

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD MAY 10, 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 April 12, 2022. The motion was seconded by Commissioner Fran Cogburn and the minutes were unanimously approved.

Mr. Avery Dolinger from Duke Energy provided an update on the targeted underground project. Mr. Dolinger discussed work occurring near Biltmore Forest Country Club and the work proposed between 2023-2025. The current working section is called "Biltmore South". This section is being worked on with the overhead removals and will most likely go into the end of 2023. Postcards were mailed to customers on Amherst Road. Phase one of the most recent project, which is called Greenwood, is now complete. A lot of work was done at Carolina Day School as well at the back side of Ridgefield. The Brookside area is almost complete. On Ridgefield, they are about 80% on the conduit and wire install. Section five on Eastwood, they are at about 62% with the easement. They are also working on the Country Club area at the maintenance shed area with upgrades. They are also doing some work outside of the clubhouse area. Postcards are being distributed to residents that have Mr. Dolinger's name and phone number on them in case there

are questions or concerns about this project. These postcards will be issued for the North Amherst and Country Club route. Mr. Dolinger explained that on the handout, there is a website to visit which explains the project in further detail if residents would like to view it. Mayor Goosmann thanked Mr. Dolinger.

Assistant Chief Zach Cicillian gave the report for the Skyland Fire Department. There were twenty-eight (28) total calls, including an unauthorized burning call for a mulch fire off Hendersonville Road. Commissioner Cogburn asked Assistant Chief Cicillian whether Skyland Fire charges for a cancelled alarm call. Assistant Chief Cicillian said Skyland Fire does not charge the resident. Assistant Chief Cicillian also warned residents not to leave grass clippings inside the lawn mower bag. Wet grass stored in the bag is a fire hazard. Mayor Goosmann thanked Skyland Fire Department for their hard work.

Chief of Police Chris Beddingfield gave the report for the police department. There were 666 total calls for the month, with several mental illness calls. All officers are trained in crisis intervention training. Chief Beddingfield discussed the new ambassador program and said two new residents moved in this month who were welcomed to the Town by police officers. The program has been successful, and residents are appreciative and receptive. Chief Beddingfield said the new police department mobile app is still in the works but will most likely be ready to use next month. Mayor Goosmann thanked the Police Department for all their hard work.

Mr. Harry Buckner gave the report for Public Works. There was an emergency culvert repair on Vanderbilt Road. This went well for being an emergency repair. Mr. Buckner spoke about repairs to the bridge on Southwood Road that are upcoming in the next fiscal year. Mr. Buckner and Mr. Dale participated in a tree preservation ordinance webinar. Mr. Buckner said it was interesting seeing what different municipalities do in other parts of the state. Mr. Buckner said the 13/15 Park Road culvert replacement project went well. Mr. Buckner thanked the resident at 15 Park Road for being patient and easy to work with. This was a very complicated project.

There are now power improvements at Rosebank Park. They upgraded the service and brought it fully up to code. The power should be live tomorrow. The culvert replacement on

Fairway Place will start soon. There will be 4-5 days of disturbance in that area to repair it. Mr. Kanipe said there is no structural concern for the bridge on Southwood. Mayor Goosmann thanked Public Works for all their hard work.

Mr. Jonathan Kanipe gave the report for the Town. The Greenwood Park Stream Restoration project has started and is going well. Commissioner Kelly asked if they are rerouting the stream. Mr. Buckner said it will not be rerouted. Mr. Kanipe said phase one is currently happening and the plantings will be done in fall.

Mr. Kanipe discussed the Town owned property review along Vanderbilt Road. Staff is currently reviewing the area, and additional information will be provided to Town citizens which will be presented at the Public Hearing.

McGill will provide information on the traffic circle for the meeting in June.

Finally, the MAHEC parking deck project will start within the next few weeks. There will be minimal disruption in the Town but it is something that will be noticeable if one drives in and out that way.

A motion was made by Commissioner Cogburn to go into Public Hearing at 5:08 pm. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed the Comprehensive Plan. The Planning Commission worked diligently to draft a comprehensive plan over the course of eight months. This process included a Town wide survey, analysis of the survey components and distillation into draft goals and objectives, a public meeting to gather feedback and information on these goals and drafting a comprehensive plan. Mr. Kanipe included the comprehensive plan for board approval. There was one slight updated adjustment. On page 26, under goal 3, there was a bullet point number five added by Mr. Kanipe which the board received today (attached as Appendix C).

Mr. Drew Stephens asked about the focus on replacement of hardwood trees as replacement and not trees. Mr. Kanipe referred to page 25 and said that “trees” are now stated. It no longer states, “hardwood trees.”

A motion was made by Commissioner Cogburn to go out of the Public Hearing at 5:15. Commissioner Loomis seconded the motion and was unanimously approved.

Commissioner Cogburn made a motion to accept the Comprehensive Plan for the Town of Biltmore Forest which includes the changes on page 26. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Commissioner Loomis thanked Mr. Kanipe and the Planning Commission members for all their hard work in developing the Comprehensive Plan.

Ms. Dawn Grohs thanked Mr. Kanipe for his hard work as well as the other Planning Commission members.

Mr. Buckner discussed the Consideration of FY 2022 Annual Resurfacing Contract, Vanderbilt Road to I-40 bridge. the Town has not pursued an annual resurfacing project since Fiscal Year (FY) 2019. For FY 2022 we have identified Vanderbilt Road from Cedarcliff Road north to the I-40 bridge to be resurfaced.

Public Works ordered an evaluation of this 0.6-mile road segment based on numerous rough sections of cracked and deteriorated surface asphalt. This evaluation included performing eight (8) core samples along the route, which indicated that while the structure of the road is sound, the surface course is showing significant deterioration. It also appeared that there could have been as many as six (6) different resurfacing projects along this road segment in the past. This helped to explain the sections of the road shoulder that have drop-offs. They are likely created over the years with each subsequent resurfacing project, combined with the lack of attention to appropriate shoulder building and repair with each project. In addition to dangerous drop-offs, this also creates drainage issues along the road shoulders, which can accelerate the

deterioration of the road itself along with neighboring property.

Town staff believes the street system should be managed more comprehensively by including milling to correct grade and drainage issues where appropriate, improvements to the road shoulders, and attention to restoring appropriate drainage patterns. Therefore, we crafted this project to include approximately four inches of pavement removal by milling, placement of a new 2-inch surface course, and reshaping and filling in of low road shoulders with aggregate base course material to establish a stable shoulder and proper drainage patterns. This project also includes new striping with a new center double yellow line and a white edge line on each side, all with reflective beads, and new reflective thermoplastic road markings and stop bars at the Cedarcliff intersection.

Commissioner Loomis asked what the time estimate would be to complete this. Mr. Dale said it would be approximately two weeks. Commissioner Kelly asked about the timeline of starting the project and wanted to verify the project wouldn't be strung along for six months. Mr. Buckner said they are required to do the work and get paid out before June 30<sup>th</sup>. Commissioner Loomis made a motion to authorize Mr. Kanipe to accept the FY 2022 resurfacing contract with C&T Paving from Leicester, North Carolina. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe presented the FY 23 Budget. The North Carolina Local Budget and Fiscal Control Act requires the Budget Officer provide a budget proposal no later than May 31<sup>st</sup>. The notice has been provided to the Asheville Citizen Times and an advertisement is set to be placed stating a Public Hearing is scheduled for Tuesday, June 7<sup>th</sup>, 2022.

Mr. Kanipe stated there will be no recommendation for a property tax increase. The Town tax rate will remain at \$0.345 per \$100 valuation. The estimated assessed value for FY21 (tax year 2022) represents growth of 3.66% from last year. This 3.66% growth equals \$30,260,149 in added value from 2021 to 2022. This continued growth comes on the heels of Buncombe County's 2021 property revaluation that showed growth of 7.42%.

The sales tax continues to exceed growth expectations and projections.

The property tax collection rate will most likely go up due to positive changes Ms. Krystal Curtis has made.

The zoning permit revenue has been excellent. Through May 1, 2022, the Town received over 200% of estimated revenue. The Town has issued zoning permits equating to \$30,583,435 in constructed value.

In terms of expenditures, six percent COLA (cost of living adjustment) for all full-time employees was recommended. This increase allows the Town to provide a substantial increase for all employees that matches inflationary trends and the current job market. In addition, the approval of a six percent COLA allows the Town to continue the merit pool program by offering one percent of total departmental salaries for meritorious service. This has proven to be an effective tool at rewarding employees for exemplary service. This budget also raises the hourly rate for part-time employees (typically found within the Police Department) to \$20.00 per hour.

In addition to health insurance, the Town also offers desirable vision insurance through VSP. This plan, managed by the North Carolina League of Municipalities (NCLM), provides great benefits for employees. The Town's dental plan (also managed by NCLM) is switching this year to Delta Dental. The result is an opportunity to increase our benefits from Dental II to Dental III. This increase is approximately \$15.00 per employee per month but provides an increased "maximum" for expenditures in a covered year and provides better orthodontia benefits. This is a manageable benefit increase for Town employees.

Staff also recommends an additional benefit for full-time employees in the coming year. The NCLM is now offering short-term disability options that cover employees who may have an accident (not workers' compensation related) that resulting in an extended time away from work. This coverage is \$13 per month per employee, and again, provides security and enhanced benefits for our employees. As Town employees are not considered covered employees under the Family

Medical Leave Act (FMLA) this option may also prove useful for those who would otherwise have to take leave without pay due to an extended illness. This added benefit increases the overall budget by just over \$5,000.

Mr. Kanipe made a suggestion to hire a full-time code enforcement officer which would work in Administration with Mr. Kanipe and be funded under Administration. If approved, this new full-time employee would be charged with daily property inspections for compliance with zoning and code regulations. This includes ensuring Board of Adjustment conditions are being met and plans are being followed as presented to the Town. This employee would be in the field the majority of each day and on a daily basis, engaging frequently with contractors, landscapers, and homeowners to ensure the Town's regulations are being followed. The goal is to have someone dedicated to providing the level of review and enforcement of ordinances the Town and its citizens expect and desire.

In regard to the Police Department, the focus for the proposed FY23 budget is on equipment and safety improvements. The Town has utilized Tasers for over ten years. Each new Taser includes a five-year warranty, and the Town has not made any new Taser purchases in many years. The Town has four Tasers that are no longer supported by the manufacturer but remain operable and twelve Tasers which are supported. However, four of these 12 supported Tasers are no longer operable. Chief Beddingfield recommends the introduction of a five-year replacement plan that will upgrade the Tasers and ensure all equipment remains in warranty. Chief Beddingfield recommends the replacement of the inoperable Tasers in year 1 and purchase of new magazines and cartridges that allow appropriate Taser recertification. The next four years will allow the Town to transition through all Tasers, and by year five, all tasers will be under the manufacturer's warranty. The continuation of this replacement plan will provide assurance that officers will continually have operable and safe equipment.

The Department is also focused upon providing officers equipment needed to ensure their safety. This includes the need to purchase gas masks, canisters, and mask pouches. The Town

previously purchased shields and helmets for officers, and the gas mask purchase ensures our officers will be able to handle any situation.

The police department also needs to upgrade police officer body cameras. The Town transitioned several years ago to Axon body cameras. These cameras are generally covered under a five-year plan. Upgraded body cameras purchased through Axon include all software, equipment, and maintenance guarantees for a five-year period. If the budget is approved, we would begin this process with new body cameras shortly after July 1, 2022 for just over \$13,000 per year.

Regarding the Public Works department, for FY23, the Town will continue focusing on park enhancement and development, including specific funding for these and other open. In addition to the Greenwood Park stream restoration, the Department is focusing on establishing benches throughout our park system and in specific places in Town. Equipment improvements in all parks are necessary but will be carried out as part of a long-range plan. The Comprehensive Plan for the Town includes a recommendation to establish a committee for citizens to participate in this feedback. This will help drive efforts for park enhancements and improvements.

The Town's streetlights are being brought into modern code compliance as Duke Energy is performing their Targeted Underground (TUG) project. This has caused some temporary aesthetic challenges, but staff is working to address these and achieve the joint goal of aesthetic beauty with functionality. This will be ongoing through the next several years as Duke continues their work and moves north through the Town.

Within the streets department the focus for FY23 is continued work on stormwater master plan projects. The Town will also undertake a stream restoration project at Hemlock Road and Cedar Hill Drive.

The most significant change in the FY23 budget is the department's three tipping fees are now broken out into individual line items. This will allow the department to specify expenses



more effectively for solid waste disposal at the landfill in Buncombe County, recycling costs, and brush and leaf disposal costs.

Regarding town events, (4th of July picnic, Arbor Day, tree lighting) are combined into one “Community Events” category. The purpose is to provide flexibility and allow for funding for other Town events, such as the Friday Food Trucks, Friends of Biltmore Forest lectures, and perhaps most notably, events associated with the Town’s upcoming 100th anniversary. The Friends of Biltmore Forest Committee is leading this charge, with a sub-committee dedicated to the 100th Anniversary, and planning many Town events focused on this occasion.

Regarding the water fund, The Town’s water fund continues operating efficiently and well. This budget includes a 2.5 percent increase for water charges and a three (3) percent increase for sewer charges, consistent with increases from the City of Asheville and MSD, respectively. The upcoming fee schedule will incorporate some changes and increases within the Town’s tap fee cost as well as the above referenced increases.

Commissioner Kelly said he supports the Budget except hiring a Code Enforcement Officer which he does not support. Commissioner Loomis supports the idea of having a full time Code Enforcement Officer. Commissioner Cogburn also supports the idea of hiring a full time Code Enforcement Officer. Commissioner Kelly said the Town Manager should be responsible for the code enforcement.

#### Public Comment

Mr. Drew Stephens made public comment.

Ms. Dawn Grohs made public comment.

Mayor Goosmann adjourned the meeting at 6:05 p.m. The next meeting is scheduled for Tuesday, June 7th, 2022 at 4:30 pm.

ATTEST:

---

Laura Jacobs  
Town Clerk

---

George F. Goosmann, III  
Mayor