

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, June 11, 2019 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 May 14, 2019 will be considered for approval.

C. Reports of Officers

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

D. Public Hearing Regarding Fiscal Year 2019-2020 Budget

E. New Business

1. Consideration of FY19-20 Budget
2. Consideration of FY19-20 Fee Schedule
3. Consideration of Ordinance 2019-01 to Amend the Town Code of Ordinances
4. Consideration of Resolution 2019-05 – Surplus of Town Equipment
5. Consideration of Budget Amendment
6. Consideration of Capital Project Ordinance Budget Amendment
7. Discussion - Accessory Structure Changes

F. Petitions, Motions, and Other Business

G. Public Comment

H. Adjourn

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD MAY 14, 2019.

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 Doris P. Loomis, present

Commissioner E. Glenn Kelly, present

Commissioner Fran Cogburn, present

Mr. Jonathan Kanipe, the Town Manager was also present. Mr. William Clarke, the Town Attorney was not present.

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

Mayor Goosmann asked for a motion to approve the April 9, 2019 minutes. A motion was made by Commissioner Loomis. The motion was seconded by Commissioner Cogburn and unanimously approved.

Chief Chris Beddingfield gave the monthly report for the Police Department and discussed a DNA match on a home invasion case from several years ago.

Mr. Terry Crouch gave the report for Public Works. Mr. Crouch said it was an average month. Mayor Goosmann asked about the paving proposal. The Town recommends awarding the bid to Trace and Company since they can perform the work in a timely manner. Commissioner Loomis moved to approve the contract with Trace & Company. Commissioner Cogburn seconded the motion. Commissioner Kelly asked whether the proposal from Trace was in line with the Town's estimate for the project. Mr. Kanipe and Mr. Crouch said yes, and had previously estimated the cost to be approximately \$60,000. The motion was unanimously approved.

Commissioner Cogburn asked about the fifty leaks in homes within the past month. Mr. Crouch said the Town calls residents to inform them of leaks when detected because we now have cellular readers which can tell us if a customer has a leak. The customer can also download the Eye On Water application on their phone to follow their water usage.

Mr. Kanipe gave the report for the Public Works building. Mr. Kanipe said the construction is progressing quickly. The shingles and trim are currently being put up. Mr. Kanipe met with the interior designers and hopes to have a presentation at the June meeting to show the Board what it will look like with the furniture layout.

Mr. Kanipe reviewed the previous month's approvals regarding Greenwood Park and provided an update to the Board. The grant application went to the State on May 1st. The Division of Environmental Quality application was also submitted. The Town Manager and Town's consultant held a site visit for the project with PARTF staff. They indicated the application was submitted properly and had no errors. The Town should hear more around the end of August or early September.

Mr. Kanipe updated the Board on the storm water master plan. Staff met with the consultants on May 3rd. The priorities and preliminary recommendations were discussed. The final plan should be provided around the early part of the next fiscal year.

Mr. Kanipe reviewed the plans for the all-way stop and speed limit reduction. He is meeting with the engineers next Tuesday, and believes this project will be rolled out toward the latter part of June.

Mr. Kanipe said the Board of Adjustments considered one matter in April. This was a conditional use request for solar panels in The Ramble. The Arbor Day event was a huge success. Around 150 people attended. A follow up meeting will be scheduled and the Town looks forward to doing it again next year.

The Town Hall space needs project was discussed. Mr. Kanipe reviewed the Board's discussion at the planning retreat concerning making improvements to the community room. Mr. Kanipe met with Chad Roberson from ClarkNexsen to discuss this project, and presented a proposal to the Board from ClarkNexsen. The room would be renovated, including improvements to sound and acoustics, furniture, and fixtures. The proposal amount is \$6,500 for the design and recommendation. Commissioner Loomis made a motion to accept the proposal of the design project for the renovation of the community room. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mayor Goosmann inquired about the traffic light at Eastwood. Mr. Kanipe did not have a date but hoped it was going to be installed around July.

The next topic of discussion was Consideration of Resolution 2019-05 Local Water Supply. Commissioner Cogburn moved to approve the Resolution for the Local Water Supply Plan. Commissioner Kelly seconded the motion. The motion was unanimously approved.

The Police Department has a storm drainage issue that needs to be addressed. The area behind the building flooded in late April during a heavy rain event. The Town contracted with Service Master to clean and pump water out of the basement from the flooding in April. The contractor for the Public Works building will tend to this repair. The flooding did result in old case files in the basement being covered with water resulting in mildew and mold. The Division of Natural & Cultural Resources came out to inform us the files can be destroyed. The Town followed proper protocol per state law. Commissioner Kelly made a motion to approve the Police Department drainage plan proposal from Beverly-Grant. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Mr. Walter Brice from the Skyland Fire Department gave the monthly report for the Skyland Fire Department. The most common call was false alarm smoke detector calls. Mayor Goosmann thanked Mr. Brice for all their hard work.

Mr. Kanipe presented the Budget to the Board. In June, the Board must hold a Public Hearing before considering adoption of the budget. The FY19-20 Proposed Budget includes a 1.5 percent property tax increase. This increase provides additional funding for hazardous tree removal and the stormwater project, among other things. Mr. Kanipe informed the Board that the town derives 60 percent of all revenue from property tax. Sales tax revenues make up approximately 25 percent of the Town's Revenue. Mr. Kanipe noted that sales tax has come down a bit, but he remains comfortable with the proposed revenue for the coming year. This budget includes the addition of two new full time Police Officer positions. These positions would be slotted into a new shift – called a “power shift” – to overlap the Town's two traditional shifts. The addition of these officers should result in overtime and training cost savings.

Mayor Goosmann mentioned Sgt. Mackey retiring at the end of the year.

The Powell Bill revenue has been fairly consistent. There was a substantial increase in Zoning Permit Revenue in FY19 and Mr. Kanipe believes this will remain a good source of revenue. Mr. Kanipe has included a 3 percent cost of living adjustment in his budget. Merit based raises will also be discussed and will be decided between department heads and Mr. Kanipe.

Mr. Kanipe spoke about the Police Department budget and again referenced the two new officers. Mr. Kanipe proposes the Board finance three (3) new vehicles in order to get the fleet back where it needs to be. Interest for these vehicles would be approximately \$6,000 over the course of three years. Mr. Kanipe suggested financing and he will get formal proposals from various banks. This will be brought forward within the next two months.

Mr. Kanipe discussed the installation of new security cameras. There will be a security camera in the park soon.

The Public Works department was discussed. The Town anticipates applying for a clean diesel grant within the next few weeks to assist in the purchase of at least one heavy duty truck. New tires will be installed on all trash and recycling vehicles. There is a safety inspection program

set up for a defensive driving program for all public works employees. The NC League of Municipalities will send someone out to train employees.

The only new debt service will be for the new public works building. A garbage truck will be removed from the debt service as it has been paid off.

Commissioner Loomis said the Budget is very clearly stated and very easy to understand. She also thanked the employees for all they do. Mr. Kanipe also noted that the budget for the water fund included a 2.5 percent increase for water and sewer rates. This was in line with the increases proposed by the City of Asheville and Metropolitan Sewerage District, respectively. Mr. Kanipe asked for questions. Mayor Goosmann said the Board will look over it and they will make a decision in June.

PUBLIC COMMENT

Mr. Paul Zimmerman updated the Board about the restoration of the posts at Bourne Lane.

There being no further business, Mayor Goosmann adjourned the meeting at 5:11 p.m.

The next Board of Commissioners meeting is scheduled for Tuesday, June 11, 2019 at 4:30 p.m.

ATTEST:

Jonathan B. Kanipe
Town Manager

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 Report

Date: May 29, 2019

Board of Adjustments Meeting

The Board of Adjustments met in May and reviewed two applications. The first was an application for a low retaining wall at 1 Forest Road. The retaining wall is proposed for the base of the home located in the front yard. The purpose of this retaining wall is to correct damaging drainage issues. The Board approved this variance request and approved a conditional use request for improvements and expansion of an outdoor patio that included a linear fireplace. The Board also received an application from the Biltmore Forest Country Club for modifications to the tennis and swimming pool facilities. After much discussion between the Board of Adjustments members and applicant, as well as significant public comment regarding the proposal, the applicant withdrew the application. As of this writing, a new application has not been submitted to the Town.

Public Works Building

The Public Works building project continued at a rapid pace in May. The elevator installation has begun, and stucco work should begin and be completed within the next few weeks. Furniture and equipment needs for the building are being finalized. The Town is utilizing state contract pricing as much as possible when reviewing options for the building. As a reminder, a portion of this project was to repaint and improve the façade at the Police Department. This work will be performed at the end of the overall project.

Police Department Storm Drain Project

Last month, the Board agreed to proceed with a storm drain project to ease flooding concerns at the Police Department. The project began in late May and will conclude within the next week.

Traffic Light at Eastwood Road and Hendersonville Road

The traffic light installation at Eastwood and Hendersonville Roads should take place within the next month. Per the NCDOT traffic engineer, the poles are scheduled for delivery

around June 14th. NCDOT crews hope to have all right of way and easements recorded before this time so that mobilization for the foundation work can begin. This project began in fall 2017 when the Town agreed to pay a portion of the cost to upfit the traffic light poles. The project was delayed due to manufacturer delivery issues for the past year.

Ridgefield Place Traffic Review

As an addendum to the project above, Town staff will begin monitoring traffic patterns and changes for Ridgefield Place once this traffic light is installed. If you recall, staff spoke with NCDOT regarding the potential closure of this intersection with Hendersonville Road. NCDOT staff suggested waiting until the light was in place to see what changes occurred with traffic flow and then make a decision regarding this intersection. The Police Department has begun monitoring this area with the speed sign and traffic counters to get a “before” picture and will then perform the same tasks to get an “after” picture to present to the Board.

Election Year Changes

Representative Turner and I spoke earlier this week to discuss the Town’s local bill regarding the change for Town elections to even-years. His bill was previously approved by the House and sent to the Senate Rules Committee. The Towns of Black Mountain and Montreat have a similar local bill, and Senator Chuck Edwards has introduced these in the Senate. At this point, Representative Turner believes the Town’s bill and Senator Edwards’s bill will be combined and action should be taken at a conference level within the next few weeks to consider these changes. As of this writing, Representative Turner believes the bill will pass the conference and ultimately be enacted into law.



Monthly Financial Report

MAY 2019

CASH ACCOUNTS

First Citizens Money Market Checking	430,577.40
NCCMT General Fund Term	2,375,655.73
NCCMT General Fund Government	1,652,156.93
NCCMT Water Fund Government	96,076.43
TOTAL	4,554,466.49

2018 PROPERTY TAXES

Real Property	755,256,344
Personal Property (Including BUS & IND)	6,076,905
Personal Property (Public Service Companies)	4,954,281
Exemptions	(621,350)
Deferrals	(13,565,600)
Releases	(11)
Total Assessed	752,100,569
Total Levy	2,481,932
Budgeted Levy	2,447,140

Tax Collection To Date	Percent Collected	Budgeted Levy	Amount Collected*
Ad Valorem (2018)	101.20%	2,447,140	2,476,455
6/5/2019	99.78%	2,481,932	
DMV Ad Valorem	80.20%	105,634	84,715

FIRST CITIZENS CHECKING (Monthly Transaction Report)

Beginning Balance	710,397.08
Cleared Checks	(350,049.85)
Cleared Deposits	85,127.16
Cleared Credits	236,420.52
Cleared Debits	(124,889.75)
Cleared E-payments	(121,073.45)
Change in Account Balance	(274,465.37)
Prelim balance	435,931.71
Outstanding Items	(5,354.31)
Ending Balance (F/L Balance)	430,577.40

NORTH CAROLINA CASH MANAGEMENT TRUST

GENERAL FUND Government

Beginning Balance	1,586,127.18
Local Gov't Distribution (NCDOR)	62,895.52
Interest Earned	3,134.23
Ending Balance	1,652,156.93

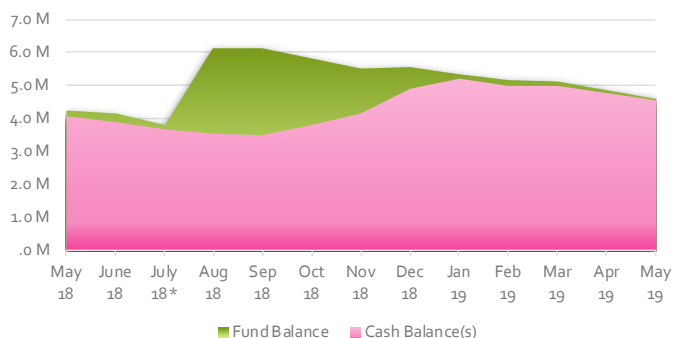
GENERAL FUND Term

Beginning Balance	2,370,835.60
Interest Earned	4,820.13
Ending Balance	2,375,655.73

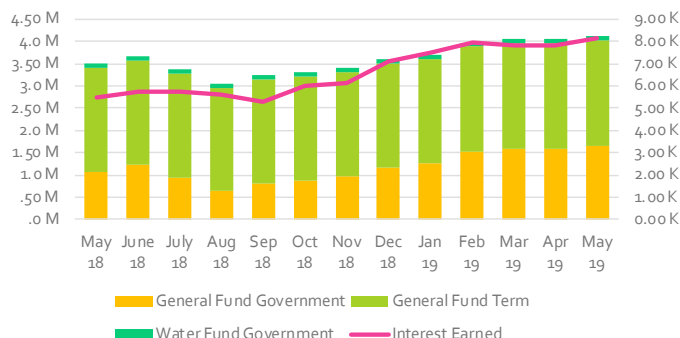
WATER FUND Government

Beginning Balance	95,890.63
Interest Earned	185.80
Ending Balance	96,076.43

Cash Flow Analysis



Investment Balances



REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10 General Fund						
Revenue						
3010 Ad Valorem Tax Subtotal	\$8,799.86	\$2,569,764.37	\$0.00	\$2,555,274.00	101	
3020 Unrestricted Intergovernm Subtotal	\$62,631.34	\$1,139,152.70	\$0.00	\$1,273,619.00	89	
3030 Restricted Intergovernmen Subtotal	\$264.18	\$63,338.30	\$0.00	\$64,470.00	98	
3040 Permits & Fees Subtotal	\$926.00	\$31,536.10	\$0.00	\$26,600.00	119	
3050 Investment Earnings Subtotal	\$8,168.65	\$72,812.94	\$0.00	\$15,000.00	485	
3060 Miscellaneous Subtotal	\$414.50	\$40,560.85	\$0.00	\$42,664.00	95	
Revenue Subtotal	\$81,204.53	\$3,917,165.26	\$0.00	\$3,977,627.00	98	
Expenditure						
4200 Administration Subtotal	\$57,962.18	\$394,925.42	\$1,044.45	\$417,331.00	95	
4300 Subtotal	\$2,844.00	\$32,142.83	\$0.00	\$37,228.00	86	
5100 Police Department Subtotal	\$140,971.75	\$1,266,787.76	\$20,137.61	\$1,413,634.00	91	
5200 Fire Services Subtotal	\$0.00	\$425,000.00	\$0.00	\$425,000.00	100	
5600 Public Works Subtotal	\$56,094.60	\$477,829.22	\$16,237.71	\$589,091.00	84	
5700 Streets & Transportation Subtotal	\$15,239.25	\$217,145.31	\$77,906.07	\$359,309.00	82	
5800 Sanitation & Recycling Subtotal	\$32,796.64	\$231,915.11	\$1,132.65	\$310,222.00	75	
6600 General Government Subtotal	\$20,017.43	\$275,047.24	\$0.00	\$330,083.00	83	
6700 Debt Service Subtotal	\$0.00	\$105,019.37	\$0.00	\$105,729.00	99	
Expenditure Subtotal	\$325,925.85	\$3,425,812.26	\$116,458.49	\$3,987,627.00	89	
Before Transfers	Deficiency Of Revenue Subtotal	-\$244,721.32	\$491,353.00	-\$116,458.49	-\$10,000.00	-3,749
Other Financing Source						
3500 Other Financing Subtotal	\$0.00	\$8,979.17	\$0.00	\$10,000.00	90	
Other Financing Source Subtotal	\$0.00	\$8,979.17	\$0.00	\$10,000.00	90	
After Transfers	Deficiency Of Revenue Subtotal	-\$244,721.32	\$500,332.17	-\$116,458.49	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 30 WATER & SEWER

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
30 Water & Sewer Fund						
Revenue						
3290 Subtotal	\$0.00	\$1,647.30	\$0.00	\$1,000.00	165	
3350 Commissions, Sw Chg Coll Subtotal	\$0.00	\$7,910.08	\$0.00	\$6,000.00	132	
3710 Water Sales Subtotal	-\$1,236.00	\$617,402.27	\$0.00	\$702,000.00	88	
3730 Water Tap & Connect Fees Subtotal	\$2,120.00	\$4,660.00	\$0.00	\$18,000.00	26	
Revenue Subtotal	\$884.00	\$631,619.65	\$0.00	\$727,000.00	87	
Expenditure						
8100 Water Dept. Subtotal	\$21,085.34	\$452,108.41	\$4,787.38	\$727,000.00	63	
Expenditure Subtotal	\$21,085.34	\$452,108.41	\$4,787.38	\$727,000.00	63	
Before Transfers	Deficiency Of Revenue Subtotal	-\$20,201.34	\$179,511.24	-\$4,787.38	\$0.00	0
After Transfers	Deficiency Of Revenue Subtotal	-\$20,201.34	\$179,511.24	-\$4,787.38	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 40 CAPITAL PROJECT

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

		Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
40 Capital Project Fund						
Revenue						
	4000 Subtotal	\$227,677.19	\$800,035.37	\$0.00	\$1,519,250.00	53
	Revenue Subtotal	\$227,677.19	\$800,035.37	\$0.00	\$1,519,250.00	53
Expenditure						
	5600 Public Works Subtotal	\$239,227.08	\$811,585.26	\$0.00	\$1,519,250.00	53
	Expenditure Subtotal	\$239,227.08	\$811,585.26	\$0.00	\$1,519,250.00	53
Before Transfers	Deficiency Of Revenue Subtotal	-\$11,549.89	-\$11,549.89	\$0.00	\$0.00	0
After Transfers	Deficiency Of Revenue Subtotal	-\$11,549.89	-\$11,549.89	\$0.00	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10 General Fund					
Revenue					
3010 Ad Valorem Tax					
10-3010-0000 AD VALOREM TAXES (PROPERTY)	0.00	2,481,921.40	0.00	2,447,140.00	101
10-3010-0100 AD VALOREM TAXES (DMV)	8,714.84	84,715.34	0.00	105,634.00	80
10-3010-0200 TAX INTEREST & PENALTIES	85.02	3,127.63	0.00	2,500.00	125
3010 Ad Valorem Tax Subtotal	\$8,799.86	\$2,569,764.37	\$0.00	\$2,555,274.00	101
3020 Unrestricted Intergovernm					
10-3020-0000 FRANCHISE & UTILITIES TAX DIST.	0.00	160,015.55	0.00	168,794.00	95
10-3020-0100 ALCOHOL BEVERAGE TAX	5,991.69	5,991.69	0.00	5,996.00	100
10-3020-0200 BUNCOMBE COUNTY 1% TAX	24,882.95	495,845.78	0.00	568,397.00	87
10-3020-0300 1/2 CENT SALES TAX A.40	17,597.51	201,951.36	0.00	228,879.00	88
10-3020-0400 1/2 CENT SALES TAX A.42	14,159.19	260,542.46	0.00	298,053.00	87
10-3020-0600 SALES TAX REFUND	0.00	10,613.32	0.00	0.00	0
10-3020-0700 GASOLINE TAX REFUND	0.00	4,192.54	0.00	3,500.00	120
3020 Unrestricted Intergovernm Subtotal	\$62,631.34	\$1,139,152.70	\$0.00	\$1,273,619.00	89
3030 Restricted Intergovernmen					
10-3030-0000 SOLID WASTE DISPOSAL TAX	264.18	977.85	0.00	970.00	101
10-3030-0100 POWELL BILL	0.00	62,360.45	0.00	63,500.00	98
3030 Restricted Intergovernmen Subtotal	\$264.18	\$63,338.30	\$0.00	\$64,470.00	98
3040 Permits & Fees					
10-3040-0000 BUILDING PERMITS	926.00	30,091.00	0.00	25,000.00	120
10-3040-0100 DOG LICENSE FEE	0.00	1,445.10	0.00	1,600.00	90
3040 Permits & Fees Subtotal	\$926.00	\$31,536.10	\$0.00	\$26,600.00	119
3050 Investment Earnings					
10-3050-0000 INTEREST EARNED	8,168.65	72,812.94	0.00	15,000.00	485
3050 Investment Earnings Subtotal	\$8,168.65	\$72,812.94	\$0.00	\$15,000.00	485
3060 Miscellaneous					
10-3060-0100 AMERICAN TOWER AGREEMENT	400.00	27,686.77	0.00	27,664.00	100
10-3060-0200 MISCELLANEOUS	14.50	12,874.08	0.00	15,000.00	86
3060 Miscellaneous Subtotal	\$414.50	\$40,560.85	\$0.00	\$42,664.00	95
Revenue Subtotal	\$81,204.53	\$3,917,165.26	\$0.00	\$3,977,627.00	98
Expenditure					
4200 Administration					
10-4200-0200 SALARIES	27,073.85	214,136.46	0.00	228,184.00	94
10-4200-0300 OVERTIME	73.72	584.60	0.00	0.00	0
10-4200-0500 FICA	1,993.09	15,731.00	0.00	17,265.00	91
10-4200-0600 HEALTH INSURANCE (MEDICAL)	2,503.42	27,238.22	0.00	24,621.00	111
10-4200-0650 DENTAL, VISION, LIFE INSURANCE	412.56	4,538.16	0.00	4,153.00	109
10-4200-0675 HEALTH REIMBURSEMENT ACC	375.00	4,125.00	0.00	3,750.00	110
10-4200-0700 LGERS RETIREMENT	3,870.62	30,599.36	0.00	32,074.00	95
10-4200-0800 401K SUPP RETIREMENT	1,357.88	10,740.12	0.00	11,284.00	95
10-4200-1000 ACCOUNTING & TAXES	18,122.11	41,269.61	0.00	35,000.00	118

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10-4200-1200 POSTAGE, PRINTING, STATIONARY	0.00	2,611.61	0.00	8,000.00	33
10-4200-1400 MILEAGE & BOARD SALARY	1,800.00	21,600.00	0.00	22,000.00	98
10-4200-3300 SUPPLIES AND EQUIPMENT	74.30	6,639.00	738.30	5,000.00	148
10-4200-5300 DUES & FEES	0.00	4,321.25	0.00	5,000.00	86
10-4200-5700 MISCELLANEOUS	77.56	763.32	0.00	5,000.00	15
10-4200-6500 STAFF DEVELOPMENT	228.07	10,027.71	306.15	16,000.00	65
4200 Administration Subtotal	\$57,962.18	\$394,925.42	\$1,044.45	\$417,331.00	95
4300					
10-4300-1000 CONTRACT	2,844.00	31,284.00	0.00	34,128.00	92
10-4300-1200 POSTAGE, PRINTING & STATIONARY	0.00	858.83	0.00	1,500.00	57
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	1,000.00	0
4300 Subtotal	\$2,844.00	\$32,142.83	\$0.00	\$37,228.00	86
5100 Police Department					
10-5100-0200 SALARIES	85,256.71	686,183.25	0.00	806,975.00	85
10-5100-0300 OVERTIME	8,638.60	93,044.07	0.00	15,000.00	620
10-5100-0400 SEPARATION ALLOWANCE	3,532.77	28,262.16	0.00	30,617.00	92
10-5100-0500 FICA	7,241.27	59,783.79	0.00	60,433.00	99
10-5100-0550 UNEMPLOYMENT INSURANCE	0.00	0.00	0.00	500.00	0
10-5100-0600 HEALTH INSURANCE (MEDICAL)	10,111.46	106,723.02	0.00	126,684.00	84
10-5100-0650 DENTAL, VISION, LIFE INSURANCE	1,142.56	14,383.68	0.00	18,333.00	78
10-5100-0675 HRA HEALTH REIMB ACCT	1,750.00	18,250.00	0.00	21,000.00	87
10-5100-0700 LGERS RETIREMENT	13,464.66	110,994.01	0.00	114,593.00	97
10-5100-0800 401K SUPP RETIREMENT	4,587.32	37,704.19	0.00	39,499.00	95
10-5100-0900 SHORT TERM DISABILITY	0.00	0.00	0.00	5,000.00	0
10-5100-1500 MAINT/REPAIR - BLDG/GROUNDS	154.80	1,456.69	0.00	10,000.00	15
10-5100-1600 MAINT/REPAIR - EQUIPMENT	0.00	908.30	1,351.41	12,000.00	19
10-5100-1700 MAINT/REPAIR - VEHICLES	698.50	16,581.39	1,283.46	22,500.00	79
10-5100-3100 MOTOR FUELS	663.49	13,960.81	0.00	16,000.00	87
10-5100-3300 SUPPLIES	541.79	7,906.07	0.00	10,000.00	79
10-5100-3600 UNIFORMS	2,625.00	7,234.21	5,351.24	10,000.00	126
10-5100-3700 TECHNOLOGY & SOFTWARE	562.82	14,168.47	475.08	15,000.00	98
10-5100-5700 MISCELLANEOUS	0.00	6,917.01	0.00	8,000.00	86
10-5100-5800 PHYSICAL EXAMS	0.00	1,265.00	0.00	1,500.00	84
10-5100-6500 STAFF DEVELOPMENT	0.00	9,959.93	3,564.00	15,000.00	90
10-5100-7400 EQUIPMENT PURCHASES	0.00	31,101.71	8,112.42	55,000.00	71
5100 Police Department Subtotal	\$140,971.75	\$1,266,787.76	\$20,137.61	\$1,413,634.00	91
5200 Fire Services					
10-5200-0000 FIRE CONTRACT	0.00	425,000.00	0.00	425,000.00	100
5200 Fire Services Subtotal	\$0.00	\$425,000.00	\$0.00	\$425,000.00	100
5600 Public Works					
10-5600-0200 SALARIES	27,517.37	248,156.08	0.00	319,598.00	78

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
10-5600-0300 OVERTIME	1,870.26	16,133.05	0.00	0.00	0
10-5600-0500 FICA	2,201.23	19,926.63	0.00	24,449.00	82
10-5600-0600 HOSPITAL INSURANCE (MEDICAL)	2,727.06	33,372.46	0.00	37,741.00	88
10-5600-0650 DENTAL, VISION, LIFE INSURANCE	424.24	5,197.24	0.00	5,218.00	100
10-5600-0675 HRA HEALTH REIMB ACCT	500.00	6,375.00	0.00	7,500.00	85
10-5600-0700 LGERS RETIREMENT	4,120.15	37,117.85	0.00	44,105.00	84
10-5600-0800 401K SUPP RETIREMENT	1,470.04	13,220.63	0.00	15,980.00	83
10-5600-1000 OUTSIDE SERVICES	0.00	10,057.40	0.00	11,000.00	91
10-5600-1300 STREETLIGHTS ELECTRIC	573.99	6,147.73	0.00	7,000.00	88
10-5600-1500 MAINT/REPAIR - BLDG/GROUNDS	355.36	3,206.66	1,423.10	5,000.00	93
10-5600-1600 MAINT/REPAIR- STREETLIGHTS	56.90	2,311.99	1,876.12	10,000.00	42
10-5600-1700 MAINT/REPAIR - VEHICLES	3,475.42	14,275.62	8,801.21	23,000.00	100
10-5600-3100 MOTOR FUELS	530.79	11,172.62	0.00	15,000.00	74
10-5600-3300 SUPPLIES	2,677.97	9,413.26	0.00	8,000.00	118
10-5600-3400 STREET SIGNS & NUMBERS	34.65	816.35	181.90	1,000.00	100
10-5600-3600 UNIFORMS	0.00	5,222.12	2,691.20	9,000.00	88
10-5600-5200 PARKS	7,286.84	31,078.23	1,004.57	37,500.00	86
10-5600-5900 MISCELLANEOUS	272.33	3,083.01	0.00	3,000.00	103
10-5600-6500 STAFF DEVELOPMENT	0.00	1,545.29	259.61	5,000.00	36
5600 Public Works Subtotal	\$56,094.60	\$477,829.22	\$16,237.71	\$589,091.00	84
5700 Streets & Transportation					
10-5700-0200 SALARIES	4,852.47	39,992.76	0.00	47,516.00	84
10-5700-0300 OVERTIME	0.00	1,520.81	0.00	0.00	0
10-5700-0500 FICA	371.25	3,176.00	0.00	3,635.00	87
10-5700-0600 HEALTH INSURANCE (MEDICAL)	568.64	6,155.24	0.00	6,749.00	91
10-5700-0650 DENTAL, VISION, LIFE INSURANCE	52.42	576.62	0.00	632.00	91
10-5700-0675 HRA HEALTH REIMB ACCT	125.00	1,375.00	0.00	1,500.00	92
10-5700-0700 LGERS RETIREMENT	680.31	5,820.18	0.00	6,557.00	89
10-5700-0800 401K SUPP RETIREMENT	242.61	2,075.59	0.00	2,376.00	87
10-5700-1700 VEHICLE REPAIRS - STREET DEPT.	0.00	7,830.69	3,070.90	12,500.00	87
10-5700-2200 CONTRACTS- PAVING & STRIPING	0.00	17,340.00	60,756.25	83,344.00	94
10-5700-2300 SUPPLIES	941.25	19,124.97	2,580.70	22,500.00	96
10-5700-2400 TRAFFIC SIGNS	0.00	626.03	0.00	1,000.00	63
10-5700-2500 STORM WATER DRAINAGE	845.30	71,122.42	2,675.00	75,000.00	98
10-5700-6500 STAFF DEVELOPMENT	40.00	40.00	0.00	1,000.00	4
10-5700-7400 EQUIPMENT PURCHASES	0.00	0.00	8,823.22	20,000.00	44
10-5700-7500 ENGINEERING	6,520.00	40,369.00	0.00	75,000.00	54
5700 Streets & Transportation Subtotal	\$15,239.25	\$217,145.31	\$77,906.07	\$359,309.00	82
5800 Sanitation & Recycling					
10-5800-0200 SALARIES	16,320.87	96,259.88	0.00	121,891.00	79
10-5800-0300 OVERTIME	689.58	5,231.51	0.00	0.00	0
10-5800-0500 FICA	1,301.38	7,764.55	0.00	9,325.00	83
10-5800-0600 HEALTH INSURANCE (MEDICAL)	2,249.56	17,856.96	0.00	29,716.00	60
10-5800-0650 DENTAL, VISION, LIFE INSURANCE	205.20	1,792.68	0.00	3,874.00	46

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
10-5800-0675 HRA HEALTH REIMB ACCT	500.00	4,000.00	0.00	4,500.00	89	
10-5800-0700 LGERS RETIREMENT	2,384.85	14,229.09	0.00	16,821.00	85	
10-5800-0800 401K SUPP RETIREMENT	850.51	5,074.53	0.00	6,095.00	83	
10-5800-1700 MAINT/REPAIRS - VEHICLES	2,033.82	9,467.57	833.07	10,000.00	103	
10-5800-3100 MOTOR FUELS	826.01	15,610.07	0.00	15,000.00	104	
10-5800-3300 SUPPLIES	0.00	496.30	299.58	2,000.00	40	
10-5800-3600 UNIFORMS	0.00	87.62	0.00	100.00	88	
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	19,900.00	0	
10-5800-8000 TIPPING FEES & BRUSH REMOVAL	4,543.58	45,381.21	0.00	55,000.00	83	
10-5800-8100 RECYCLING	891.28	8,663.14	0.00	15,000.00	58	
5800 Sanitation & Recycling Subtotal	\$32,796.64	\$231,915.11	\$1,132.65	\$310,222.00	75	
6600 General Government						
10-6600-0400 OUTSIDE PROFESSIONAL SERVICES	3,100.00	50,334.65	0.00	100,000.00	50	
10-6600-1100 TECHNOLOGY	6,103.23	77,976.80	0.00	72,061.00	108	
10-6600-1300 ENERGY & BF SEWER	965.73	14,737.79	0.00	16,000.00	92	
10-6600-1500 GE. REPS. AND MAINT.	3,746.95	25,618.07	0.00	20,000.00	128	
10-6600-2800 ELECTIONS	0.00	76.69	0.00	6,000.00	1	
10-6600-3300 SUPPLIES & EQUIPMENT	0.00	0.00	0.00	2,000.00	0	
10-6600-5400 INSURANCE	612.50	77,592.18	0.00	77,000.00	101	
10-6600-6000 CONTINGENCY	0.00	0.00	0.00	2,022.00	0	
10-6600-6100 MISCELLANEOUS	4,027.00	11,273.84	0.00	10,000.00	113	
10-6600-6300 COMMUNITY EVENTS	780.86	15,440.02	0.00	20,000.00	77	
10-6600-6400 WILDLIFE MANAGEMENT	681.16	1,997.20	0.00	5,000.00	40	
6600 General Government Subtotal	\$20,017.43	\$275,047.24	\$0.00	\$330,083.00	83	
6700 Debt Service						
10-6700-0100 Police Dept Renovations-Principal	0.00	23,333.32	0.00	23,334.00	100	
10-6700-0200 Street Improvements-Principal	0.00	6,666.68	0.00	6,667.00	100	
10-6700-0300 2016 Garbage Truck-Principal	0.00	31,931.79	0.00	32,638.00	98	
10-6700-0400 2017 Garbage Truck-Principal	0.00	33,542.32	0.00	33,543.00	100	
10-6700-1100 Police Dept Renovations-Interest	0.00	5,000.63	0.00	5,001.00	100	
10-6700-1200 Street Improvements-Interest	0.00	1,428.74	0.00	1,429.00	100	
10-6700-1300 2016 Garbage Truck-Interest	0.00	705.69	0.00	706.00	100	
10-6700-1400 2017 Garbage Truck-Interest	0.00	2,410.20	0.00	2,411.00	100	
6700 Debt Service Subtotal	\$0.00	\$105,019.37	\$0.00	\$105,729.00	99	
Expenditure Subtotal	\$325,925.85	\$3,425,812.26	\$116,458.49	\$3,987,627.00	89	
Before Transfers	Deficiency Of Revenue Subtotal	-\$244,721.32	\$491,353.00	-\$116,458.49	-\$10,000.00	-3,749
Other Financing Source						
3500 Other Financing						
10-3500-0000 SALE OF PERSONAL PROPERTY	0.00	4,548.40	0.00	10,000.00	45	
10-3500-0500 GRANT (GOVERNMENTAL) FUNDS	0.00	4,430.77	0.00	0.00	0	
3500 Other Financing Subtotal	\$0.00	\$8,979.17	\$0.00	\$10,000.00	90	
Other Financing Source Subtotal	\$0.00	\$8,979.17	\$0.00	\$10,000.00	90	

REVENUE & EXPENDITURE STATEMENT FOR 10 GENERAL FUND

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

Account		Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
After Transfers	Deficiency Of Revenue Subtotal	-\$244,721.32	\$500,332.17	-\$116,458.49	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 30 WATER & SEWER

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used	
30 Water & Sewer Fund						
Revenue						
3290						
30-3290-0000 INTEREST EARNED	0.00	1,647.30	0.00	1,000.00	165	
3290 Subtotal	\$0.00	\$1,647.30	\$0.00	\$1,000.00	165	
3350 Commissions, Sw Chg Coll						
30-3350-0000 COMMISSIONS, SEWER CHARGE COLL	0.00	7,910.08	0.00	6,000.00	132	
3350 Commissions, Sw Chg Coll Subtotal	\$0.00	\$7,910.08	\$0.00	\$6,000.00	132	
3710 Water Sales						
30-3710-0000 WATER CHARGES	-370.00	337,654.71	0.00	415,000.00	81	
30-3710-0100 MSD CHARGES	-866.00	272,798.54	0.00	280,000.00	97	
30-3710-0200 AMI TRANSMITTER CHARGES	0.00	6,949.02	0.00	7,000.00	99	
3710 Water Sales Subtotal	-\$1,236.00	\$617,402.27	\$0.00	\$702,000.00	88	
3730 Water Tap & Connect Fees						
30-3730-0000 WATER TAP AND CONNECTION FEES	2,120.00	4,660.00	0.00	18,000.00	26	
3730 Water Tap & Connect Fees Subtotal	\$2,120.00	\$4,660.00	\$0.00	\$18,000.00	26	
Revenue Subtotal	\$884.00	\$631,619.65	\$0.00	\$727,000.00	87	
Expenditure						
8100 Water Dept.						
30-8100-0200 SALARIES	0.00	12,124.10	0.00	29,371.00	41	
30-8100-0300 OVERTIME	0.00	0.00	0.00	2,247.00	0	
30-8100-0400 PROFESSIONAL SERVICES	641.00	5,129.35	1,825.00	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	525.81	2,325.21	0.00	5,000.00	47	
30-8100-1500 GENERAL REPAIRS	0.00	1,021.58	1,691.67	20,000.00	14	
30-8100-3300 SUPPLIES & EQUIPMENT	1,331.45	3,507.07	204.30	20,000.00	19	
30-8100-4800 WATER PURCHASES	17,339.86	187,070.41	0.00	232,656.00	80	
30-8100-4900 SEWER PURCHASES	0.00	225,188.25	0.00	280,000.00	80	
30-8100-5000 AMI TRANSMITTER FEES	713.78	5,615.90	0.00	7,000.00	80	
30-8100-5700 MISCELLANEOUS	34.44	908.23	0.00	1,500.00	61	
30-8100-6500 STAFF DEVELOPMENT	499.00	3,093.31	1,066.41	5,000.00	83	
30-8100-7400 CAPITAL IMPROVEMENT	0.00	6,125.00	0.00	97,081.00	6	
8100 Water Dept. Subtotal	\$21,085.34	\$452,108.41	\$4,787.38	\$727,000.00	63	
Expenditure Subtotal	\$21,085.34	\$452,108.41	\$4,787.38	\$727,000.00	63	
Before Transfers	Deficiency Of Revenue Subtotal	-\$20,201.34	\$179,511.24	-\$4,787.38	\$0.00	0
After Transfers	Deficiency Of Revenue Subtotal	-\$20,201.34	\$179,511.24	-\$4,787.38	\$0.00	0

REVENUE & EXPENDITURE STATEMENT FOR 40 CAPITAL PROJECT

Town of Biltmore Forest

05/01/2019 To 05/31/2019

FY 2018-2019

Account	Current Period (\$)	YTD (\$)	Encumbrance (\$)	Budget (\$)	% Used
40 Capital Project Fund					
Revenue					
4000					
40-4000-0000 FUND BALANCE	0.00	0.00	0.00	719,250.00	0
40-4000-1000 INSTALLMENT FINANCING	227,677.19	800,035.37	0.00	800,000.00	100
4000 Subtotal	\$227,677.19	\$800,035.37	\$0.00	\$1,519,250.00	53
Revenue Subtotal	\$227,677.19	\$800,035.37	\$0.00	\$1,519,250.00	53
Expenditure					
5600 Public Works					
40-5600-1000 DESIGN (ARCHITECTURAL SERVICES)	2,200.00	13,200.00	0.00	22,000.00	60
40-5600-2000 CONSTRUCTION (CONST MGR AT RISK)	237,027.08	798,385.26	0.00	1,497,250.00	53
5600 Public Works Subtotal	\$239,227.08	\$811,585.26	\$0.00	\$1,519,250.00	53
Expenditure Subtotal	\$239,227.08	\$811,585.26	\$0.00	\$1,519,250.00	53
Before Transfers	Deficiency Of Revenue Subtotal	-\$11,549.89	-\$11,549.89	\$0.00	0
After Transfers	Deficiency Of Revenue Subtotal	-\$11,549.89	-\$11,549.89	\$0.00	0



FY 2018-19 BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED by the Governing Board of the Town of Biltmore Forest, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2019.

Section 1. To amend the General Fund Revenues as follows:

<u>Account #</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
10-3500-0300	Transfer from Fund Balance	719,250.00	0.00
Net Increase in General Fund Revenues:		719,250.00	

Section 2. To amend the General Fund Expenditures as follows:

<u>Account #</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
10-3600-0200	Transfers to Capital Project Fund	719,250.00	0.00
Net Increase in General Fund Expenditures:		719,250.00	

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

Adopted this 11th day of June, 2019.

George F. Goosmann, III
Mayor

BILTMORE FOREST POLICE DEPARTMENT

Department Head Report

June 11th, 2019 Board of Commissioners Meeting

Chris Beddingfield, Police Chief

Police Dept. Monthly Report 05/01/19 to 05/31/19

Calls for Service:627

Officers responded to the following calls for service:

Accident -10	Accident - PI -0
Alarm - 30	Animal Carcass - 2
Assist EOC – 16	Assist Motorist - 16
Assist Other Agency - 9	Assist Resident - 15
Bear Report - 5	Business Check -91
Busy - 10	Crime Prev. - 27
Chase- 2	Direct Traffic -1
Distressed Animal - 2	Disturbance - 1
Dog Complaint -8	Domestic disturbance- 3
Fire – 2	Fight- 0
Hit and Run - 1	House Check - 72
Improper Parking-1	Incomplete 911-0
Investigation – 4	Intoxicated Driver-1
Mental Patient - 1	Missing Person - 0
Noise Disturbance – 3	Ordinance Violation - 12
Out of Service - 0	Out of Town - 6
Person Down – 0	Power Outage -1
Radar Operation – 14	Road Blocked -8
Service of Car -2	Sign Ord Violation -3

Special Assignment – 2	Special Check - 2
Speed/Reckless Driving- 1	Suspicious Person - 12
Suspicious Vehicle - 35	Vandalism - 0
Vehicle Stop – 49	Well-being Check - 2

Total Number Of Calls: 627

Arrests:

3-Felony Arrests, One fleeing to elude arrest, two failing to appear in court on felony violations

1-Misdemeanor Arrest-One for Driving while license revoked

Time Consumption Summary:

Approximations

Business Checks- 12 hours

House Checks- 3 hours

Radar Operation- 5 hours

Vehicle Crash Investigation- 6 hours

Notable Calls and Projects:

Two officers were treated at Mission Hospital for blood exposure that occurred on a call for service

Bear season is upon us as we have several reported sightings for the month.

Vehicle pursuit that started at Eastwood and US25 ended in Kenilworth Community. Underage suspect who was impaired on alcohol and inhalants

Several suspicious persons on Vanderbilt Rd in the area of the Double Tree for the month

Another portion of mandatory in-service training completed



Biltmore Forest Public Works Department

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


PUBLIC WORKS MONTHLY REPORT

MAY 15, 2019 TO JUNE 11, 2019

- Completed all of the normal routine services to the residents on schedule, garbage collection, recycling and brush removal.
- We completed several road shoulder repairs on Cedarcliff road.
- We have collected a total of 20 loads of brush for the residents and transported them to Asheville Stump and Dump.
- Installed new electronics on the meter at 453 Vanderbilt road and checked several other leaks that were showing on the Beacon Website.
- We have been removing hanging vines throughout the Town.
- Completed 75 special requests from the residents, extra garbage collection, meter rereads, house no. signs, recycling request, etc and completed 35 utility locate request.
- Completed the 2 monthly bacteriological water samples for May 2019 and both were in compliance with the state.
- We worked on Vanderbilt road below the bridge over I-40 trimming bushes, hanging vines and removing dead trees and material.
- Completed repairs to several pieces of Public Works equipment that we could repair ourselves and sent out repairs as well.

- We collected a total of 47 tons of garbage and 18.00 tons of recycling for the month of May.
- As mandated by the state the Town is required to develop a Consumer Confidence Report on the Town's water system and it is to be turned in no later than July 1 of every year. The Town's 2018 report was turned in ahead of schedule and passed all of the states requirements.
- We made repairs to the bridge over the creek in Greenwood park to get it back to being safe and in good working order.
- We have begun the annual inspections of the residents RPZ devices (backflow)
- A total of 585 hours were spent maintaining the Towns roads and road shoulders.
- 115 hours were spent maintaining the Town's parks and pond.
- Charles inspected 25 trees for the residents.
- Repaired 2 streetlights (general repairs).
- We are continuing to repair road shoulder ruts and road shoulders all over the Town due to vehicles.
- We completed an irrigation tap, set a new meter and meter box and road bore at 453 Vanderbilt road.
- We are continuing to clean up the fallen debris out of the woods off Brookside road when time allows.
- The second spring animal was found broke in Greenwood park so we dug up and removed the concrete block that it was mounted to.
- Completed all of the daily chlorine samples for the month of May.
- Mowed all of the road shoulders and parks as needed.
- We are continuing our annual Fire hydrant maintenance and inspections during the month of May and we have completed about 100 hydrants.

Sincerely

A handwritten signature in black ink that reads "TERRY CROUCH". The signature is written in a cursive style with capital letters. The "T" has a long horizontal stroke that extends to the left. The "C" is large and loops around the "R".

Terry Crouch
Director of Public Works

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

www.biltmoreforest.org



George F. Goosmann, III, Mayor
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 Hearing for FY18-19 Budget

Date: May 28, 2019

The North Carolina Local Government Budget and Fiscal Control Act requires the Town to hold a public hearing before considering adoption of the budget. The Town appropriately notified the public of this hearing, including publication in the Asheville *Citizen-Times* (affidavit attached), the provision of the proposed budget for citizens in the Town Hall, and the publication of the proposed budget on the Town's website.

CITIZEN-TIMES

PART OF THE USA TODAY NETWORK

Classified Ad Receipt (For Info Only - NOT A BILL)

Customer: TOWN OF BILTMORE FOREST
Address: 355 VANDERBILT RD
ASHEVILLE NC 28803
USA

Ad No.: 0003571578
Pymt Method Invoice
Net Amt: \$96.68

Run Times: 1

No. of Affidavits: 1

Run Dates: 05/26/19

Text of Ad:

TOWN OF BILTMORE FOREST

NOTICE OF PUBLIC HEARING CONCERNING TOWN OF BILTMORE FOREST FY 19-20 BUDGET

The Fiscal Year 2019-2020 proposed budget was submitted to the Board of Commissioners for the Town of Biltmore Forest on Tuesday, May 14, 2019. This proposed budget is available for public inspection in the office of the Town Clerk at Town Hall and online at www.biltmoreforest.org. A public hearing on the proposed budget will be held on Tuesday, June 11, 2019 at 4:30 pm, or as soon thereafter, as the Board can reach the matter, in the Community Room located at Town Hall at 355 Vanderbilt Road, Biltmore Forest, NC. Persons wishing to be heard on this matter may appear at said time and place or may submit written comments to the address below.

Town of Biltmore Forest
ATTN: FY19-20 Budget Hearing
PO Box 5352
Biltmore Forest, NC 28813

May 26, 2019
0003571578

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

www.biltmoreforest.org



George F. Goosmann, III, Mayor
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 FY19-20 Budget

Date: May 28, 2019

The Board of Commissioners received the FY19-20 budget proposal during the regular May meeting. There have been minimal changes since that time and no additional amendments requested by the Board. As noted in the budget message, this proposed budget does include a 1.5 cent property tax increase. If approved, the Town's tax rate for FY19-20 would be 34.5 cents per \$100 valuation.

The attached budget ordinance is presented for your consideration. Staff recommends approval of the budget.

BUDGET ORDINANCE

**BUDGET ORDINANCE FOR THE TOWN OF BILTMORE FOREST
NORTH CAROLINA FOR THE FISCAL YEAR 2019-2020**

BE IT ORDAINED by the Board of Commissioners of the Town of Biltmore Forest, North Carolina, that in accordance with NCGS 159-13(b)(16) of the 2019-2020 Budget be approved as follows:

SECTION 1. GENERAL FUND REVENUES

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Ad Valorem Taxes (Property)	2,593,341
Ad Valorem Taxes (DMV)	101,548
Tax Interest & Penalties	2,500
Franchise & Utilities Tax	215,488
Alcohol Beverage Tax	6,000
Sales Tax (Article 39)	597,047
Sales Tax (Article 40)	232,530
Sales Tax (Article 42)	312,187
Gas Tax Refund	4,000
Solid Waste Disposal Tax	950
Powell Bill	62,500
Building Permits	25,000
Dog License Fees	1,500
Interest Earned	59,953
American Tower Lease	28,000
Miscellaneous (Other)	15,000
Sale of Property	15,000
Grant (Governmental Funds)	181,000
Donation	80,000
Total General Fund Revenues	4,533,544

SECTION 2. GENERAL FUND APPROPRIATIONS

The following amounts are appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2019 and ending June 30, 2020 in accordance with the chart of accounts heretofore established for this Town on June 11, 2019:

Administration	428,816
Planning	36,727
Police	1,539,625
Fire Contract	425,000
Public Works	914,157
Streets & Transportation	351,679
Sanitation & Recycling	292,704

General Government	349,400
Debt Service	195,436
Total General Fund Expenditures	4,533,544

SECTION 3. WATER FUND REVENUES

It is estimated that the following revenues will be available in the Water Fund for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Sales & Services	712,904
Interest Earned	1,500
Total Water Fund Revenues	714,404

SECTION 4. WATER FUND APPROPRIATIONS

The following amounts are appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2019 and ending June 30, 2020:

Personnel Cost	44,392
Operating Cost	588,095
Capital Cost	81,917
Total Water Fund Appropriations	714,404

SECTION 5. LEVY OF TAXES

There is hereby levied a tax at the rate of \$0.345 per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2019, as listed as "Ad Valorem Taxes" in the General Fund section 1 of this ordinance. The rate is based on an estimated valuation of \$750,021,744 and an estimated rate of collection of 99.74%.

SECTION 6. FEES & CHARGES

There is hereby established, for fiscal year 2019-2020, various fees and charges as contained in the Schedule of Fees attachment to this document.

SECTION 7. SPECIAL AUTHORIZATION OF THE BUDGET OFFICER

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

SECTION 8. CLASSIFICATION & PAY PLAN

The Cost of Living Adjustment (COLA) for all Town employees shall be 3.00% and shall begin the first payroll in the new fiscal year.

The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, based upon the approved performance plan.

SECTION 9. RE-APPROPRIATION OF ENCUMBERED FUNDS

Operating funds encumbered on the financial records as of June 30, 2019 are hereby re-appropriated to fiscal year 2019-2020.

SECTION 10.COPIES OF THIS BUDGET ORDINANCE

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

Adopted this 11th day of June, 2019.

George F. Goosmann, III
Mayor

ATTEST:

Jonathan B. Kanipe
Town Manager

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

www.biltmoreforest.org



George F. Goosmann, III, Mayor
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 FY19-20 Fee Schedule
Date: May 28, 2019

The proposed budget for FY19-20 includes a change in the Town's fee schedule for water and sewer rates. Staff recommends a 2.5 percent increase for both water and sewer. These changes are a result of increased rates from the City of Asheville and Metropolitan Sewerage District for water and sewer, respectively. These increases allow the Town to maintain our current service levels with improvements focused on preventative maintenance.

All others remain the same as in last fiscal year's budget. Staff recommends approval of the FY19-20 fee schedule.

SCHEDULE OF FEES

Amounts due are based upon the Schedule of Fees in effect at the time payment is due. It is the Town Council's intention that the Schedule of Fees be revised as needed by July 1st of each year, however some fees may be adjusted during the year as circumstances change.

ADMINISTRATIVE

Ad Valorem Tax	\$ 0.345 per \$100 assessed valuation
Dog License Fee	\$ 5 sterile; \$10 fertile
Return Check/Draft Charge	\$25.00

PLANNING & ZONING

Zoning Permit	\$25 first \$2,000 of construction value plus \$2 for each additional \$1,000 of construction value
Conditional Use Permit	\$100 due with application
Variance	\$300 due with application
Demolition Permit	\$100 due with application
Non-permitted Construction	Double the Zoning Permit Fee

WATER & SEWER CHARGES

New/Transfer Account		\$	30.00
AMI Transmitter Fee	<i>per bill</i>	\$	1.78
Meter Rental Fee			
5/8" meter	<i>per bill</i>	\$	0.10
1" meter	<i>per bill</i>	\$	0.18
1 1/2" meter	<i>per bill</i>	\$	0.50
2" meter	<i>per bill</i>	\$	0.65
Water Charges			
Base Rate (no consumption)		\$	28.15
1-2,250 gallons	<i>per 1,000 gallons</i>	\$	9.26
2,251-60,000 gallons	<i>per 1,000 gallons</i>	\$	5.82
60,001-100,000 gallons	<i>per 1,000 gallons</i>	\$	5.40
100,001+ gallons	<i>per 1,000 gallons</i>	\$	3.35
Sewer Charges (as set by Metropolitan Sewerage District of Buncombe County)			
Base Rate			
5/8" meter	<i>per bill</i>	\$	17.04
1" meter	<i>per bill</i>	\$	40.12
1 1/2" meter	<i>per bill</i>	\$	88.64
2" meter	<i>per bill</i>	\$	154.86
Treatment Fee	<i>per 1,000 gallons</i>	\$	6.31

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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 Ordinance 2019-01 – An Ordinance to Amend the Town Code
regarding Speed Regulations

Date: May 31, 2019

Background

The Board has discussed specific traffic safety changes along Vanderbilt Road for the past few months. During the March meeting, the Board approved an agreement with J.M. Teague Engineers to perform a traffic safety implementation plan for Vanderbilt Road to include an All-Way stop at the intersection with Cedarcliff/Vanderbilt Roads and a speed limit reduction to 25mph. The speed limit reduction was noted to be in effect past the last residence in Biltmore Forest heading north along Vanderbilt Road to the Asheville city limits in Biltmore Village.

Engineer's Report

The engineer report and schematic layout (attached to this memorandum) include specific locations and direction for the implementation of these traffic changes. Due to the significance of this change, the temporary signage to alert motorists is significant. This signage will just be temporary and the engineer's will certify each step for the Town to ensure work is done in compliance with their specifications. Per the engineer's recommendation, this all-way stop implementation should not begin until the speed limit is reduced to 25 mph. The proposal for this change is also included in your agenda packet.

Ordinance Amendment to Lower Speed Limit

In order to make this speed limit change effective, the Board must approve an amendment to the Town Code regarding speed limits. This ordinance is attached and has been reviewed by the Town Attorney. This ordinance change will be effective July 1, 2019, and the subsequent all-way stop changes will take place according to the timeline laid out in the attached memo.

Recommended Action

Staff recommends approval of the Town Code ordinance amendment.

ORDINANCE 2019-01
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 street(s) in the town: Vanderbilt Road, north of 292 Vanderbilt Road to the City of Asheville city limits as posted.

(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 except as noted above in subsection (A); Westwood Road; and White Oak Road.

(2013 Code, § 17-35.2)

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

(D) This amendment shall be effective July 1, 2019.

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 11th day of June, 2019.

Mayor

ATTEST:

Town Manager

Approved as to Form:

Attorney

MEMORANDUM

To: Jonathan Kanipe, Town Manager
FROM: Mark Teague, PE, Owner & Principal (JMTE)
DATE: May 17, 2019
SUBJECT: Speed Reduction & All-Way Stop Conversion Implementation Task List

SPEED REDUCTION & ALL-WAY STOP CONVERSION

This memorandum summarizes the necessary steps to convert the Vanderbilt Road and Cedarcliff Road intersection to an All-Way Stop configuration. This conversion implementation requires a 6-week schedule, with multiple changes throughout that period, and a speed limit reduction beforehand. Also, a Speed Limit Reduction framework is included and should be implemented prior to the All-Way Stop conversion.

All sign installation should include traffic control that meets all town standards and the Manual on Uniform Traffic Control Devices (MUTCD) guidelines. Call 811 (*call before you dig*) prior to installing both temporary and permanent signage. All new signs should meet MUTCD guidelines for retroreflectivity and installation from edge of roadway and height from grade. JMTE will inspect the site at each step to verify that sign and marking placement is correct.

TWO TO FOUR (2-4) WEEKS PRIOR TO ALL-WAY STOP IMPLEMENTATION

Refer to TMP-1 [SPEED LIMIT REDUCTION]

This step is important for resident awareness of the all-way stop conversion, enabling roadway users to prepare for the upcoming traffic pattern change. The effective date must be included.

- Replace the existing three (3) "SPEED LIMIT 35" signs on Vanderbilt Road closest to Cedar Cliff Road with new "SPEED LIMIT 25" signs (MUTCD R2-125).
- Install one (1) new "SPEED LIMIT 25" sign (MUTCD R2-125) directly across Vanderbilt Road from the existing "SPEED LIMIT 35" sign approximately midway between Cedarcliff Road and the I-40 bridge.
- Install one (1) new "REDUCE SPEED AHEAD" sign approximately 500 feet north of the new "SPEED LIMIT 25" sign. *NOTE: The MUTCD uses "REDUCED SPEED AHEAD", but NCDOT uses "REDUCE SPEED AHEAD."*
- The Town of Biltmore Forest must have an ordinance in place before the speed limit can be official. North Carolina General Statutes are clear that an official ordinance and MUTCD compliant regulatory signs must be in place before a speed limit can be enforced. The ordinance needs to

match the sign locations or can extend beyond the sign limits. However, the only enforceable section of the new speed limit will be where the signs and ordinance overlap (concur).

THREE (3) WEEKS PRIOR TO ALL-WAY STOP IMPLEMENTATION

Refer to TMP-2

This step is important for resident awareness of the all-way stop conversion, enabling roadway users to prepare for the upcoming traffic pattern change. The effective date must be included.

- Install two (2) portable changeable message signs on Vanderbilt Road, approximately ¼ mile away from the intersection of Cedar Cliff Road and Vanderbilt Road in each direction. The signs should both read “STOP AHEAD; EFFECTIVE (DATE)”, with alternating text. *Signs should be placed so that the near edge of the sign should be 12 feet away from the edge of the travel lane.*
- *Refer to NCDOT Temporary Shoulder Closures standard drawing – “Shoulder Closure on Undivided Roadways” for temporary sign and drum placement.*

ONE (1) WEEK PRIOR TO ALL-WAY STOP IMPLEMENTATION

Refer to TMP-3

This step reinforces the message that there is an effective date in place for the traffic pattern change and gives more advance warning to ensure that this information is highly visible.

- Maintain both portable changeable message signs at their ¼ mile distance and keep the same message (“STOP AHEAD; EFFECTIVE (DATE)”).
- Install two (2) custom signs on Vanderbilt Road approximately 500 feet from the intersection in each direction. The signs should both read “ON (DATE) THIS APPROACH WILL BE STOP SIGN CONTROLLED”. The signs should also feature two (2) flags each, for enhanced conspicuity. *Signs should be placed so that the near edge of the sign should be 12 feet away from the edge of the travel lane.*

DAY OF ALL-WAY STOP IMPLEMENTATION

Refer to TMP-4

This step changes the traffic pattern at the intersection and needs to be installed correctly. While the number of signs may seem excessive, it is vital that motorists are well-aware of the new change for the safety of all users.

- Change the message on both portable changeable message signs on Vanderbilt Road to read “NEW TRAFFIC PATTERN; STOP AHEAD”.
- Replace custom signs with “STOP AHEAD” signs (MUTCD W3-1) with orange flags at same

locations on Vanderbilt Road (approximately 500 feet from the intersection in each direction).

- Install two (2) additional “STOP AHEAD” signs (MUTCD W3-1) with orange flags on the other side of Vanderbilt Road from the other “STOP AHEAD” signs (facing the same direction; viewable by traffic approaching the intersection).
- Add a “STOP AHEAD” pavement marking on each intersection approach on Vanderbilt Road, parallel to the “STOP AHEAD” signs. *See “Pavement Markings” NCDOT standard drawing for spacing parameters.*
- Install two (2) “NEW TRAFFIC PATTERN” signs (MUTCD W23-2) with orange flags on Cedarcliff Road, approximately 500 feet from the intersection of Cedar Cliff Road and Vanderbilt Road.
- Install four (4) new “STOP” signs (MUTCD R1-1) with “ALL WAY” signs (MUTCD R1-3P) and orange flags on Vanderbilt Road. Place one (1) sign on each side of the road at both approaches to the Cedarcliff Road intersection, whereby motorists approaching the intersection can see two signs. *Refer to MUTCD Chapter 2A for proper STOP sign placement, but the signs’ near edge should be a minimum of 2 feet from the edge of the travel lane in a residential area and between 6-12 feet from the intersection. The bottom of the sign should be a minimum of 5-7 feet above grade.*
- Add “ALL WAY” signs (MUTCD R1-3P) and orange flags to the two (2) existing “STOP” signs on Cedarcliff Road. Verify the existing signs adhere to MUTCD and NCDOT placement standards.

ONE (1) WEEK AFTER ALL-WAY STOP IMPLEMENTATION

Refer to TMP-5

This step removes some visible warnings under the assumption that motorists have become familiar with the new traffic pattern.

- Remove the two (2) “STOP” signs on Vanderbilt Road that are on the left side of the road. Maintain the two (2) signs that are on the right side of the road, which will remain in perpetuity.
- Remove the two (2) “STOP AHEAD” signs on Vanderbilt Road that are on the left side of the road. Maintain the two (2) signs that are on the right side of the road.
- Remove the two (2) portable changeable message signs on Vanderbilt Road.

TWO (2) WEEKS AFTER ALL-WAY STOP IMPLEMENTATION

Refer to TMP-6

This step further reduces the number of signs and visible warnings.

- Remove the two (2) “NEW TRAFFIC PATTERN” signs from Cedarcliff Road.
- Remove the orange flags from the two (2) “STOP” signs on Cedarcliff Road.

THREE (3) WEEKS AFTER ALL-WAY STOP IMPLEMENTATION

Refer to TMP-7

This step brings the signs at the intersection to their permanent state and finalizes the new traffic pattern. The Town may maintain the "STOP AHEAD" pavement markings if desirable but these markings do not need to be permanent.

- Remove the orange flags from the two (2) "STOP AHEAD" signs on Vanderbilt Road.
- Remove the orange flags from the two (2) "STOP" signs on Vanderbilt Road.

Signs Needed for Implementation			
TYPE	SIZE	MUTCD I.D.	NUMBER
SPEED LIMIT 25 MPH	24"x30"	R2-1 25	4
REDUCE SPEED AHEAD	24"x30"	-----	1
STOP	36"x36"	R1-1	4
STOP AHEAD	36"x36"	W3-1	4
ALL WAY	18"x6"	R1-3P	6
NEW TRAFFIC PATTERN	36"x36"	W23-2	2
Custom: ON (DATE) THIS APPROACH WILL BE STOP SIGN CONTROLLED	36"x36" minimum	Custom	2
Portable Changeable Message Sign (electronic)	-----	-----	2
Orange flags (solid vinyl recommended)		-----	20

All new signs should meet MUTCD guidelines for retroreflectivity.

1. ALL CONSTRUCTION AND TRAFFIC CONTROL SHALL BE DONE IN ACCORDANCE WITH ALL TOWN OF BILTMORE FOREST AND SHOULD BE DONE IN ACCORDANCE WITH ALL NCDOT STANDARDS AND SPECIFICATIONS. AND MEET ALL GUIDELINES FROM THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)
2. ALL CHANGES TO THIS ALL WAY STOP CONVERSATION PLAN MUST BE APPROVED BY A LICENSED TRANSPORTATION ENGINEER.
3. PROVIDE THE SERVICE OF AT LEAST ONE QUALIFIED WORK ZONE SUPERVISOR. THE WORK ZONE SUPERVISOR SHALL HAVE THE OVERALL RESPONSIBILITY FOR THE PROPER IMPLEMENTATION OF THIS ALL WAY STOP CONVERSATION PLAN AND RELATED TRAFFIC CONTROL AND ENSURE ALL EMPLOYEES WORKING INSIDE THE ROAD RIGHT OF WAY HAVE RECEIVED THE PROPER TRAINING APPROPRIATE TO THE JOB DECISIONS EACH INDIVIDUAL IS REQUIRED TO MAKE. THE WORK ZONE SUPERVISOR IS NOT REQUIRED TO BE ON SITE AT ALL TIMES BUT SHALL BE AVAILABLE TO ADDRESS CONCERNS OF THE ENGINEER.
4. NOTIFY 811 (CALL BEFORE YOU DIG) PRIOR TO INSTALLING BOTH TEMPORARY AND PERMANENT SIGNAGE.
5. MAINTAIN CONTINUOUS AND SAFE VEHICULAR ACCESS, INCLUDING BUT NOT LIMITED TO, ALL RESIDENCES, BUSINESSES, SCHOOLS, POLICE AND FIRE STATIONS, HYDRANTS, OTHER EMERGENCY SERVICES, HOSPITALS AND MAILBOXES. CONDUCT OPERATIONS SO AS TO LIMIT THE INCONVENIENCE TO PROPERTY OWNERS.
6. ALL NEW SIGNS SHALL MEET MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) GUIDELINES FOR RETROREFLECTIVITY.
7. ALL SIGNS SHALL MEET MUTCD GUIDELINES FOR INSTALLATION FROM EDGE OF ROADWAY AND HEIGHT FROM GRADE.

Sign Schedule			
TYPE	SIZE	MUTCD ID	# OF EACH
SPEED LIMIT 25 MPH	24" x 30"	R2-1 25	4
REDUCE SPEED AHEAD	24" x 30"	****	1
STOP	36" x 36"	R1-1	4
STOP AHEAD	36" x 36"	W3-1	4
ALL WAY	18" x 6"	R1-3P	6
NEW TRAFFIC PATTERN	36" x 36"	W23-2	2
ON (DATE) THIS APPROACH WILL...	CUSTOM	****	2

TRAFFIC MANAGEMENT PLAN

Speed Reduction - Vanderbilt Road

and

All-Way Stop Conversion

Vanderbilt Road at Cedar Cliff Road

Biltmore Forest, North Carolina

SHEET INDEX:

- TMP-0 COVER SHEET
- TMP-1 SPEED LIMIT REDUCTION IMPLEMENTATION
- TMP-2 ALL-WAY STOP IMPLEMENTATION (3 WK PRIOR)
- TMP-3 ALL-WAY STOP IMPLEMENTATION (1 WK PRIOR)
- TMP-4 ALL-WAY STOP IMPLEMENTATION (DAY OF)
- TMP-5 ALL-WAY STOP IMPLEMENTATION (1 WK AFTER)
- TMP-6 ALL-WAY STOP IMPLEMENTATION (2 WK AFTER)
- TMP-7 ALL-WAY STOP IMPLEMENTATION (3 WK AFTER)



525 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797

C. B. Hladick, CADD	5-9-19
Drawing By	Date
J. Mark Teague, P.E.	5-9-19
Revised By	Date
Reviewed By	Date

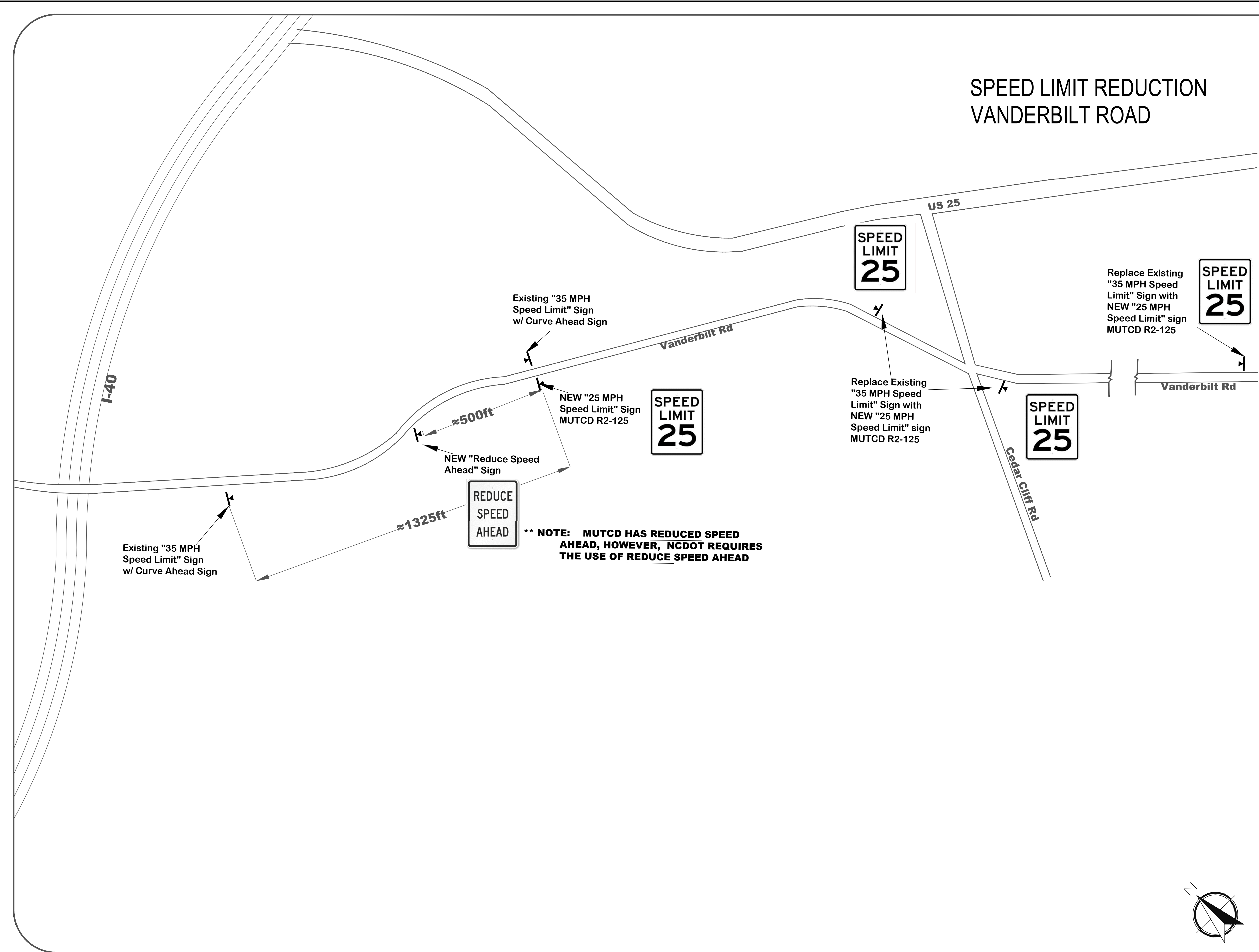
Prepared For:

Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

All-Way Stop Conversion
Cedar Cliff Rd at Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet TMP-0
Date 05/9/19	
Scale Not to Scale	



General Notes

SPEED LIMIT REDUCTION
2 TO 4 WEEKS PRIOR TO
ALL-WAY STOP
IMPLEMENTATION

J.M.
TEAGUE

Engineering & Planning

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Waynesville, NC 28786
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C. B. Hladick, CADD	5-9-19
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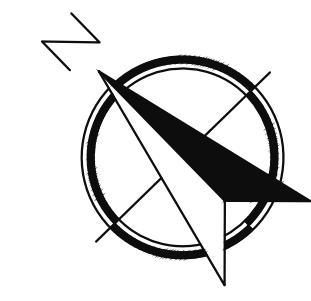
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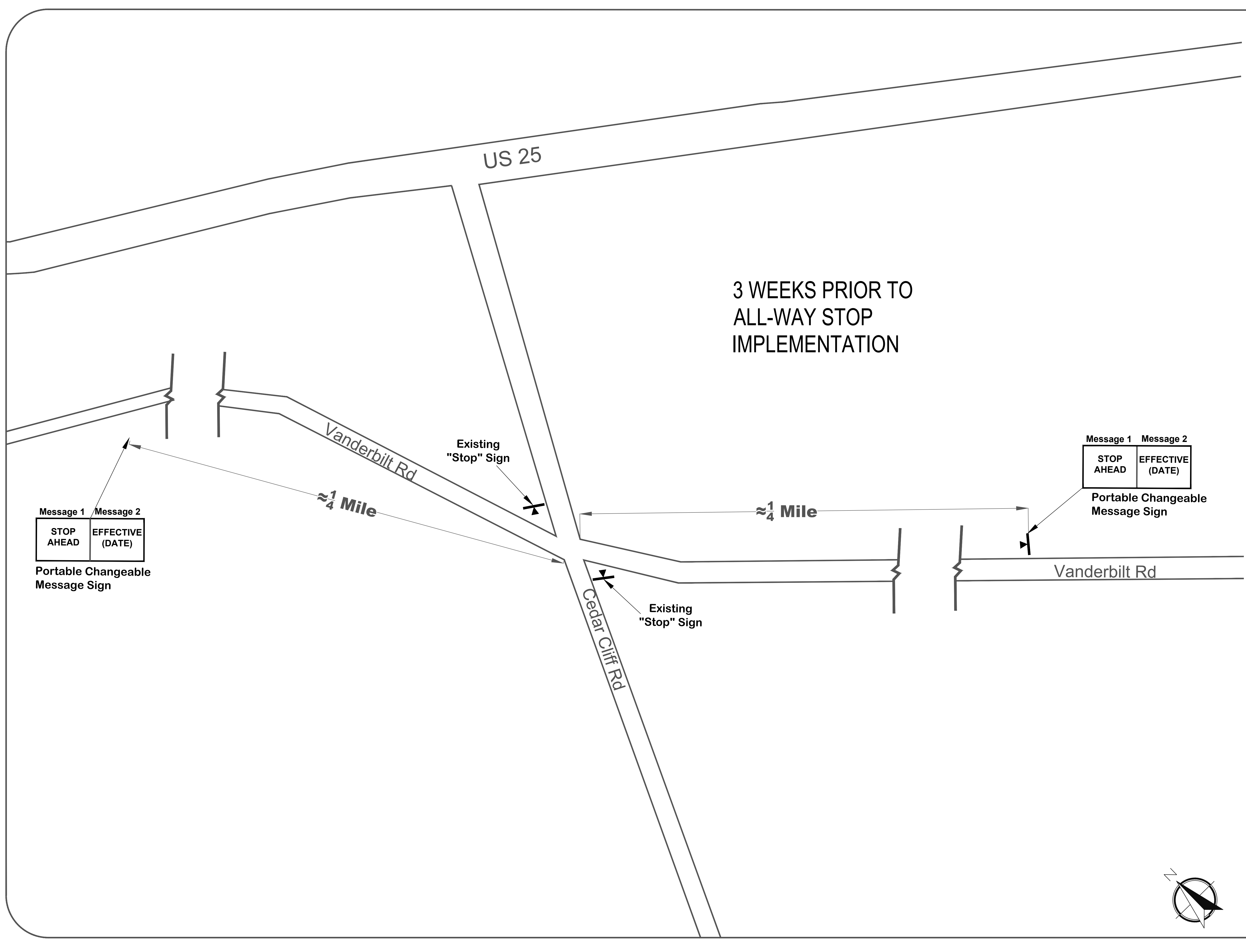
Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

Speed Limit Reduction
Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet
Date 05/9/19	TMP - 1
Scale Not to Scale	






Message 1	Message 2
STOP AHEAD	EFFECTIVE (DATE)

Portable Changeable Message Sign

Message 1	Message 2
STOP AHEAD	EFFECTIVE (DATE)

Portable Changeable Message Sign



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C. B. Hladick, CADD	5-9-19
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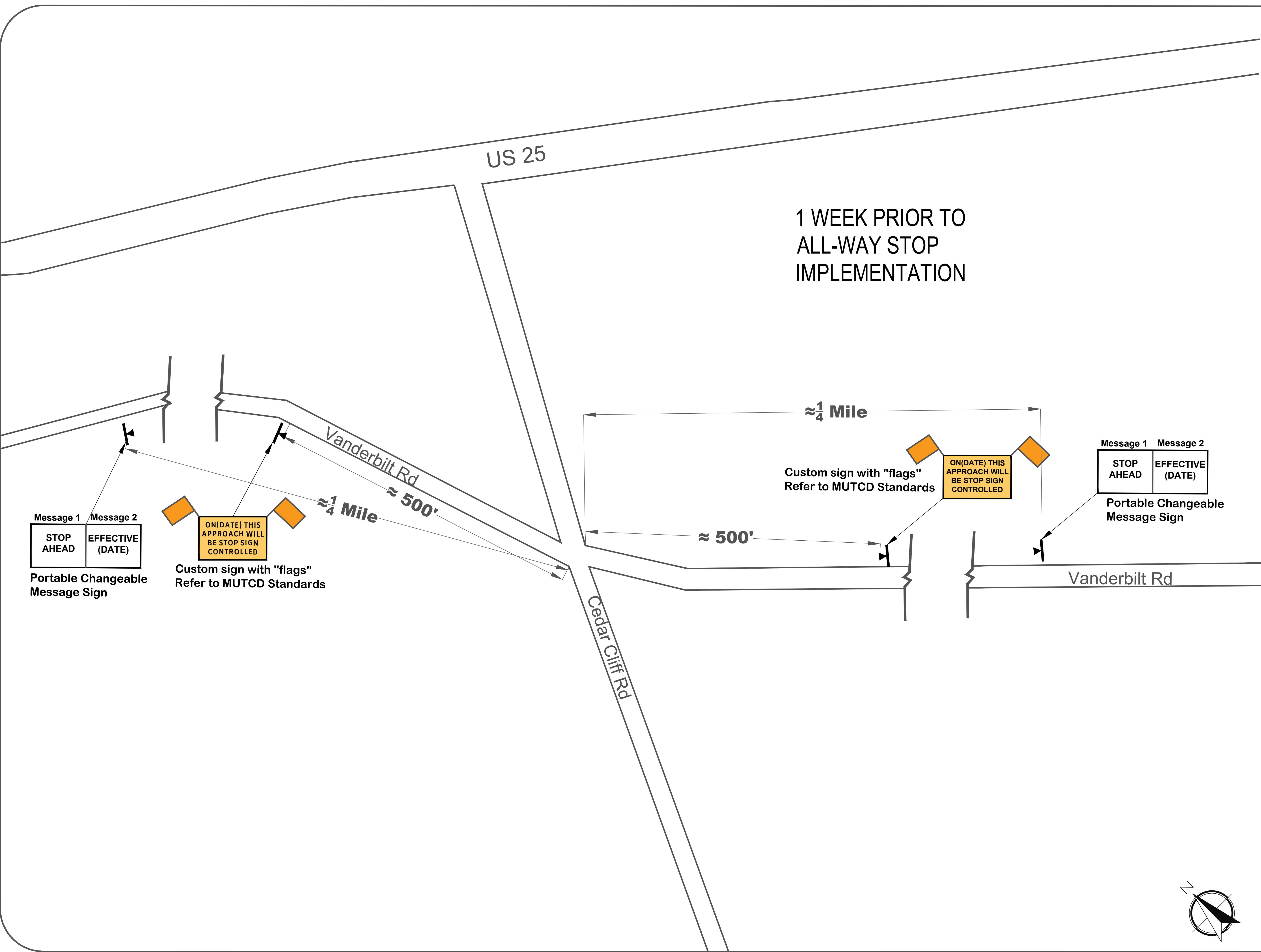
Prepared For:

Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

All-Way Stop Conversion
Cedar Cliff Rd at Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet
Date 05/9/19	TMP - 2
Scale Not to Scale	



1 WEEK PRIOR TO
ALL-WAY STOP
IMPLEMENTATION

General Notes

1 WEEK PRIOR TO
ALL-WAY STOP
IMPLEMENTATION



Engineering & Planning

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C. B. Hladick, CADD	5-9-19
Drawing By	Date
J. Mark Teague, P.E.	5-9-19
Revised By	Date
Reviewed By	Date

Prepared For:

Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

All-Way Stop Conversion
Cedar Cliff Rd at Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet
Date 05/9/19	TMP-3
Scale Not to Scale	

DAY OF
ALL-WAY STOP
IMPLEMENTATION



525 North Main Street
Waynesville, NC 28786
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C. B. Hladick, CADD	5-9-19
Drawing By	Date
J. Mark Teague, P.E.	5-9-19
Revised By	Date
Reviewed By	Date

Prepared For:

Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

All-Way Stop Conversion
Cedar Cliff Rd at Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet
Date 05/9/19	TMP-4
Scale Not to Scale	

DAY OF
ALL-WAY STOP
IMPLEMENTATION

US 25

~ 500'

~ 500'

~ 500'

~ 500'

~ 500'

~ 500'

~ 500'

Add "NEW TRAFFIC
PATTERN" Sign (W23-2)
with Oranges flags

Add Second
"STOP AHEAD" Sign (W3-1)
with Oranges flags

Add "ALL WAY" sign
(R1-3P) and Orange
"Flags" to Existing
"STOP" sign

Install two 36"
"STOP" signs (R1-1)
with "ALL WAY" sign (R1-3P)
and Orange "Flags"

Replace Custom Sign
with "STOP AHEAD" Sign
(W3-1) with Oranges flags

Message 1 Message 2
NEW TRAFFIC STOP
PATTERN AHEAD
Change Message
Portable Changeable
Message Sign

Message 1 Message 2
NEW TRAFFIC STOP
PATTERN AHEAD
Change Message
Portable Changeable
Message Sign

See below
Figure 1

Replace Custom Sign
with "STOP AHEAD" Sign
(W3-1) with Oranges flags

Install two 36"
"STOP" signs (R1-1)
with "ALL WAY" sign (R1-3P)
and Orange "Flags"

See below
Figure 1

Add "ALL WAY" sign
(R1-3P) and Orange
"Flags" to Existing
"STOP" sign

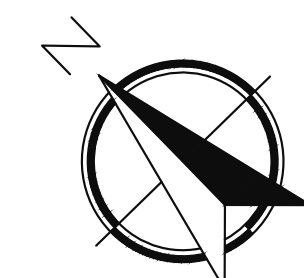
Add Second
"STOP AHEAD" Sign
(W3-1) with Oranges flags

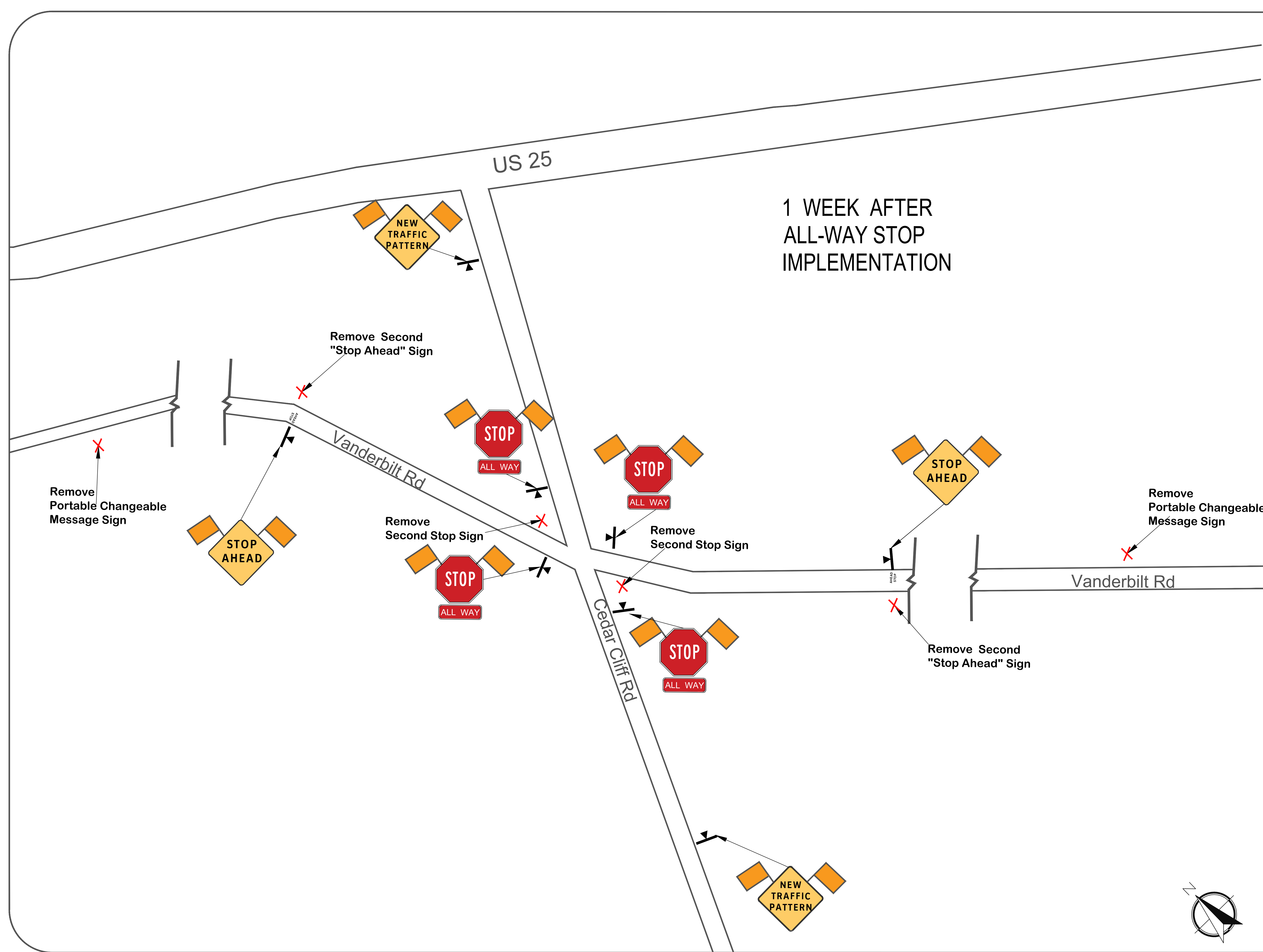
Add "NEW TRAFFIC
PATTERN" Sign (W23-2)
with Oranges flags

Figure 1

AHEAD
STOP

**Add "Stop Ahead" paint markings
on each approach of Vanderbilt Rd
parallel to each "STOP AHEAD" Sign





1 WEEK AFTER
ALL-WAY STOP
IMPLEMENTATION

General Notes

1 WEEK AFTER
ALL-WAY STOP
IMPLEMENTATION



525 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797

C. B. Hladick, CADD	5-9-19
Drawing By	Date
J. Mark Teague, P.E.	5-9-19
Revised By	Date
Reviewed By	Date

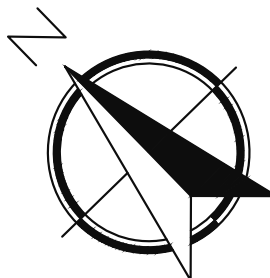
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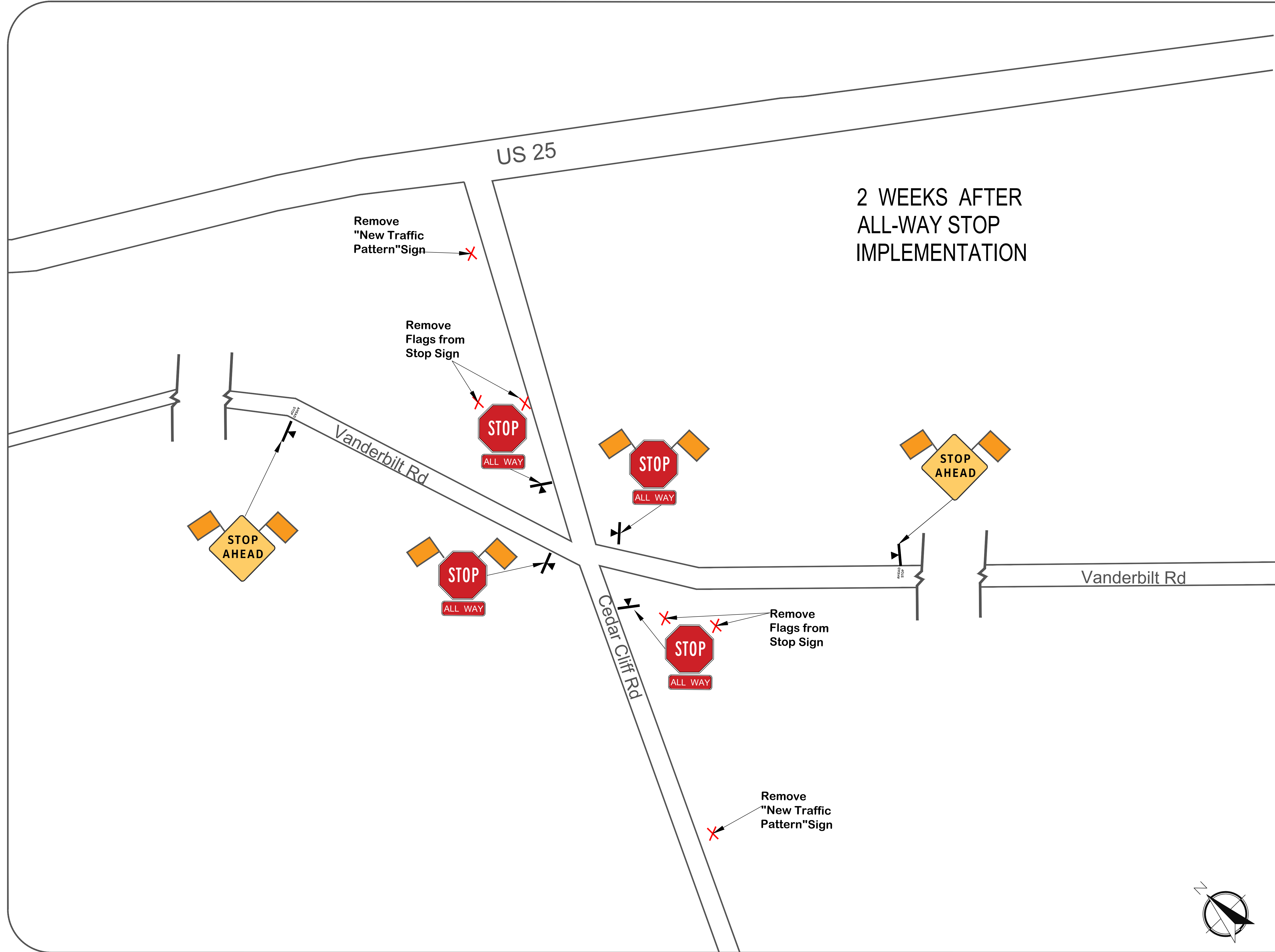
Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

All-Way Stop Conversion
Cedar Cliff Rd at Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet
Date 05/9/19	TMP-5
Scale Not to Scale	





General Notes

2 WEEKS AFTER
ALL-WAY STOP
IMPLEMENTATION



525 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797

C. B. Hladick, CADD	5-9-19
Drawing By	Date
J. Mark Teague, P.E.	5-9-19
Revised By	Date
Reviewed By	Date

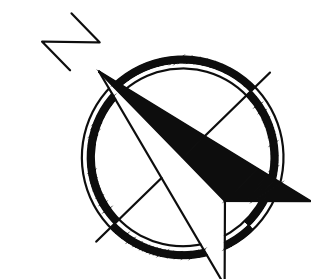
Prepared For:

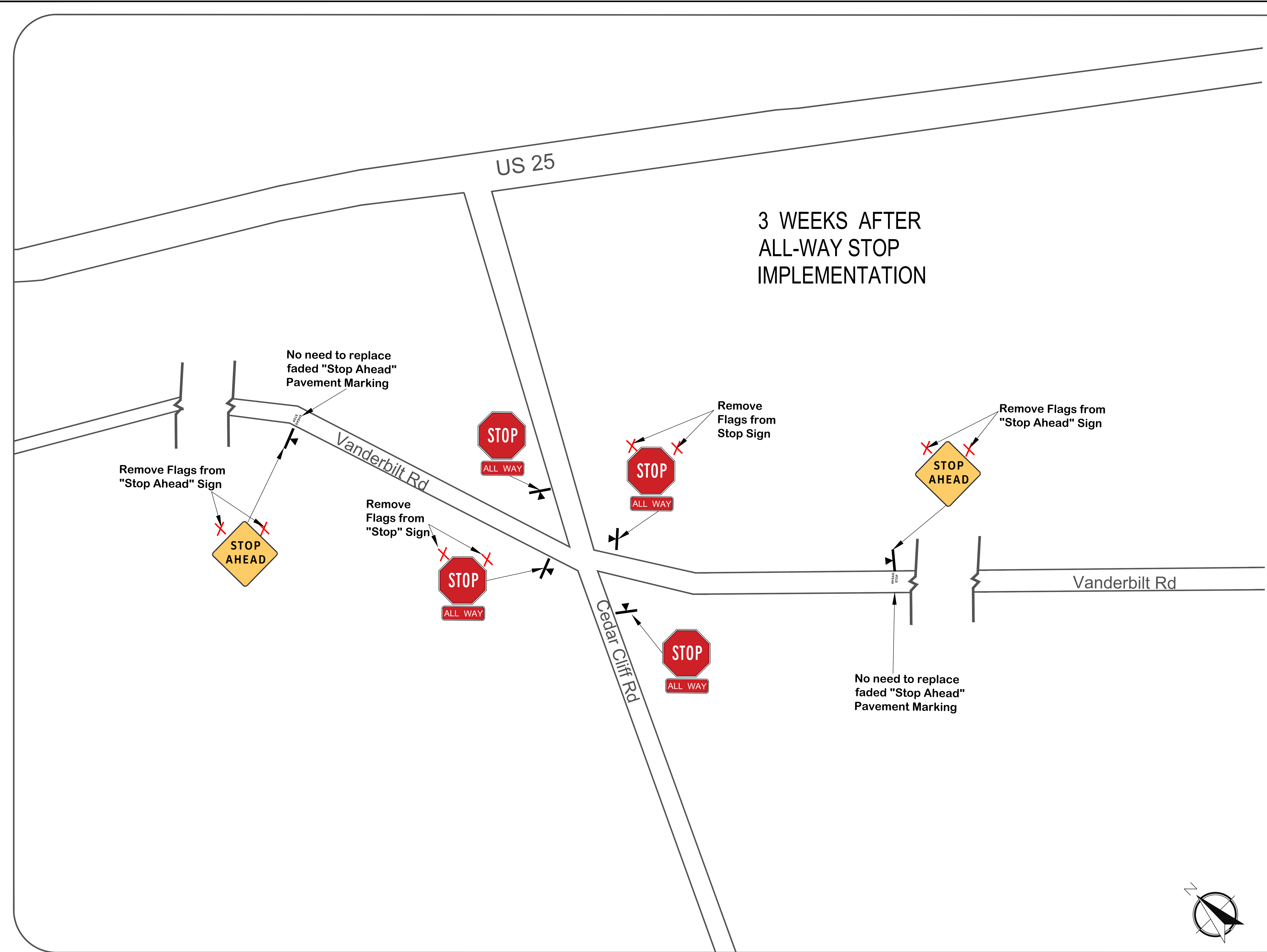
Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

All-Way Stop Conversion
Cedar Cliff Rd at Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet
Date 05/9/19	TMP-6
Scale Not to Scale	





General Notes

3 WEEKS AFTER ALL-WAY STOP IMPLEMENTATION

J.M. TEAGUE

Engineering & Planning

525 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797

C. B. Hladick, CADD	5-9-19
Drawing By	Date
J. Mark Teague, P.E.	5-9-19
Revised By	Date
Reviewed By	Date

Prepared For:

Town of Biltmore Forest
Biltmore Forest, NC

Project Name and Address

All-Way Stop Conversion
Cedar Cliff Rd at Vanderbilt Rd
Biltmore Forest, NC

Project WAYN 0910	Sheet
Date 05/9/19	TMP-7
Scale Not to Scale	

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



George F. Goosmann, III, Mayor
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 2019-06

Date: May 28, 2019

The attached resolution will permit the Town to sell, via GovDeals online auction, the 2014 Ford Explorer Interceptor. This vehicle was utilized by the Police Department but is no longer operable.

If you have additional questions regarding this surplus sale, please let me know.

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

TOWN OF BILTMORE FOREST
BOARD OF COMMISSIONERS

RESOLUTION 2019-06

WHEREAS, the Board of Commissioners of the Town of Biltmore Forest desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Biltmore Forest Board of Commissioners that the following described property is hereby declared to be surplus to the needs of the Town of Biltmore Forest:

2014 Ford Explorer Interceptor
Mileage: 128,000
VIN: 1FM5K8AR0DGA68822

BE IT FURTHER RESOLVED that the Town Manager is authorized to receive on behalf of the Biltmore Forest Board of Commissioners bids at electronic auction for the purchase of the described property. The highest bid, if it complies with the terms of sale, may be accepted by the Town Manager and the sale consummated.

The Town Manager shall cause a notice of the electronic auction to be published in accordance with G.S. 160A-270(b).

This the 11th day of June, 2019.

George F. Goosmann, III
Mayor

Attest:

Jonathan B. Kanipe
Town Manager

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P (828) 274-0824 | F (828) 274-8131

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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 Capital Project Ordinance Budget Amendment

Date: May 28, 2019

The Board of Commissioners approved a Capital Project Ordinance (CPO) for the Public Works building project in October 2018. This CPO budget included a contribution from fund balance of \$719,250.00. Staff recommends a budget amendment to the CPO that would allow for the purchase of furniture and equipment in the new building from this project ordinance versus using the Town's regular annual budget. Staff recommends an increase of \$80,000 in the fund balance appropriation for this project to provide for these needs.

STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)

**TOWN OF BILTMORE FOREST
BOARD OF COMMISSIONERS**

**CAPITAL PROJECT ORDINANCE
BILTMORE FOREST PUBLIC WORKS BUILDING RENVOATION**

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

Section 1. The project authorized is the Biltmore Forest Public Works Building Renovation to be financed in part by an installment financing instrument through Branch Banking and Trust (BB&T) and in part by the Town's General Fund balance.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Design	\$22,000
Furniture and Equipment	\$80,000
Construction	<u>\$1,497,250</u>
Total	\$1,599,250

Section 4. The following revenues are anticipated to be available to complete this project.

Installment Financing (BB&T)	\$800,000
Transfer from General Fund	<u>\$799,250</u>
Total	\$1,599,250

Section 5. The Finance Officer is hereby directed to maintain within the Biltmore Forest Public Works Building Renovation project fund detailed accounting records.

Section 6. The Budget Officer is hereby directed to include a detailed analysis of the past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 7. Copies of this Capital Project Ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 11th day of June, 2019.

George F. Goosmann, III
Mayor

Attest:

Jonathan B. Kanipe
Town Manager

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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 – Accessory Structure Changes

Date: May 31, 2019

Background

The Board has discussed potential changes to the accessory structure ordinance for several months. Attached to this memorandum are the following items:

- 1) Planning Commission minutes from March and April 2019 regarding accessory structure
(Note: the April minutes are unapproved as the Planning Commission has not met since this time)
- 2) Flow chart demonstrating zoning process and where we are currently
- 3) Last version of potential amendments (as presented to Planning Commission)

The Board elected to table the matter last month until the Town Attorney could be present for these discussions. If you require anything further or have questions regarding this information, please let me know.

TOWN OF BILTMORE FOREST
PLANNING COMMISSION MEETING, MARCH 6, 2019

Those in attendance:

Mr. Doug Bailey, Chairman

Ms. Toya Hauf

Ms. Marjorie Waddell

Mr. Jonathan Kanipe, Town Manager

Chairman Doug Bailey called the meeting to order at 4:00 PM.

Ms. Toya Hauf made a motion to approve the minutes from April 25, 2018. Ms. Marjorie Waddell seconded the motion. The minutes were unanimously approved.

Mr. Jonathan Kanipe updated the Board on last year's meeting where the Planning Commission discussed updating the Ordinance to discuss fences, walls, and driveway gates. There was no recommendation made at that time due to the Planning Commission asking for more information from the public related to proposed changes. Last September, an open house was held to review potential changes to accessory structures, driveway gates, and walls. The survey response rate was 185 out of 675 households. The Board of Commissioners asked for Planning Commission feedback on the proposed changes during the February meeting. The proposed draft from last August was composed into a simpler Ordinance. Mr. Kanipe referred to Section 153.049, which breaks fences, gates, and walls out of the accessory structure ordinance and into its own specific guidelines. Mr. Kanipe suggested the Planning Commission review the proposed Ordinance and determine how to proceed.

Mr. Doug Bailey asked the audience for comments.

Mrs. Joyce Young provided a letter to the Board. She made a point regarding rear yard versus backyard in this letter. Mr. Kanipe thanked Mrs. Young for her feedback.

Mr. Bailey asked if this would go through the Design Review Board. Mr. Kanipe said the regular Zoning approval process still goes through the Design Review Board. This is the level of administrative approval that it has to go through before going to the Design Review Board. It is not regulatory but advisory.

Mr. Bailey said the back and rear yard sometimes back up to a neighbor's side yard. Mr. Kanipe said the idea would be on a case by case basis by showing plans.

Ms. Zimmerman suggested taking away "may" be required and adding "must" be required. Ms. Zimmerman said the word "may" sounds too permissive.

Mr. Kanipe said the fences allowed under the new ordinance would have to comply with the setbacks.

Mr. Pigossi asked how a side yard is determined. Mr. Kanipe used the example of a teardrop shaped lot and noted that if the home was situated very high on the property then there is not necessarily a lot of room in the backyard. The front plane of the house, whether it is angled or not, is the front of the house. The side yard extends to the portion between the house and runs parallel to the side yard. It becomes distinct and different on each individual lot. We remind people if they situate their house far back, then the front yard becomes very restricted in terms of what can be constructed there.

Ms. Zimmerman asked about the guidelines for a corner lot. Mr. Kanipe said corner lots are required to have a different setback on the street. There is a thirty-foot setback for a corner lot.

Mr. Bailey asked if a neighbor was to get a wall, would the surrounding neighbors be notified of the proposed project. Mr. Kanipe said it would not be required to notify the neighbors under this proposed Ordinance.

Ms. Young asked what the Planning Commission's opinion on this is. Mr. Bailey said it is not up to them, but as a resident, he would certainly like to be informed if a neighboring property owner were putting up some type of structure.

Ms. Rhoda Groce asked why neighbors would not be proactive instead of reactive. Mr. Kanipe said this is more for streamlining. A variance should only be used when there is a true hardship. The idea was not to limit neighbor input. Mr. Kanipe said this portion could certainly be revisited.

Ms. Young said this would change the way the Town looks. Mr. Kanipe said the idea was to have uniformity through administrative language. This came about in the Board meeting this past September. Ms. Young said the language is currently uniform by not allowing these structures.

Ms. Zimmerman asked if the Board of Adjustment makes a ruling, is the ruling is enforceable. Mr. Kanipe said yes it is enforceable. The Design Review Board is an advisory board and not a regulatory board.

Mr. Kanipe discussed driveway gates. Last year, there was a request that came before the Board of Adjustments. They found there was no Ordinance specifically applying to driveway gates. This portion of the Ordinance is related to driveway gates. The proposed Ordinance says they cannot be in the front and side yard setback. They cannot be in any setbacks. The height requirement is no more than 8 feet. Mr. Bailey asked if 8 feet is the typical height. Mr. Kanipe said

yes. Mrs. Zimmerman suggested making the columns and gates all the same height requirement. Mr. Kanipe said this was a good suggestion. There would have to be access for emergency vehicles to access. Ms. Young asked if it was one gate per property. Mr. Kanipe said it is one gate per driveway.

This Ordinance also discusses replacement of current fences, gates, or walls, which would be allowable. If these entities are being repaired, it is considered a maintenance issue and is allowed. Replacement over fifty percent goes before the Board of Adjustment and will continue to do so.

Mrs. Zimmerman suggested putting up a height restriction. Mr. Kanipe said the new Ordinance states six feet is the new height requirement. The maximum height for a deer fence is eight feet. Mrs. Zimmerman said fencing material should be clarified. Mr. Kanipe said chain link is not allowed.

Mr. Pigossi referenced the rear yard. Mr. Pigossi asked if one could fence across the back and fence to the side of the rear yard. Mr. Kanipe said someone could fence the rear of the house within the setback.

Ms. Hauf said she does not understand why anyone in Biltmore Forest would need a fence, as this is an open community. Ms. Hauf said the only reason she could see someone having a fence is for insurance purposes. If deer fencing is allowed it should be of specific material and abut the estate and the parkway. Ms. Hauf does not think creating an ordinance that allows fences, whether regulated or not, is a good idea because it is propagating a bad idea. Ms. Hauf said just because there are fences now does not mean the Board should keep allowing them. Ms. Hauf said that the people here live in a forested area where there are already trees that buffer and fences should not be required unless it is for safety purposes such as a pool. Ms. Hauf also said that if something happens to an existing fence, it should not be replaced just because they already exist.

Mr. Kanipe asked the Board members for their feedback. Mr. Bailey suggested having a meeting with all the Planning Commission members to discuss what steps to take next. Mr. Bailey said he appreciated all the audience members' feedback.

Ms. Hauf said it is taking a long time to make this decision and they have not come to a conclusion yet. Ms. Hauf suggestion putting a moratorium on fences, walls, and gates until a decision has been made by the Board on how to move forward. Mr. Kanipe said a Public Hearing is required for a moratorium so it will take some time to schedule it. The Board agreed to meet within the next month. Mr. Kanipe will email the Board some dates, and subsequently scheduled for Monday, April 1, 2019 at 4pm.

The meeting was adjourned at 5:03pm.

Jonathan Kanipe
Town Manager

Doug Bailey
Chairman

TOWN OF BILTMORE FOREST
PLANNING COMMISSION MEETING, APRIL 1, 2019

Those in attendance:

Mr. Doug Bailey, Chairman

Ms. Toya Hauf

Ms. Marjorie Waddell

Mr. Jonathan Kanipe, Town Manager

Mr. Billy Clarke, Town Attorney

Chairman Doug Bailey called the meeting to order at 4:00 PM.

Chairman Bailey made a motion to approve the minutes from March 6, 2019. Ms. Marjorie Waddell seconded the motion. The minutes were unanimously approved.

Chairman Bailey said he likes the way the Ordinance is currently regarding the fences, walls, and gates; the neighbors are notified and it goes before the Board of Adjustment and Design Review Board. Chairman Bailey thinks it puts too much pressure on Mr. Kanipe and that the neighbors should be notified of an upcoming project. Chairman Bailey says fencing should not be allowed in the front yard but allowed in the back and side yard under certain circumstances. He also believes there should be significant landscape around the fence.

Ms. Marjorie Waddell agrees to keep it the way it is as well. She believes neighbors should be notified as well. As far as fences go, she wanted to go through the proposed Ordinance and make it as specific as possible. Chairman Bailey did not want to go through the Ordinance at this time but specifically pointed out section 153.049 and how it should be revised.

Ms. Toya Hauf said she has not changed her stance for fences but agrees with it in certain situations. She does not think there should be fences or gates except for insurance purposes such as a pool. There should be standards for color, height, etc. Even if the Town Manager is going to approve it, the neighbors should be notified. If one neighbor does not like it, the project should not be allowed. Ms. Hauf stated if someone moves into a forest, then why would someone put a fence up. Ms. Hauf stated there is no uniformity or standard on what has happened in the past and we need to come up with something specific. Ms. Hauf does not like gates and does not think they should be allowed.

Mr. Kanipe said the majority of fences that have recently been approved were for pools or deer fencing. This current Ordinance has also stopped people from putting up fences.

Mr. Billy Clarke said the number of people that have put up fences to protect animals and children is there but those typically are not approved. Some walls and fences with new construction or rebuilds of a house are not always granted. There was a change to the Ordinance to make it more restrictive regarding fences two years ago.

Mr. Kanipe said, the Town had an intern during 2015-16 and he did a study of the Conditional Use Permit applications and he found approximately 75% of those applications were for fences. When there was a general idea of fences not allowed in the Town, we were still getting 75% of applications and of that, 60% were approved. This is why the Ordinance was decided upon. Ms. Hauf said, the reason why people kept requesting fences, is that fences kept being approved. Mr. Kanipe agreed.

Mr. Clarke clarified what the role of the Planning Commission is. The Planning Commission is supposed to advise and comment whether the proposed amendment is consistent with any comprehensive plans and a written recommendation is supposed to be provided to the Board of Commissioners on the requested changes. A Zoning Ordinance that covers the entire

Town is a comprehensive plan. Mr. Clarke explained the statutory references. The Board has 30 days to submit their written comments. The Board of Commissioners knew there was a meeting and there was a lot of reaction. Mr. Clarke wanted to advise the Planning Commission of this. The Board of Commissioners wants to hear from the Planning Commission. Mr. Kanipe said the Board of Commissioners is more interested in getting feedback from the Planning Commission. Mr. Clarke said the Board of Commissioners does not have to follow the Planning Commission's written report. Mr. Kanipe said once they make their recommendations, it goes into the hands of the Board of Commissioners. At that point, they can decide if they want to proceed. If they proceed, a Public Hearing must be noted in the newspaper and published at the Town Hall no less than 10 days but no more than 25 days before the Public Hearing. The Commissioners would receive Public Comment at that Public Hearing. After the Public Hearing concluded, they could vote on the Ordinance Amendment. They could also choose not to vote as well. A Public Hearing has to be held before any action can be taken.

Chairman Bailey asked if a motion had to be made. Mr. Clarke said they can do however they wish. Mr. Bailey said he would prefer to take their feedback to the Board of Commissioners. Mr. Clarke suggested Mr. Kanipe summarize the Planning Commission's comments and they can further discuss the matter. Chairman Bailey said there were a couple of other comments made regarding back and rear yard. Chairman Bailey said if a fence is installed; there should be quite a bit of landscaping to buffer the area. Mr. Clarke said with the proposed Amendment, he explained the difference between "must" and "may." If it is stated as "must", it has to be done. When it is stated as "may", it may have to be done.

Chairman Bailey said he would hate to see a situation where someone were to put a fence up and buffering to the fence was not planted. Ms. Hauf said deer fencing is supposed to blend in and she would not expect vegetation for deer fencing. Chairman Bailey said he wasn't sure about the wording. Mr. Clarke said 50-75% of the time; the Board of Adjustment requires buffering. Mr. Kanipe said they have 18 month to add this.

Ms. Hauf's primary concern was given there are different personalities on the Board; she is concerned about consistency and the true standard. She is also concerned about enforcement. The Town does not have the necessary tool and abilities to enforce certain things. Mr. Kanipe said

with Ms. Isenhower here two days a week, it has really helped a lot with enforcement and has been much more proactive.

Mr. Bailey asked if the Board members had any further comments. Ms. Waddell asked if they could go back through the Ordinance where the suggested changes would be made. Mr. Clarke said looking at section 153.049, fences, gates, and walls may be approved by the Town Manager and do not have to be approved by the Board of Adjustment. Mr. Clarke would not want to change it to “must” because there wouldn’t be any discretion. Mr. Clarke also said the same thing regarding driveway gates and the word “must” should not be used. Chairman Bailey said if the Commissioners decide to let the Town Manager make this decision that neighbors should be informed. Mr. Clarke agreed and said if a neighbor is not happy with a fence, he/she can appeal that decision to the Board of Adjustment. Chairman Bailey said it would save time for the Board of Adjustment but it would also be putting a lot of pressure on Mr. Kanipe. Mr. Kanipe said what will have to be figured out is the verbiage which will have to be discussed with Mr. Clarke, and will it be from the perspective of the Board of Adjustment or the Town Manager. Ms. Waddell said she sees more consistency if the decision went directly to the Town Manager. Ms. Waddell said they are looking for a standard that is the same for everyone.

Mrs. Diane Zimmerman said if the Town Manager were to make the decision, there would be no public comment or public input which would cause conflict. Mr. Clarke said under the current “standard”, every fence is a Conditional Use so the applicant has to go before the Board of Adjustment to get a Conditional Use Permit for a fence even if it meets all the requirements. Mrs. Zimmerman said if it went directly to Jonathan, only the neighbors would get a notice. The rest of the Town would not get a notice. Mr. Clarke said yes. Mr. Kanipe said the administrative level of approval is far less formal and there would be much less input based upon the entire population. Mr. Kanipe said neither way is good, bad, or indifferent. The Board of Adjustment side of it is that it is required by State law how things are handled. Everything in terms of documentation would still be public record. Right now it is a policy issue.

Ms. Hauf said she does not like the idea of fences and gates. Ms. Hauf recognizes this is something the Board feels could be a difficult decision once the Ordinance has been changed. Ms. Hauf said there needs to be a happy medium and the neighbors should be notified and have an

opportunity to protest. For Ms. Hauf, she cares about how her neighbors would feel about a project being completed rather than what is happening 10 doors down from her residence. Ms. Hauf said it is a confined space and neighbors should have an opportunity to voice their opinion about it. Even if there is public comment from the Board of Adjustment, that might not necessarily change anything either. Mr. Kanipe suggested a checklist of approvals that would be granted if these other matters are “checked.” Ms. Hauf asked if the residents have more rights as far as enforcement goes if this went through the Town Manager. Mr. Clarke said the rights of the residents would be what is stated on what the Board of Adjustment or Mr. Kanipe say. The Conditional Use Permit whether it is issued by the Board of Adjustment or the Town Manager should be made clear.

Mr. Clarke said to look at Section 153.049 (d) stating, “a driveway gate and supporting columns may be approved.” Mr. Clarke suggested keeping that statement the way it reads. #2, #3, and #4 should be kept as “must” because those are the requirements. Mr. Clarke said “may” in subparagraph C should be left as well. Height limits on fences were discussed.

Chairman Bailey said that at his previous house in Biltmore Forest, he had an old wooden fence. The wooden fence was replaced and it was taller than 6 feet. The reason the fence was taller than six feet is so the neighbor couldn’t look directly into Chairman Bailey’s house.

Ms. Hauf said if we leave it for the Board of Adjustment, is there some standard that could be set to set it to a certain type of material, etc. Ms. Hauf said she is more concerned with the “may” if this process stays with the Board of Adjustment. There should be a way to standardize this so there is less consistency.

Ms. Mary Goodkind asked about specifics to be stated for fencing around pools and fencing around backyards. Ms. Goodkind also asked if an existing gate to access her neighbors backyard from one house to the other is still allowed. Mr. Kanipe said this would only apply to driveway gates.

Mrs. Zimmerman asked if Mr. Kanipe could clarify corner lots. Mr. Kanipe said corner lots have the same screening and buffering requirements as front yards. Mrs. Zimmerman referenced 6 Browntown Road and the chain link fence that she said was new. Mr. Bailey and Mr. Kanipe said this fence has been there for a long time and is already existing. Mr. Kanipe said this

specific Ordinance would allow us to do some things which would include buffering with existing fences. Chairman Bailey said there needs to be some kind of standards which needs to be communicated to the Board of Commissioners. Mr. Clarke said the Board of Commissioners will be pleased to receive their comments.

Mr. Kanipe said he will get together with Adrienne and they can get more specifics upon the recommendations given today. Mr. Clarke said it might be more of a summary of this discussion rather than submitting a recommendation at this time.

Chairman Bailey adjourned the meeting at 5:02 p.m.

Jonathan Kanipe
Town Manager

Doug Bailey
Chairman

Zoning Amendment Process

Step 1 – Board(s), staff, citizen submit request for zoning ordinance text amendment

April
2018-
Feb
2019

Intervening Actions:

Staff evaluates recommendation and prepares draft ordinance language

Staff presents draft ordinance language and receives questions from Board of Commissioners

Staff ultimately refers to Planning Commission for formal recommendation and review of the proposed ordinance change.

Step 2 – Planning Commission reviews and considers zoning ordinance text amendment.

March
2019

Intervening Actions:

Staff provides background information and proposes ordinance changes to Planning Commission for deliberation and review.

Staff answers questions related to the new ordinance, including implementation plans and difference between draft ordinance and existing ordinance.

Planning Commission considers draft ordinance and makes recommendation as follows:*

We
Are
Here

-Recommend approval of draft ordinance amendment, as is

-Recommend disapproval of draft ordinance amendment, as is

-Recommend revised draft ordinance amendment

****In each instance, the Planning Commission must find that their recommendation is consistent with the plans of the Town of Biltmore Forest.***

Step 3 – Board of Commissioners receives recommendation from Planning Commission and schedules public hearing (if ordinance amendment moves forward)

Step 4 – Public Hearing must be noticed in the newspaper no less than 10 days and no more than 25 days before the scheduled public hearing.

Step 5 – Board of Commissioners receives public comment at public hearing. After public hearing concludes, Commissioners may vote on proposed ordinance amendment if they wish.

-If proposed amendment is approved, it may be effective immediately or upon an effective date as noted in the ordinance.

-If proposed amendment is rejected or motion to consider dies, the ordinance change does not take effect.

An Ordinance Amending the Town of Biltmore Forest Zoning Ordinance

WHEREAS, Biltmore Forest, 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. Historic continuity and preservation of the forest environment requires substantial open space for trees, plants and wildlife.

WHEREAS, Given the Town's proximity to the Biltmore Estate, the Estate's large deer population, and the prevalence of other species including bear, the Town, through its Board of Adjustment, has received and continues to receive requests to approve fences and gates. The Board Commissioners is committed to preservation and protection of the forested residential community and to accommodating reasonable requests from its residents. 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.

NOW, THEREFORE BE IT ORDAINED, by the Board of Commissioners for the Town of Biltmore Forest that the following amendments to the Zoning Ordinance and subsequent regulations be placed on fence, gate, and wall construction and replacement as of the effective date of this ordinance.

§ 153.029 – Accessory Structures and Buildings

ADD the following under § 153.029 (B):

New Number “3” states as follows:

Fences, gates, and walls shall be regulated in accordance with § 153.049 of this Zoning Ordinance.

§ 153.029 (C) is deleted in its entirety.

§ 153.049 - Fence, Gate, and Wall Regulations

(A) New fences, gates, or walls may be approved by the Town Manager and do not have to be approved by the Board of Adjustment, so long as the gate, fence or wall meets the following requirements.

- (1) The fence, gate, or wall is constructed entirely within the rear yard, is not located in any side or rear yard setbacks and is constructed of materials deemed acceptable in 153.049(D)
- (2) Mature vegetation or other buffering sufficiently obscuring the structure from neighbors must be required.

New Town Zoning Ordinance
Section 153.049

(B) A driveway gate and supporting columns may be approved by the Town Manager and does not have to be approved by the Board of Adjustment so long as it meets the following requirements:

- (1) The Driveway Gate and columns must not be located in the front or side yard setback of a property in order to allow sufficient time and space when multiple vehicles are entering a property
- (2) The Driveway Gate shall not be more than eight (8) feet in height.
- (3) The Driveway Gate must provide access for emergency services and first responders. This may be done via a lockbox code, strobe or siren activation switch, or other method with demonstrated reliability.
- (4) The Driveway Gate must open wide enough to provide for ingress and egress of emergency vehicles.

(C) Replacement of existing fences, gates, and walls may be approved by the Town Manager so long as the replacement fence is constructed of materials deemed acceptable in 153.049 (D) and meets the requirements below. 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. 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.

- (1) Existing chain link fences or gates may not be replaced with new chain link fences or gates.
- (2) 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.
- (3) 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) Acceptable Materials and Standards for Fences and Walls / Maintenance. The following materials and standards for fences and walls shall be deemed acceptable.

- (1) Wooden fencing or gates shall be of natural color or painted in a manner compatible with the residence and the lot.
- (2) Non-wooden fencing or gates shall be black, dark green or brown to blend with surrounding trees or vegetation.
- (3) No new chain link fencing or gates shall be allowed.
- (4) Fences may not exceed six (6) feet in height. Fences designed to prevent deer or other wildlife from entering the property may not exceed eight (8) feet in height.

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- (5) 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.
- (6) 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