

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD MAY 12, 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 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 March 10, 2020 & April 14, 2020 meeting minutes. The motion was made by Commissioner Loomis. The motion was seconded by Commissioner Cogburn and both sets of minutes were unanimously approved.

Mayor Goosmann stated Chief Ryan Cole with the Skyland Fire Department may not be able to attend this meeting however, Chief Cole has submitted the monthly report to the Board.

Chief Chris Beddingfield said the Police Department has responded to many more complaint driven issues, specifically with pedestrians walking and bicycle riders. Mayor Goosmann commended the Police Department for staying on top of pedestrian and bicyclist issues. Mayor Goosmann also thanked Chief Beddingfield for following up with construction workers parking in the street.

Commissioner Kelly asked Chief Beddingfield if there are any COVID 19 cases here in Biltmore Forest. Chief Beddingfield did not know, however, this information is not released due to HIPAA (Health Insurance Portability and Accountability Act). Commissioner Kelly thanked all Town staff for coming in to work every day and helping take care of Town residents.

Mr. Clarke asked if officers are wearing masks while on duty. Chief Beddingfield said they have them but they are not using them at the moment, only on an as needed basis.

Mr. Harry Buckner gave the Public Works monthly report. Mr. Buckner is very impressed with the employees at Public Works. Personal protective equipment has been issued if employees choose to use it.

There is a lot more garbage and brush being picked up most likely because more people are at home during this time. Commissioner Cogburn thanked Mr. Buckner for the staff being so thorough picking up the trash and brush. Commissioner Cogburn also would like to see the road shoulders improve by making it more uniform and safe. Mr. Buckner said the challenge lies with the road shoulders often being heavily wooded. There is a challenge getting turf to grow on road shoulders. Mr. Buckner said one of the items they will focus on this month is repairing the road shoulders. This week they repaired an area on Stuyvesant.

Mr. Buckner would like to start a street assessment and roadway inventory project. A portion of this project will include drainage maintenance issues and road shoulders. Mr. Buckner encouraged feedback from the Board on any of these areas.

Mayor Goosmann asked how many candidates applied for the two open Public Works positions. Mr. Buckner said more than 45 applicants applied. Mr. Buckner has narrowed it down to five candidates. They will most likely make a final decision within the next few days. Mayor Goosmann thanked Public Works for all their hard work.

Mr. Kanipe gave the Planning Report for Ms. Adrienne Isenhower. There have been 75 site inspections for the month of April. Four notice of violation letters were mailed out in regards to

cleanliness of premises. We are working on getting those brought into compliance. A contractor will get the work done for one of them and once the work is done, the amount will be certified and given to the Tax Collector who adds this amount to the tax bill.

Mr. Kanipe reviewed a project approved electronically at 4 Southwood Road by the Design Review Board. The Board of Adjustment has struggled to meet because of having to conduct the meeting in a quasi-judicial manner. We anticipated meeting on May 18th with notices going out Thursday. On Wednesday, updated guidance was provided from the State on the new emergency law stating consent is necessary from everyone with standing. The Legislature enacted this emergency legislation that says Boards of Adjustment conducted quasi-judicial hearings can meet remotely so long as they get consent from everyone who has standing. The definition of “standing” is 1.) The applicant 2.) The neighbors and/or anyone who is affected by it. Also, anyone who could bring a lawsuit challenging a Variance and/or a Special Use Permit. Mr. Clarke said there was not enough time to get the consent notice to all people. The Town hopes to hold this meeting in June.

Mr. Kanipe gave the report for the Town. Since the Board last met in March, things have become dramatically different. Mr. Kanipe said they are ensuring Town staff is protected during these times. Mayor Goosmann commended Mr. Kanipe for the excellent job he is doing. Mr. Kanipe thanked Mayor Goosmann. Mr. Kanipe said the Board is also getting daily EOC reports. Mr. Kanipe said Chief Cole is doing a great job being a logistics director for the county EOC.

Mr. Kanipe informed the Board all three buildings will be cleaned next week and also the Town Hall will be deep cleaned before and after the election in June. Town staff will work remotely on Election Day.

Buncombe County is getting a portion of the \$197 million CARES Act funding being distributed in North Carolina. The counties are allowed to share that funding with Municipalities. Buncombe County has elected to do so. The Town will receive just over \$37,000 from Buncombe County through the State. That money can be solely used for COVID-19 related expenses. These expenses can be retroactive to March 27th when Governor Cooper issued his initial Stay at Home order. This funding is available through December 31st. The Town must provide a plan to the

County for our use of these funds. This plan is due next week. Chief Cole hopes to conduct safety walk-throughs and provide specific guidance for how to retrofit some areas in Town facilities. Mr. Kanipe asked for Chief's Cole's help with a plan for the Town. Commissioner Loomis suggested putting Plexiglas in areas that may need shielding. Mr. Kanipe will give the Board an update next month at the June meeting.

Mr. Kanipe suggested not to pursue FEMA reimbursement funds at this time. To date we have spent nearly \$4,800. The Town has already recovered \$2,500 of this money through the North Carolina League of Municipalities. Mr. Kanipe said he would rather use the funding coming to us right now through Buncombe County and apply for FEMA funding when necessary. Park facilities and equipment are closed but walking trails are open. Mr. Kanipe suggested waiting until Phase 2 to reopen which is what Buncombe County and several municipalities are doing at this point.

Mr. Kanipe mentioned the possibility of cancelling the 4th of July parade and festival this year. Mr. Kanipe asked for the opinion from the Board members as whether this should be cancelled. The overall consensus was to make a decision after the Governor releases information regarding Phase 2.

Commissioner Cogburn asked if National Night Out in August will still occur. Mr. Clarke said so much of it will be determined as to what will happen between now and the end of May. Mr. Kanipe added that it will be very difficult to do any kind of event with a large group of people at this time.

Mayor Goosmann asked for Mr. Kanipe to discuss the FY 20-21 Budget. For the meeting in June, there will still be a Public Hearing, but there has to be a waiting period of at least 24 hours before voting on the Budget.

The General Fund Revenue highlights were discussed. Mr. Kanipe anticipates property tax revenues will remain fairly constant and has been historically reliable. There will be no recommended increase or decrease for the 2020 property tax rate. The sales tax is our largest unknown at the moment. The County is forecasting a 30-35% reduction within the first six months

of the fiscal year. The projection for the Town includes a 5% reduction for the second half of the fiscal year along with an 18% overall reduction projected for next year.

The potential volatility within this line item is reflected in the sales tax report for March 2020 which was \$20,000 more than last year's March report.

Mr. Kanipe reviewed the inter-governmental loan for the stream restoration project. The loan money has not been received yet because the design is still being approved. Once approved, the project will be reimbursable once contracts are authorized for construction.

Mr. Kanipe reviewed several expenditure highlights for the coming year. The budget includes a 2% cost of living increase for all non-appointed employees. Mr. Kanipe suggested revisiting merit increases after November 2020.

Two additional cars were budgeted for Fiscal Year 2021. Quotes have been received for two Ford Explorer Hybrids.

Commissioner Kelly was uncomfortable with giving Town employees a 2% pay increase considering they will be receiving a stimulus check from the Federal government. Commissioner Kelly said other municipalities are not receiving cost of living increases this year. Mr. Kanipe said several other smaller municipalities are leaning toward a 2% raise for employees this year. Mr. Kanipe said the budget is balanced and shows where this cost of living increase can be allocated. Mr. Kanipe said the 2% will cost approximately \$30,000. Commissioner Kelly suggested putting this off until the fall.

Mayor Goosmann said we can delay this and make a determination in the fall. Commissioner Cogburn agreed with Mayor Goosmann. Commissioner Loomis said the employees are working harder than ever and many are endangering their lives. Commissioner Loomis asked about the timeline of the delay with cost of living increases. Commissioner Kelly suggested to possibly increase the employee Christmas bonus. Commissioner Kelly also said if the 4th of July

festival is cancelled, a few thousand dollars will be saved as well. Mr. Kanipe said he will prepare this information for the meeting in June. Commissioner Loomis added that the workload is greater at this time for Town employees and others should keep this in mind when making a determination about the cost of living and merit increase.

Mr. Kanipe stated Mr. Buckner is currently working on a street assessment project which will provide some excellent data on what needs to be done which includes road shoulders, street signs, and paving information.

Mr. Kanipe suggested that in order to get the storm water master plan going, the capital improvement plan in the master plan would have us starting with three projects in fiscal year 2021. Interest rates are the lowest they have been in quite a while. Looking at some of these projects as far as funding through installment term loans makes sense. Mr. Kanipe spoke with the auditors and Capital Management Trust about this and said this is something that should be considered. Mr. Kanipe said a 15 year term would be 2.8% at this point. None of that money would be required to pay out the Town in fiscal year 2021. The debt service on this would start in fiscal year 2022. Mr. Kanipe said he will bring this to the Board's attention after July 1st. Mr. Kanipe asked the Board if they had any questions. There were no questions.

In terms of the Water Fund, Mr. Kanipe said there will be no rate increase from the City of Asheville or the Metropolitan Sewerage District so Mr. Kanipe did not recommend a rate increase for the Town.

As far as the Expenditures, the Public Works Supervisor position, one half of that salary was moved to the Water Fund. The Town Clerk position is already funded at one-half of salary and benefits in the Water Fund as well.

A meter replacement program will also begin in Fiscal Year 2021. This will include fifty (50) meters being replaced each year. Other operations will include maintenance and repairs that come up. Commissioner Loomis said Mr. Kanipe did a great job of letting the Board know how flexible they need to be with the decision making process.

Mr. Clarke said in terms of logistics of approving the Budget with the new statutory requirements, the statute says one can have the Public Hearing at the next board meeting. At the end of the meeting, it can be recessed to the next afternoon for a 24 hour period. That afternoon, a phone call could be conducted to approve the Budget as long as the public has the telephone call information.

Mr. Kanipe asked if anyone had questions. Ms. Laura Jacobs made a suggestion to let us know as soon as possible if the 4th of July festival will still occur or if it will be cancelled. Ms. Jacobs said the vendors need to know as soon as possible due to the event requiring quite a bit of planning.

Mr. Kanipe discussed the changes for Chapter 160-D regarding state land use changes. Mr. Kanipe said this implementation date has been pushed off for six months due to the Covid-19 crisis. Ms. Adrienne Isenhower, Town Planner, developed a list of changes necessary to be in compliance with NCGS 160-D. The Planning Board will also review this as well as the Board of Commissioners approval in a Public Hearing. Commissioner Loomis thanked Ms. Isenhower for all the work put into this.

Mr. Kanipe congratulated Ms. Helen Stephens for the Town received the GFOA (Government Finance Officers Association) distinguished budget award. This is the second year in a row receiving this award. Mr. Kanipe said Ms. Stephens does an excellent job.

Public Comment

Public comment was received electronically.

Mr. Bill Turbyfill submitted a comment last Wednesday. Mr. Turbyfill is concerned with the property at 1 Cedarcliff Road. The Board is aware the property is in sever neglect and disrepair for many years. Mr. Turbyfill would like to know when the Town will take action regarding this property. Action was taken and a letter and email has been sent to the resident. Mr. Kanipe is looking at all the remedies available to take care of this.

Ms. Mary Goodkind also had Public Comment. Ms. Goodkind lives on Ridgefield Place and has heard concerns for the residents on Hilltop Road regarding the new speed bumps. Ms. Goodkind says the new speed bumps are too low and should have been constructed the same as the speed bumps on Stuyvesant Road south of the golf course bridge. A number of children are taking bicycle rides around the neighborhood. She is concerned the very gentle speed bumps will not slow people down enough to make the road safe. Mr. Kanipe and Mr. Buckner addressed this issue to residents prior to this comment being sent. The contractor for the speed bumps on Hilltop will be coming out and raising the speed bumps on Hilltop to address this issue.

Commissioner Loomis asked Mr. Kanipe and Ms. Jacobs if they could make a decision regarding the 4th of July festival by May 22nd. Ms. Jacobs said yes.

Commissioner Cogburn thanked Mr. Kanipe for the reports on Friday Mr. Kanipe sends to the Board. Commissioner Cogburn said they are very good and she appreciates these. Commissioner Loomis agreed with Commissioner Cogburn.

Mayor Goosmann adjourned the meeting at 5:39pm.

The next Board of Commissioners meeting is scheduled for Tuesday, June 9, 2020 at 4:30 p.m.

ATTEST:

Handwritten signature of Laura Jacobs in blue ink, written over a horizontal line.

Ms. Laura Jacobs
Town Clerk

Handwritten signature of George F. Goosmann, III in blue ink, written over a horizontal line.

George F. Goosmann, III
Mayor