

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD APRIL 12, 2022

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 Doris Loomis made a motion to approve the minutes from March 8, 2022. The motion was seconded by Commissioner Fran Cogburn and the minutes were unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were a total of nineteen calls. Chief Lance said to replace furnace filters and check smoke detectors. Also make sure to review your emergency escape plan with your family. Mayor Goosmann thanked Chief Lance for all their hard work.

Chief of Police, Chris Beddingfield gave the report for the police department. There were a total of 633 calls for the month. A few arrests as noted in the report. There was a significant vehicle injury that involved an unoccupied vehicle. There was no driver in the car and a pedestrian was struck by an unmanned vehicle. The victim is out of the hospital and charges were pressed.

Chief Beddingfield said the phone application is almost ready. The legal agreements have been signed and set up. This will be set up by Apple and Google and we will be presenting this information soon. Individuals will be able to download the police department app on their phones and we look forward to this new feature that will be available soon.

This week is National Telecommunicator week. One of the things Chief Beddingfield has done when he first started is make the transition to have all civilian dispatchers. They do an outstanding job and Chief Beddingfield recognized them for all their hard work.

Chief Beddingfield said regarding the ten-year plan, he also asked all police personnel what they would like to see in the next ten years. One idea an officer came up with is to have an ambassador for the police department. When a new resident comes to town, have that ambassador explain the services the Town has to offer and how they can utilize our services. When Laura gets the water billing application, she will pass on the information to the ambassador so they can make an appointment with the new resident. The Board thought this was a wonderful idea. Mayor Goosmann thanked Chief Beddingfield for all of their hard work and good service.

Mr. Mike Dale gave the report for Public Works. Core samples were taken down Vanderbilt Road down to the I-40 bridge. Many potholes have been filled.

Many calls have been received about the green dots on the trees. The Town arborist is identifying potentially hazardous trees within the public right-of-way. Mr. Kanipe said more information will be sent out to residents in the next Town newsletter.

Mr. Dale said they have a couple of projects going on in Town right now. The stormwater project replacing the culvert on Park Road and everything is functioning properly. There is also a culvert failure around the area of 392 Vanderbilt. There was a sink hole in the shoulder of the road so they start working on this project tomorrow. They will also be doing some of that work on Fairway Place as well. Mr. Kanipe said there is no permitting required for Vanderbilt or Fairway place since they are emergency repairs.

Commissioner Loomis said the report is very detailed and clear. Mayor Goosmann asked Mr. Dale about bear proof garbage cans. Mr. Dale said the company providing the trash cans does not provide bear proof trash cans. Mayor Goosmann thanked public works for their hard work.

Mr. Jonathan Kanipe gave the report for the Town. The downstream side of the culvert was discussed and the sinkhole picture on Vanderbilt was shown to the Board. This situation is an emergency and will get rectified soon.

The Planning Commission held a public meeting on March 22<sup>nd</sup> and over forty citizens attended. There was a lot of good feedback received. They are currently working on the actual draft document and will have this to the Planning Commission members by the end of the week. They will meet on April 26<sup>th</sup> with an idea of giving the Board of Commissioners what they recommend. There will also be a Public Hearing to adopt the Comprehensive Plan.

Mr. Kanipe discussed the Greenwood Park stream restoration project. There are contractors doing survey work right now. Baker construction will be doing the construction. It should last between 45-60 days.

Duke Power underground project is moving along very well. They are currently working along Brookside, Greenwood, and Westwood Road right now. They will be here next month to give a full comprehensive update.

New Business discussed was the public works storage and maintenance facility. Some of the possible options were to do nothing, replace the facility at the same location, or utilize Town property to construct a new facility. There is an area on Vanderbilt which is North of the Town Hall and South of I-40. It is approximately ten acres, and we believe we can use a little more than two acres of this property for the new storage facility. It would be constructed in a way that is aesthetically pleasing to the Town. The current area would be torn down and utilized for extra parking. Mr. Kanipe said the Town needs to have a Public Hearing and vote from the citizens. The Town was gifted this property in August of 1997. Up until 2012, this property could not be utilized. After 2012, there was a specific stipulation in the deed restriction that allowed the Town to

consider using it for something other than a public service district. Per the deed, we have to draft the language to change the Zoning in the area to allow this type of facility, consider a Public Hearing to consider the changes, schedule a Special Election administered by the Town, and then include this on the ballot. If the majority of the voters approve the change, there would be an Amendment to rezone the parcel. Mr. Kanipe asked the Board what their thoughts were on moving forward with this process.

Commissioner Kelly did not support putting the facility at the proposed location and suggested saving the property for an emergency location. Commissioner Kelly preferred to see a facility built where the current location is. Commissioner Kelly also said he would not vote to change the Zoning of this.

Commissioner Cogburn made a motion to move forward asking permission of the residents to pursue using this property for this purpose. Commissioner Loomis seconded the approval of the motion. Commissioner Kelly said we are doing this backwards and said we should get a cost of the project before proceeding and the figures currently available are sketchy and wanted to know how much this would add to the tax base. Mayor Goosmann said the taxes will not be raised for what is being done. Commissioner Kelly asked Mayor Goosmann how he knew this. Mayor Goosmann said they also wouldn't have to worry about Biltmore Farms because they already met with them and they approved this. Commissioner Kelly said he was talking about the Biltmore Estate and not Biltmore Farms. Mayor Goosmann also said they cannot get a cost until it is approved here. Commissioner Kelly said they are turning public service land into commercial land forever.

Mayor Goosmann also said the gasoline area needs to be moved.

Commissioner Loomis said we definitely need to get resident input before we proceed any further.

Commissioner Loomis and Commissioner Cogburn both voted aye to the motion. Commissioner Kelly voted nay to the motion. The motion was approved.

Mr. Kanipe discussed the American Rescue Plan. The US Treasury Department issued Final Rules for the American Rescue Plan/Coronavirus State & Local Fiscal Recovery Funds (ARP/CSLFRF) in January 2022. These rules included the introduction of a “Standard Allowance” that enabled local governments to utilize up to \$10 million in ARP funds as revenue replacement. These funds may be expended upon any general government services allowed by state law, with some exceptions. As part of the Final Rule, the U.S. Treasury requires ARP recipients to adopt specific policies prior to the expenditure of funds. At minimum, all local governments must adopt and maintain the eligible use policy where local governments must adopt a policy for project requests, approving requests, and documenting that approval and justification for the approval and purchase. The allowable costs and cost principles policy is where a local government must adopt policies to ensure expenditures are eligible. A subset of this work is to develop a policy that outlines allowable costs and cost principles policy to ensure sound management and effective administration of the award. Internal controls and accountability are built into this policy. The non-discrimination policy relates to when the Town adopted a Title VI non-discrimination policy required by the North Carolina Department of Transportation in 2019. The records retention policy is required to retain certain records by North Carolina law and the Town Clerk handles these responsibilities. The proposed policies were available for the Board to review. Mr. Kanipe said the UNC School of Government has done a tremendous job explaining ARP funds.

Commissioner Loomis made a motion to approve the adoption for the American Rescue Plan policies as stated in agenda item D-2. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed agenda Item D-3 was discussed which is the Consideration of Grant Project Ordinance Amendment to Accept Lump-Sum Distribution of ARP Funds. The U.S. Treasury Department’s Final Rule for the American Rescue Plan/Coronavirus State & Local Fiscal Recovery Funds (ARP/CSLFRF) included the introduction of a “Standard Allowance”. This allowance authorizes local governments and other recipients to utilize up to \$10 million as revenue replacement for general government services. The Town’s full allocation is substantially smaller (\$451,275.58) and is being distributed in two tranches. The first tranche was received in August 2021 and the second tranche will be distributed within the next few months. This Final Rule

“Standard Allowance” provides dramatically streamlined reporting and greater flexibility for local governments. Local governments that are non-entitlement units must decide by April 30, 2022 whether to accept this “Standard Allowance”. Mr. Kanipe recommended the Town accept this “Standard Allowance” and has prepared an amended grant project ordinance to reflect this acceptance. The Town previously adopted the ARP grant project ordinance in August 2021.

Commissioner Cogburn made a motion to accept the lump-sum distribution. Commissioner Kelly seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed item D-4 which is the transportation study project. If the Board elects to implement an all-way stop at Vanderbilt and Busbee roads, the Town will follow a similar process used at Cedarcliff and Vanderbilt Roads in 2019. The process was several weeks long, however, it ensured Town residents and other motorists were well prepared for the intersection change. Commissioner Cogburn supports anything traffic calming and said she supports a traffic circle but said it may not be feasible in this area. Chief Beddingfield said the all-way stop at Cedarcliff and Vanderbilt that was done in 2019 has worked out very well and is much safer than it used to be. Mr. Kanipe suggested notifying residents before the signs went up which was also done for the Cedarcliff/Vanderbilt project. This seemed to help a lot to give driver’s a heads up before the signage went up. Mayor Goosmann, Commissioner Cogburn, and Commissioner Loomis all discussed the positive effects of having a roundabout at this location but if it can’t be accommodated, then an all-way stop would be acceptable as well. Mr. Clarke offered to reach out to the Department of Transportation as well.

Mrs. Diane Zimmerman said one of the issues driving on Busbee to Vanderbilt is the landscaping on the right side of the road which is a hazard for drivers and is very difficult to get through. If a roundabout were put here, the landscaping would need to be removed. Mayor Goosmann asked Mr. Dale to look further into the roundabout for next month’s meeting.

Mr. Kanipe discussed the Consideration of the Fiscal Year 22 Budget Amendment. This is for the current year budget. It would increase revenues by \$473,579 in the current year. We had a great year this year. Our ad valorem taxes are \$105,000 higher this year. We also received an

additional \$40,000 this year in Zoning permits. The Powell Bill was also up \$12,000. Commissioner Loomis made a motion to accept the FY 22 Budget Amendment. The bulk of increases within the General Fund expenditures are attributed to those areas within Public Works. Specifically, the bulk of increases are within stormwater construction projects and street repaving plans. ARP funds were anticipated to be used for the stormwater projects (Park Road, Fairway Place, and engineering work) but these higher revenues allow us to move forward without utilizing these funds. Additionally, an emergency repair along Vanderbilt Road revealed itself this week and must be fixed within the next few weeks to ensure the protection of the Town's road and water line. Additional funds are planned for a more comprehensive resurfacing and paving job along the northern section of Vanderbilt Road. The Town has performed a pavement analysis of this area that revealed 4 inches of asphalt that has been overlaid with minimal to no backfilling work completed. This more comprehensive work will allow us to appropriately repair our roads and build shoulders back up to align with the roadway, which should also improve stormwater conditions in the future. Mr. Kanipe recommended an increase in the maintenance costs for all three (3) public buildings, as these have risen throughout the Covid-19 pandemic. Additional increases are related to vehicle maintenance costs within the sanitation department and fuel increases in both the Public Works Department and Police Department. There remains an overage of revenue versus expenditure, and Mr. Kanipe allocated that amount (over \$100,000) into the general government contingency line item. Mr. Kanipe said they will continue to hold off on using ARP funds.

Commissioner Loomis moved for adoption of the FY22 Budget Amendment. Commissioner Kelly seconded the motion. The motion was unanimously approved.

Mr. Kanipe and Mayor Goosmann discussed the Consideration of Appointments to Town Advisory Boards. The Town's Planning Commission has two positions open for full appointment. Mr. Michael Flynn is an alternate for the Planning Commission and is recommended for full appointment. Mr. Tony Saponaro is currently on the Design Review Board but is nominated for full appointment to the Planning Commission.

The Friends of Biltmore Forest Committee have a need for two new appointments as well. Ms. Lauren Karlsson helped shepherd the new Little Free Library in Rosebank Park and has served

on various sub-committees over the past two years. Ms. Cindy Holman is serving as the chair of the Town's 100<sup>th</sup> Anniversary Committee and has served on several sub-committees helping with Town events. Each are recommended for appointment to the Friends of Biltmore Forest Committee.

Commissioner Cogburn made a motion for the Consideration of Appointments to the Town Advisory Boards. Commissioner Loomis seconded the motion. The motion was unanimously approved.

#### Public Comment

Mr. Drew Stephens said he likes the idea of welcoming the new residents from the police department. He also suggested to give new residents a new welcome kit. He also said Duke Energy is doing a great job and available for feedback and suggestions. Vanderbilt rezoning sounds volatile and unclear and hope it gets cleared out for the public.

Commissioner Loomis made a motion to go into Closed Session. Commissioner seconded the motion and was unanimously approved at 5:34 p.m.

Mayor Goosmann adjourned the meeting at 6:28 p.m. The next meeting is scheduled for Tuesday, May 10, 2022 at 4:30 pm.

ATTEST:



Laura Jacobs  
Town Clerk



George F. Goosmann, III  
Mayor