

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD SEPTEMBER 14, 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.

A moment of silence was observed for the people that lost their lives on September 11, 2001.

Commissioner Cogburn made a motion to approve the minutes subject to a few typos from August 10, 2021. The motion was seconded by Commissioner Loomis and unanimously approved.

Chief Lance from Skyland Fire Department was not present.

Chief Chris Beddingfield gave the report for the Police Department. There were 823 calls. There were several weather events with some heavy storms that came through and numerous power lines and trees fell down. The main gate of the Biltmore Estate flooded but there were no major issues. A CodeRed message was sent out early advising residents of increased traffic and heavy presence in the gate area. There was effective communication between Biltmore Estate police and

Town of Biltmore Forest police. Chief Beddingfield said two telecommunicators went to a nationwide conference in San Antonio, Texas and brought back great information. It was excellent training and good networking.

Chief Beddingfield said they are still working on combatting vagrancy issues. There are many individuals who wander throughout Town trying to get inside vehicles in residents' driveways. If the vehicles are unlocked, they will rummage inside and steal valuables. If the doors are locked, they will move on.

Commissioner Loomis congratulated Chief Beddingfield for being appointed Regional Director for the Chiefs Association of the North Carolina Association of Chiefs of Police.

Mayor Goosmann thanked Chief Beddingfield for all of the Department's hard work.

Mr. Harry Buckner gave the report for the Public Works department. Mr. Buckner said there has been an increase in tree assessments most likely due to the tropical storm.

Another public works employee will be hired and start on the 20<sup>th</sup>. He is a former employee of the North Carolina Department of Transportation. Mayor Goosmann asked Mr. Buckner if this will bring public works to full staff now. Mr. Buckner said no due to an employee being out on leave.

Mr. Buckner noted how efficient the solid waste program is with the Town when compared to other places. Mr. Buckner said the Town's brush program is very efficient as well.

Copper and lead testing were completed in the water distribution system.

Mr. Buckner said appliances were secured for the police department kitchen. They are in the middle of remodeling and getting the new kitchen ready.

Eleven trees fell across roads as a result of tropical storm Fred. All of the employees did a wonderful job and were very efficient.

Professional services for the traffic study are coming. Mr. Buckner is also making progress on the storm water master plan with Mr. Kanipe.

Mr. Mike Dale is in Statesville, NC this week for water system training.

Commissioner Cogburn asked the status of the new waste receptacles. Mr. Kanipe said he reached out to the vendor and the samples should be in soon for the Board and residents to view different sizes and colors.

Mr. Jonathan Kanipe gave the report for the Town. Mr. Kanipe mentioned that MSD made several repairs related to storm water infiltration into the sewer system at Cedarcliff and Forest. Metropolitan Sewerage District has been working very hard at this and doing a good job. The residents were very appreciative of this work.

Mr. Buckner and Mr. Dale met with a consultant from McGill to go over the Town's next planned storm water projects. This includes an area on Park Road where a cross connection pipe will be replaced. This should most likely be done by the end of this year. Also, Rosebank parking going north will be a much more substantial project.

Mr. Kanipe discussed further planning for the Greenwood Park stream restoration project. The bid announcement goes out next week, a pre-bid meeting will be held on September 28<sup>th</sup>, and bids ven

Open on October 5<sup>th</sup>.

National Night Out is rescheduled for Tuesday, October 5<sup>th</sup>. Mr. Kanipe said Chief Beddingfield has done a great job organizing this event. Mr. Kanipe said there will be a food truck as well as inflatables and various activities for the kids.

The Town's auditor, Carter PC, examined the local government retirement system census requirement. This is a new Governmental Accounting Standards Board (GASB) requirement that has to be done. It is a simple report by looking at our local government retirement system to make sure everything is correct when submitting to the State.

The Planning Commission will begin working on Phase 2 of the 160D requirement. The next meeting will be Tuesday, September 28<sup>th</sup> at 5:30pm. The Comprehensive Plan for 2022 will be discussed. This will be due July 1, 2022.

The Town agreed to move into alignment for Buncombe County's mask declaration. This information is publicly available on Buncombe County's website, and the Town published information on our website.

Mr. Kanipe discussed the Mini-Brooks Act and project specific exemptions. Mr. Kanipe explained the Mini-Brooks Act which requires the selection of professional services based on qualifications and not price. The Town has followed these statutes most recently when advertising for an architect for the Public Works Building, requesting qualifications for our stormwater on-call engineering services, or hiring the construction manager at risk for the Public Works project.

Some projects, however, are exempt from this requirement if they fall under a \$50,000 cost estimate. NCGS 143-64.32 provides the mechanism for this exemption. Governing body resolutions are not a requirement, but the UNC School of Government recommends a formal resolution as a means of explaining the reason for the exemption. The statute does require the exemption be noted in writing, and a formal resolution from the Board accomplishes this requirement while ensuring accountability in the process. The Town has two such projects to undertake that qualify for this exemption. The first is a streambank restoration along an unnamed tributary of Fourmile Branch. This area is adjacent to Cedar Hill Drive, just southwest of the intersection of Hemlock Road. The Town recently completed a stormwater improvement project west of this property closer to the intersection of Cedar Chine. This project's purpose is not necessarily related to stormwater piping, but rather, to restore the streambank adjacent to Cedar Hill and ensure the road does not become compromised from further drainage and erosion. The estimated cost for design and the entirety of the project is \$49,800 based on an hourly fee basis

that would take the project through construction. The Town has identified Jennings Environmental for this work. The FY22 budget included engineering funds for this project. This does not include the construction portion of the project, which would be bid as required by state law subsequently.

The second exempted project would be the Town Traffic Study. The Board directed staff to identify a process and conduct a town wide traffic study. J.M. Teague Engineering has performed two site-specific traffic studies for the Town in the past several years and is a good fit for this project. The proposed cost for this work is well under the required statutory limit and is funded from the streets engineering line item. Staff recommends utilizing J.M. Teague for this project.

Consideration of Resolution 2021-10 which is A Resolution exempting tributary to Fourmile branch stabilization project. A motion was made by Commissioner Kelly. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Consideration of Resolution 2021-11 which is a Resolution exempting the Town traffic study project. A motion was made by Commissioner Loomis. Commissioner Kelly seconded the motion. The motion was unanimously approved.

Consideration of Resolution 2021-12 which is a Resolution of appreciation for Marjorie Waddell. Mr. Kanipe said Ms. Waddell was on the Planning Commission for eight years. Ms. Waddell did a fantastic job and was present for every meeting. Commissioner Cogburn made a motion to approve. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed the American Recovery Plan funding update. The total funding provided to the Town will be \$451,275.58. Half of this funding was received in mid-August. Mr. Kanipe said many local government partners anticipated receiving final guidance for spending by the end of August. As of this writing, the United States Treasury Department has yet to release final guidance. The Town is under no obligation to expend these funds immediately, particularly after adopting the capital project ordinance which allows funds to be carried over from fiscal year to fiscal year.

Commissioner Cogburn recommended using some of the money for security cameras for each entrance of Biltmore Forest. Mr. Kanipe said they have been working on three entrances to have security cameras installed. Mr. Kanipe said Mr. Buckner is working on getting an engineering detail on running this system. Mr. Kanipe said Chief Beddingfield worked last week with the vendor to show the various locations of where the cameras would be placed. Mr. Kanipe said this should be done within the next six months. Commissioner Cogburn asked why there would only be three cameras when there are seven entrances into the Town. Commissioner Cogburn noted that you would not lock some of the doors at your house and leave the others unlocked. Mr. Kanipe said the electricity issue is rather challenging and the camera component itself has been challenging logistically. Mr. Kanipe said the most traveled entrances would be where the initial camera installations would occur. These entrances are the Parkway at Stuyvesant Road, Busbee/Hendersonville Road, and Cedarcliff/Hendersonville Road. Eventually the other entrances would be included as well as the parks. Commissioner Cogburn thanked Mr. Kanipe and hoped all the entrances can be quickly secured.

Mr. Kanipe discussed the tropical depression Fred impacts and disaster funding. There was collection and disposal of approximately 150 cubic yards of storm debris. There were eleven trees that needed to be cut out of the road and everyone did a great job of removing the debris.

In other business, Mayor Goosmann discussed previous conversations about not allowing trucks on Eastwood Road and only allowing trucks on Busbee, Vanderbilt, and Stuyvesant Road. Mr. Kanipe said there will be various questions asked on the traffic survey that goes out to residents'. Mayor Goosmann discussed the damage caused on the roads on Eastwood and Brookside from these commercial construction vehicles.

Commissioner Loomis asked Mr. Kanipe if the survey will deal with the construction traffic on Ridgefield. Mr. Kanipe said there will most likely be a general question asking residents about construction traffic.

Mayor Goosmann discussed pedestrian safety and asked to notify people when outside to dress accordingly when walking at night. Mayor Goosmann said many people wear very dark

colors and cannot be seen. Mayor Goosmann said it is very dangerous. Chief Beddingfield agreed with Mayor Goosmann and said we can notify residents with the creation of a pamphlet about pedestrian safety.

Public Comment

There was no public comment.

Mayor Goosmann adjourned the meeting at 5:25 p.m. The next meeting is scheduled for Tuesday, October 12, 2021 at 4:30 pm.

ATTEST

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

Ms. Laura Jacobs  
Town Clerk

A handwritten signature in cursive script, appearing to read "George F. Goosmann, III", written over a horizontal line.

George F. Goosmann, III  
Mayor