

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD AUGUST 10, 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.

Mayor Goosmann called the meeting to order at 4:30 pm. Commissioner Cogburn made a motion to approve the minutes from July 13, 2021. The motion was seconded by Commissioner Kelly and unanimously approved.

Chief Lance from Skyland Fire Department was not present for the meeting.

Chief Chris Beddingfield gave the report for the Police Department. There were 700 calls last month which is about average. A major golf tournament occurred at the Biltmore Forest Country Club. There were numerous traffic issues in regards this event. Chief Beddingfield said good teamwork was provided and the myriad of issues were resolved.

Chief Beddingfield said the Fourth of July event went very well. The National Night Out event was cancelled due to weather conditions. The event will be rescheduled to Tuesday, October 5<sup>th</sup> from 4pm-7pm. A study on the hybrid police vehicles was conducted and the study shows they are almost half the cost to operate when compared to a non-hybrid police vehicle. Mayor Goosmann thanked Chief Beddingfield and staff for all their hard work.

Mr. Harry Buckner gave the report for the Public Works department. Mr. Buckner said an employee who was previously injured returned back to work on full duty. Mr. Buckner said there was a turbo replacement on the garbage truck which was covered under warranty. Public Works is still having work done on the back up trucks just to make sure it is ready to go when needed. In August, there are two bridges in Town that will be inspected by the Department of Transportation. Several road shoulder projects are nearly complete. Mayor Goosmann thanked Mr. Buckner for the hard work public works provides to the Town.

Mr. Kanipe mentioned the right-of-way clean-up work on the west side of Vanderbilt that is being conducted by the Biltmore Company. This is a cleanup along their property as part of an overall fence maintenance project being conducted.

Mr. Kanipe updated the Town with a COVID-19 report. There have unfortunately been increases within Buncombe County and the United States as the Delta variant of the coronavirus spreads. Staff is following all Center for Disease Control guidance regarding vaccinated and unvaccinated people and asking all members of the public visiting Town buildings to do the same. All three buildings are professionally cleaned and disinfected on a weekly basis.

Mr. Kanipe discussed the Greenwood Park Stream Restoration project. Two months ago, the Town anticipated providing a bid recommendation to the Board at the July meeting which did not happen. Mr. Kanipe was able to get feedback from the Division of Water Infrastructure staff this week. They submitted a Plan Specifications Approval Letter for review last week. Once this is approved, the staff liaison can issue the approval letter and the Town can move forward with advertising this project. Mr. Kanipe is hoping to construct within the fall and can plant within an appropriate period. Mr. Kanipe will update the Board next month on the progress.

Mr. Kanipe said staff from the North Carolina League of Municipalities insurance division conducted a site visit this week. The purpose of this visit was to review the Town's fuel pumping station and Public Works storage building. There is concern from the League staff regarding the accessibility of these pumps and the Public Works equipment and materials, in addition to the poor condition of the storage building. Mr. Kanipe will provide a report from the site visit once it is received to review options to improve.

Mr. Kanipe said the Town will once again participate in the Community Deer Management Assistance Program (CDMAP). CDMAP is regulated by the NC Wildlife Resources Commission and provides local governments across the State an ability to manage their deer population. We continue to work with our insurer, the NC League of Municipalities, to ensure safety, appropriateness, and policy guidelines for our program and for all sites throughout the Town.

Mr. Kanipe said the audit fieldwork began this week and will take place at the Town Hall for the next week. This year's financial statement will be presented at the October meeting.

Mr. Avery Dolinger, Jr., Senior Public Engagement for Duke Energy, presented the Duke Energy targeted underground project to the Board. The overall presentation was a review of phase one and phase two. Duke Energy began phase one of their targeted underground earlier this year in 2021. The first phase is complete and phase two is ongoing. Boring, cable pulling, and setting boxes were completed and transformers and terminations have been completed. Cutovers and overhead removal have also been completed. The restoration was the final part of phase one and this has been completed as well.

Regarding phase two, Mr. Dolinger said postcards were sent to Town residents on July 2<sup>nd</sup> regarding the easement acquisition. Right of way and construction team members will also leave door hangers with contact information to let you know the next steps. AT&T and Charter were also contacted but still not doing any work with Duke Energy as of yet. Mr. Dolinger referenced his email and phone number if Town residents need to contact him

Consideration of the Project Fund Ordinance was discussed. Mr. Kanipe proposed the Board to consider a project fund ordinance, as these types of budget ordinances cross over fiscal years and are not bound by typical year restraints. Congress approved the American Recovery Plan Act in March of 2021. This Act included specified funding for state and local units of government to assist with recovering from the Coronavirus pandemic. These funds are allocated for supporting public health expenditures, behavioral healthcare, medical expenses, replace lost public sector revenue, provide premium pay to essential workers and offering additional support to those that have the greatest health risks. The Town will receive \$451,275.58 from the U.S. Treasury. This will be paid out in two separate payments. Commissioner Cogburn made a motion to accept the Project Fund Ordinance and Commissioner Kelly seconded the motion. The motion was unanimously approved.



## TAX COLLECTOR ANNUAL SETTLEMENT

**FY 2020-2021**

August 5, 2021

Pursuant to the provisions of NCGS 105-373, the following is the Tax Collector's Report of Settlement for 2020 taxes for Fiscal Year 2020-2021 as of August 5, 2021.

2020 Levy from Scroll (Real & Personal Property Tax)	2,653,330
Exemptions, Releases & Deferrals	(32,325)
Afterlist	
Public Service Companies	17,061
2020 Total Levy	2,638,066
Penalties, Cost & Interest	4,775
2020 Total Charges	2,642,841
Collected (2020 Real & Personal)	2,617,266
Uncollected (2020 Real & Personal)	20,800
Percentage of Levy Collected	99.21%
Prior Years Collected During Period	24
Overpayments/ Prepayments	1,600

### List of 2020 Delinquent Taxes- Real Property

Ashworth, Sarah P	964669512900000	43.55
Berry, Adam B	964694686500000	1,244.31
Klimchuk, Aaron	964780827000000	26.86
Olson, James D	964663758700000	3,637.61
Pankow, John Field	964774933200000	1,151.73
Shenk, John David Jr.	964642468400000	5,153.49
Shenk, John David Jr.	964642279500000	1,219.23
Winkenwerder, William	964666571900000	8,323.04

### Total Delinquent Taxes by Year

Year	2011	2012	2014	2015	2016	2019
Amount	53.14	175.07	19.74	259.51	38.72	1,207.81

*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.*

Consideration of Tax Collection for FY21-22. 2021 property taxes will be mailed out in the beginning of September. Commissioner Cogburn made a motion to approve the Tax Collection for FY 21-22. Commissioner Kelly seconded the motion. The motion was unanimously approved.



State of North Carolina  
Town of Biltmore Forest

## ORDER OF COLLECTION

Order of the Board of Commissioners  
Pursuant to NCGS 105-321 for the  
Collection of 2021 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 10th day of August, 2021:

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)).*

Mr. Kanipe discussed the traffic survey and study update. Mr. Buckner and Mr. Kanipe met with J.M. Teague and focused on obtaining information from the residents regarding their experiences with traffic throughout Town. Town staff will relocate speed and radar signs to assist with data collection. Commissioner Loomis said information should be sent to residents regarding this. Mr. Kanipe said a survey regarding traffic concerns, issues, and general thoughts. A hard copy will be mailed to residents and will also be available on the Town's website. In conjunction with the survey, Town staff will relocate speed/radar signs to various streets within Town to gather speed data and traffic counts. This will provide valuable information allowing the Board to consider specific traffic mitigation measures, if necessary.

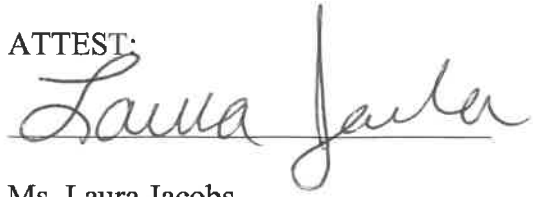
The uniform trash can and trash can grabber project update was discussed. Trash cans were approved for all residents in town. These will be able to be picked up mechanically. This will also prevent recurring injuries to Town employees. The North Carolina League of Municipalities will provide up to \$5,000 to assist with the cost. The lead time is 10-12 weeks. The potential vendor recommended the Town select one uniform can size, specifically the 95-gallon container. This container is the same size as the recycling container provided to residents'. Previously, Town staff considered offering three different sizes to residents. The vendor noted they do not sell many of the 30/35 gallon containers, and even referenced one Town who offered these containers but then sent them back one year later. Their next size up (65 gallons) is sold frequently, and provides a more similar can to the current recycling container. The most common size sold is the 95-gallon container. Commissioner Loomis asked why someone would prefer to pick a smaller container. Mr. Kanipe said it takes up less storage space and some households do not throw away enough trash for the 95-gallon container.

#### Public Comment

Drew Stephens made public comment about closing Ridgefield Place

Mayor Goosmann adjourned the meeting at 5:56p.m. The next meeting is scheduled for Tuesday, September 14, 2021 at 4:30 pm.

ATTEST:

A handwritten signature in cursive script, reading "Laura Jacobs", written over a horizontal line.

Ms. Laura Jacobs

Town Clerk

A handwritten signature in cursive script, reading "George F. Goosmann", followed by a small "III" and a flourish, written over a horizontal line.

George F. Goosmann, III

Mayor

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF BUNCOMBE )

TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS

\*\*\*\*\*

**RESOLUTION 2021-12**

\*\*\*\*\*

**RESOLUTION HONORING THE SERVICE OF  
MS. MARJORIE WADDELL ON  
THE TOWN'S PLANNING COMMISSION**

**WHEREAS**, Ms. Marjorie Waddell has faithfully served the Town of Biltmore Forest as a member of the Planning Commission for eight years; and

**WHEREAS**, the Mayor and Town Board of Commissioners recognize the valuable service that Ms. Waddell has provided to the Town; and

**WHEREAS**, the Mayor and Town Board of Commissioners take this opportunity to express their thanks and gratitude to Ms. Waddell for her dedication to the Town.


**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Town Board of Commissioners express their appreciation for the outstanding manner in which Ms. Waddell performed her duties and for her dedication to the Town as a member of the Planning Commission.

This the 14th day of September, 2021.



George F. Goosmann, III  
Mayor

Attest:

  
Laura Jacobs  
Town Clerk



STATE OF NORTH CAROLINA )  
 )  
COUNTY OF BUNCOMBE )

TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS

\*\*\*\*\*

## RESOLUTION 2021-11

### Resolution Exempting Town Wide Traffic Study Project from NCGS 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the Town proposes to enter into one or more contracts for design services for work on a project titled Town Wide Traffic Study; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF BILTMORE FOREST RESOLVES:**

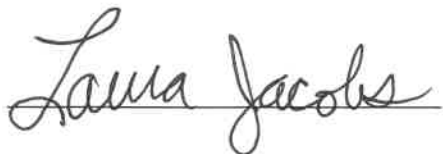
Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

**ADOPTED**, this the 14th day of September, 2021.



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



Laura M. Jacobs  
Town Clerk

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF BUNCOMBE )

TOWN OF BILTMORE FOREST  
BOARD OF COMMISSIONERS

\*\*\*\*\*

## RESOLUTION 2021-10

### Resolution Exempting Unnamed Tributary to Fourmile Branch Stream Restoration Project from NCGS 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the Town proposes to enter into one or more contracts for design services for work on a project titled Unnamed Tributary to Fourmile Branch Stream Restoration; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF BILTMORE FOREST RESOLVES:**

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

**ADOPTED**, this the 14th day of September, 2021.



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



Laura M. Jacobs  
Town Clerk