

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD JANUARY 12, 2021.

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

Roll call taken by the Clerk:

Mayor George F. Goosmann, III, present

Commissioner Doris P. Loomis, present

Commissioner E. Glenn Kelly, present

Commissioner Fran Cogburn, present

Mr. Jonathan Kanipe, the Town Manager was present and Mr. William Clarke, the Town Attorney were also present. Roll call was taken by the Clerk.

Mayor Goosmann called the meeting to order at 4:30 pm. Commissioner Cogburn made a motion to approve the minutes from December 8, 2020. The motion was seconded by Commissioner Kelly and unanimously approved. Roll call was taken by the Clerk.

Chief Beddingfield gave the Resolution of Appreciation for Mr. David Sharpton. Mr. Sharpton invested over 24 years of service as a reserve officer mostly on a volunteer basis with the Town of Biltmore Forest. Mr. Sharpton was a resource of wisdom and Town employees enjoyed having him join the team. Chief Beddingfield thanked Mr. Sharpton for his years of dedication and service to the Town. Chief Beddingfield presented Mr. Sharpton a plaque showing the Town and Department's appreciation.

STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)

TOWN OF BILTMORE FOREST
BOARD OF COMMISSIONERS

RESOLUTION 2021-01

RESOLUTION OF APPRECIATION

WHEREAS, Officer David Sharpton has faithfully completed 24 years and 4 months of employment with the Town, serving admirably as an Officer of the Town’s Police Department; and

WHEREAS, the Mayor and Town Board of Commissioners recognize the valuable service that Officer Sharpton has provided to the Town; and

WHEREAS, the Mayor and Town Board of Commissioners take this opportunity to express their thanks and gratitude to Officer Sharpton for outstanding dedication to the Town; and

THEREFORE, the Mayor and Town Board of Commissioners express their appreciation for the outstanding manner in which Officer Sharpton performed his duties, for his dedication in the day-to-day operation of the Town, and for his abilities to improve the lives of Biltmore Forest citizens.

This the 12th day of January, 2021.

George F. Goosmann, III

Mayor

ATTEST:

Laura M. Jacobs
Town Clerk

Chief Beddingfield gave the monthly report for the Police Department. There were 660 calls for the month of December. There were no felony arrests this month and only one misdemeanor arrest. Chief Beddingfield has kept the Town Manager apprised of several protests happening at MAHEC on a regular basis. They have been lawful protests. Many protesters were standing on private property during the first protest and moved to public property when requested. So far there have been no major issues.

There have been snow and severe weather events. There was an incident of a stolen vehicle full of juveniles who did not have much driving experience in this type of weather.

Chief Beddingfield updated the Board on the two new hybrid vehicles. These should be in service soon. They are waiting on two pieces of equipment that need to be installed. They are also working on switching the camera systems.

Chief Beddingfield summarized the yearly report and said calls increased. Felony arrests doubled for the year and misdemeanor arrests increased which seem to be a nationwide trend. Chief Beddingfield felt very satisfied with the service being provided and is appreciative of the police department staff with all their hard work.

Mayor Goosmann asked Chief Beddingfield if MAHEC has their own security. Chief Beddingfield said yes, they have one or two civilian security personnel. They do not have the power of arrest so if a situation arises and they need police attention, they call us. Mayor Goosmann thanked Chief Beddingfield for all of the hard work the police department provides and thanked Chief Beddingfield for his efforts put in during the holidays as well. Chief Beddingfield thanked the Board for their support.

Chief Ryan Cole gave the monthly report for the fire department. Chief Cole said calls decreased for the month of December most likely due to the holidays. Call volume for the month of January is rapidly increasing because of COVID-19. They are performing many transports of COVID-19 positive patients because of exposure during the holidays. The Fire Department is

doing in house COVID-19 testing of personnel and they have been very fortunate to keep COVID-19 out of the Fire Department. Chief Cole said it was truly enjoyable to have Santa visit the Town in the fire truck on Christmas Eve and many people stood outside their homes singing and dancing to Christmas music. Mayor Goosmann was very thankful to the Fire Department for all of their hard work. Chief Cole expressed his gratitude to the Board.

Mr. Harry Buckner gave the monthly report for the Public Works department. Mayor Goosmann thanked Mr. Buckner and Mr. Eric Anderson for going out in the middle of the night and plowing the snow which allowed the rest of the staff to stay home and rest. Mr. Buckner commended the Public Works staff for working extremely hard during the snow storm. Mr. Buckner also commended Mr. Cody Bartlett for coming in on Christmas Eve and helping plow the roads. Mr. Jeff Glover and Mr. Lucius Riley came in on Christmas Day and also plowed the roads working very diligently. Mr. Buckner said it worked out very well.

Mr. Mike Dale is the new supervisor who started on January 4th. He is working out very well and doing a wonderful job. Mr. Daniel Rice also is doing well and brings in a lot of great experience. He worked for the City of Asheville as a supervisor in their sanitation department particularly in the brush collection unit.

The culvert on Southwood was replaced. This was an age related failure. Public Works added McCarthy Tire as a vendor. Public Works uses quite a few tires with the garbage truck, so Mr. Buckner is trying to be as efficient as possible and save money. With this State contract, Mr. Buckner anticipated a savings of about 5-10% per transaction.

The Cedar Hill Drive project is almost complete. In January, Public Works will be training Mr. Dale and Mr. Rice. The new recycling schedule will also be distributed to residents within the next few weeks.

Mayor Goosmann thanked Mr. Buckner for doing such a great job as well as the rest of the Public Works staff.

Mr. Jonathan Kanipe gave the monthly report for the Town. Mr. Kanipe went over the COVID-19 vaccination protocol for Phase 2(b). Buncombe County residents' ages 75 years and older can begin receiving their vaccinations. We are also posting this information on the Town's website once we get the updates from the County.

Mr. Kanipe said the Governor's COVID-19 vaccination update for Town employees will include law enforcement personnel getting vaccinated (optional to the employee) as part of Phase 1(b). Mr. Kanipe has not been notified of when that will be but he has sent information to the County last month and is waiting to hear back. Mr. Kanipe is also going to ask when sanitation workers can get their vaccine because they have front-line contact with citizens as well. Mr. Kanipe will inform the Board once he receives an update.

The Town received a payment request from Hyatt pipeline. The amount they bid was \$133,000 but Mr. Kanipe said it will most likely end up costing \$128,000-\$129,000. The Board allowed the price up to \$150,000 so possibly the remaining could be used for the Stuyvesant Road portion.

Carter PC will attend the February meeting to present the audit to the Board. This will be submitted to the Local Government Commission by January 31st.

The Town was selected by the State for a random audit. Mr. Kanipe and Ms. Stephens are pulling all of this information together and Mr. Kanipe will update the Board on the progress. Commissioner Cogburn asked how the selection process occurs. Mr. Kanipe he did not know the selection process but the Local Government Commission and the State Treasurer reviews the Town's audit. Mr. Clarke suspected it was a randomly selected performance audit. The audit is supposed to be done by January 29th. Mr. Kanipe noted the letter was received yesterday but it will get done.

Mr. Jason Walls, with Duke Energy, was present via Zoom to discuss the Duke Energy Targeted Underground project. Mr. Kanipe reviewed with the Board that for over a year the Town has worked with Duke Energy on the underground project. The goal is to have all lines buried by

2025. The project will commence on the southern end of Town near the Blue Ridge Parkway and move north and west until the entire town gets buried. Construction will begin on January 25th.

Mr. Walls said they have been working with the residents in the south part of Town that borders the Blue Ridge Parkway to obtain easements. They are now securing easements for the second phase. Around the middle of January, Duke will start putting stakes in the ground marking utilities and marking where the work will start. The Town and Duke are very open with their communication with one another. The install will take about 14 weeks. The cutovers will follow which will take a few weeks. The restoration crews come behind to fix the landscaping. Mr. Walls said Mr. Buckner is a tremendous resource to this project and he has been helping out a great deal. AT&T and Charter lines will still be there unless they elect to go underground. The underground burial will occur mid-January through mid-July. Mr. Kanipe pointed out on the Town's website, there will be a project page to update Town residents' on the progress of the project.

Commissioner Cogburn asked Mr. Kanipe if Charter and AT&T are going to do participate in this as well. Mr. Kanipe said not at this time. AT&T is very difficult to get a hold of and they have not been successful with connecting at this time.

Mayor Goosmann apologized on behalf of the resident that made an unruly complaint to Mr. Walls about the power going out.

Mr. Kanipe and Mr. Clarke discussed the Sign Ordinance update. Mr. Kanipe showed the Board the revisions. There are formatting and sequencing revisions. The temporary utility locations flags will not be regulated. As far as the invisible fencing flags, the time frame is typically 45 days where they are up when a dog is being trained. In the revised ordinance, Mr. Kanipe mentioned Section E (4) which states, "For the purpose of this ordinance, temporary flags indicating the installation of an underground (invisible) fence shall be removed no later than forty-five (45) days after installation."

Mr. Kanipe addressed Commissioner Loomis's concern in specifically defining a sign. Commissioner Loomis said a sign should be described in terms of something with wording constructed on a resident's property, if that is the intent. Mr. Clarke agreed with Commissioner Loomis and said this could be written under the definition section. Commissioner Kelly suggested adding "or images" to the definition. Commissioner Loomis agreed with Commissioner Kelly. Everyone on the Board agreed. Mr. Clarke said he agreed with the changes Mr. Kanipe made to the revised Ordinance. Mr. Clarke suggested adding a new definition of just a sign that includes something with wording or images on it. The temporary flags with underground fencing would be ok to have wording on them. Mr. Clarke said is all they will do is add the definition of a sign. Once this definition is submitted, the Board will vote for the Board of Commissioners meeting in February. Mr. Clarke said that temporary utility markers are allowed and this should be added in the definition as well.

The Tree Protection Ordinance was discussed. Mr. Kanipe said this version of the Tree Protection Ordinance outlined the changes discussed last month. One change is that a tree that has to be replanted must be located within fifty feet of the location. It also changes the replanting allowance from eighteen months to six months which would cover the spring or fall planting window. One other change occurred was requiring replanting any tree even if it falls by an act of God on parcels within the Town that are equal to or more than five acres. Mr. Kanipe also tried to clarify the role of the Town Zoning Ordinance specifically triggers related to Board of Adjustment review for review of homes, subdivisions, and other development are not impacted by this Ordinance. Also, trees that are under 6 inches at 4.5 feet high are not regulated under this ordinance.

Commissioner Kelly discussed some typos which included Section 93.32. Mr. Kelly would like to see the word "he or she" in the sentence that states, "If the Town Manager concludes that the removal of the number of Protected Trees requested would be undesirable, and not within the letter or intent of this Ordinance, he may refuse to approve such removal, or permit the removal of a lesser number of Protected Trees." Commissioner Kelly said anywhere else in this Ordinance needs to be updated with "he or she" as well. Mr. Clarke mentioned 93.38 and since it only applies to properties with less than five acres, they may get an equal protection challenge to the Ordinance.

Mr. Clarke emphasized that once this Ordinance is adopted, that everyone with a parcel of five acres or more be treated equally and fairly. The Board agreed.

Commissioner Kelly moved to adopt. Commissioner Cogburn seconded the motion. Roll call was taken by the Clerk and was unanimously approved. This information will be published on the Town's website.

Mr. Kanipe discussed the Coronavirus Relief Funds through the CARES Act. The last request was submitted on January 4th in the amount of \$20,174.98. This so far brings our total to approximately \$43,000. Since the CARES Act was extended, the Town can claim a bit more. Mr. Kanipe believes they will focus on PPE such as masks and such. All of this information will be posted as one large packet on the Town's website so all residents' can view this information. This has been very beneficial for Town employees in keeping us and the public safe.

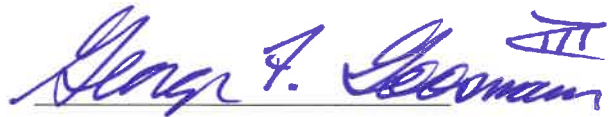
There was no Public Comment.

Mayor Goosmann adjourned the meeting at 5:34 p.m. The next meeting is scheduled for Tuesday, February 9, 2021.

ATTEST:



Ms. Laura Jacobs
Town Clerk



George F. Goosmann, III
Mayor