

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD JUNE 7, 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 Cogburn made a motion to approve the minutes from May 10, 2022. The motion was seconded by Commissioner Kelly and the minutes were unanimously approved.

Chief Chris Beddingfield presented lifesaving certificates to the following police personnel: Telecommunicator Shelby Tate-Frady, Head Telecommunicator Aslyne Tate, Mr. Joseph Zub, Officer Michael Anton, Officer Patrick Ridgeway, and Lieutenant Mark Allen. The certificate was awarded for saving the life of a choking resident in Biltmore Forest. Chief Beddingfield said police personnel went above and beyond and is very proud of the staff.

Chief Beddingfield gave the monthly police report. The total calls for the month were 679 calls. Carolina Day School had some threats, and the issues were resolved. There was a significant vehicle crash with two transport buses who hit head on at MAHEC. There was also a subject on the Blue Ridge Parkway who overdosed and ended up in The Ramble. Multiple agencies responded to this call. Mayor Goosmann thanked Chief Beddingfield for his and the Department's hard work.

Mr. Harry Buckner gave the report for the public works department. A significant water leak was repaired on Stuyvesant Crescent. The failure occurred when the tap for an air release valve failed due to corrosion. The failure occurred adjacent to the new primary Duke Energy line which was inadvertently nicked as we searched for the leak. In addition to replacing the air release valve, we also assisted Duke Energy with repairing the damaged power cable.

The power has been upgraded at Rosebank Park which will now accommodate the food trucks.

The resurfacing project is scheduled to begin June 8th with milling and road shoulder improvements. Resurfacing activities are scheduled to begin June 12th. The paving work will be completed in 2-4 days.

The 95-gallon trash cans will be delivered in June or July. The smaller cans will take a bit longer.

Mr. Jonathan Kanipe gave the report for the Town. The first topic of discussion was the criminal penalty recommendations for Town code of ordinances. Senate Bill 300 was signed into law in September of 2021. This omnibus law enforcement bill includes provisions that affect the violation of city and county ordinances. Town staff has reviewed specific ordinances that result in misdemeanor charges and is prepared to offer recommendations for the ordinances that need to be recodified to include criminal violation provisions. However, upon further review, Chief Beddingfield and Mr. Kanipe realized numerous references existed within the Code of Ordinances to infractions as penalties. As infractions are considered criminal penalties, they believe it is prudent to review these specific ordinances in more depth and provide a full recommendation to the Board next month.

The next topic discussed was the Hemlock Road and Cedar Hill stream restoration project. The permit application for this work was submitted last week. The engineer for the project has prepared permit ready designs which focuses on restoring the stream channel and

protecting Cedar Hill Drive from road destabilization. An informal bid request will be issued in late summer. The construction will most likely happen in the late fall.

The June Board of Adjustment meeting was moved back one week and will be held on Monday, June 27th at 4pm. There will be nine matters scheduled on the agenda for this meeting.

The Town's Fourth of July parade and picnic will take place on Monday, July 4th. The parade starts at 9:45. The festival will be held at Rosebank Park 10am-12pm.

PUBLIC HEARING

A motion was made by Commissioner Loomis to go into Public Hearing regarding the Fiscal Year 2022-2023 Annual Budget. Commissioner Cogburn seconded the motion and was unanimously approved. The North Carolina Local Government Budget and Fiscal Control Act requires the Town hold a public hearing before considering adoption of the budget. There will no tax rate increase and this will stay at \$.345/\$100 valuation. Mr. Kanipe also said a six (6) percent cost of living adjustments are included for all full-time employees. The budget also includes a merit pool for each department. There will also be a benefit enhancement within the Town's dental program as well as short term disability benefits for all full-time employees. There will also be equipment improvements for the police department such as body cameras and Tasers. Public works will focus on parks and streetlight maintenance, stormwater improvements, and street repair.

The North Carolina Department of Environmental Quality loan funding for the Greenwood Park stream restoration project is shown in full for FY 23. The Town has expended funds on design and permitting in prior fiscal years, and this is now eligible for reimbursement as construction work is going on.

Water and sewer rate increases in line with pass-through increases from the City of Asheville and Metropolitan Sewerage District at 2.5 percent.

Mr. Kanipe noted contingency funds were lowered from the May 2022 proposal to increase funding for insurance and community events line items. Further adjustments were made, however, since final distribution of the budget that resulted in the contingency line item increasing. The revisions move the salary and fringe benefit amounts from the proposed new full-time position in the administration department to the contingency line item under General Government. This revision allows a greater and more detailed review of a potential new full-time position while also ensuring flexibility and funding availability if any significant or emergency projects arise.

Commissioner Kelly asked if the equipment line item under the police department included police vehicles. Mr. Kanipe said no, this would include Tasers and body cameras, and equipment upgrades.

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

Commissioner Loomis made a motion to approve the Fiscal Year 2023 Budget. Commissioner Cogburn seconded, and the motion was unanimously approved.

The next topic was the consideration of the FY23 Fee Schedule. The changes recommended are associated with increases in water and sewer fees. Mr. Kanipe and Mr. Buckner suggested an increase in the meter tap fee for a meter larger than 5/8". This cost would increase by \$1,000 and the new fee would be \$3,000 per tap installation. A motion was made by Commissioner Cogburn to approve the FY23 Fee Schedule, seconded by Commissioner Kelly and unanimously approved.

Next, the Consideration of Law Enforcement Special Separation Allowance Policy was discussed. The Board directed Chief Beddingfield and Mr. Kanipe to develop a policy that included guidelines for when an early-retiring law enforcement officer may be eligible for a lump sum payment from the Town. These specific guidelines include a minimum of five years full time service to the Town of Biltmore Forest Police Department as a sworn, law enforcement officer, a

lump sum payment of \$500 per year served to the Town of Biltmore Forest Police Department as a full-time sworn law enforcement officer, and finally to retire in good standing with the Town of Biltmore Forest. These guidelines would be applicable for any early retiree law enforcement officer which is effective immediately. A motion was made by Commissioner Kelly to approve the early retiree special separations allowance guidelines. Commissioner Loomis seconded the motion and was unanimously approved.

The next topic discussed was the Consideration of the Fiscal Year 2022 Audit Contract. The fees are in line with years past. Commissioner Cogburn made a motion to approve the audit contract for FY 22 with Carter P.C. Commissioner Loomis seconded the motion and was unanimously approved.

The final topic of discussion was the Fiscal Year 2021-2022 Budget Ordinance Amendment. Commissioner Cogburn made a motion to approve the FY 21-22 Budget Ordinance. Commissioner Loomis seconded the motion and was unanimously approved.

Public Comment

Ms. Martha Barnes recognized Officer Patrick Ridgeway and the excellent job the police department does to assist with calls. Ms. Barnes was thankful Officer Ridgeway assisted them with a call and thanked him.

Mayor Goosmann adjourned the meeting at 5:08 p.m. The next meeting is scheduled for Tuesday, July 12th, 2022 at 4:30 pm.

ATTEST:

A handwritten signature in cursive script that reads "Laura Jacobs". The signature is written in dark ink and is positioned above a horizontal line.

Laura Jacobs
Town Clerk

A handwritten signature in cursive script that reads "George F. Goosmann, III". The signature is written in dark ink and is positioned above a horizontal line.

George F. Goosmann, III
Mayor