

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD SEPTEMBER 13, 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 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 Loomis made a motion to approve the minutes from August 9, 2022. The motion was seconded by Commissioner Kelly and unanimously approved.

Chief Trevor Lance from Skyland Fire Department gave the monthly report. Chief Lance discussed the app for Skyland Fire Department that users can now download on their phone for free. The month of August had a total of 19 calls. It was a very good month. Commissioner Kelly asked if the fire department transfers people to the hospital. Chief Lance said the main station is not transporting anymore but the Buncombe County EMS unit has been moved in its place. Station Four is who serves Biltmore Forest and they will continue to do so. Mayor Goosmann thanked Chief Lance for all of Skyland's hard work.

Chief Chris Beddingfield gave the report for the Police Department. There were 612 calls for service. The “Meet the Police” event was a huge success and are getting requests to do another one in the future. There was a lot of positive feedback. Chief Beddingfield also discussed the new police department app. Many people have downloaded it so far and has received much positive feedback as well. Many people have downloaded the app so far.

The UTV is now striped and marked. It will also have emergency lighting put on it shortly.

Ms. Aslyne Tate was sent to a National Telecommunicators conference along with Ms. Shannon Kimbrough. Ms. Tate spoke about the conference. Ms. Tate said it was held in Anaheim, California this year. They attended the APCO (Association of Public-Safety Communications Officials) conference. They received dispatch training, health tips, important networking with dispatchers throughout the Country. Ms. Tate told the Board about the Plush family whose son passed away due to an emergency which was not dispatched properly to officers. They created a foundation in honor of their son and spoke to dispatchers across the country. Ms. Tate said dispatchers do not have a lot of opportunity for training and thanked the Board for letting she and Ms. Kimbrough attend. Chief Beddingfield thanked Ms. Tate and stated how important dispatchers are as they are usually the first contact involved in a serious situation.

Mr. Harry Buckner gave the report for the Public Works Department. Mr. Buckner said they are still actively pursuing for a Public Works candidate. There is a great potential candidate they have in mind and have extended an offer to this candidate. They are waiting for a response.

Mr. Buckner said he spoke to the striping contractor for the all-way stop. He is waiting for some of the deliveries of supplies. There is potential for a delay.

The annual solid waste report was turned in to the State for approval. The collections were down 5 percent for the year. This comes out to approximately 20 tons which is about 2 weeks of trash.

The Town has made tremendous progress on storm drain repair at the end of Vanderbilt as well as street light work.

Mr. Buckner thanked the Board for letting him attend the National Public Works Association conference in Charlotte. Mayor Goosmann thanked Public Works for all their hard work.

Mr. Kanipe gave the report for the Town. The Town hopes work will be finished very soon at Greenwood Park. The change order necessary to complete the workaround along Greenwood Road has been agreed upon and all parties have signed off. The state must approve this change order and the Town and engineer are pushing them to have this occur as soon as possible. The project's hardscape was finalized except for the storm drain repair along Greenwood Road. This was unable to proceed due to the presence of Duke Energy's large, three-phase duct bank underground at this location. With the design revised and the change order signed, work should begin no later very soon with the final phase, including planting, still scheduled to conclude by the end of October.

Regarding the all-way stop update, the Board authorized the Town to begin an all-way stop implementation at the July 2022 Board meeting. Mr. Buckner presented a timeline and schedule for this work to commence. Residents have been notified via the Town's newsletter. Heavy notifications will take place prior to full implementation, including CodeRED alerts, the BFPD mobile app, Nixle alerts, and on-site signage. We will also have a heavy police presence during the implementation timeline to assist with compliance.

Next, Mr. Kanipe discussed the trash can implementation project. Public Works employees have distributed the 95-gallon trash cans. They will start taking away old cans as well. The 65-gallon containers should arrive in mid-October and those will be distributed.

The Cedar Hill Road stabilization project is going well and has received the necessary permits from the United States Army Corps of Engineers and the North Carolina Division of Water Quality. The consultant is finalizing the bid package for this project and Mr. Kanipe hopes to

release that for interested contractors within the next several weeks. A scheduled completion date is April 30, 2023.

Mr. Kanipe updated the Board that staff is currently working on updating the Town's website and making improvements. We are focusing on providing more timely information and increased updates for Town projects. There will be an informational bulletin in this upcoming newsletter asking people to visit the Town website and provide feedback regarding contact information and receiving updates and notifications.

Ms. Susan Bean and Mr. Wes Wright presented information regarding the Buncombe County Bond Referendum on the "Vote Yes" Campaign. They discussed information related to Buncombe County's bond referendum on the upcoming November ballot. Ms. Bean presented information related to the referendum. A copy of the presentation was provided to the Board and on the Town's website.

Mr. Kanipe discussed the Amendments to Town Code of Ordinances for Compliance with S.L. 2021-138. State law changes regarding criminal enforcement of municipal ordinances require the Town amend its ordinances and affirmatively state violations that carry criminal penalties. The new state law dictates an ordinance violation leads to a civil penalty *unless* the municipality specifically states that criminal penalties apply. S.L. 2021-138 also specifies the maximum criminal penalty that may be enforceable for any municipal ordinance violation. Mr. Kanipe attached documents which include existing Town Ordinances that requires amendments in order to comply with S.L. 2021-138 and asked the Board if they wish to change the wording of any ordinance during this process. In October, these ordinances would be eligible for consideration of approval.

Mr. Billy Clarke said the language Mr. Kanipe included is good but if a violation is going to be criminal, this needs to be specified. Mr. Clarke suggested to have the Board look at these and let him and Mr. Kanipe know if there are any changes.

Commissioner Loomis asked that it be made clear to those reading the proposed changes that state law makes driving infractions criminal. Mayor Goosmann said the Board will act on this next month.

The Duke Energy Targeted Underground/Streetlight Coordination Project was discussed. Mr. Kanipe said the basic purpose this is to bring a new method to bring power to these lights. They have worked very well with us to have something result in not having anything above ground. Mr. Kanipe showed a visual (underground box) of what this will look like. The underground box is buried up to the edge and flush with the ground. Duke Energy Progress lines will go into a connector and the power light will go out. This will be flush with the ground and not above ground. Mr. Buckner said the current lamps have too much power. Instead of 150 watts, they will go to 50-60 watts, but they will be LED. This will affect all the streetlights. This will achieve the aesthetic results. The LED's have a substantially longer bulb life. There was a consensus to move forward with this project.

The Board then moved to the consideration of a Master Services Agreement with Paymentus. They are a leading company for collecting fees via online or non-traditional methods. There is no charge to the Town; any fees collected are paid by the user. Paymentus is widely used in the government sector and has a great reputation for their quality and payment options. The change will likely occur in the next 90-120 days. Commissioner Loomis made a motion to accept the Master Services Agreement with Paymentus. Commissioner Kelly seconded the motion. The motion was unanimously approved.

The last topic of discussion is remote meeting allowance during non-emergency times. All local governments were allowed to utilize remote or other electronic means to conduct meetings during the Covid-19 pandemic. This allowance was included as part of Governor Cooper's State of Emergency declaration. This declaration expired on Monday, August 15, 2022, thereby eliminating the ability of elected local boards to conduct remote meetings. There are still allowances, via existing state law, for non-elected boards to meet remotely.

The Town of Weaverville has adopted a resolution encouraging the North Carolina General Assembly to pass legislation that would allow elected boards to hold remote meetings via electronic means in non-emergency times. Their resolution includes stipulations regarding this use

that are tied back to existing remote meeting law requirements found in NCGS 166A-19.24. This law governs remote meetings held during declared states of emergency. This discussion is solely to determine whether the Board would like to join the Town of Weaverville in their request for the N.C. General Assembly to consider amending this law. The Board made a decision to consider a Resolution for the next meeting on October 11, 2022.

Public Comment

Mr. Drew Stephens supports upgrading the streetlights

Ms. Sidney Thornton has questions about Paymentus and how the online payment process will work.

Mayor Goosmann adjourned the meeting at 5:41 p.m. The next meeting is scheduled for Tuesday, October 11, 2022 at 4:30 pm.

ATTEST:



Laura Jacobs  
Town Clerk



George F. Goosmann, III  
Mayor