

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD DECEMBER 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, and Mr. William Clarke, the Town Attorney, were also present.

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

Commissioner Cogburn made a motion to approve the minutes from November 9, 2021. The motion was seconded by Commissioner Kelly and unanimously approved.

Mayor Goosmann recognized Ms. Rachel Kuehn, Town resident, for her exemplary achievements which include golf excellence and academics at Wake Forest University.

Town of Biltmore Forest Proclamation

WHEREAS, Rachel Kuehn is a junior at Wake Forest University who excels in golf and academics; and

WHEREAS, Rachel and her family are proud residents of the Town of Biltmore Forest and the Town and its citizens have encouraged and supported Rachel during her golf career; and

WHEREAS, Rachel has demonstrated her prowess at golf on the collegiate circuit with the following accomplishments:

- Three (3) collegiate individual titles
- 2021 ACC third place medalist
- Team leader in stroke average in 2021, with an average of 70.74 which is the lowest single-season stroke average in Wake Forest program history
- Holds the Wake Forest program record for lowest 18-hole score of 63
- Holds the fourth-lowest 54-hole score in program history of 203
- Eight (8) Top 10 finishes so far in her career
- Two-time WGCA All-American

WHEREAS, Rachel's golf excellence has been demonstrated in the amateur ranks with the following accomplishments:

- Two-time Arnold Palmer Cup Team USA selection
- 2021 U.S. Amateur medalist
- 2020 North & South Champion
- 2021 Curtis Cup Team USA selection
- 2021 Augusta National Women's Amateur selection

WHEREAS, Rachel also excels in academics at Wake Forest and was named a Scholar All-American; and

WHEREAS, the United States faced a team from Great Britain and Ireland in the 41st Curtis Cup at Conwy Golf Club in Conwy, Wales in August 2021; and

WHEREAS, Rachel defeated her Scottish opponent to secure the Cup-clinching point that completed an impressive American comeback securing the victory for the United States.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Town of Biltmore Forest, I do hereby proclaim Tuesday, December 14, 2021 as "Rachel Kuehn Day" in the Town of Biltmore Forest in honor and recognition of Rachel Kuehn's exemplary achievements in the game of golf and excellence in representing the Town of Biltmore Forest, Wake Forest University, State of North Carolina, and United States of America.

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Biltmore Forest to be affixed this the 14th day of December, 2021.



George F. Goosmann, III
Mayor

IN WITNESS WHEREOF, I do hereby set my hand and cause the Seal of the Town of Biltmore Forest to be affixed this the 14th day of December, 2021.

Chief Trevor Lance gave the report for Skyland Fire Department. There were a total of 30 calls for the month. Chief Lance discussed safety of space heaters and to also have chimneys cleaned to avoid chimney fires. On Christmas Eve, Santa Claus will be visiting the Town at 9am. Mayor Goosmann thanked the Skyland Fire Department for all their hard work.

Chief Chris Beddingfield gave the report for the Police Department. Chief Beddingfield said there were a total of 482 calls. The new cars have arrived and they are being set up with equipment. Chief Beddingfield said review and compliance with Senate Bill 300 is still in the works. Chief Beddingfield also said there was a DCI audit recently which is extremely difficult. Ms. Aslyne Tate has been running the communications center and did an excellent job with this audit. There were no issues found. Commissioner Kelly asked Chief Beddingfield if there were going to be a total of four new hybrid vehicles with the two new hybrid vehicles recently purchased for the police department. Chief Beddingfield said yes. Mayor Goosmann asked Chief Beddingfield for an annual fuel savings report which he will provide in the coming months. Mayor Goosmann thanked Chief Beddingfield for all the hard work the police department provides.

Mr. Harry Buckner gave the report for the Public Works Department. The employees at Public Works wanted to thank the Board for the bonus at the end of the year and the Christmas luncheon on Thursday.

Mr. Buckner said one employee resigned this month and they have a vacancy within the department. Mr. Buckner discussed the targeted underground project with Duke Energy in conjunction with modernizing street light meters and said they have been excellent to work with. This is to improve safety and reliability at this time.

Mr. Buckner discussed larger capital updates. Mr. Buckner informed the Board there was a culvert replacement planned along Park Road in the coming months.

Mr. Buckner said the brush route is running continuously and staff are working very hard at picking up leaves. The leaf pickup will continue until January 15th. Commissioner Kelly asked what the green lines and blue lines are on Fairway Place. Mr. Buckner said he would find out about Fairway Place since the Duke Energy project is not being conducted in that area as of right now. Mayor Goosmann thanked Mr. Buckner for all the hard work Public Works provides.

Mr. Jonathan Kanipe gave the report for the Town. The Town's Fiscal Year 2021 audit was completed and sent to the Local Government Commission (LGC) at the end of November. The audit turned out well and the LGC has signed off on the FY21 financial statements. A copy of the audit in its entirety has been provided to all Board members and Ms. Levonia Reese from Carter, P.C. will attend the Board's January meeting to provide a full report. A copy of the audit will be posted on the website.

Mr. Kanipe updated the Board on COVID-19. The Town remains aligned with Buncombe County's current face covering requirement for indoor, public places. The current order expires January 5, 2022. The most recent county update (December 7, 2021) revealed a positivity rate of 6.6 percent. Mr. Kanipe said the goal is to be under 5 percent and the County did achieve this briefly in early November.

Mr. Kanipe gave an update on the Greenwood Park Stream Restoration which is one-step closer to construction in January. We received approval at the Local Government Commission's (LGC) hearing on December 7th and subsequently alerted the Division of Water Infrastructure (DWI) to this approval. As you recall, the Town approved a contingent award to Baker Construction last month. It is possible additional acknowledgments or formal approvals will be required from the Board prior to construction. Mr. Kanipe will brief the Board on these if that is the case. The Town is now eligible to begin receiving reimbursements for initial engineering and design work.

Mr. Kanipe discussed Senate Bill 300 review and implementation. The state legislature made changes throughout the General Statutes related to criminal penalties for town or county ordinance violations. Chief Beddingfield and I attended a webinar hosted by the NC League of Municipalities and gained some clarity regarding parts of this law. The Town will need to amend its ordinances that specify criminal penalties for each specific ordinance. Chief Beddingfield and

Mr. Kanipe will begin reviewing these ordinances over the next month to provide the Board with a recommendation for what ordinances to continue enforcing criminally and what may need to be changed to civil penalties only. Town ordinances that include criminal penalty provisions require readings at two meetings. Adoption may not occur for these types of ordinances at the first meeting in which it is introduced.

The Town conducted the comprehensive planning survey in mid-November and the survey closed on December 10, 2021. Approximately 238 survey responses were received. Notices were provided to the public via CodRED as well as via the Town's website. Hard copies were also available at the Town Hall if preferred. The Planning Commission will hold their next meeting on Tuesday, December 21, 2021 where Mr. Paul Zimmerman will provide an update and analysis of these surveys. Mr. Kanipe said he will also provide an update to the Board at the January 2022 Board of Commissioners meeting.

Mr. Kanipe provided an update on the transportation study which also closed on Friday, December 10, 2021. The consultant for the Town will prepare an analysis of these responses.

Mr. Kanipe discussed the trash can project update and stated approximately 60 residents have elected the 65-gallon container. Containers will be ordered by the first of the New Year and anticipated to take 10-12 weeks for delivery. The staff will assemble the containers, deliver them, and remove the existing containers. The containers will be dark brown. Mayor Goosmann thanked Mr. Kanipe for all his hard work.

The Board then considered re-appointment of Commissioner Glenn Kelly to the Metropolitan Sewerage District Board. A motion was made by Commissioner Loomis. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

The next matter discussed was the Town Code of Ordinances, and specifically, the introduction of two new public safety amendments. The two ordinances are related to public safety and include criminal penalties for violations. The first ordinance is the "Loitering and Temporary Structure" and the second ordinance is the "Public Urination and Defecation Prohibition" Ordinance. Each of these ordinances states that the maximum fine may exceed \$50.00 but may not exceed \$500.00. This is in compliance with the new statutory language found in N.C.G.S. 14-4.

Chief Beddingfield said there have been instances of both these issues in recent months.

Mr. Kanipe said this will be brought back next month to the Board meeting. These ordinances do not require a public hearing because these are Town Code provisions.

The next matter discussed was the Consideration of the FY 22 Budget Amendment. This budget amendment acknowledges receipt of funds and their expenditure from town residents to voluntarily donate “employee holiday funds”. According to a UNC School of Government expert, the Board may informally direct the Town Manager to distribute funds proportionately. There were no additional questions. Commissioner Cogburn made a motion to approve this Budget Amendment. Commissioner Loomis seconded the motion. The motion was unanimously approved.

The next matter for consideration was Resolution 2021-15. This resolution designates the Town Manager as the point of contact for the Town and approves the Town’s acceptance of the loan offer from the State of North Carolina. This loan is part of the Division of Water Infrastructure State Revolving Fund loan program and will provide necessary funds for the Greenwood Park stream restoration project. Commissioner Kelly made a motion and Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Richard Wyde spoke to amend the Ordinance to include “no trespassing signs.” Mayor Goosmann allowed Mr. Wyde to speak for three minutes. Mr. Wyde is asking the Town to amend its sign ordinance to include specific criteria regarding “no trespassing” signs. Mr. Wyde included an attached proposed amendment for the Board. The signs would be subject to the same aesthetic standards found in section 93.02 of the Town Ordinance. If the Board approved this ordinance amendment, Mr. Wyde then requested the Town direct Mr. Perry Bartsch, Jr. and Ms. Joanne Bartsch to remove the four offending signs which are not in compliance from the border of the two neighboring properties. Mr. Wyde said they are white and red and are not meeting aesthetic standards. Mr. Wyde provided the Board a copy of the “no trespassing” signs that are located at 22 Browntown Road which are green and yellow and they believe comply. Ms. Angela Branch said it is important to note the current Town Ordinance does not comply with the State statute and it would be a good idea to pull it into compliance which was the purpose behind their petition. The

Ordinance needs to lay out how one can have this sign and should comply with the State provisions. Ms. Wyde said it also needs to comply with the aesthetic standards and also need to be reinforced. Mr. Wyde said the remedy for non-compliance should be to have the signs removed. Mayor Goosmann thanked Mr. Wyde and Ms. Branch.

Mayor Goosmann introduced Mr. Perry Bartsch, Jr. and informed him he has three minutes to speak on this matter as well. Mr. Bartsch said their property has been damaged and will continue to be damaged because the Wyde property has been denuded of all ground cover that has roots. Mr. Bartsch stated that, according to the NC Department of Environmental Quality standards and other standards, storm water runoff needs containment. Without containment, and no ground cover on their property, Mr. Bartsch's property will continue to be damaged. Mr. Bartsch said Mr. Wyde chose to denude the property on two occasions after Mr. Bartsch paid for a survey and tried to be a good neighbor. Mr. Bartsch said they have not gotten a response from Mr. Wyde. Mr. Bartsch then chose to post "no trespassing" signs.

Mr. Bartsch also informed the Board, they had someone show up at their house with a gun and asked the person to leave. Mr. Bartsch said this person would not leave. Mr. Bartsch called the Biltmore Forest Police Department, and they advised Mr. Bartsch that unless they post the signs on the property that any person can walk up to their door with an AK47. Mr. Bartsch said these signs were posted in that specific location because of the vegetation and wanted to make sure there was no further damage to Mr. Bartsch's property. Without these signs, the property would continue to be damaged and run the risk of having someone else come up to his house with a gun. Mayor Goosmann thanked Mr. Bartsch.

Mr. Billy Clarke, Town attorney thanked both parties for their petitions and responses. The Board has looked at both parties information but has not had a chance to discuss it yet and will need time to consider this. Mr. Clarke indicated the Board will discuss further in January.

Mayor Goosmann asked for public comment. There was no public comment.

Mayor Goosmann recognized Commissioner Glenn Kelly who took office as an elected official forty (40) years ago today. Commissioner Kelly thanked Mayor Goosmann.

Mr. Kanipe said there was another petition that was on the agenda but Mr. Hutchison did not attend the meeting. Mr. Clarke said the Board should respond to it and will take it under advisement.

Mayor Goosmann adjourned the meeting at 5:27 p.m. The next meeting is scheduled for Tuesday, January 11, 2022 at 4:30 pm.

ATTEST:



Ms. Laura Jacobs
Town Clerk



George F. Goosmann, III
Mayor