

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD AUGUST 9, 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, not present

Commissioner Fran Cogburn, present via Zoom

Mr. Jonathan Kanipe, the Town Manager, and Mr. William Clarke, the Town Attorney, were also present.

The Pledge of Allegiance was conducted.

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

Commissioner Cogburn made a motion to approve the minutes from July 12, 2022. The motion was seconded by Commissioner Loomis. Roll call was taken and the minutes were unanimously approved.

Chief Trevor Lance from Skyland Fire Department was not present, but the monthly report was issued to the Board.

Chief Chris Beddingfield gave the report for the Police Department. Chief Beddingfield discussed the fire that occurred at 33 Busbee Road. It was a structure fire that was a total loss. There was a total of 613 calls. Chief Beddingfield met with staff at Carolina Day School and conducted security assessments and worked on perimeters to make it a safer more secure facility. Internal candidates interviewed for the Sergeant position to replace John Driver. There were three

community stakeholders that interviewed potential candidates. A manager at the Country Club, the headmaster of Carolina Day School, and a resident interviewed the internal candidates. In addition, we had law enforcement from other agencies interview the internal candidates as well. The feedback was tremendous, and the process will finish on the 11th.

33 Busbee is still under investigation and should take approximately another 4-6 weeks. The fire scene needs to be left as is for investigation purposes.

On August 30th at Town Hall, there will be an event put on by the police department. They will have equipment displays, vehicle decals, dog registrations, and many more exciting things to present to the public. Everyone is welcome to attend.

Chief Beddingfield said the ambassador program has been going well. Officers made a pamphlet showing services of what the Town offers, the police department services offered, and the public works services. Mayor Goosmann thanked Chief Beddingfield for all the police department's hard work.

Mr. Harry Buckner gave the report for the Public Works Department. One of the public works employees resigned last month and is moving back home. Mr. Buckner said he will be sad to see Kasey Lake leave as he was an excellent employee. Ms. Jacobs has posted this position on the Town's website. So far, four candidates have applied, and Mr. Buckner and Mr. Dale will be interviewing soon.

There has been a lot of work done on the garbage truck repairs and they are working well now.

The endpoints have been fully replaced by the public works summer intern. The manual read list has significantly decreased and Ms. Jacobs and Mr. Buckner are working on the billing and reading side. Ms. Jacobs and Mr. Buckner also notified residents of the Eye on Water program where they can check their water consumption. This will also let them know if they have a potential leak.

The new trash cans will be distributed to residents on Thursday of next week.

Mr. Jonathan Kanipe gave the report for the Town. Regarding the stream restoration project, the Town received approval from State Wetlands Division, and we are currently waiting on approval by the Army Corps of Engineers. We have a revised timeline for the project. We will be inviting bids from contractors in early September. We will have a pre-bid conference scheduled in mid-September and receive bids in mid to late October. We want this project done by April 1st.

Mr. Kanipe said Duke Energy's underground project continues throughout Town. For instance, two new switch gears will be placed on the northwestern point of Rosebank Park. These switch gears are necessary to create power supply from either direction creating a loop system for power redundancy in the event of an outage on one side of the line.

Duke Energy's work south of Biltmore Forest Country Club has been ongoing since January with much progress. Their project area titled "Brookside" (encompassing Brookside Road, Westwood Road, and the western portion of Hilltop Road) is complete except for some final restoration pieces. This includes cutting customers over from their backlot services to the new front lot access points and overhead lines being removed. The "Ridgefield" segment (including portions of Stuyvesant and Greenwood Roads) includes cutovers completed with some further restoration necessary. The "Eastwood" segment (including Ridgefield, portions of Hilltop Road west of Stuyvesant Road, and portions of Eastwood Road) is ongoing with drilling work still occurring. Duke has also performed work in and around the Biltmore Forest Country Club and golf course as part of this project.

Mr. Kanipe said Public Works staff met with City of Asheville's director of the sanitation division last week. They reviewed the City's use of bear-proof containers and whether they may be serviceable for the Town's needs as we switch to uniform containers for residents. While we did not have many requests for bear-proof containers, we did want to determine whether there was any ability to use these with our equipment. The review found some manual work necessary to

disengage the locking system but because Town staff must manually push the cans onto the tipper, this may not be a deal breaker. Staff will continue to review and evaluate within the next month and determine whether we can procure a small number of containers. If we can provide these containers on a case-by-case basis, the preferred method would be to ask residents to pay for the difference in cost between a standard container and a bear-proof container.

The Stormwater Project for the Five Points Intersection to Rosebank Park was discussed. The Town signed off on the final design agreement for the stormwater project that runs from Stuyvesant Road north to the intersection of Lone Pine and Vanderbilt Roads, then heads southwest on Vanderbilt Road to Rosebank Park. McGill performed the 30 percent design drawings for this project at the end of fiscal year 2022 and the Board of Commissioners budgeted money for the final design and beginning portion of construction within the FY23 budget. This project will result in significant upgrades for the Town's stormwater system in a historically problematic area.

The final design is anticipated to be finished within 12 weeks and should be available for review by the first of December. McGill will prepare all drawings and apply for permits for this project through the NC Division of Water Quality and NC Department of Environmental Quality regarding erosion control. McGill will also coordinate the bid process for this project and provide recommendations regarding the sufficiency of bids received. Mr. Kanipe is anticipating construction can commence mid to late spring of 2023.

Mr. Kanipe discussed the SB300 Civil Ordinance Penalty Changes and said he has not received any feedback regarding this so Mr. Kanipe said they can go over this again at next month's meeting.

The Consideration of the FY22 Tax Settlement was discussed. Mayor Goosmann said Ms. Krystal Curtis has done an amazing job with the tax collection. We are at 99.98%. A motion was made by Commissioner Loomis to accept the FY22 Tax Settlement and seconded by Commissioner Cogburn. Roll call was taken and unanimously approved.



TAX COLLECTOR ANNUAL SETTLEMENT

FY 2021-2022

August 1, 2022

Pursuant to the provisions of NCGS 105-373, the following is the Tax Collector's Report of Settlement for 2021 taxes for Fiscal Year 2021-2022 as of August 1, 2022.

2020 Levy from Scroll (Real & Personal Property Tax)	2,921,388
Exemptions, Releases & Deferrals	(1,773)
Afterlist	
Public Service Companies	17,387
2020 Total Levy	2,937,002
Penalties, Cost & Interest	4,481
2020 Total Charges	2,941,483
Collected (2020 Real & Personal)	2,940,901
Uncollected (2020 Real & Personal)	582
Percentage of Levy Collected	99.98%
Prior Years Collected During Period	25,960.62
Overpayments/ Prepayments	13,238

List of 2021 Delinquent Taxes- Real Property

Berlin, Sanford	964683419500000	21.09
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Total Delinquent Taxes by Year

Year	2012	2014	2015	2016	2020
Amount	185.05	21.06	32.61	35.54	3,898.53

NCGS 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body as required by statute.

Consideration of FY23 Order for Tax Collection. The empowers the Tax Collector to collect the taxes. A motion was made by Commissioner Loomis and seconded by Commissioner Cogburn. Roll call was taken and unanimously approved.



ORDER OF COLLECTION

State of North Carolina
Town of Biltmore Forest

Order of the Board of Commissioners
Pursuant to NCGS 105-321 for the
Collection of 2022 and Prior Years' Taxes

To the Tax Collector of the Town of Biltmore Forest:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Administration and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Biltmore Forest, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 9th day of August, 2022:

George F. Goosmann, III
Mayor, Town of Biltmore Forest

Attest:

Laura Jacobs
Clerk, Town of Biltmore Forest

The Order of Collection shall be entered into the minutes of the governing body as required by statute (NCGS 105-321(b)).

Mr. Kanipe discussed the proposed implementation schedule for Busbee/Vanderbilt all-way stop. The proposed implementation schedule is installation of the new signs and thermoplastics (striping) by September 16, 2022. Also, re-striping of Busbee Road from Hendersonville Road to Forest Road, and Vanderbilt Road from Cedarcliff Road to Lone Pine by October 21, 2022. The final matter would be the removal of additional “new traffic pattern” signage and flagging by October 21, 2022. An attached map was presented for the Board’s review.

Mr. Kanipe discussed the Greenwood Park stream restoration project. Mr. Kanipe said Mr. Mike Dale put the PowerPoint presentation together. The Town has worked on stream restoration within Greenwood Park for several years. The first part of this project was a loan application from the Town to the Division of Water Quality in April 2019. This loan application was approved for \$292,000 at zero percent interest. The Town contracted with WithersRavenel consultants to design a stream restoration project. This was approved in mid-summer 2021 and funding approval was granted by the North Carolina Local Government Commission in December 2021.

Baker Grading and Landscaping was awarded the contract. Construction started in May. The idea of the project was to clean the creek and make it safer. The one exception to this work is the result of an underground utility conflict between the Town’s existing stormwater pipe (heading southeast on Greenwood Road) that was scheduled for replacement as part of this work. The existing underground stormwater pipe has a Duke Energy three-phase power bank located on top of it. There are workarounds for this, but proper design for this workaround resulted in a delay on finishing Phase 1. The engineer has now designed this, and the contractor is acquiring the pipe necessary to make these changes. Town staff are hopeful Phase 1 will conclude within the next several weeks.

Due to inhospitable planting conditions in summer months, the Town agreed to let Baker perform this work in a phased manner. Phase 1 included all hardscape improvements and Phase 2 will include final planting and vegetative work. This is scheduled to be completed by the end of October 2022.

The final matter discussed was the Planning Commission plan of work. In an effort to ensure the Planning Commission is working toward the Town goals, we have requested feedback on the following items: Development of a quick reference guide on Town Ordinances. This is something Mr. Zimmerman has a good handle on. Commissioner Loomis suggested the Town should let the public know about the Board of Commissioners via CodeRed messaging.

The following items are planned to be addressed by the Planning Commission:

1. An Ordinance addressing junk and/or abandoned vehicles. While the Town has authority to enforce junk vehicle ordinances under nuisance provisions, a more specific and clearer ordinance directed at junk vehicles would be beneficial.
2. An Ordinance addressing renewable energy power generation specifically related to EV charging stations and solar panels, having an ordinance review of the Town's existing maximum roof coverage and impervious surface coverage requirements.
3. A review of the Town's Tree Protection Ordinance. Mr. Kanipe said the zoning ordinance talks about buffering and landscaping. One consideration for the Planning Commission is whether to incorporate the Tree Protection Ordinance into the Zoning Ordinance or to have a separate new development Tree Protection standard that also includes landscaping, buffering, and new homes, and lot development. Mr. Kanipe and Mr. Zimmerman discussed "canopy coverage" that considered overall health of the Town's trees. Mr. Zimmerman discussed the "canopy coverage" tool that he created.
4. The next consideration is specific requirements for new home construction, including final landscape plan submittals prior to Board of Adjustment review, accessory building and accessory structure review, developing right-of-way road standards for sight line distances for walking and driving vehicles, and review and consolidate Town standards for lighting and review consideration of Dark Sky ordinances.

Mayor Goosmann thanked Mr. and Mrs. Zimmerman for all of their hard work and time they give to help the Town be a better place.

Mayor Goosmann adjourned the meeting at 5:49 p.m. The next meeting is scheduled for Tuesday, September 13, 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. There is a small mark to the right of the signature that looks like "Zit".

George F. Goosmann, III
Mayor