

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD MAY 11, 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 was also present via Zoom. 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 April 13, 2021. The motion was seconded by Commissioner Kelly and unanimously approved. Roll call was taken by the Clerk.

Mr. Jonathan Kanipe introduced Ms. Krystal Curtis, the Town's new finance director. Ms. Curtis joins the Town from Buncombe County, where she previously worked within the Tax Department. Commissioner Loomis made a motion to appoint Ms. Curtis as the Tax Collector. Commissioner Cogburn seconded the motion and was unanimously approved. Roll call was taken by the Clerk.

Mayor Goosmann read the Oath for Ms. Curtis which states; I, Krystal Curtis, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as tax collector, and that I will not allow my actions as tax collector to be influenced by personal or political friendships or obligations, so help me God. Mayor Goosmann thanked Ms. Curtis.

Interim Chief Trevor Lance gave the report for the Skyland Fire Department. There were 25 calls for service. Interim Chief Lance encouraged residents to call 811 before you dig. Interim Chief Lance also encouraged people to clean out their gutters and secure ladders.

Chief Beddingfield was unable to attend the meeting as he was attending the NC Association of Chiefs of Police conference. Lieutenant Mark Allen gave the report for the Police Department. Lieutenant Allen said there were 801 calls for service. There were three misdemeanor arrests resulting from traffic stops. One individual was wanted for trespassing, one assault, and one was driving while intoxicated and carrying a concealed weapon. Five hours were spent on business checks for the month. Many hours were spent running radar.

The number of calls increased significantly from 646 calls the prior month to 801. The spring season is here, animal calls increased, and more people are out due to the warmer weather.

Lieutenant Mark Allen noted Officer Kevin Clark has returned to full time status following the departure of a former employee. Mayor Goosmann welcomed Mr. Clark back and said what a wonderful job he did with the Fourth of July festivities in prior years.

Commissioner Kelly asked about the wildlife calls increasing and wanted to know if dog calls were included in this. Lieutenant Allen was unsure but will find out if dogs are included. Mayor Goosmann thanked Lieutenant Allen.

Mr. Harry Buckner gave the report for the Public Works department. Public Works conducted quite a bit of training in April. Two employees were sent to get their water distribution certifications. Two dog waste stations were also put up; one at the bus shelter and one at the intersection of Stuyvesant and Hilltop Roads. The one at the bus stop gets used a lot. There is a third waste container and will most likely be placed at Brookside and Park Road.

Commissioner Loomis asked if location information on these dog waste containers was going to be put in the newsletter to let residents know the location.

Commissioner Cogburn would like to see the receptacles relocated from the shelters because it takes away from people sitting on the benches. The shelter at Stuyvesant and Hilltop is used frequently by children running lemonade stands as well. Mr. Kanipe said they are placing the receptacles in different areas and hoping for feedback from residents. Mr. Kanipe said they will look into advantageous locations that are not at the shelter. Commissioner Cogburn said they are resting and visiting spots and should not have dog waste containers there. Mr. Buckner said part of the reason for the initial location was visibility, but they will accommodate whatever the Board would prefer. Mr. Kanipe said we will definitely take a look and see where they can be placed and where they will be useful.

Mayor Goosmann asked if the bus stop was going to be replaced. Mr. Kanipe said he will follow up on the estimate.

In May, they are working on the right of way clearing project. They are also working on ditch stabilization on Arboretum Road.

Public Works is one person short most likely on an extended injury.

The recycling truck is also back in service. Mayor Goosmann thanked Mr. Buckner for all of their hard work.

Mr. Jonathan Kanipe gave the Manager's Report. Duke Energy's underground program has limited interruptions and limited issues so far. There will be customer cutovers through May 19th. The overhead removal project will start in July. Right-of-way acquisitions should begin within the next few months for the next phase of the project.

The Greenwood Park Stream Restoration project remains behind schedule due to waiting on necessary approvals from the state. The consultant should have the final design by the end of

the week. The Town has spent about \$35,000 on the design so far, but these funds will be coming back to the Town. This is not reimbursed to the Town until we award a bid for a contract for the project.

The Friends of Biltmore Forest have been meeting regularly and working on many different items. One idea is to locate a Little Free Library at each bus stop for people to leave and take books. It is a very popular program in many different areas. The one along White Oak Road has become very popular.

There will be a food truck in the park this Friday. It is not a formal Town event, but should be a nice night for people to bring lawn chairs and enjoy the park and the food.

The Earth Day lecture at the end of April was very successful. We have the link posted on the Town's website. The Hemlock Woolly Adelgid was also very insightful.

Dr. Jennifer Mullendore will speak to us on Wednesday, June 30, 2021 regarding the status Covid-19 in Buncombe County and how best to deal with ticks and other insects in our forested environment.

The Planning Commission will meet May 27th to review final changes to the Zoning Ordinance. These are mandated changes required by the State that will be incorporated within the ordinance. The Board of Commissioners will review these ordinance changes at their June meeting. In August/September, they will dive into phase two of this project which is the Comprehensive Plan portion and have adopted by July 1, 2022.

Mr. Kanipe discussed the Resolution to Adopt the Buncombe Madison Regional Hazard Mitigation Plan. It allows us to access FEMA for Federal disasters. The State and localities are required to adopt this plan for Hazard Mitigation every four or five years. This started and kicked off in November 2019. The Town participated and helped developed the plan. The plan has been approved by the Federal Emergency Management agency. It also has to be adopted locally. A

motion was made by Commissioner Kelly and seconded by Commissioner Cogburn. The motion was unanimously approved. Roll call was taken by the Clerk.

Mr. Kanipe presented the upcoming Fiscal Year 2022 Budget. The budget has been advertised as well as the Public Hearing which will occur on June 8, 2021. Per state law, the budget must include a revenue neutral tax rate during years in which the County conducts a property tax revaluation. The Town's revenue neutral rate for FY22 is two (2) cents lower than the current tax rate at 32.5 cents per \$100 valuation. This revenue neutral rate will be included in the Budget Ordinance, but Mr. Kanipe does not propose the Town move to a revenue neutral rate. Mr. Kanipe reviewed the needs and additional funds from the American Recovery Plan (ARP) and increased sales tax funds, and noted that all this will provide improvements in services and programs for the coming year.

Mr. Kanipe then reviewed additional revenues. Intergovernmental utility taxes are volatile. As electricity usage goes up, we get more taxes and vice versa. This also applies to natural gas and telecommunications as well. There will most likely be some revenue increase for next year. Investment earnings are low, and Mr. Kanipe anticipates this being the case for some time.

The Intergovernmental loan is the money for the Stream Restoration Fund. This will come through during FY 2022. Additional intergovernmental grants will all be with the American Recovery Plan.

The Powell Bill Revenue decreased in fiscal year 2021. This was due both to decreased travel with Covid-19 restrictions and due to the growth in other municipal populations throughout the state.

Commissioner Loomis asked Mr. Kanipe why telecommunications would be below current year levels. Mr. Kanipe said possibly at home office situations, and referred back to guidance provided by the NC League of Municipalities regarding this specific item.

Commissioner Kelly asked Mr. Kanipe when the Town last raised taxes. Mr. Kanipe said 2019. In 2018, the tax rate was 33 cents and in 2019, it increased to 34.5 cents.

This year Mr. Kanipe included a 3% COLA in the Budget. The proposed budget also allows us to return to a merit based payment program. This would be based on a merit percentage of each departmental salary. This budget recommends going back to the 2% merit pool again as in years past.

Mr. Kanipe budgeted for a 5% increase in the State Health Plan. The HRA account funding will continue at \$125/month per employee. The benefit package is a huge benefit to drawing good employees.

The Local Government Retirement System contribution will continue. The Town has contributed 5% to each employees 401(k) and will continue under this Budget as well.

The administration department consists of the Town Manager, the Finance Director/Tax Collector, and the Town Clerk which has half the salary coming out of administration and half the salary coming out of the water fund.

In terms of the Police Department, the Town purchased seven new vehicles and the fleet has been upgraded significantly. The maintenance line item went down tremendously. Chief Beddingfield's proposal for the upcoming Fiscal Year is to have two new vehicles which allows them to transition the older vehicles out of the fleet and one good spare vehicle.

Chief Beddingfield is also trying to focus on technological improvements which will help out officers and dispatch tremendously in addition to their safety. In-car cameras are updated and in every vehicle. This year's technological improvement for the Police Department will be the Computer Aided Dispatch system which Chief Beddingfield described in great detail at last month's meeting. Calls will be tracked much better and allow for more efficient communication between Officers and Telecommunicators. This is part of the Police Pak software system used through Southern Software. Also included in this Budget will be evidence room inventory software. Training for additional professional education is also included in this Budget. The Police Department has also budgeted for additional radar speed limit signs and intersection cameras.

Lastly, the Public Works Budget was discussed. They are working on preventative maintenance and looking at how they can utilize equipment better. The American Recovery Plan money can be utilized for some of the park work that is necessary to be completed.

This proposal also includes funding for an additional employee of the Public Works Department who can run trash/recycling trucks, operate machinery, and landscaping equipment.

Mr. Kanipe discussed the Streets Department. Mr. Kanipe and Mr. Buckner are revisiting some areas in the current stormwater master plan. Mr. Kanipe specifically commented on the Cedar Hill Road near the intersection of Hemlock Road that needs to be readdressed. The erosion through that area has gotten substantially worse in the past several years.

They will also focus on street paving for the upcoming year. Also, the right of way renewal program will help them address areas in need of repair. A liquid treatment mix for the streets will be looked into for the winter season. There are no funds allocated for salary and benefits in the streets department.

Regarding Sanitation and Recycling, the purchase of tippers for each solid waste truck and town issued solid waste containers will be considered as part of this proposal. From a health standpoint, this will help our employees where they do not have to lift bags out of the cart. They will be offering small, medium, and large containers. Mr. Kanipe indicated staff would also review bear proof containers. The approximate cost for these items is \$55,000. This would be done through the General Fund. It will help from an employee health perspective.

The Water Fund's projected increase is 2.5% and the proposed sewer increase is 2.75%. Both the City of Asheville and the Metropolitan Sewerage District increased their amounts by this percentage as well. This will help us to offset some of the equipment repairs and water line repair work that needs to be done.

The Beacon warranty for the AMI cellular endpoints on the water meters \$20,000. These were originally purchased in 2017 for approximately \$159,000. Having a warranty through 2046 makes sense. They would be able to purchase a new F-350 work truck and an all-purpose utility vehicle. The Board did not offer any questions regarding the proposed budget and thanked Mr. Kanipe for his work on this year's budget.

Mr. Kanipe then discussed the proposed Resolution Opposing HB 401/SB 349. The North Carolina Legislature is currently considering a bill in both the House and Senate that would "mandate local governments to allow all middle housing types, defined to include residential duplexes, triplexes, quadplexes, and townhouses, in areas zoned for residential use, specifically including zoned areas that allow for the development of detached single-family dwellings."(UNC School of Government)

The North Carolina League of Municipalities, of which the Town is a member, and many other local government jurisdictions have voiced extreme displeasure with these proposals. The bills usurp local control and eliminate the ability of Biltmore Forest residents, through their elected officials, to determine land use controls are applicable and necessary within the Town.

A motion was made by Commissioner Cogburn to approve the Resolution. Commissioner Loomis seconded the motion. The motion was unanimously approved. Roll call was taken by the Clerk.

Mr. Kanipe discussed a proposed Resolution Opposing HB 496. The North Carolina Legislature is currently considering House Bill 496 that would eliminate the ability of local governments to establish tree protection ordinances and vacate any existing ordinances that were not established under a local act by the General Assembly. The Town's existing Tree Protection Ordinance would be repealed under this proposal.

A motion was made by Commissioner Cogburn, Commissioner Loomis seconded the motions and was unanimously approved. Roll call was taken by the Clerk.

A Consideration of Resolution of Appreciation was said for Ms. Helen Stephens. Mayor Goosmann read the Resolution.

Commissioner Loomis made a motion to approve the Resolution. Commissioner Cogburn seconded the motion and was unanimously approved. Roll call was taken by the Clerk.

Mayor Goosmann then offered a resolution of appreciation for former Design Review Board member Fred Groce.

Commissioner Cogburn made a motion to approve the Resolution, Commissioner Loomis seconded the motion. The motion was unanimously approved. Roll call was taken by the Clerk.

Mr. William Morrison was appointed by the Board as a regular member of the Planning Commission in November 2020. Mr. Morrison is unfortunately able to continue in this role. As such, the Town will move first alternate, Dawn Grohs, into a full-time position on the Planning Commission.

Dr. Kenny Hornowski has agreed to serve as a second alternate member for the Planning Commission. A motion was made by Commissioner Cogburn, seconded by Commissioner Kelly and unanimously approved. Roll call was taken by the Clerk.

Commissioner Kelly asked Lieutenant Mark Allen about the Police Department's policy for activation of body cameras. Lieutenant Allen said there are a few ways car cameras are activated; one being the Officer initiates a traffic stop or anything else that requires turning on of the blue lights. A weapon release button inside the car will also activate the car cameras. They also have it set at a threshold speed activation. Lieutenant Allen was unsure of what that is. It is GPS controlled and the GPS knows the posted speed limit. If one crosses over that threshold, it will activate the cameras.

Lieutenant Allen said the body cameras operate a couple of different ways; there is a standby mode which patrol officers keep them in standby mode and if any blue lights from any

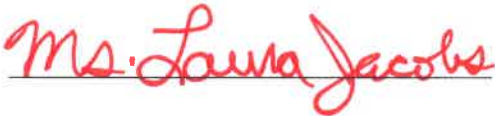
vehicle around them are activated, it will activate all the body cameras for all of the police officers. Both body cameras and vehicle cameras can also be activated manually. Lieutenant Allen said the Police Department has a body camera policy. The only clause that would allow an officer to turn it off would be in a medical situation. Commissioner Kelly thanked Lieutenant Allen.

Public Comment

Mr. Drew Stephens thanked the Board of Adjustment for approving the solar panels on his neighbor's house at 9 Hilltop Road.

Mayor Goosmann adjourned the meeting at 5:48 p.m. The next meeting is scheduled for Tuesday, June 8, 2021 at 4:30 pm.

ATTEST:



Ms. Laura Jacobs
Town Clerk



George F. Goosmann, III
Mayor