

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD AUGUST 11, 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 July 14, 2020 meeting minutes. The motion was made by Commissioner Loomis. The motion was seconded by Commissioner 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. Chief Beddingfield discussed a home invasion that occurred on Amherst Road in 2013. A glove with sweat was submitted and there was a DNA match from the data base. The male subject was arrested in Tennessee and was picked up by Chief Beddingfield and Officer Anton. The male subject is now awaiting trial.

Chief Beddingfield said the remodeling of the communication center is coming along very well. Chief Beddingfield thanked Mr. Harry Buckner and the public works staff for helping the police department with this remodel project.

Chief Beddingfield said there have been some issues with COVID-19 at the police department. Three police personnel tested positive as well as two personnel having exposure. Chief Beddingfield said the entire department worked well as a team and he was appreciative of this. Chief Beddingfield thanked Mr. Kanipe and Ms. Jacobs for their assistance in helping out as well.

Chief Beddingfield reported information back to Commissioner Kelly regarding the number of miles driven by the police department in the month of July. They drove a total of 28,665 miles in the month of July and drove for 1,308 hours. Chief Beddingfield also thanked Chief Ryan Cole for getting the Town employees set up with the rapid COVID-19 testing.

Chief Ryan Cole presented the monthly report for the Skyland Fire Department. A crew returned from Eastern North Carolina where a tornado touched down. 26 homes were destroyed and many injuries occurred. Chief Cole was sent to Hyde County with an incident response team. During the storm they were redeployed to Brunswick and Bertie County. The storm did a great deal of damage. Mayor Goosmann thanked Chief Cole for all of their hard work. Commissioner Loomis also thanked Chief Cole and the staff.

Mr. Harry Buckner presented the monthly report for the Public Works Department. The size of the speed bumps on Hilltop Road was increased. Mr. Buckner said they are still waiting on chevrons to be painted but after this is done, that project will be complete. The Town received positive feedback from the neighbors.

In regards to brush pickup, the Town will have brush pickup twice a month for the entire town. Mr. Buckner said there has been good response with communicating to residents via CodeRed messaging and posting on the Town website.

The Brooklawn park project has been started. Mayor Goosmann said it is starting to look very good. Mr. Buckner said the public works staff is doing an excellent job with this.

Mr. Buckner also discussed the pedestrian bridge which is also in the works. Options will be discussed next month at the September meeting.

The Greenwood Park stream restoration is on schedule. The State verbally approved the engineering report. Stormwater master plans are almost finished. Mr. Buckner would like to wrap up easements this month. Informal bids will be conducted with invited contractors. This project will fall within informal bidding thresholds.

Mr. Buckner said they are just about done in dispatch area. There will be a contractor coming to replace the lighting in that area as well.

The sod project at Town Hall was completed. The shoulders on Brookside Road were also repaired. They will look next at Arboretum and Vanderbilt Roads.

Mr. Buckner said the Powell Bill was reported which is required by law.

Mr. Buckner said Mr. Austin Tucker will be retiring near the end of the year.

Commissioner Kelly asked about how televisions are disposed. Mr. Buckner told the Board about white goods pick up, but noted televisions are not are in a different recycling area. The County landfill may possibly take them.

Commissioner Cogburn asked when the date for white goods pickup will be. Mr. Buckner said a date has not been set yet but he was welcome to feedback from the Board as to when this should be. Mr. Kanipe suggested doing the pickup after the next newsletter goes out.

Commissioner Cogburn asked about public works employees using the Skyland Fire Department mule. Mr. Buckner said it comes in handy with various projects throughout Town.

Chief Cole said the more it is driven, the better it is. Chief Cole had no problem with the public works employees using the mule. Commissioner Cogburn thanked Mr. Buckner.

Mayor Goosmann thanked Mr. Buckner for the detailed report and appreciated Mr. Buckner.

Mr. Kanipe and the Board reviewed the existing sign ordinance. A Supreme Court ruling in 2015 changed how local governments regulate speech related to signage. Mr. Kanipe suggested amending the sign ordinance to comply.

Mr. Clarke said one can have reasonable regulation as to the size, placement, and location of a sign; and as to whether signs are lighted, electric, or temporary. These type of things, like keeping signs out of the public right-of-way or thirty feet back, are reasonable. There are regulations of political signs as to where they can be placed and the time limit. When one starts regulating content of a sign, it becomes more problematic and is subject to strict scrutiny which means there has to be a compelling governmental interest to regulate the sign. Mr. Clarke stated it is reasonable to allow when political signs can be displayed. Mr. Clarke suggested defining political signs as being part of an election. Mr. Clarke emphasized that the sign ordinance should state something such as, "one cannot regulate signs based on content." Mayor Goosmann asked if the number of political signs can be regulated. Mr. Clarke said the number of signs can be regulated. Also, social issue signs cannot be prohibited.

Commissioner Cogburn suggested the sign distance be limited to a certain distance with all signs. Commissioner Cogburn emphasized she would like to see consistency of all signs being placed within a certain distance.

Mr. Kanipe discussed the review of potential changes to the Town brush ordinance. Mr. Kanipe showed the Board the potential proposed changes. Mr. Buckner said none of the changes are changing what staff does it just more accurately defines odds and ends to make this system more organized.

Mayor Goosmann suggested May and June may be a better time for bi-monthly brush pickup. Mr. Buckner agreed. Commissioner Loomis suggested not putting the months of pickup in the ordinance but leave it up to the discretion of the public works director and town manager as to when it needs to be picked up. Also, residents will be notified ahead of time as to when this will occur. Commissioner Cogburn also agreed and said that in event of a storm, a notice will be sent out for of when brush pickup will occur.

Commissioner Loomis asked Mr. Buckner about where the brush should be placed in writing stating “no more and no less than.” Commissioner Loomis also suggested addressing pickup of Christmas trees in the ordinance. Mr. Buckner and Mr. Kanipe agreed.

The next topic of discussion was a zoning ordinance review related to Chapter 160-D implementation. Mr. Kanipe said these are required statutory changes. The dates have fluctuated and the first phase was going to be January 2021 which has now changed to August 1, 2021. The second timeline for the adoption of the Comprehensive Plan is July 1, 2022. Mr. Kanipe discussed this with Mr. Clarke, and their recommendation is to work on these two plans simultaneously. Mr. Clarke said a Comprehensive Plan has to be done in order for the Zoning Ordinance to be valid. Mr. Clarke also said the Planning Commission also has to be involved in this process as well in developing the Comprehensive Plan.

Mr. Jonathan Kanipe discussed the COVID-19 report. Governor Cooper extended phase two to September 11, 2020. The State authorized a second round of coronavirus relief funds to the Counties. Buncombe County will distribute on the same basis as the first round. \$42,310 will be received from the County. Requests must be submitted by August 21, 2020. The request for this round will include improvements to air circulation to public buildings, touchless door access, remote meeting infrastructure, and personnel expenses related to COVID-19.

The Town did not receive the clean diesel grant most likely due to how little the vehicles are driven. The Town is continuing to strive for grants for electric vehicle charging stations.

The Greenwood parks stream restoration is going well and going quickly. The slate roof repair at the police department should occur within the next two weeks. The repair will be done on the back of the building above Chief Beddingfield's office once the roof work is completed. Reliant Environmental has already performed their inspection. They have also looked at the other offices and found those to be ok.

Mr. Kanipe said dog waste is being placed in the road and would like to find locations centrally located within Town to put dog waste stations.

Commissioner Cogburn discussed speed bumps and Mr. Hyler's request of the Board several months ago. Mr. Hyler asked for consideration of speed bumps halfway down the hill on Stuyvesant Road between Hilltop and Southwood Roads. Mr. Hyler was concerned about the safety of residents. Mr. Buckner suggested having a more formal process for these requests. Commissioner Kelly was in favor of Mr. Buckner's suggestion. Commissioner Loomis said it would be a good to have a traffic study conducted as well.

The Consideration of Order for Tax Settlement for FY19-20 was presented.



**TAX COLLECTOR
ANNUAL SETTLEMENT**

FY 2019-2020

August 04, 2020

Pursuant to the provisions of NCGS 105-373, the following is the Tax Collector's Report of Settlement for 2019 taxes for Fiscal Year 2019-20 as of August 4th, 2020.

2019 Levy from Scroll (Real & Personal Property Tax)	2,645,380
Exemptions, Releases & Deferrals	(27,047)
Afterlist	
Public Service Companies	17,144
2019 Total Levy	2,635,477
Penalties, Cost & Interest	4,168
2019 Total Charges	2,639,645
Collected (2019 Real & Personal)	2,633,650
Uncollected (2019 Real & Personal)	5,995.31
Percentage of Levy Collected	99.773%
Prior Years Collected During Period	1,089
Overpayments/Prepayments	805

List of 2019 Delinquent Taxes - Real Property

Bacon, Natalie Whiteman	964774334900000	3,695.93
Berry, Adam B	964694686500000	898.60
Pankow, John Field	964774933200000	1,151.46
Rector, Judith Eller	965608142100000	249.31

Total Delinquent Taxes by Year

Year	2011	2012	2014	2015	2016
Amount	52.69	172.67	19.44	259.03	38.05

NCGS 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body as required by statute.

Commissioner Loomis made a motion to approve the Tax Collector Annual Settlement for FY 2019-2020. Commissioner Kelly seconded the motion. Roll call was taken by the Town Clerk. The motion was approved unanimously.

Consideration of Order for Tax Collection for FY 2020-21 was presented.



**ORDER OF
COLLECTION**

State of North Carolina
Town of Biltmore Forest

Order of the Board of Commissioners
Pursuant to NCGS 105-321 for the
Collection of 2020 and Prior Years' Taxes

To the Tax Collector of the Town of Biltmore Forest:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Administration and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Biltmore Forest, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 11th day of August, 2020:

George F. Goosmann, III
Mayor, Town of Biltmore Forest

Attest:

Laura Jacobs
Clerk, Town of Biltmore Forest

The Order of Collection shall be entered into the minutes of the governing body as required by statute (NCGS 105-321(b)).

A motion was made by Commissioner Kelly to approve the Order of Collection of 2020 and Prior Years' Taxes. Commissioner Cogburn seconded the motion. Roll call was taken by the Town Clerk. The motion was unanimously approved.

Mr. Kanipe discussed the requests for increased traffic control devices on Cedarcliff Road. The majority of residents said they would like to see two additional stop sign on Cedarcliff Road at the intersection of Forest Road. Mr. Buckner said the residents have a legitimate concern. The majority of the issue are visitors to the Biltmore Estate that arrive at the Bell Gate thinking they have access to the Biltmore Estate. There are only two signs directing Biltmore Estate traffic in Town. Mr. Buckner said the majority of the issue would be solved if Apple Maps would respond like Google Maps by leading visitors in the correct direction. Mr. Buckner said putting in stop signs may not be the most helpful thing to do. The best thing to do right now would be to continue to work with Apple Maps and the Biltmore Estate. Commissioner Loomis agrees with Mr. Buckner and the information Mr. Buckner provided to the Board was persuasive. Commissioner Loomis wanted others to know that Mr. Buckner is being responsive about this issue. Commissioner Loomis suggested everyone get together and have a meeting about this in person. Commissioner Kelly agreed.

Public Comment

Mr. Richard and Ms. Judith Pigossi submitted a public comment encouraging the Town to support the City of Asheville's resolution regarding reparations. Mr. Kanipe stated Mr. and Ms. Pigossi had agreed to help lead community interest on this issue.

Mayor Goosmann adjourned the meeting at 5:58 p.m.

ATTEST:



Ms. Laura Jacobs

Town Clerk



George F. Goosmann, III

Mayor