

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD FEBRUARY 9, 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. Commissioner Cogburn and Commissioner Loomis participated via Zoom.

Mayor Goosmann called the meeting to order at 4:30 pm. Commissioner Cogburn made a motion to approve the minutes from January 12, 2021. The motion was seconded by Commissioner Kelly and unanimously approved. Roll call was taken by the Clerk.

Chief Ryan Cole gave the report for the Skyland Fire Department. Chief Cole said there are slight improvements being seen with COVID-19 cases. Call volume was also down quite a bit for the fire department. The number of cases has dropped since the surge from Christmas. In the next couple of weeks, Walgreens stores throughout North Carolina will receive vaccines to distribute. CVS is also doing many of the vaccinations in long term care facilities. Chief Cole thanked Mr. Harry Buckner and the Public Works staff for working diligently during the snow storm.

Chief Chris Beddingfield gave the monthly report for the Police Department and said there were 685 calls last month. There was a suspicious person call which resulted in a felony drug

arrest. There were also several charges from a police pursuit and a misdemeanor arrest for some outstanding warrants.

Chief Beddingfield said the two new police vehicles are now in service. The vehicles are hybrids which have many excellent features and make great additions to the fleet.

There was also an incident of unlocked vehicles that were rummaged through. Police personnel have informed residents' to keep their vehicles secured and locked. Chief Beddingfield said, most of the time, it is related to a homeless person or vagrant walking by looking for unlocked vehicles. If the vehicle is locked, they tend to move on and not break into the vehicle. Mayor Goosmann asked Chief Beddingfield if the suspect rummaging through the vehicles was arrested. Chief Beddingfield said yes. Mayor Goosmann thanked Chief Beddingfield and the entire police department for all of their hard work.

Mr. Harry Buckner gave the report for the Public Works Department. Mayor Goosmann thanked Mr. Buckner and the Public Works staff for keeping the roads clear. Mr. Buckner said the storms have kept them very busy. Leaf collection has concluded and they have started back with brush routes. They are working on deferred maintenance and preparation for the spring season where they will get very busy.

Mr. Buckner said Mr. Mike Dale, the new Supervisor is doing a great job. He is bringing wonderful resources and good feedback to the department. Mr. Dale has provided great leadership for the team and is fitting in very well.

Mr. Daniel Rice is also doing a great job and fitting in well. Mr. Buckner said his previous experience is very helpful to the Public Works Department.

Mr. Buckner said they are back to full staff with Mr. Charles Tesner returning to work and having him back with his background and talent really helps the department as well.

Commissioner Cogburn asked Mr. Buckner about the status of adding dog waste receptacles around Town. Mr. Buckner said he is going to order those shortly and will discuss with Mr. Kanipe about aesthetically pleasing receptacles to order. Commissioner Cogburn thanked Mr. Buckner. Mayor Goosmann thanked Mr. Buckner for all of their hard work.

Ms. Levonia Reese gave the report for the FY20 Audit presentation for Carter P.C. Ms. Reese commended Mr. Jonathan Kanipe, Ms. Helen Stephens, and Ms. Laura Jacobs for working so hard during the audit. The Local Government Commission allowed an automatic extension to January 31<sup>st</sup> for all audits in the state of North Carolina.

There was a budget violation in the general fund and the water fund which means the expenses exceeded the budgeted amount. There were no difficulties with management and there were no disagreements. Nearly all the adjustment posted for this year and years prior were for pensions and capital assets. One of the risks identified were for the inclusion of all the adjustments required for full accrual basis of accounting. Ms. Reese said nothing is being done incorrectly. North Carolina General Statute require books be kept on a modified basis. A modified audit opinion was issued on the government wide and the major fund financial statements.

With the review of internal controls, the efforts were focused on staff working remotely and what could go wrong such as receivables or journal entries. Ms. Reese said they specifically looked at the period of March-June for the Town Manager and the Police Chief regarding reimbursements and credit cards. There was proper approval of expenses as the Mayor signs off on those credit card statements. There was also no indication of inappropriate expenses. The credit cards also have appropriate limits depending on the position and the need. Also, those receipts are kept attached to those credit card statements.

The cost of Capital Assets for government wide financial statements increased about \$600,000 with the completion of the public works building and the purchase of police vehicles. The net increase was about \$300,000. The cost of capital assets as of 6/30/20 was nearly \$12,000,000. This is for the general fund and the water fund. The debt increased about \$200,000.

The net increase is due to the police vehicle loans but also because of post-employment benefits which get adjusted annually. The general fund had an increase of about \$300,000 in revenues and about \$430,000 in expenses and the net position of the Town is \$5,700,000.

Mayor Goosmann thanked Ms. Reese for the financial report and how much they are appreciated. Ms. Reese thanked Mayor Goosmann and applauded the staff for all of their hard work. Mr. Kanipe confirmed the budget violations was simply a result of not doing a budget amendment at the end of the year. Ms. Reese agreed with Mr. Kanipe.

Mr. Kanipe presented Ordinance 2021-02 for discussion. Sign Ordinances were discussed and the current sign ordinance was shown to the Board with red strike-throughs of proposed changes. Commissioner Loomis asked Mr. Kanipe about the definition of sign in Section 93.04. Mr. Clarke said there is a broader definition of “sign” in subparagraph “g.” Mr. Clarke recommended deleting the one in Section 93.04(a). Commissioner Loomis said the changes to the Ordinance look good and appreciated all of Mr. Clarke’s efforts.

Commissioner Loomis made a motion for Consideration of Ordinance 2021-02. Commissioner Cogburn seconded the motion. Roll call was taken by Mr. Kanipe and unanimously approved.

Mr. Kanipe presented Resolution 2021-02 that would authorize the surplus of personal property. There are three vehicles total. Two are Police Department Explorers which are being replaced with the new hybrids and also the 2001 GMC dump truck which is rusted and inoperable. This resolution will let us do this via GovDeals. Commissioner Kelly moved to approve Resolution 2021-02. Commissioner Cogburn seconded the motion. Roll call was taken by Mr. Kanipe and unanimously approved.

Mr. Kanipe presented the FY21 Budget Amendment for the Board’s consideration. The bulk of this amendment is for the Cedar Hill stormwater project. Mr. Kanipe said the initial thought last year was to proceed with a loan due to exceed \$500,000. The actual cost ended up to be less than \$150,000. Commissioner Cogburn made the motion to approve the Budget Amendment,

Commissioner Kelly seconded the motion. Roll call was taken by Mr. Kanipe and unanimously approved.

A potential Ordinance Amendment was discussed regarding noise. Mr. Kanipe discussed the noise ordinance and the construction ordinance. The noise ordinance was adopted in 2006. Chief Beddingfield discussed an example of how a noise/construction ordinance could be taken out of context and used an example of an incident that occurred with a potential contractor. The contractor was making no noise and was simply on the property inside their home providing an estimate. There was no sound impacting residential life at that time. Chief Beddingfield said a commercial work ordinance is a great idea to prevent noise after hours, however, it could be separate and partial from the noise ordinance. There have been several instances where there have been commercial workers not actually working. They were packing up and/or moving equipment. They weren't engaged in the work they were contracted to do. Chief Beddingfield said it was challenging merging these two issues instead of keeping them separate.

Commissioner Cogburn said she likes the limit of the hours and not having Sundays mostly because of the impact the commercial vehicles put on the Town. Commissioner Loomis asked Mr. Kanipe if he knows what other small towns do such as Montreat. Mr. Kanipe said Chief Beddingfield has been working on this of examples from other municipalities. Chief Beddingfield said most of the neighboring police departments he has checked with focus more on noise rather than commercial work.

Mr. Clarke suggested regulating the timing of construction work. The goal could be not to have construction work on Sundays after dark or too early in the morning. Mr. Clarke asked if there is a separate noise Ordinance. Mr. Kanipe said no. Mr. Clarke said a noise ordinance would be a good idea. Mr. Kanipe, Chief Beddingfield, and Mr. Clarke will discuss further on making these separate issues. Commissioner Loomis mentioned Section 130.02(c) would apply to residents bothering other residents with early morning work. Mr. Clarke said it could be interpreted this way but the town has historically applied this to commercial activity.

Mr. Kanipe presented the Board with Budget Reallocations for FY21. Mr. Kanipe also provided an update on the Duke Energy underground project update. The work began

approximately two weeks ago with boring and drilling. This took place on Greenwood Place and then moved south on Stuyvesant Road. Mr. Kanipe will post on the website with status updates on the project. Mr. Kanipe also spoke to a representative from Charter Communications and they also have an interest in doing this as well. Mr. Kanipe is also hoping AT&T will participate in this.

Mr. Kanipe discussed COVID-19 vaccinations. The state is still in phase 2 at the moment. Mr. Kanipe said phase 3 will most likely open at the end of the month which would allow Town staff to get the vaccine. Mr. Kanipe discussed the state auditor's performance audit. The Town was 1 of 20 municipalities selected for the audit. They are selected to see if they are performing and compliant according to the Local Government Budget Fiscal Control Act. Mr. Kanipe said administration staff have received favorable remarks from the consulting auditor. Mr. Kanipe said Ms. Stephens and Ms. Jacobs have spent a significant amount of time, Ms. Stephens especially, in speaking with the consulting auditor. Mr. Kanipe thanked them for their hard work. Mr. Kanipe hopes to receive a copy of the report soon and will issue a copy to the Board. Mayor Goosmann told Mr. Kanipe he is doing a wonderful job and thanked him for all his hard work.

Mr. Drew Stephens from 4 Hilltop Road made a Public Comment and thanked the police department for cutting the bamboo that gets stuck in the snow. Mr. Stephens said he plans to remove the bamboo in the spring. Mr. Stephens said he enjoys Sunday as the "quiet" day. Mr. Stephens noted that clubs were excluded in Section 130.02 (a) (2) which verified this includes the Biltmore Forest Country Club. Mr. Stephens offered his assistance in composing a noise ordinance. Mr. Stephens also offered to call one of the administrative staff who work for AT&T to voice input on the underground project.

Mr. Pigossi thanked the Board for having this meeting via Zoom and they are able to hear the meeting much better.

Mayor Goosmann adjourned the meeting at 5:35 p.m. The next meeting is scheduled for Tuesday, March 9, 2021.

ATTEST:

Handwritten signature of Laura Jacobs in cursive script, written over a horizontal line.

Ms. Laura Jacobs

Town Clerk

Handwritten signature of George F. Goosmann, III in cursive script, written over a horizontal line. The signature includes the Roman numeral 'III' at the end.

George F. Goosmann, III

Mayor