001016, 0210005001019,  
0210005001020, 0210005001021, 0210005003000, 0210005003001, 0210005003002,  
0210005003003, 0210005003005, 0210005003009, 0210005003010, 0210005003011,  
0210017001003, 0210017001007, 0210017001036, 0210017001037, 0210017001038,  
0210017001039, 0210017001040, 0210017001041, 0210017001042, 0210017001043,  
0210017001044, 0210017001045, 0210017001046, 0210017002008, 0210017002009,  
0210017002010, 0210017002011, 0210017002012, 0210017002013, 0210017002014,  
0210017002015, 0210017002016, 0210017002017, 0210017002018, 0210017002019,  
0210017002020, 0210017002021, 0210017002022, 0210017002023, 0210017002024,  
0210017002025, 0210017002026, 0210017002027, 0210017002028, 0210017002031,  
0210017002032, 0210017002033; VTD 17.1, VTD 20.1, VTD 28.1, VTD 70.1: Block(s)  
0210004001001, 0210004001003, 0210004001004, 0210004001006, 0210004001007,  
0210004001008, 0210004001009, 0210004001013, 0210004001019, 0210004001020,  
0210004001031, 0210004001037, 0210004001038, 0210004001039, 0210016002006,  
0210016002013, 0210016002037, 0210016002039, 0210016003068, 0210016003069; VTD  
71.1: Block(s) 0210016003001, 0210016003002, 0210016003012, 0210016003015,  
0210016003049, 0210016003050, 0210016003051, 0210016003053, 0210016003055,  
0210016003056, 0210016003058, 0210016003059, 0210016003060, 0210016003062,  
0210016003063, 0210016003065, 0210016003071, 0210016003072, 0210016003073,  
0210016003075, 0210016003082, 0210016003107, 0210016003111.

**District 4: Buncombe County: VTD 06.1, VTD 07.1, VTD 09.1, VTD 100.1: Block(s)**  
0210020003000, 0210020003001, 0210020003002, 0210020003003, 0210020003004,  
0210020003005, 0210020003006, 0210020003007, 0210020003008, 0210020003009,

0210020003010, 0210020003011, 0210020003012, 0210020003013, 0210020003014,  
0210020003015, 0210020003016, 0210020003017, 0210020003018, 0210020003019,  
0210020003020, 0210020003021, 0210020003022, 0210020003023, 0210020003024,  
0210020003025, 0210020003026, 0210020003027, 0210020003028, 0210020003029,  
0210020003030, 0210020003031, 0210020003032, 0210020003033, 0210020003034,  
0210020003035, 0210020003036, 0210020003037, 0210020003038, 0210020003039,  
0210020003042, 0210020003049, 0210020004001, 0210020004002, 0210020004003,  
0210020004010, 0210020004011, 0210020004012, 0210020004013, 0210020004014,  
0210020004015, 0210020004016, 0210021011000, 0210021011001, 0210021011002,  
0210021011006, 0210021011007, 0210021011008, 0210021011009, 0210021011032,  
0210021011033, 0210021011047; VTD 103.1: Block(s) 0210018011007, 0210018012003,  
0210018012004, 0210018012005, 0210018012006, 0210018012007, 0210018012008,  
0210018012009, 0210018012010, 0210018012011, 0210018012012, 0210018012013,  
0210018012014, 0210018012015, 0210018012016, 0210018012017, 0210018012018,  
0210018012019, 0210018012020, 0210018012021, 0210018012022, 0210018012023,  
0210018012024, 0210018012026, 0210018012027, 0210018012028, 0210018012029,  
0210018021003, 0210018021004, 0210018021005, 0210018021006, 0210018021007,  
0210018021008, 0210018021009, 0210018021010, 0210018021011, 0210018021012,  
0210018021013, 0210018021014, 0210018021015, 0210018021016, 0210018021017,  
0210018021018, 0210018021019, 0210018022006, 0210018022007, 0210018022008,  
0210018022009, 0210018022011, 0210018022013, 0210018022014, 0210018022015,  
0210018022017, 0210018023004, 0210018023008, 0210018023011; VTD 25.1: Block(s)  
0210018022012, 0210018022016, 0210018023001, 0210018023002, 0210018023003,  
0210018023005, 0210018023006, 0210018023007, 0210018023009, 0210018023010,  
0210018023012, 0210018023013, 0210018023014, 0210018023015, 0210018023016,  
0210018023017, 0210018023018, 0210018023020, 0210018023021, 0210018023022,  
0210018023023, 0210018023024, 0210018023025, 0210018023026, 0210018023027,  
0210019001000, 0210019001001, 0210019001002, 0210019001003, 0210019001004,  
0210019001005, 0210019001006, 0210019001007, 0210019001008, 0210019001009,  
0210019001010, 0210019001011, 0210019001012, 0210019001013, 0210019001032,  
0210019002029, 0210030011014, 0210030011019, 0210030011048, 0210030011049,  
0210030011050, 0210030011052, 0210030011053, 0210030011054, 0210030011055,  
0210030011056, 0210030011057, 0210030011058, 0210030011059, 0210030011067,  
0210030014009, 0210030014026, 0210030014027, 0210030014028; VTD 60.2: Block(s)  
0210032033009; VTD 62.1: Block(s) 0210018023028, 0210018023029, 0210018023031,  
0210018023032, 0210030014022, 0210030014023, 0210030014024; VTD 64.1: Block(s)  
0210030011015, 0210030011060.

**District 5: Buncombe County: VTD 100.1: Block(s)** 0210020003040, 0210020003041,  
0210020003043, 0210020003044, 0210020003045, 0210020003046, 0210020003047,  
0210020003048, 0210020004000, 0210020004004, 0210020004005, 0210020004006,  
0210020004007, 0210020004008, 0210020004009, 0210020004017, 0210020004018,  
0210020004019, 0210020004020, 0210020004021, 0210020004022, 0210020004023,  
0210020004024, 0210020004025, 0210021021001, 0210021021007, 0210021021011,  
0210021021012, 0210021021013, 0210021021015, 0210021021016, 0210021021019,  
0210021021024, 0210021021025, 0210021021026, 0210021021027, 0210021021028,  
0210021021029, 0210021021030, 0210021021031, 0210021021034, 0210021021035,  
0210021021036, 0210021021037, 0210021022000, 0210021022001, 0210021022002,  
0210021022003, 0210021022004, 0210021022005, 0210021022006, 0210021022007,  
0210021022008, 0210021022009, 0210021022010, 0210021022011, 0210021022012,  
0210021022013, 0210021022014, 0210021022015, 0210021022016, 0210021022017,  
0210021022018, 0210021022019, 0210021022020, 0210021022021, 0210021022022,

0210021022023, 0210021022024, 0210021022025, 0210021022026, 0210021022027,  
0210021022028, 0210021022029, 0210021022030, 0210021022031, 0210021022032,  
0210021022033, 0210021022034, 0210021022035, 0210021022036, 0210021022037,  
0210021022038, 0210021022039, 0210021022040, 0210021022041, 0210021022043,  
0210021022045, 0210021022046, 0210021022053, 0210021022054, 0210021022055; VTD  
101.1: Block(s) 0210022031000, 0210022031001, 0210022031006, 0210022031019,  
0210022031020, 0210022031021, 0210022031022, 0210022031023, 0210022031024,  
0210022031025, 0210022031026, 0210022031027, 0210022031028, 0210022031029,  
0210022031030, 0210022031031, 0210022031032, 0210022031033, 0210022031034,  
0210022031035, 0210022031036, 0210022031037, 0210022031038, 0210022031040,  
0210022031042, 0210022032001, 0210022032002, 0210022032024, 0210022032025,  
0210022032026, 0210022032027, 0210022032029, 0210022032034, 0210022032037,  
0210022032038, 0210022032039, 0210022032040, 0210022032041, 0210022032042,  
0210022032043, 0210022032045, 0210022032046, 0210022032047, 0210022032049,  
0210022032050, 0210022032052, 0210022032053, 0210022032054, 0210022032057,  
0210022032059, 0210022032061, 0210022032062, 0210022032064, 0210022032073,  
0210022032074, 0210022032075, 0210022032076, 0210022032077, 0210022032078,  
0210022032079, 0210022032081, 0210022032083, 0210022033000, 0210022033010,  
0210022041006, 0210022041008, 0210022041009, 0210022041010, 0210022041012,  
0210022041013, 0210022041015, 0210022041018, 0210022041019, 0210022041022,  
0210022041023, 0210022041030, 0210022041031, 0210022041032, 0210022041033,  
0210022041034, 0210022041035, 0210022041036, 0210022041037, 0210022041038,  
0210022041039, 0210022041040, 0210022041041, 0210022041042, 0210022041043,  
0210022041044, 0210022041045, 0210022041046, 0210022041047, 0210022041048,  
0210022041049, 0210022041050, 0210022041051, 0210022041052, 0210022041053,  
0210022041054, 0210022041055, 0210022041056, 0210022041057, 0210022042011,  
0210022042012, 0210022042013, 0210022042014, 0210022042017, 0210022042018,  
0210022042019, 0210022042020, 0210022042023, 0210022042024, 0210022042025,  
0210022042028, 0210022043002, 0210022043003, 0210022043004, 0210022043005,  
0210022043006, 0210022043007, 0210022043011, 0210022043012, 0210022043013,  
0210022043016, 0210022043018, 0210022043019, 0210022043020, 0210022043021,  
0210022043022, 0210022043034, 0210022043035, 0210022043036, 0210022043037,  
0210022043038, 0210022043039, 0210022044000, 0210022044001, 0210022044002,  
0210022044003, 0210022044004, 0210022044005, 0210022044006, 0210022044007,  
0210022044008, 0210022044009, 0210022044010, 0210022044011, 0210022044012,  
0210022044013, 0210022044014, 0210022044015, 0210022044017; VTD 102.1: Block(s)  
0210022051007, 0210022051008, 0210022052044, 0210022052045, 0210022053000,  
0210022053001, 0210022053002, 0210022053003, 0210022053004, 0210022053005,  
0210022053006, 0210022053007, 0210022053008, 0210022053009, 0210022053010,  
0210022053011, 0210022053012, 0210022053013, 0210022053014, 0210022053015,  
0210022053016, 0210022053020, 0210022053021, 0210022053022, 0210022053023,  
0210022061008, 0210022061014, 0210022061015, 0210022061016, 0210022061017,  
0210022061018, 0210022061019, 0210022061020, 0210022061021, 0210022062009,  
0210022062010, 0210022062011, 0210022062012, 0210022062013, 0210022062014,  
0210022062015, 0210022062019, 0210022062020, 0210022062021, 0210022062022,  
0210022062023; VTD 19.1, VTD 30.1: Block(s) 0210023012007, 0210023013004; VTD  
55.1: Block(s) 0210022051006; Henderson County: VTD FL: Block(s) 0899306002039,  
0899306002040.

(e) The person elected as mayor at the ~~1997-2017~~ election shall serve a ~~four~~ five year term of office commencing in ~~1997-2017~~ and expiring in ~~2001-2022~~. ~~Thereafter, Beginning with~~



the 2022 election, all terms of office for the mayor shall be four years. The mayor shall be nominated and elected from the City at-large.

(f) A mayor or member of council ceasing to possess any of the qualifications specified in this section shall immediately forfeit office."

**SECTION 1.(b)** Chapter 165 of the 1969 Session Laws is repealed.

**SECTION 1.(c)** Nothing in this act shall affect the authority of the City of Asheville to annex any property pursuant to Article 4A of Chapter 160A of the General Statutes and any local act of the General Assembly. Annexed property shall be assigned in accordance with Section 6(c) of the Charter of the City of Asheville.

**SECTION 1.(d)** The Legislative Services Officer shall certify a true copy of the block assignment file associated with any mapping software used to generate the language in subsection (a) of this section. The certified true copy of the block assignment file shall be delivered by the Legislative Services Officer to the Clerk of the City of Asheville.

**SECTION 1.(e)** No regular election shall be conducted in the City of Asheville in 2019. The terms of the council members elected in 2015 are extended until 2020, and the terms of the mayor and council members elected in 2017 are extended until 2022.

**SECTION 2.** This act is effective when it becomes law and applies to elections held on or after that date.

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of June, 2018.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

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Doris P. Loomis, Commissioner

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Discussion of Revisions to Accessory Structure Ordinance

Date: July 10, 2018

---

Last month, the Board offered several suggestions for amendments to the working changes for the accessory structure ordinance. During my review of the proposed changes and the ordinance adopted by the Board last June, it became apparent that Mr. Clarke's proposed changes were using the numeration offered in the American Legal Publishing codified version of the Zoning Ordinance. Mr. Clarke's ordinance numeration, which was correct, was not reflected in the ordinance draft I provided last month. I have made corrections related to that numeration and that is all included in the complete, red-lined copy that is attached to this memorandum.

Other changes to this version include adding a specific height limit on fences allowed (six feet for non-deer fencing and eight feet for deer fencing) and removing a section from the "replacement and repair" section that indicates the Board of Adjustments must review all repair and replacement proposals. Language in the ordinance was also changed to affirmatively state "mature vegetation or buffering *may/shall* be required" (emphasis added). Please let me know if there are other sections you would like to review, or if we can proceed with scheduling a public hearing and meeting with the Planning Commission.

## 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 ~~July 1, 2017~~ [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/shall 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:

~~(a)~~ (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.

~~(b)~~ (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.

~~(a)~~ (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.

~~(b)~~ (e) Properties abutting the Blue Ridge Parkway and the Biltmore Estate shall be allowed to construct appropriate fencing to protect the property from deer. Such fencing shall be subject to review and approval by the Board of Adjustment.

~~(c)~~ (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.

~~(d)~~ (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.

~~(e)~~ (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.

~~(f)~~ In granting permission to construct a new fence or wall, or to repair or replace an existing fence or wall, the Board of Adjustment may impose reasonable conditions, including a requirement that the fence or wall be buffered with vegetation so that it is not visible from adjacent properties and that the fence or wall be removed if the purpose or condition for which it was constructed is no longer in effect.

42) 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.

~~(e)~~ (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.

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

(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.

~~(e)~~(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.

~~(d)~~(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.

~~(e)~~(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.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

Approved as to Form:

\_\_\_\_\_  
Attorney

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Doris P. Loomis, Commissioner

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Discussion of Traffic and Speed Mitigation Strategies for Vanderbilt Road

Date: July 10, 2018

---

Chief Beddingfield and the Police Department conducted sight distance analysis for the intersection of Vanderbilt and Cedarcliff Roads. They utilized data collected by J.M. Teague Engineering for our traffic study presented in April 2018. The Board reviewed several options for mitigating speed and traffic in this area and others throughout the Town. Chief Beddingfield's analysis, attached, focused on sight distances available for traffic turning from Cedarcliff Road onto Vanderbilt Road in both directions.

The analysis leads us to believe that a four way stop at this intersection would provide substantial safety improvements for drivers, pedestrians, and bicyclists using this road near this intersection. Further, a four way stop would act as a speed break and assist with slowing traffic along this stretch of road. Certainly, the effective change would be strengthened with an overall reduction in the speed limit from the interstate 40 bridge entering the Town. It is possible that these two changes together, coupled with police presence and enforcement and increases in other low impact design techniques, could result in reducing speeding and excessive traffic in this area.

The benefit of these changes is that they do not preclude further design changes – such as speed bumps – in the future. These recommended changes could be made at relatively little cost. Subsequent evaluation and analysis with the initial data as a baseline would allow the Town to measure whether these changes are having the desired impact. If they are not, further design steps could be discussed and considered by the Board.

# Cedarcliff and Vanderbilt Intersection

Creating a safer intersection and reducing traffic speeds on Vanderbilt  
through design





Sitting on Cedarcliff facing East toward Hendersonville Rd  
looking South toward town hall (out the passenger window)

172 feet sight distance to top of hill on opposite side of the  
road

Probably the longest/best sight distance

Vehicles accelerating down hill, traveling north on Vanderbilt





Sitting on Cedarcliff facing East toward Hendersonville Rd looking North toward Biltmore Village (left out the drivers window)

Sight distance is approximately 80-90 feet





Sitting on Cedarcliff facing West away from Hendersonville Rd looking North toward Biltmore Village. (right out of the passenger window)

Sight distance is approximately 85-95 feet





Sitting on Cedarcliff facing West away from Hendersonville Rd  
looking South toward town hall (left out the drivers window)

Approximately 90 feet sight distance; drivers accelerating down  
hill on Vanderbilt

# Accident History at this Intersection

- One accident with injuries in the short time that I have been here
- I had a near miss accident myself
- Another officer has in-car video of a near miss
- Complaints of near miss accidents and speed concerns from citizens, including many other anecdotal reports of “near misses”

# Town Traffic Study Presented in April 2018

- Cars averaged 47 mph-consistently along Vanderbilt Road before the 25 mph change near the intersection of Busbee and Vanderbilt Roads
- The current speed limit is 35 mph speed from that intersection north to Biltmore Village.

## Based on This Data

- 47 mph is 69 feet per second (35 mph 51 feet per second)
- Car will cover the safest distance (172 feet) in 2.49 seconds
- Average reaction time is 0.5 second (studies show 0.5 - 2 seconds depending on many factors)
- Less than two second window to safely enter the intersection
  - Think-one thousand one, one thousand two

# The three other sight lines

- The three other sight lines are worse than the 172 feet, and generally provide half (at best) visibility.
- Estimate 85 feet of sight distance for other sight lines
- Car will cover this distance in 1.2 seconds
- The average person has 0.5 seconds of reaction time
  - This results in approximately 0.7 tenths of a second to safely enter intersection when another car is approaching at 45 mph.

# Recommended Change

## 4 Way Stop at Vanderbilt and Cedarcliff Roads

- A four way stop at this intersection will break up and slow traffic
- Approximately 2 miles of current 35mph road with no slowing design
  - 1.2 Miles from Biltmore Village to Cedarcliff Intersection
  - 0.7 miles from intersection to 25 mph zone at Busbee Road
- Four-way stop would bring cars to a complete stop and slow traffic speeds on Vanderbilt
- Four-way stop would eliminate dangers of limited to zero sight distance entering the intersection



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Doris P. Loomis, Commissioner

Jonathan B. Kanipe,  
Town Manager

## MEMORANDUM

To: Mayor and Board of Commissioners  
From: Jonathan Kanipe, Town Manager  
Re: Greenwood Park Master Plan Discussion  
Date: July 10, 2018

---

During FY17-18, the Board approved an agreement with WithersRavenel to conduct a master plan project for Greenwood Park. The consultant provided two conceptual plans for the Board and staff to review in May 2018, and after some discussion and review, the decision was made to move forward with the concept that created a long walking path along the bank of the park bordering Greenwood Road.

The consultant has worked on fine tuning proposed budget costs since that time in addition to completing the overall master plan design. The attached master plan and budget information is included for the Board's review and discussion. The preliminary budget numbers for this are significantly high, but this will provide the Town a jumping off point for grant applications with the North Carolina Parks and Recreation Trust Fund (PARTF) and Department of Environmental Quality (DEQ). I have a conference call scheduled within the next week to discuss funding from these two sources, and how the Town may be able to leverage improvements made in the park to access revenue and enable us to construct the bulk of this project.

This preliminary budget should not curtail improvements to Greenwood Park, as this is the true cost of making full, necessary improvements to the park. Rather, Town staff will work within the next month to investigate how to leverage available grant funding, if possible, and what Town forces can be used to make improvements in house. Additional work will be done to see how this project can be phased in and how this may work best. I will continue to update you as we work toward this, and anticipate having a more formal presentation from WithersRavenel representatives within the next month.



PRECEDENT IMAGES

STREAM RESTORATION



TREE SWING



PAVILION WITH TABLE



FINAL MASTER PLAN CONCEPT



UPGRADED PLAY EQUIPMENT



BRICK PATH WITH STONE RETAINING WALL



WALKING PATH WITH PASSING AREA



SEATING AREA



FINAL CONCEPT

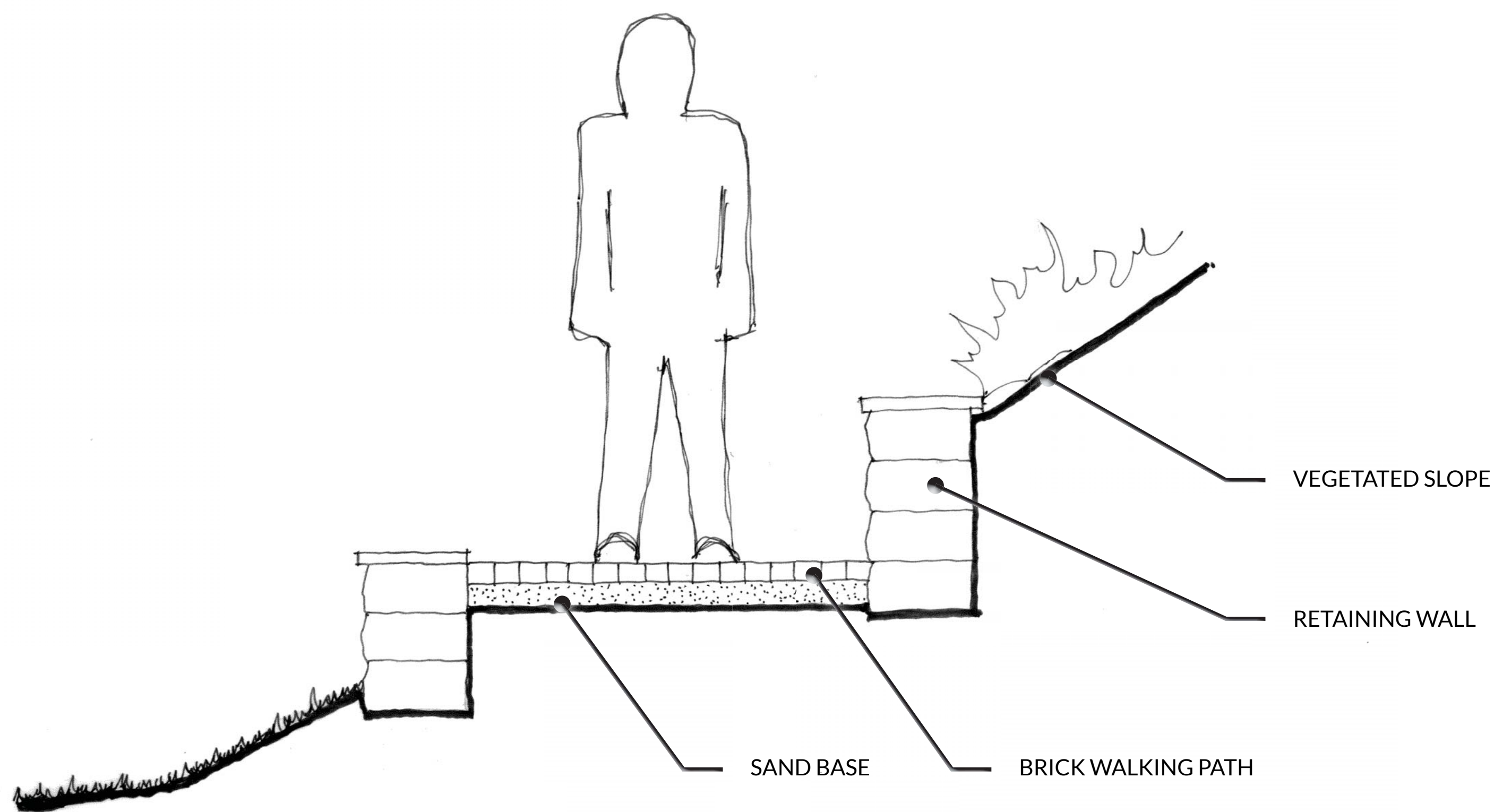
GREENWOOD PARK MASTER PLAN

TOWN OF BILTMORE FOREST, NORTH CAROLINA



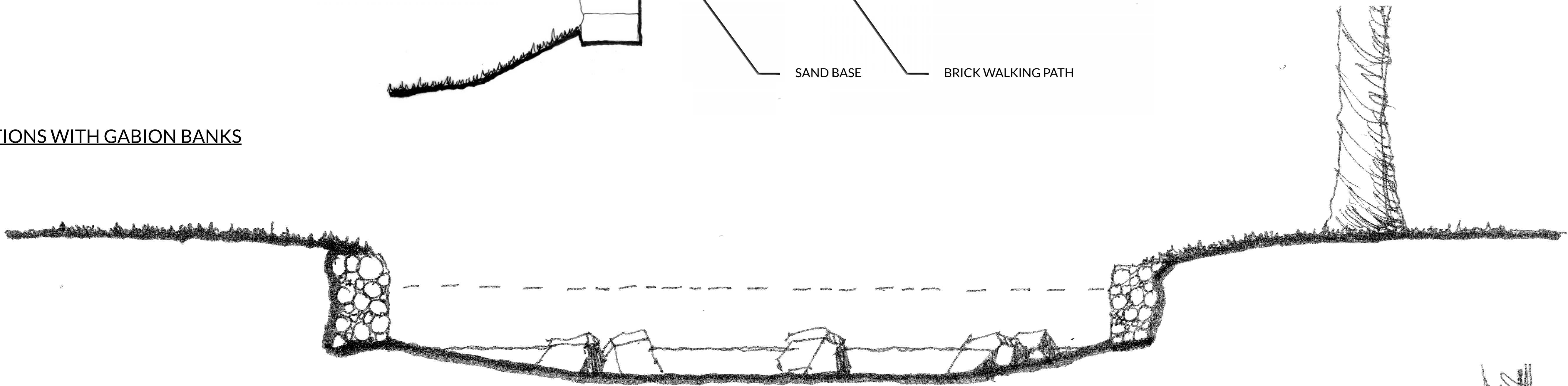
PROPOSED WALKING PATH

SCALE: 1" = 1' - 0"



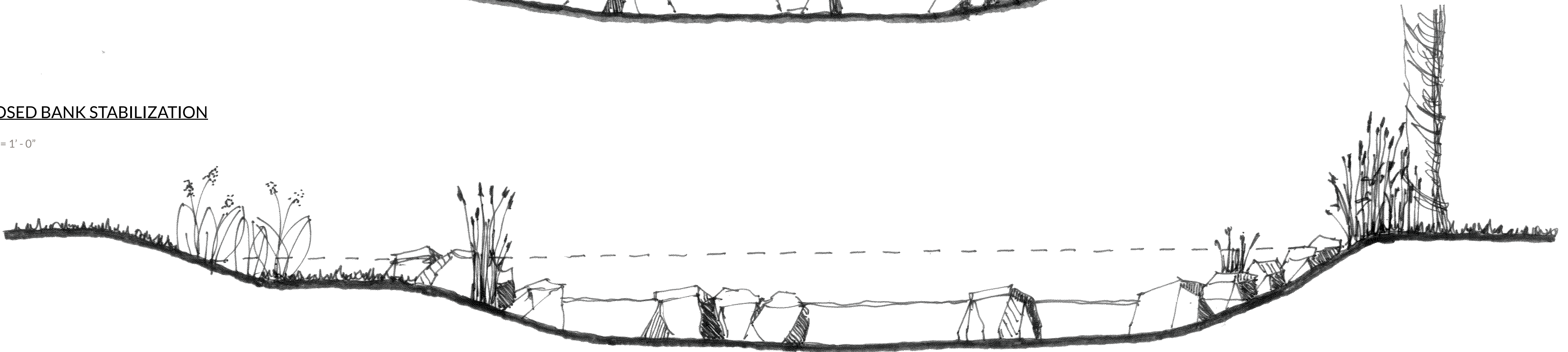
EXISTING CONDITIONS WITH GABION BANKS

SCALE: 1" = 1' - 0"



PROPOSED BANK STABILIZATION

SCALE: 1" = 1' - 0"



CONCEPT SECTIONS  
GREENWOOD PARK MASTER PLAN

TOWN OF BILTMORE FOREST





## GREENWOOD PARK MASTER PLAN COST ESTIMATES

Order of Magnitude Estimate of Probable Capital Improvement Costs (2018)

Unit      Quantity      Unit Cost      Subtotal      Description

### Greenwood Park

#### A. Site Prep & Demo

1	Mobilization and General Conditions	lump sum	1	\$25,000
2	Survey and Layout	lump sum	1	\$15,000
3	Site Clearing and Grading	acre	0.5	\$8,000
4	Site Grading including on-site balancing	allowance	1	\$8,000
5	Erosion Control	LF	800	\$2
6	Removal of existing play equipment	allowance	1	\$2,000

Subtotal:

#### B. Stream Restoration

1	Grade control steps	each	40	\$2,000
2	Stream bank stabilization	each	300	\$200
3	Miscellaneous	allowance	1	\$35,000

Subtotal:

#### C. Park Elements

1	Upgraded playground equipment	allowance	1	\$12,000
2	Tree swing	each	1	\$500
3	New entry sign	allowance	1	\$2,000
4	Small picnic shelter	each	1	\$15,000
5	Educational signage	allowance	1	\$4,000
6	Benches	each	6	\$1,200
7	Picnic table	each	2	\$1,500
8	Trash receptacle	each	2	\$600

Subtotal:

#### D. Hardscape

1	Concrete pad for shelter	SF	225	\$4
2	Walking trail	SF	1,400	\$15
3	New stair case	allowance	1	\$3,500
4	Retaining walls	SF	280	\$115
5	Parking lot striping	LF	100	\$2
6	Bridge across creek	LF	25	\$100

Subtotal:

#### E. Landscape

1	General landscape improvements	allowance	1	\$5,000
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Subtotal:

Greenwood Park Subtotal

#### Construction Fees and Contingency

Contingency (20%)			
Design, Permitting, Inspections (12%)			

TOTAL:

\$565,286