

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, October 13, 2020 at 4:30 p.m.

*HELD VIRTUALLY VIA ZOOM PLATFORM
LOG-IN INFORMATION AVAILABLE AT BILTMOREFOREST.ORG
AND REVERSE OF THIS PAGE*

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 (*Roll Call Vote*)

1. The minutes of the regular meeting held on September 8, 2020 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. New Business

1. Consideration of Resolution 2020-07 - Resolution of Appreciation for Austin Tucker
2. Consideration of Bid Award for Cedar Hill Stormwater Project
3. Potential Changes to Existing Sign Ordinance
4. Consideration of New Members to Planning Commission
5. Consideration of Appointment to Metropolitan Planning Organization's Transportation Advisory Committee

E. Petitions, Motions, and Other Business

F. Public Comment

G. Adjourn

Note: The November Board of Commissioners meeting has been moved from the 2nd Tuesday in November and will now be held on Tuesday, November 17th (3rd Tuesday) at 4:30 p.m.

Accessing the October 13, 2020 Board of Commissioners Meeting via Zoom

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The Town Board of Commissioners will receive public comments submitted in writing to townhall@biltmoreforest.org. In order to be provided to the Board, please send comments no later than noon on Monday, October 12, 2020.

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD SEPTEMBER 08, 2020.

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.

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

Mayor Goosmann asked for a motion to approve the August 11, 2020 meeting minutes. The motion was made by Commissioner Fran Cogburn. The motion was seconded by Commissioner Glenn Kelly. Roll call was taken by the Clerk and the minutes were unanimously approved.

Chief Chris Beddingfield presented the monthly report for the Police Department. The number of calls increased from 701 to 730 calls for the month. Chief Beddingfield emphasized the importance of locking vehicles and keeping valuables out of cars due to recent break ins.

Chief Beddingfield said the communications center is nearly complete and everyone seems very pleased with the new look. Chief Beddingfield invited the Board to see the renovation after

the meeting. Chief Beddingfield recognized Mr. Harry Buckner and the Public Works department for their efforts assisting with the renovation.

Next, Chief Beddingfield discussed someone going through Town and knocking on doors and posting notes on the doors. Chief Beddingfield estimated there were 10-12 of those notes posted on doors. Police personnel are investigating this matter further.

Commissioner Kelly asked Chief Beddingfield and Mr. Buckner to bring one or two employees each month to the Board meetings. Mayor Goosmann asked Ms. Laura Jacobs to issue the Board an updated directory of all the Town employees.

Chief Beddingfield recognized lead telecommunicator Aslyne Tate and Sergeant Matt Kelly for graduating from Western North Carolina Law Enforcement Leadership Academy at A-B Tech. Their accomplishment will be posted on the Town website.

Mr. Harry Buckner gave the report for the Public Works Department. Mr. Buckner said they are excited to have the new employees and they are doing a great job. Mr. Buckner said the month of August was rather busy. There were three stormwater failures. They replaced 80 feet of pipe on Buena Vista. Mr. John Divello and Mr. Cody Bartlett did a great job of working on this project.

Mr. Buckner said he is still working on the asset management software which will continue to take a while. Mr. Buckner has managed some good contacts with Duke Energy. There has been a street light out for quite a while at Forest and East Forest that was repaired. The power had to be connected and has been restored.

Mr. Buckner said Mr. Austin Tucker will be retiring within the next month or two. Mr. Buckner welcomed feedback from the Board for qualities in the replacement. Mr. Kanipe and Mr. Buckner are currently working on the hiring strategy.

Mr. Buckner said the brush pickup is coming along nicely with two pickups in August and September. Leaf pickup will begin in November.

Mr. Buckner discussed replacing the bridge in Brooklawn Park. The approximate cost will be \$120,000-\$150,000. They have to make sure it is in compliance with the flood plain ordinance. Next month there will be a more detailed discussion.

Commissioner Loomis asked about the initial purpose of the bridge. Mr. Buckner said when the bridge was built over thirty years ago, it was built for practical purposes only to cross the stream. Mr. Kanipe said one of the key factors in gathering this detailed information is to be aware of liability the Town could incur if something was rebuilt or repaired in a flood plain. Commissioner Cogburn inquired about the life span of the proposal of the new bridge. Mr. Buckner said most likely fifty years. Mayor Goosmann asked Mr. Buckner to come up with some options for the bridge proposal and present it to the Board at a later date.

Mr. Buckner told the Board their feedback is always welcome and appreciated. Mayor Goosmann said the parks are now open. Mr. Buckner said a few of the rubber child swings will be replaced. Mayor Goosmann thanked Mr. Buckner for his report.

Chief Ryan Cole gave the monthly report for the Skyland Fire Department. Chief Cole said there was nothing major that occurred this month. The call volume is now back to normal. There is a downward trend for the hospitalizations for COVID-19. Chief Cole said they are concerned about the past holiday (Labor Day) and people getting together. Chief Cole said there was a considerable amount of traffic this past weekend. Flu season is coming up and Lab Corp has recently developed a COVID test and flu test combined. There are HVAC modifications that provide additional protection. Chief Cole asked about Halloween and trick-or-treating. Mr. Kanipe said the Town doesn't formally do anything but it will be up to each individual household if they want to trick or treat. Mayor Goosmann thanked Chief Cole for the report.

Mr. Kanipe said Phase 2.5 was issued by the Governor and playgrounds are now open. The orange fencing around the playground was removed and playground equipment was cleaned and

sanitized. Mr. Kanipe also discussed providing social distancing before reopening public facilities and air purification systems for each building. A service has also been hired for cleaning and disinfecting buildings.

Mr. Kanipe discussed the Greenwood Park stream restoration project. Mr. Kanipe and Mr. Buckner will be meeting in two weeks regarding 60 percent drawings.

Mr. Kanipe said we are not opting in to employee social security tax deferral. This was an Executive Order which allowed employers to voluntarily participate to defer the employees' portion of payroll tax. It is a deferral and not a waiver. From September 1st through December 31st, that amount would be due either from the employee or from the employer (if no longer an active employee). Employees would have seen an increase in their paycheck but that would have been deferred and they would have had two times their payroll tax taken out after January 1st. Mr. Kanipe said we elected not to participate in this. We also did not receive much guidance on this until two days before implementation.

Mr. Kanipe said the roof was repaired over Chief Beddingfield's office. There were also other areas around the place department that needed repair. The slate roof on Chief Beddingfield's wall had a leak in it. The roof was repaired. Also, an environmental specialist came in and cleaned out the sheet rock. The same environmental company came in and fixed the HVAC diffusers and the drop ceiling in the dispatch area where there was mold found. Necessary repairs were made so this would not happen again. The roofing company will be giving us a more permanent proposal on fixing the leak on the slate roof which should really help all of these issues from occurring the future.

The two police vehicles approved in the Fiscal Year 2021 budget. These should be delivered to the Town by late October or early November. The new vehicles will be hybrid vehicles. The title was transferred today on the 2014 Ford Explorer which had an auction price of \$5,850.

Commissioner Kelly asked Mr. Kanipe how hard the Town of Biltmore Forest was hit financially due to COVID-19. Mr. Kanipe said the forecast reduction in sales tax was approximately 18 percent from FY20 estimates. So far, the reduction has been approximately 7 percent. In terms of actual Town expenditures, we are doing ok. Mr. Kanipe said we are being reimbursed dollar for dollar what we have spent for COVID-19 purchases. Mr. Kanipe said the total amount has been approximately \$9,000-\$10,000 thus far.

Commissioner Loomis referred to the previous discussion with Chief Cole regarding air purifiers and filtration systems for COVID-19 and asked if the Town was going to get this as well. Mr. Kanipe said he put in for three medical grade purification systems for each building. A portion of the funds will be used for this reimbursement request.

The next topic was consideration of the FY21 Budget Amendment. This shows how funds are received from Buncombe County and where the funds are going. We created two new line items. The first one is COVID-19 reimbursement which is \$79,867. This is what we anticipate coming in to the Town from Buncombe County. The line item created from the General Fund side shows the exact same amount going out. This is where we are putting every expenditure we have related to COVID-19. On the 15th of every month, we provide the County a report showing how these funds are spent. Commissioner Loomis moved to adopt the motion. Commissioner Cogburn seconded the motion. Roll call was taken by the Clerk. The motion was approved unanimously.

Approval is needed by the Board for the informal bidding for the stormwater repair project. The project is area four in our storm water master plan and is adjacent to Cedar Hill. This was the first project coming out of the stormwater master plan. WithersRavenel has delivered their design. The estimated cost is much less than anticipated. Mr. Kanipe asked the Board for permission to proceed with the informal bidding process. Commissioner Cogburn made a motion to approve the informal bidding process. The motion was seconded by Commissioner Kelly. Roll call taken by Clerk. The motion was approved unanimously.

Mr. Billy Clarke discussed the existing sign ordinance. Mr. Clarke sent the Board a draft and had previous exchange regarding feedback of the sign ordinance. Mr. Clarke suggested defining political and ideological signs. Mr. Clarke said careful consideration needs be done regulating content. Mr. Clarke said a draft will be written and provided to the Board

Mr. Clarke said State law does allow placement of political signs in the D.O.T. right-of-way. These signs can be put out 30 days prior to a primary or general election. These signs need to be removed within five days after the election. Municipalities that control their own roads do not have to allow that. No political or ideological signs will be allowed on Town property. Mr. Kanipe clarified that political signs can also be put out 30 days prior to one-stop voting. The Ordinance does not specifically say this at this time, however, Mr. Kanipe asked the Board if this was acceptable. The Board agreed with Mr. Kanipe. Signs can be placed out beginning September 15th.

The Brush Collection Ordinance was discussed. Mr. Kanipe provided the Board with an updated copy of the draft ordinance. Definitions were added for the “collection period” and “placement window.” These terms were specified throughout the Ordinance when brush would be picked up by the Town and when residents could place brush at the street. They also defined the amount and allowable yard waste. This was changed from one dump truck load to a maximum of fifteen cubic yards. Fifteen cubic yards is half of the Town’s brush truck. This updated Ordinance is also updated to pick up brush on an as needed basis. It was also clarified to place brush a minimum of ten feet from the road. Yard waste issues were also clarified in the updated Ordinance. Commissioner Loomis asked how residents will be notified of pickups for the future. Mr. Kanipe said it will be posted on our website and there will also be other means of communication to inform residents. Mr. Buckner suggested using the CodeRed system to inform residents as well.

A motion was made by Commissioner Kelly to approve the Brush Collection Ordinance. The motion was seconded by Commissioner Loomis. Roll call was taken by the Clerk. The motion was unanimously approved.

Mr. Kanipe discussed the potential changes to the Zoning Ordinance for landscaping rocks in a yard. Mr. Kanipe asked for feedback from the Board regarding this consideration. Commissioner Kelly suggested defining what a rock or a stone is in the Ordinance.

Commissioner Cogburn said we should not have any drainage rocks in the shoulder or anything that impedes the Town's use of the right-of-way. Commissioner Cogburn said it is very unsafe for pedestrians.

Mr. Clarke said the Board may want to consider of defining what rocks and boulders are. A summary of what situations the Town had in the past would also be helpful to clarify the Ordinance.

Mr. Kanipe discussed the potential reorganization of the Planning Commission from three to five members. Mr. Kanipe went back through the minutes and found that the Planning Commission was formed under NCGS 160-A Article 19 from 1982. Copies of those minutes were distributed to the Board. The initial creation called for six members of the Planning Commission. Based on this language, Mr. Kanipe suggested appointing two additional members if the Board of Commissioners approved. This will be considered at the October Board meeting. The Board was in favor of having this language in the Ordinance.

Public Comment

There was no public comment.

Mayor Goosmann said 10-14 residents will be allowed in next month's meeting but please let Town Hall know ahead of time if you would like to attend in person.

Mayor Goosmann adjourned the meeting at 5:39 p.m. The next meeting was scheduled for Tuesday, October 13, 2020.

ATTEST:

Ms. Laura Jacobs
Town Clerk

George F. Goosmann, III
Mayor

BILTMORE FOREST POLICE DEPARTMENT
Department Head Report

October 13th, 2020 Board of Commissioners Meeting
Chris Beddingfield, Police Chief

Police Dept. Monthly Report 09/01/20-09/30/20

Calls for Service: 692

Officers responded to the following calls for service:

Accident - 4	Accident - PI - 0
Alarm - 23	Animal Carcass - 1
Assist EOC – 5	Assist Motorist - 4
Assist Other Agency - 10	Assist Resident - 17
Bear Report - 3	Business Check - 132
Crime Prev. – 19	Chase- 0
Direct Traffic – 1	Distressed Animal - 4
Disturbance - 2	Dog Complaint - 5
Domestic disturbance-0	Fire – 0
Fight- 0	Gun fire/Shots fired - 1
Hit and Run – 0	House Check - 96
Improper Parking- 9	Incomplete 911- 0
Investigation – 5	Intoxicated Driver- 0
Mental Patient - 0	Missing Person - 0
Noise Disturbance – 5	Ordinance Violation - 11
Person Down – 0	Power Outage - 0
Radar Operation – 21	Road Blocked - 5
Service of Car - 3	Sign Ord Violation - 2

Special Assignment – 3	Special Check - 16
Speed/Reckless Driving- 0	Suspicious Person - 10
Suspicious Vehicle – 33	Vandalism - 0
Vehicle Stop – 54	Well-being Check – 1

Total Number Of Calls: 692

Arrests:

3-Felony Arrests-2-Possession of Heroin and Methamphetamine, 1 Breaking and Entering Motor Vehicle and Theft from Motor Vehicle. Numerous accompanying charges in all cases. Drug charges were out of a vehicle traffic stop, Breaking and Entering charges out of stopping a suspicious person on a bicycle

1-Misdemeanor Arrest- 1- Probation and Court Violations. This was out of a suspicious vehicle investigation.

Time Consumption Summary:

Approximations

Business Checks- 9 hours

House Checks- 4 hours

Radar Operation- 15 hours

Vehicle Crash Investigation- 5 hours

Notable Calls and Projects:

Participated in funeral service and motorcade for fallen Henderson County Deputy Ryan Hendrix

Interesting call that came in as a breaking and entering with glass breaking-ended up being a turkey fighting its reflection in the mirror.

Arrested a suspicious person on a bicycle that had stolen property out of a resident's vehicle

Completed annual firearms qualification. Utilized outdoor range due to COVID issues, there were weather challenges one day. Fired roughly 1500 rounds of handgun, 500 rounds of rifle and 300 rounds of shotgun

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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: Jonathan Kanipe, Town Manager

Mayor and Board of Commissioners

From: Harry B. Buckner, PE, Director of Public Works

A handwritten signature in black ink, appearing to read "HBB", positioned to the right of the "From:" line.

Re: Public Works Department September 2020 Monthly Report

Date: October 8, 2020

Recurring Activities:

The Public Works Department has completed the following activities during the month of September:

- Collected 40.16 tons of garbage.
- Diverted 20.60 tons of recycled goods from garbage.
- Picked up 18 loads of brush (approximately 540 cubic yards) over 11 days.
- Responded to 38 utility locate requests.
- Visited 9 residences for Tree Inspections, approving the removal of 20 trees.
- Completed daily chlorine residual tests across town and passed the required two bacteriological tests.
- Used the Beacon/Badger Meter automated meter reading system to monitor for water leaks daily and informed residents of suspected leaks.
- We continue to perform litter pick-ups daily and blow the streets clean as needed.
- We are mowing the parks, entryways, and islands as needed. The mowing season is coming to a close, and the focus will be on leaf collection and removal.
- We are mowing and trimming the road shoulders as needed.

Coronavirus (COVID-19) Related Activities:

- The Town's buildings remains closed to the public; playgrounds re-opened September 5th.
- We are continuing to track any additional costs and activities associated with complying with the COVID-19 response effort.
- We are logging employee temperatures and keeping self-reporting documents daily.

Miscellaneous Activities in September

- Work is slowly continuing on the street condition assessment (which includes an assessment of the shoulders, general drainage, and striping), but is delayed. I anticipate completing the assessment in the month of October.
- Public Works staff responded to multiple downed trees in the road this month. Of particular note was the large oak tree that fell at 2 Southwood, which closed Stuyvesant for about 3 hours, destroyed the bus stop shelter at Stuyvesant and Southwood, and damaged the streetlight there as well.
- Public Works staff repaired the large puddle of standing water at the corner of Vanderbilt and Arboretum and cleaned the ditches at the beginning of Arboretum.
- Work by the Metropolitan Sewerage District continues, and includes smoke testing, some cleaning and jetting of the system, and performing point repairs as necessary.
- I have passed the Class B Water Distribution license exam and am awaiting receipt of my license.
- The new work order and asset management software package is up and running, and I am continuing to work with DSI to collect and enter basic asset data to complete the initial set-up. This will likely continue through October.
- The light at Vanderbilt and Hendersonville Rd was converted to LED.
- We are continuing to troubleshoot non-reporting automatic water meters as time allows.
- We are continuing to work with Benton Roofing to identify and schedule some needed maintenance repairs on the Town Hall and Police Department slate roofs.
- Manager Kanipe and I have created a job posting and advertised for a new Public Works Supervisor position. We already have received 16 applications (as of October 6), and are just beginning to assess them now. The position is still open and we are continuing to accept applications, and anticipate keeping the posting open for several more weeks.

Larger/Capital Projects Updates

Brush Ordinance Compliance

We have decided to continue double brush pick-ups until leaf season in early November. We will use the Code Red system to notify registered residents of the schedule. I will continue to assess the brush schedule and develop a proposed schedule for calendar year 2021 that can be printed and published with the garbage and recycling schedule.

Area 4 Stormwater Project – Sinkhole at Cedar Hill Drive.

This project has a separate agenda item to be covered in more detail.

Greenwood Park Stream Restoration

We completed a 60% design review meeting for this project on September 21st, and have included the progress design for your review. This project remains on-schedule.

Brooklawn Park Improvements and Bridge Replacement

We continue to work on the clean-up of the park as time allows. To supplement last month's report where we presented the consultant's feasibility report for the replacement pedestrian bridge, I have attached several representative photos of similar bridges for feedback from the Board. We anticipate a separate agenda item and continued discussion at next month's Board meeting, and at that point would like to review any next steps the Board would like to take.

Cedarcliff Road Traffic Analysis and Changes

Manager Kanipe successfully connected with Apple Maps and was able to have the navigation directions corrected. As expected, since then we have seen a substantial drop in traffic along Cedarcliff Road. Additionally we have implemented the following approved activities from the August Board meeting. As a summary, the approved recommendation were as follows:

- Requesting the police department increase speeding enforcement activities along Cedarcliff Road. <COMPLETED>
- Adding an additional 25mph speed limit sign midway between the Bell Gate and the Cedarcliff and Forest intersection for traffic departing the Bell Gate. <COMPLETED>
- Relocation of the digital speed sign on Cedarcliff to the proposed new speed limit sign to provide feedback to traffic leaving the Bell Gate. <COMPLETED>
- Continue frequent reporting directly through the Apple Maps app error reporting feature until the routes are corrected, including requesting the Estate to spearhead efforts with Apple Maps. <COMPLETED>
- Additional, more conspicuous directional signage at the intersections of Cedarcliff and Vanderbilt, and Busbee and Vanderbilt directing Estate visitors to the main entrance.

Police Department Dispatch Area Renovations

This project is substantially complete. We are still working on the replacement to the teller window, and improvements to the security system for the Town Hall site.

Upcoming in October

- We are continuing our work on improving the percentage of fully reporting water meters by troubleshooting specific locations.
- Continue road shoulder repairs. The next area of focus will be the very low road shoulders along Vanderbilt Road north of I-40.
- Complete the Pavement Condition Rating study and street asset inventory.
- Review applications submitted for the new Public Works Supervisor position.
- Continue set-up and deployment of the automated work order and asset management system, including an updated equipment inventory. Additional updates will be provided to the Board once the software is up and running, but before implementation at scale.
- We will complete a training session for leaf collection, and salt and sand spreader use in preparation for winter, including preparing the seasonal equipment for use.

- Update the ORC designation for the water distribution system with the State.
- Weed and clean the much beds around the play equipment in Greenwood Park.
- Two employees will attend testing for their pesticides licenses.
- We will be replacing the toddler and infant swings in the parks.
- I will begin my virtual attendance at the Municipal and County Administrator’s School through the UNC School of Government.
- As always, I continue to request direct Board feedback on general appearance and maintenance items throughout the Town. I welcome any contact from you identifying areas needing extra attention or areas we may have inadvertently overlooked. I am happy to answer any questions and make sure your concerns, if any, are addressed.

We welcome your feedback on the activities of the Public Works department.



Steel Bridge Examples





Timber Bridge / USFS Bridge Examples



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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 Monthly Report

Date: October 9, 2020

Covid-19 Update

Governor Cooper's most recent executive order moved the state into Phase 3. Phase 3 has limited practical impact for the Town, but keeps the indoor and outdoor mass gathering requirements the same as in Phase 2.5. Town staff has remained vigilant with utilizing appropriate personal protective equipment and the town buildings have remained closed to the public. Within the next few weeks, the Town should receive three air purification systems for each building as well as the Aeroclave disinfectant apparatus. These items, in addition to other equipment, is all being purchased through Coronavirus Relief Funds (CRF) made available through the State and Buncombe County.

Right of Way Renewal Program

In this month's newsletter, the Town announced that we were embarking upon a review of all rights of way within the Town. This process, as defined below, will allow the Town to affirmatively and equitably analyze all rights of way within the Town and provide this information to the Board. Staff has worked with the Town's risk management partner, the NC League of Municipalities, to develop this review and will make additional recommendations based on the findings of our program.

- Visual inspection of each individual parcel within the Town and document what is or is not within the Town's right of way for that specific property with a time stamped digital photo.
- Conduct inspections for visibility and lines of sight for all street signs and intersections.
- The Town will perform visual tree inspections and note hazardous trees within the Town's right of way. The Town will also document trees that may be hazardous to the public right of way from private property.
- Once the street survey is complete, results will be compiled and presented to the Board of Commissioners. This information will be made available during a regular

meeting, and the Board will determine what actions are necessary to improve rights of way maintenance.

- Subsequently, Town staff will perform a quarterly check of street sign and line of sight visibility and address other obstructions more quickly.

Hendersonville Road Corridor Study

As noted in our June meeting, the Town has participated in the Hendersonville Road Corridor Study being undertaken by the Metropolitan Planning Organization. This corridor study is the first of its type for the MPO, and is being conducted simultaneously with a corridor study along Tunnel Road. The study corridor starts at the intersection with NC 280/ Airport Road and transitions northward to Rock Hill Road. The purpose of this corridor study is to review issues related to safety, congestion, multimodal connectivity and development/urban design.

The consultants for the feasibility study acquired over 150 survey responses and conducted three (3) one-hour design charrettes this past week. Mayor Goosmann, Public Works Director Harry Buckner, and I participated in a session Friday morning. We were able to discuss the Town's perspectives related to Hendersonville Road safety and access, and discussed other pertinent issues and concerns. We plan to meet directly with the consultant and MPO staff within the next two weeks to conduct a granular review of areas that impact the Town. Staff will provide an update on this meeting once it occurs. Additionally, we will re-post information regarding this feasibility study to the Town's website and send a CodeRED notice asking residents to provide comments in the "virtual" comment box that is established for this project.

Intersection and Park Security Cameras

Town staff continues to await a formal proposal regarding the installation of security camera equipment for entrances to the Town and Town parks. As noted previously, a major hurdle in this endeavor is pulling electricity to each location. Town staff is working with a vendor on ways to circumvent this challenge while also providing reliable and aesthetically pleasing equipment.

Public Works Supervisor Hiring

The Town is in the process of hiring a supervisor to replace Austin Tucker after his retirement. The job was posted Friday, October 2. As of this writing, we had received sixteen (16) applications. Staff intends to begin the review of these applications next week.

Greenwood Park Stream Restoration

The Town met virtually with the consultant for this project to receive and review 60 percent drawings. Mr. Buckner has included the site plan for this project in his report. The project remains on schedule, but if you have any questions please let me know.

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Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners
From: Jonathan Kanipe, Town Manager
Re: Consideration of Resolution 2020-07
Resolution of Appreciation for Austin Tucker
Date: October 7, 2020

Austin Tucker has served in the Town's Public Works Department for thirty (30) years and will be retiring officially in late December. Mr. Tucker has worked in multiple positions within the Department, and has served as the Public Works Supervisor since 2018.

Mr. Tucker's devotion and concern for the Town is laudable and appreciated. The attached resolution of appreciation recognizes Mr. Tucker's commitment and dedication to the Town and thanks him for his service.

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Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Consideration of Bid Award to Hyatt Pipeline, LLC for Cedar Hill Stormwater Project

Date: October 7, 2020

The first project to arise out of the stormwater master plan is for repairs to a sinkhole area along Cedar Hill Drive. This area has a significantly compromised pipe that has continued to deteriorate. The original estimate for this project in the stormwater master plan was \$510,350. Fortunately, the design estimate and actual low bid for this project are significantly lower.

The low bid was \$133,355.00 from Hyatt Pipeline, LLC. This contractor is reputable and has good examples of work throughout the area. As noted in the consultant's recommendation, there was a discrepancy in the bid notice regarding the size of pipe. Upon the Board's approval to award the bid, staff will negotiate the reduction in pipe size with the contractor.

In order to allow flexibility and a timely completion of this project, staff asks the Board to consider awarding this project to Hyatt Pipeline, LLC in an amount not to exceed \$150,000. The additional \$16,645 is to allow room for contingency funding if conditions underground are worse than anticipated. The Town is finalizing easement documents for both properties upon which the Town will need to have access to perform the work.



October 7, 2020

Jonathan Kanipe
Town of Biltmore Forest
355 Vanderbilt Road
Asheville NC 28803

RE: Bid Evaluation
Cedar Hill Drive Stormwater Repairs
WR Project No. 02191220.01

Dear Mr. Kanipe:

On Wednesday, October 6, 2020 bids were received for the above referenced project. The intent of this letter is to present our evaluation of the bids and make a recommendation for award. The certified bid tabulation is attached for your reference.

EVALUATION OF BIDS

The main aspect of the work is the installation of approximately 205 feet of storm drainage pipe, by open cut. Two bids were received. The bids were opened and read publicly. Bidders included Hyatt Pipeline LLC and Buckeye Bridge LLC.

Hyatt Pipeline LLC of Canton, NC was the low bidder with a total bid amounts of \$133,355.00. Remaining bids are provided in the attached Project Bid Tabulation. A review of the bid submittal package for Ralph Hyatt Pipeline LLC revealed that the bid was missing the Addenda Acknowledgement, but was otherwise complete. The information included in the Addendum 1 issued should not materially affect the bid price such that the need for the Addendum Acknowledgment may be waived at the Town's Discretion.

On Monday October 5, 2020 after 5:00 pm Chris Britton, of Buckeye Bridge LLC, provided notification that there was a discrepancy between the cross pipe diameter on the plans and the pipe diameter on the bid sheet. The plans call for a 24" RCP cross pipe, and on the bid sheet is listed as 36" RCP. If this line item were to be removed, Hyatt Pipeline LLC would remain the low bidder.

RECOMMENDATION

Based on our review of the bid tabulation we recommend that the Town award the contract to Hyatt Pipeline LLC. It is recommended that the Town negotiate a price to install the 24" RCP cross pipe as shown in the drawings with Hyatt Pipeline LLC prior to executing the Construction Contract. It is further recommended that the Town add a contingency amount to the encumbered

funds for construction of the project due to this situation, as well as unknowns regarding the existing drainage system.

We can be available to attend the City Council meeting to answer any questions regarding the bidding and award of this contract. WithersRavenel appreciates the opportunity to continue to assist the Town of Biltmore Forest with your infrastructure programs.

If you have any questions or need additional information, please call (919) 238-0355 and I will be glad to assist you.

Sincerely,
WithersRavenel



Brandon Miller, PE
Project Engineer

Attachments:

Project Bid Tabulation

Bidders Checklist

Town of Biltmore Forest
 Bid Opening - Cedar Hill Drive Stormwater Improvements
 10am Tuesday, October 6, 2020
 Project 02190290.00

Bidder	Bond	Amount
Hyatt Pipeline LLC PO Box 136 Canton, NC 28716	✓	\$ \$133,355.00
Buckeye Bridge LLC PO Box 1367 654 Buckeye Cove Road Canton, NC 28716	✓	\$ \$156,953.00
HNH Construction Co PO Box 362 Fletcher, NC 28732		\$ No Bid
Huntley Construction Co 121 Charlotte Highway Asheville, NC 28803		\$ No Bid
TAG Contracting Inc PO Box 2188 Old Fort, NC 28672		\$ No Bid

BKP
 10-06-2020

Town of Biltmore Forest Cedar Hill Drive Stormwater Repairs				Buckeye Bridge, LLC		Hyatt Pipeline, LLC	
Item No.	Item Description	Unit	Est. Quan.	Unit Price	Extended Price	Unit Price	Extended Price
1	Mobilization	LS	1.00	\$8,000.00	\$8,000.00	\$3,600.00	\$3,600.00
2	Construction Surveying	LS	1.00	\$3,000.00	\$3,000.00	\$2,200.00	\$2,200.00
3	Clearing and Grubbing	LS	1.00	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00
4	Temporary Check Dam	EA	2.00	\$500.00	\$1,000.00	\$1,100.00	\$2,200.00
5	Silt Fence	LF	231.00	\$8.00	\$1,848.00	\$10.00	\$2,310.00
6	Bypass Operation	LS	1.00	\$15,000.00	\$15,000.00	\$23,000.00	\$23,000.00
7	Seeding and Mulching	AC	0.19	\$7,500.00	\$1,425.00	\$23,000.00	\$4,370.00
8	Demolition & Haul Away (Existing Pavement, Pipe Material, etc.)	LS	1.00	\$10,000.00	\$10,000.00	\$9,750.00	\$9,750.00
9	NCDOT 838.80 Endwall (36")	EA	1.00	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00
10	NCDOT 838.80 Endwall (42")	EA	1.00	\$6,000.00	\$6,000.00	\$4,900.00	\$4,900.00
11	36" HDPE	LF	107.00	\$340.00	\$36,380.00	\$125.00	\$13,375.00
12	42" HDPE	LF	34.00	\$450.00	\$15,300.00	\$150.00	\$5,100.00
13	36" RCP	LF	64.00	\$375.00	\$24,000.00	\$175.00	\$11,200.00
14	NCDOT 840.31 Junction Box (10'-12' Deep)	EA	1.00	\$8,000.00	\$8,000.00	\$8,200.00	\$8,200.00
15	NCDOT 840.04 Open Throat Catch Basin (Grated, 0'-6' Deep)	EA	1.00	\$2,000.00	\$2,000.00	\$6,400.00	\$6,400.00
16	Riprap Dissipator (Geotextile, 78 Stone, Riprap, Machine Placement)	LS	1.00	\$8,000.00	\$8,000.00	\$20,000.00	\$20,000.00
17	Asphalt Repair	SY	40.00	\$100.00	\$4,000.00	\$125.00	\$5,000.00
18	Traffic Control	LS	1.00	\$3,000.00	\$3,000.00	\$3,750.00	\$3,750.00
Total Base Bid					\$156,953.00		\$133,355.00

Bid opening 10:00 am October 6, 2020. Tabulation of results.



10/7/2020

4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

- 5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

See Attached Bid Form

Bidder acknowledges that (1) each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor's overhead and profit for each separately identified item, and (2) estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

ARTICLE 6 – TIME OF COMPLETION

- 6.01 Bidder agrees that the Work will be substantially complete within 45 consecutive calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and will be completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 60 consecutive calendar days after the date when the Contract Times commence to run.
- 6.02 Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

10/7/2020 BJM for Hyatt Pipeline LLC

- 7.01 The following documents are submitted with and made a condition of this Bid:
 - A. Required Bid security; in an amount of 5% of the total price bid in the form of a (CIRCLE ONE):
 - Bid Bond
 - Certified Check ✓
 - Cashier's Check
 - B. ~~00300 – Information Available To Bidder's Acknowledgement~~
 - C. 00340 - Non-collusive Affidavit ✓
 - D. 00410 - Bid Form - Addenda Acknowledgement
 - E. 00421 - E-Verify Affidavit ✓
 - F. Contractor License ✓

ARTICLE 8 – DEFINED TERMS

- 8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

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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: Review of Potential Changes to Sign Ordinance
Date: October 8, 2020

Mr. Billy Clarke, Town Attorney, has provided the attached draft revisions for the Town's sign ordinance. Please let staff know what changes or concerns you have regarding this draft, or if there is anything else that you would like included within the ordinance.

§93.01. POLICY REGARDING SIGNS

This section sets forth the Town of Biltmore Forest policies and regulations regarding the size, type and location of signs. The policy is intended to regulate size, type and location of signs to ensure that signs are not located in the public right of way, do not pose a threat to public safety, do not unreasonably interfere with ~~the~~ aesthetic quality and are consistent with the nature of a primarily residential community. It is not the intent of this policy to regulate the content of signs or to limit ~~the~~ an individual's right ~~of~~ to free speech.

§93.02 DEFINITIONS

The following definitions shall apply in this section

- (A) Real Estate Signs – signs advertising the sale or lease of residential or commercial real property.
- (B) On premises commercial signs – signs located on or attached to buildings in the zoning districts in the Town where commercial businesses are allowed.
- (C) Temporary signs – signs posted to provide directions to an event lasting for one day or less.
- (D) Political Signs – Signs advocating support for a particular candidate for political office or political party.
- (E) Ideological Signs – signs advocating support for a particular system of ideas and ideals which may form the basis of an economic or political theory and policy.

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§ 93.02 SIGNS AND POSTERS GENERALLY.

Except as set forth herein, no sign of any kind, including posters, advertisements, billboards, announcements, and the like, shall be erected by any person in any district zoned R-1, R-2, R-3, R-4, or R-5 unless prior approval of the sign type, size and intended location are first obtained from the Board of Commissioners. Any sign erected in violation of this section shall be promptly removed by the Town.

(2013 Code, § 15-2)

§ 93.03 SIGNS AND POSTERS; REQUIREMENTS.

(A) *Real Estate Signs.* No person, either as owner or real estate agent, shall post any sign on any residential lot to advertise the same for sale or rent or for any other purpose, except as follows:

- (1) One sign per lot, not to exceed six square feet in size, not to contain any electrical component and not to be lighted in any way;
- (2) If the sign is posted by a real estate agency, the wording shall be limited appropriately to indicate that the property is for sale or rent and the name and telephone number of the agency, the listing firm website, the multiple listing service number, texting code, or individual website assigned to the home for sale;
- (3) If the sign is posted by an owner, the wording shall be limited to appropriately indicate that the property is for sale or rent, the name of seller, if so desired, and a telephone number, and individual website assigned to the home for sale;
- (4) Wording shall be the same on both sides of the sign if both sides are exposed to the roadway;
- (5) The only sign, per division (A)(1) above, shall be set back at least 30 feet from the nearest edge of the pavement of the public road on which the house fronts or faces and in no event shall the sign be located within any public road right-of-way;
- (6) No portion of the sign shall extend more than four feet above the ground;
- (7) The sign shall be removed no later than three days after a sales contract is signed on the property advertised for sale by such sign; and

(8) If a sign is for commercial use in the R-4 or R-5 Residential Zoning District and does not comply with the limitations herein, application must be made to the Board of Commissioners for approval.

(9) The owner of a residential lot and the real estate agent placing a real estate sign on the residential lot shall each be responsible for any violation of division (A) above.

(B) **Construction Signs.**

(1) On any residential lot on which construction has begun by a general contractor, neither the general contractor nor the owner of the residential lot shall post nor permit to be posted more than one sign in addition to any sign required by law to be posted (i.e., building permits and the like).

(2) The general contractor may place one sign on the residential lot on which construction has begun which sign shall not exceed six square feet in size and shall be limited in wording to the street number or address of the property and the name, address, and telephone number of the general contractor. The general contractor's sign shall also be subject to divisions (A) (1), (A) (4), (A) (5), and (A) (6) above. The general contractor's sign shall be removed from the property not later than three days from the completion of construction by the general contractor or occupancy by the owner of the property being constructed, whichever comes first.

(3) The owner of the residential lot and the general contractor shall be responsible for any violation of division (B) above.

(C) **Political and Ideological Signs.** Political and ideological signs are allowed on private property provided the signs are erected as follows.

(1) Each sign shall not exceed four square feet in size and not contain any electrical component or lighted in any way.

(2) The sign shall not be located within the Town owned public right of way or on Town property and must be set back at least thirty feet from the nearest edge of the paved road on which the house fronts or faces.

(3) No portion of the sign is to extend more than four feet above the ground.

(4) A sign located on private property requires the owner's approval.

(5) Up to four (4) political signs may be placed on private property beginning thirty days before the beginning of early voting for a primary or general election. Political signs should be removed within five (5) days after the primary or general election.

~~(5)~~ Political and ideological signs are not allowed on Town property

(D) **Signs Located in the R-4 and R-5 Zoning Districts.**

(1) On any lot occupied by a business in the R-4 and R-5 Districts, on-premises signs are allowed provided the following definitions and permit requirements are met.

(2) For the purpose of this division (D), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ATTACHED SIGN. Any sign attached to, applied on, or supported by the front wall or wall Facing Street of a building.

CLEARANCE. The vertical distance from the established finished grade to the lowest edge of the sign.

DEVELOPMENT IDENTIFICATION SIGN. A sign bearing only the name of the multiple tenant development.

ERECT. To construct, build, raise, assemble, install, place, replace, locate, affix, attach, display, alter, use, create, paint, draw, illuminate, or in any other way bring into being or establish.

FREESTANDING POLE SIGN. A sign which is permanently affixed to the ground by a pole or other structure and which is not part of the building.

GRADE. The lowest point at which a sign is attached to the ground.

GROUND SIGN. A freestanding sign flush to the ground and not elevated upon poles or stanchions and not attached to the building.

HEIGHT. The vertical distance between the highest part of the sign or its supporting

structure, whichever is highest, and the base of the sign at grade.

INTERNALLY ILLUMINATED. Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material, from a light source within the sign.

LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use.

MULTIPLE TENANT DEVELOPMENT. A development in which there exists a number of individual or separate activities and in which there are appurtenant-shared facilities (such as parking areas).

NONCONFORMING SIGN. Any sign, which was allowed when, erected or displayed but which does not conform with the standards of this division (D) and any sign, which was not allowed, but was nonetheless impermissibly created or displayed before the effective date of this division (D).

ON-PREMISES SIGN. Any sign used for the purpose of displaying advertising, identifying, or directing attention to a business, products, operations, or services sold or offered on the lots where the sign is located.

SETBACK. The horizontal distance between the leading face of the curb of a street and the closest point of a sign or sign structure on such lot. Where there is not a curb, the measurement shall be made from the edge of the pavement.

SIGN. Any words, lettering, numerals, parts of letters or numerals, figure, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is known, made of any material, except live vegetation, including any surface, fabric, or other material background structure designed to carry such devices, as are used to designate or attract attention.

SIGN STRUCTURE. Any structure, which supports, has supported or is capable of supporting a sign.

SINGLE TENANT. A single business establishment, activity or use.

WALL SIGN. Any sign painted or attached flat against and parceled to the exterior wall or surface of a building or other structure and/or which projects from the wall or surface.

(3) *On-premises single-tenant signs.*

(a) Allowed within the R-4 and R-5 Zoning District may be either:

1. *Freestanding.* Pole or ground; or
2. *Attached.* Wall.

(b) Two business identification signs are allowed per lot, only one of which shall be a freestanding or ground sign. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 40 square feet per face, with two faces per freestanding or ground sign allowed. In the event the freestanding sign is less than the 40 square feet per face allowed, the size of the attached sign erected may be increased by that difference. Signs may be internally or externally illuminated.

(c) Additionally, the following requirements must be met based on the type of sign selected:

1. If freestanding pole or ground, then the sign shall be a maximum of eight feet in height with a minimum setback of ten feet; and
2. If wall, then the maximum projection from a wall shall be six inches.

(4) *On-premises multiple-tenant development signs.*

(a) On-premises multiple-tenant development signs allowed within the R-4 and R-5 zoning district may be either:

1. Freestanding; pole or ground attached; or
2. Wall.

(b) For a multiple-tenant development, the development itself is allowed one identification sign. For a freestanding sign, the total allowable area per face of selected sign shall not exceed 60 square feet with two faces per freestanding or ground sign allowed. If freestanding pole or ground, the sign shall be a maximum of 20 feet in height and minimum setback of 15 feet. Individual tenants within the development shall be allowed one attached wall sign not to exceed ten square feet, and at the due discretion of the Board of Commissioners, not more than two, not to exceed

ten square feet. The maximum projection from a wall shall be six inches.

(E) The owner of the business establishment erecting a sign shall be responsible for violation of division (D) above.

(F) Any sign removed by the Town for violation of Divisions (A) and (B), above, shall be disposed of by the Town within five days from the date the sign is removed from the residential lot unless the residential lot owner, real estate agent or general contractor, as the case may be, claims said sign within the five-day period.

(G) This chapter was duly adopted by the Town Board of Commissioners on the September 15, 1987 and shall become effective on the October 1, 1987. This section as amended on December 18, 1990, shall become effective on the January 1, 1991. This section as amended on July 9, 2002, shall become effective on September 1, 2002.

(2013 Code, § 15-2) (Ord. passed 9-15-1987; Ord. passed 12-8-1990; Ord. passed 9- -2002)

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Doris P. Loomis, Commissioner

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Consideration of New Members to Planning Commission

Date: October 8, 2020

The Town's Planning Commission will be heavily involved as the Town begins a comprehensive plan and review of the existing zoning ordinance to comply with NCGS 160-D. The current membership includes three residents and the Board has expressed an interest to increase this membership to five (5) members and one (1) alternate.

The term for these three individuals, if appointed, would be from October 14, 2020 through October 31, 2023.

Planning Commission Members

Ms. Karen Cragolin (member)

Mr. Bill Morrison (member)

Ms. Dawn Grohs (alternate)

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Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Consideration of Appointment to Metropolitan Planning Organization's Transportation Advisory Committee

Date: October 8, 2020

The Metropolitan Planning Organization, housed at the Land of Sky Regional Council, provides transportation planning for this region. Funding for the MPO comes from federal and state funds, and includes significant involvement and input into transportation projects throughout the area. The Town is in need of a representative to serve on the Transportation Advisory Committee (TAC). This body is comprised of elected officials from the region.

Mayor Goosmann has volunteered to serve in this capacity for the Town. In order to be formally appointed to the TAC, the Board of Commissioners must approve this appointment.