

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF  
BILTMORE FOREST HELD MAY 9, 2023

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.

The Pledge of Allegiance was conducted.

Commissioner Fran Cogburn made a motion to approve the minutes from April 11, 2023. Commissioner Glenn Kelly seconded the motion. The motion was unanimously approved.

Chief Trevor Lance gave the report for Skyland Fire Department. There were 27 calls for the month. There were two motor vehicle accidents, one on Overlook Road and one on the Blue Ridge Parkway. Thankfully there were no injuries on either occurrence. On August 19<sup>th</sup> there will be a safety day at Biltmore Baptist Church. Mayor Goosmann thanked Chief Lance for all the fire department's hard work.

Chief Chris Beddingfield gave the report for the Police Department. There has been a lot of positive feedback on the efforts put forth on Hendersonville Road. Mr. Kanipe and Chief

Beddingfield have been working extensively with the Department of Transportation to lessen the number of vehicle accidents on Hendersonville Road so the Police Officers put a new speed sign up. The problem is with the heavy traffic volume on Hendersonville Road, it is reading a lot of data, and the battery drains quickly. Officers are changing the battery daily. A solar power sign is now on order to use just on Hendersonville Road. Residents that live on that side of Town are very happy that progress is being made.

There was a vehicle pursuit on Hendersonville Road with a vehicle traveling at over 90 mph and Officers are trying to keep a lock down on the safety on Hendersonville Road in the late evening.

Personnel conducted yearly firearms qualifications this past month and fired 2000 rounds of ammunition. This is something that is mandated by the State and Chief Beddingfield said we want our Officers to be properly trained especially in issues of deadly force and things of that nature.

Commissioner Kelly asked what time of day the pursuit occurred. Chief Beddingfield said it was in the middle of the night. The subject was taken to jail. Mayor Goosmann thanked Chief Beddingfield for all their hard work.

Mr. Harry Buckner gave the report for the Public Works Department. Mr. Buckner extended two offers to potential candidates. Public Works staff completed the South brush route today. The North route will be scheduled for Monday pickup. Mr. Buckner attended the annual capital improvements plan presentation at the Metropolitan Sewerage District. Mr. Buckner also attended a class at Biltmore Park through the UNC School of Government regarding stormwater management.

Mr. Buckner said there is some construction fencing on Cedar Hill, and construction should ramp up over the next week or two. People will start seeing some more heavy construction. They are working down in this area as they stabilize the creek up through that section and make sure the roads are stable. Mr. Buckner discussed the street light project. Mr. Buckner gave the Board a

detailed list of the specific lights that were impacted as part of the phase one and phase two sub project by intersection and what has been completed.

They are getting underway at Greenwood Park on the capital improvements down there. Regarding replacing the pedestrian bridge there as well as the bridge in Brookside, Mr. Buckner met with a surveyor today. There are currently stakes and flags up as they move in here in the near future to get enough survey data to make sure the project moves forward.

Mr. Buckner's focus for the upcoming month is really going to be onboarding these guys and helping them get oriented our new employees.

Staff is also currently working on mowing season and maintenance. Right now everything is really growing fast and so it requires a fair amount of attention.

Mayor Goosmann complimented Public Works staff for all their hard work especially with being shorthanded at this time.

Commissioner Kelly asked Mr. Buckner about the third bullet point on page two of Mr. Buckner's report regarding the meeting with Enterprise Fleet Management on April 12 for them to manage our vehicle fleet. Commissioner Kelly asked Mr. Buckner if Town staff wants to lease the Town vehicles instead of buying them.

Mr. Buckner said this is the discussion currently. Mr. Buckner said there is still a fair number of details to hammer out on this topic. Mr. Buckner said it is not quite as simple on heavy vehicles. Mr. Buckner anticipates this becoming more of a hybrid type operation, specifically as it relates to the garbage trucks, because they have such specialty equipment on them. It's not that they say they can't do that. It's just when we talk about one of the big pluses of a fleet management system that Mr. Buckner understands it is not just the cost savings, but it is also the maintenance benefits. Those programs typically include maintenance of the vehicle. Mr. Buckner said as far as the normal service vehicles like the F-150, basic pickup trucks even up to the F-350 with the service bed, that's something that they are clearly very comfortable providing. They understand

the financials and how to provide that to local government. They have a great deal of experience working with local governments.

Commissioner Kelly asked if this proposal Mr. Buckner heard so far would require us to house these vehicles inside overnight. Mr. Buckner said no, it would not.

Commissioner Kelly said it would be a little premature to think about tearing up the forest in the north on Vanderbilt Road and spending several million dollars to build a facility to house these trucks overnight.

Mr. Buckner responded and said these are two completely unrelated topics and noted they are not dependent upon one another in his opinion.

Commissioner Kelly said if you do not have to store somebody else's vehicle overnight, it would not make much sense to build a storage facility to store vehicles that you do not have to store.

Commissioner Cogburn said I know you all do so much and thanked the public works staff for working so hard. Commissioner Cogburn wondered if the bridge at Greenwood Park and the pre-engineered design would be completed by the end of May. Mr. Buckner said no. Commissioner Cogburn asked Mr. Buckner if he had a timeline of when it will be completed. Mr. Buckner said he has not received a delivery schedule for those yet. Mr. Buckner has reached out to two different bridge manufacturers. Mr. Buckner said they really need to survey back before we can finalize the lengths and exactly what those bridges people look like. Mr. Buckner said they finalized pricing and all the details, but he didn't want to commit to a timeline at this time. Mr. Buckner said they are aware that there's a strong interest in making sure that this happens as quickly as possible.

Mayor Goosmann thanked Mr. Buckner for all their hard work.

Mr. Jonathan Kanipe gave the monthly report for the Town. Mr. Kanipe echoed Chief Beddingfield in terms of road and traffic safety. They were very pleased with the speed sign that we've utilized. They have installed the speed limit sign and for those at the triangle as well. It's a similar type, with the orange flagging and so we'll be moving the speed signs between those two just to keep people kind of aware of what they're coming up to. Mr. Buckner did a good job talking about the town street light retrofit project.

Mr. Kanipe said next month's Board meeting will take place on Tuesday, June 6<sup>th</sup> instead of Tuesday, June 13<sup>th</sup>.

Mr. Kanipe introduced Mr. Tony Williams. Mr. Williams joins us as our first full-time Town Planner after the Board approved the position in January. The position was advertised and received over twenty applications. Mr. Williams is a native of Buncombe County, has extensive experience in planning and code enforcement, started his career with the City of Hendersonville code enforcement in the mid 2000s and then served from Madison County in 2007 as the Zoning Administrator and Code Enforcement Officer. He was also the Director of Inspections and Planning. Tony did a great job in both interview sessions.

Commissioner Kelly asked what the cost for the funding of this position is. Mr. Kanipe said it cost approximately \$84,000. Commissioner Kelly asked if it is about 20% more to benefit which would be \$100,000. Mr. Kanipe said no, the \$84,000 includes the benefits. Commissioner Kelly said ok.

Mr. Kanipe introduced Mr. Steve Allan. Mr. Allan came to us in February to do a facility study for the Police Department, Public Works department, and Town Hall. Mr. Allan is the President of Solutions For Local Government and he is going to present his findings to the Board.

Mr. Allan said the purpose of this study was to evaluate existing facilities and uses, and to determine if any improvements need to be considered in the future. Mr. Allan said most of the time spent was in the Public Works Department and at the Police Department since they have the greatest needs right now. Mr. Allan said the reception area is awkwardly arranged at Town Hall.

On page 2, when describing existing conditions, what Mr. Allan is talking about is problems, vacancies, and space that is needed. These are things the Town buildings do not have and problems with some of the space that is existing. With the Town Hall, it is very simple. The reception area should be facing the window where visitors see someone greeting them and not a back. At the bottom of those bullet points on page two, there's a note that says prior to commencement of this study, the Town had contemplated and reviewed several options for reworking the Town Hall administrative office. Mr. Allan said he did not know about this until he got ready to write the report. Commissioner Kelly mentioned something about covered vehicles here. Mr. Allan said he can give as much detail as you'd like about Public Works, which begins on page 3.

Commissioner Kelly asked about the notes regarding whether additional personnel are hired, there is no room to put them over at Town Hall and they can only be put in this "conference room" as Mr. Allan stated. Commissioner Kelly continued to say, in the budget message, the Town Manager wants to hire additional personnel. If there's no room out there, then he or she would have to, according to you, take over part of this room, which we've been using as the Commissioners room for 55 years. Mr. Allan said he is trying to explain the building and what can be done with it. Mr. Allan said the area is 120 square feet, which is a typical office size.

Mr. Allan said one thing that was brought up by Public Works staff are vehicles and trucks not being covered and closed when not in use. Mr. Allan said he has been doing this type of research for 46 years and these vehicles are not being taken care of by exposing them continually to outside elements and said they are potentially losing thousands of dollars by not protecting them. Commissioner Kelly asked why the vehicles should be covered. Mr. Allan said providing adequate enclosures for the department vehicles will reduce deterioration from the elements such as rain, snow, heat, and cold. It will also protect the tools, equipment, and materials that are stored in those vehicles, so they are not being left outside and getting beat on. Mr. Allan said by having these covered, this will improve the reliability and availability of vehicles when needed, allow for convenient preventive maintenance, and add lifespan to the vehicles themselves. This will also improve employee safety and increase the long-range monetary value of the fleet.

Commissioner Kelly said he noticed thousands of new cars and used cars for sale in and around Buncombe County, 99% of these vehicles stay outside. Commissioner Kelly said on Sweeten Creek Road, they all have their equipment sitting outside. It appears to Commissioner Kelly these vehicles are designed to sit outside and operate fine in bad weather. Surely one would want snow trucks and bulldozers to operate in bad weather. Commissioner Kelly said if thousands of vehicles are sitting out on the lots in Buncombe County year-round and you look out here on I-40 and that construction equipment has been sitting out for long periods of time. There is a place across from Vanderbilt Park where they have been moving dirt, and it sits outside for many years. Mr. Allan asked if these are all the same vehicles. Commissioner Kelly said yes. Mr. Allan asked Commissioner Kelly if these places check the vehicles to make sure they are running and engage their engines. Commissioner Kelly said he had no idea, but they still sat outside. Mr. Allan said that it is their money, and they can spend it how they want to. Mr. Allan said there are two salt trucks that have rusted out and the bottom flatbed for the dump trucks are about to rust out. This wouldn't happen if they were stored inside, and it can be very expensive to fix. Commissioner Kelly asked if the pickups need to be covered. Mr. Allan said yes. Mr. Allan said the largest part of the deficit that he has identified for Public Works is the lack of coverage of heavy equipment and vehicles.

Commissioner Kelly asked what the cost of this facility would be to cover the equipment, vehicles, and machinery. Mr. Allan said he conducts the space needs assessment, the cost estimate is conducted by another party and he was not sure what the cost would be.

Mr. Allan said there are several issues with the garage space at the end. There are garage spaces that have doors, and the vehicles cannot fit in them.

Mr. Allan said a new Police Department is needed and there are many issues with their current situation.

Commissioner Kelly asked how much a new police facility would be.

Mr. Allan said he could throw numbers around, but his concern that he has in the past is as soon as they hear a number, that's the answer and it never is. So, Mr. Allan said he would recommend getting a professional opinion on cost.

Commissioner Kelly again asked Mr. Allan what the cost would be for a new Police Department.

Commissioner Kelly said from what he understood from reading this entire report that Mr. Allan thinks the need for a new Police Department is much greater than the need for an off-site storage facility for the Public Works vehicles and equipment. Mr. Allan said he would put the Police Department as the number one priority. Commissioner Kelly said to Mr. Allan, that's what he asked and again confirmed that Mr. Allan said the Police Department is more urgent. Mr. Allan said this was his recommendation. Commissioner Kelly said they have been talking for months about off-site facility storage. Mr. Allan said he recommended they do this as well.

Commissioner Kelly asked Mr. Allan if he spoke to any elected official other than Mayor Goosmann about these projects. Mr. Allan said he only met Mayor Goosmann prior to the meeting and said hello.

Mr. Allan said he had the pleasure of sitting down with the senior staff and talking about issues in the future and what is down the road. Mr. Allan said he has been impressed with the work the Town is doing with the walkway park and walkway developments within the town.

Mr. Allan suggested contracting for a professional programming service to develop a formal facility program document that will identify the detailed requirements for a new release statement for Town property.

Mr. Allan said he is not going to give a number and that it misleads others and will skew the process. What you're trying to get is efficiency and this has been a mainstay during this entire project.



Commissioner Kelly asked Mr. Allan how much his report and his services cost the town. Mr. Allan said the cost was \$6,500.

Mayor Goosmann thanked Mr. Allan for all his efforts and said they will discuss this and let him know what and when this will be done.

Mr. Allan thanked the Board for their time.

Ms. Krystal Curtis discussed the Consideration of a Tax Penalty and Interest Waiver at 14 Amherst Road. Ms. Curtis said the Town received a request for another tax penalty waiver from the homeowners at 14 Amherst Rd. The state law does prohibit Town staff from making any kind of adjustment without confronting the Board and getting their approval first. The tax notice was mailed to the property owner's physical address but should have been mailed to an address in Florida. The resident has another property here in Biltmore Forest, and according to the general statute, notices shall be conclusively presumed whether such persons have actual notice of that. The argument from the homeowner is that the address was incorrect as to where the bill was mailed to. They were under the impression the taxes were included in escrow as their other property in Biltmore Forest is on escrow. They are asking the Board to approve to void the tax penalties and any interest that has accrued as well. The total amount of the penalty of interest is \$152.53. The homeowner has paid the taxes on his other property in Biltmore Forest.

Commissioner Kelly made a motion to deny the request for the tax penalty waiver. Commissioner Cogburn seconded the motion. The request was denied unanimously.

The consideration of FY 23 Audit Contract with Carter P.C. was tabled for the next month. Mr. Kanipe said they are going to have a yellow book audit due to the recovery fund money the Town was sent along with other State proceed money. This will likely trigger a different contract so Mr. Kanipe will get the Board a revised copy of the contract for next month's meeting since this will change the pricing.

Consideration of FY23 Budget Ordinance Amendment. The Budget Ordinance Amendment was provided to the Board in detail. Mr. Kanipe recommended approval of the Budget Amendment.

Commissioner Loomis made a motion to approve the FY23 Budget Ordinance Amendment, Commissioner Kelly seconded the motion. The motion was unanimously approved.

Mr. Kanipe reviewed the Zoning Ordinance Amendment Recommendations regarding the Maximum Roof Coverage Ordinance, Impervious Surface Coverage Ordinance, and the Recreational and Commercial Vehicle Storage. Mr. Paul Zimmerman discussed these updates with the Board. Mr. Zimmerman explained there are changes being made to some ordinances. First, there are two reasons for changing the maximum roof coverage. The specificity of the existing chart was either 1/4 acre or 2/10 of an acre. There was often a discussion or misunderstanding whether homeowners should round it up or round up or down and what roof coverage applies, so we needed more specificity. Mr. Zimmerman also noticed when he plotted these, the roof coverage area fit a natural curve that could be described by a mathematical function. Mr. Zimmerman took that mathematical function that set the existing curve to 99.1% and used that to interpolate so that he could get gradations every 1/10 of an acre. It is more robust by using an equation as opposed to just a bunch of numbers than the original Ordinance was.

As for the impervious roof coverage, what Mr. Zimmerman found was it originally broke the lots into three different sizes and that allowed a percentage of that total acreage to be impervious. Mr. Zimmerman found when someone with a three-acre lot was allowed less impervious roof coverage than a person with a 2.9-acre or a 2.8-acre lot which didn't make sense. Because there were no limits, there was no maximum allowed for impervious coverage. A person with a five-acre lot could theoretically have one acre of impervious surface coverage for their house to driveway and everything else, which seemed excessive to have that large an area to be asphalt or house or other structures. The new Ordinance uses the exact same chart as the roof coverage. It breaks it down into a 1/10 of an acre increment. It uses an equation which is identical to the same type of equation that I use for roof coverage, and it maxes out at about 30,000 square feet which is roughly 3/4 of an acre. An acre is 42,560 square feet.

By taking cumulatively these four changes, four reasons for the change to the impervious roof coverage, giving us a much more robust and better ordinance than what was there previously. This gives us very good specificity using the existing chart that they're comfortable with using if they want to use the equation, if they want to get accurate down to 100th of one acre.

Mr. Clarke said it makes sense and having dealt with a number of these issues, both in impervious service and roof coverage, this is a really easy way for architects and contractors to look at it and they can still request a variance if necessary. This is a much more efficient way to handle the impervious surface as well.

Ms.. Martha Barnes suggested to Mr. Zimmerman to talk about the low end of the scale because we were getting a lot of variances requested on the smaller lots, Ms. Barnes asked if this was truncated at the low end. Mr. Kanipe said we've limited it; the minimum is 0.5 acres. Mr. Zimmerman said the new curve is slightly higher by a few feet than the old one, particularly in the low end, and the upper end is down by a few feet, but overall, it is close to the original.

Mr. Kanipe said that in Section 153.071, there is clarification about the types of recreational and commercial. Mr. Zimmerman said for one of those which was enclosed utility trailers, he can give you pictures if you wish of places around that are stored inside of the road and closed utility trailers and their driveway.

With the recommendation of the Chairman of the Planning Commission and the Board of Commissioners, a Public Hearing will be scheduled for next month to vote on these three Ordinances.

The Cedar Hill Road Stabilization and Stream Restoration was discussed. The bid was awarded to Baker Grading and Landscaping in the amount of \$274,000. Mr. Buckner said it will look substantially different, but it will be repaired and look much better in the long run.

Mr. Kanipe discussed the 2024 Budget Presentation. Notice has been provided to the Asheville *Citizen-Times* and an advertisement will be placed in the newspaper indicating the Town will hold a public hearing on Tuesday, June 6, 2023 before considering the Budget for adoption. There is no tax increase. It will remain at .345. There is a significant fund balance appropriation- right at \$1.2 million. This is a big number, but it is nearly a direct 1 to 1 funding for what is effectively two major storm water projects. As you recall, when we approved the master plan for storm water in 2019, we have projects one and nine, we both identified. Going North to Lone Pine Road and Vanderbilt, then going South and West on Vanderbilt Road to Park Rd, those are two projects that we are going to do in the coming year. Design for this project has occurred in the current fiscal year budget easement plats are ready. The engineering part of it is prior to construction being accomplished, obviously there has been some escalation in cost since last year when we had the initial estimate, but I would say from 2019, the estimate from the consultant that did the stormwater master plan for both projects.

Mr. Kanipe is not terribly concerned about the cost in terms of the value of what we're getting. But again, that fund balance appropriation would really get the almost dollar per dollar. Mr. Kanipe said we've got right at \$6,000,000 in the bank for the General Fund right now. This includes assets in the NC Capital Management Trust of close to \$5.1 million. Again, the investment earnings have been fantastic this year. You do see some trade-offs that you spend down on some so the investment earnings might not be quite as much where we are. Mr. Kanipe said part of the reason is for the fund balance to spend. We have interest rates that are high and we are able to do the project. Mr. Kanipe is recommending for this year, specifically for that stormwater project is that unbalanced appropriation.

Our personnel costs remain in line with other jurisdictions in terms of projected cost of living. Ours right now is at 5.6%. That is really the March 2022 to March 2023 CPI. We are

seeing well across the board from a state perspective 5-6% and certainly from a regional perspective too.

We do have some ability within this budget to do some targeted increases as well for our current employees based on merit as well as this cost-of-living adjustment especially for the Police and Public Works Departments. Many budget increases really focus on those infrastructure improvements. We have the additional repaving funds scheduled for the other workings in town that.

Mr. Kanipe has proposed working with Enterprise Fleet Management for our fleet procurement and maintenance. He noted this would not obligate the town because there is no formal contract, and if the Town decided it did not like the lease program, it could just purchase the vehicle outright. But, working with Enterprise allows the Town the ability to get vehicles which has been difficult. The projected cost savings over ten years, with maintenance improvements and fuel savings, equates to approximately \$600,000 cost savings over ten years. Much of this is with vehicle maintenance improvements and gas savings. The Police would receive two vehicles through that program in the coming year. Public Works is in need of several new, lighter and medium duty trucks. We are reviewing the ability of Enterprise to help us with procurement of a new garbage truck as well.

Mr. Kanipe also said we are going to keep our park improvements coming. The remaining \$400,000 of our ARP funding is going to go toward finishing Greenwood Park and other pieces to that.

The recommended budget includes a new position in the Administration department to work in the front office. This would help us significantly in terms of our financial controls and segregation duties that are brought up as deficiencies by the auditors and Local Government Commission each year. Again, this is common for a lot of smaller governments to have this. Mr. Kanipe said there is an ability for us to improve how we improve our financial oversight. It will also provide better service to our residents in terms of timeliness and the ability of our staff to really be able to work directly on their tax collection, water bills, accounts payable, and clerk duties. Mr. Kanipe indicated he did not include comparison information in the packet regarding the Towns of Flat Rock and Montreat, but was able to obtain information regarding their financial and administrative staffing during the meeting. The Town of Flat Rock has an

accounting clerk and deputy tax collector and most likely a clerk. Montreat has three as well, in terms of finance officer, town clerk, and deputy clerk.

Commissioner Kelly said Mr. Allan seemed to suggest that there is not much room in the Town Hall for an employee and suggested that some employees take over the Board room. Commissioner Kelly asked if this was Mr. Kanipe's idea. Mr. Kanipe said no, this was Mr. Allan's recommendation. Mr. Kanipe said the Town Planner is currently working upstairs in the Public Works building. Commissioner Kelly asked where the new administrative employee would work. Mr. Kanipe said at the Town Hall.

Commissioner Kelly suggested they consider taking this money for the new employee over at Town Hall and add this to the employees at the police department since retention is so poor. Mr. Kanipe said we have a good retention rate from the perspective police officers wanting to work for the Town. Mr. Kanipe said Chief Beddingfield does a fantastic job and we are able to bring people in at salaries that are competitive with our region. Mr. Kanipe further stated we have not seen an issue in terms of retention. No employees have left because of salary. We had a telecommunicator leave but this was not because of salary needs

Commissioner Kelly asked Mr. Kanipe how many employees we have added since Mr. Kanipe has started working here.

Mr. Kanipe stated that we added two police officers in 2019 and we had a public works position in 2021. We also added the town planner this year.

Commissioner Kelly said we had about 25 employees before Mr. Kanipe started here and now we have 29 or 30 now. Commissioner Kelly said now you want to add another one. Mr. Kanipe said yes.

Commissioner Loomis asked a question about the space needs assessment and if we could come back to the meeting next month with how we should proceed with the space needs assessment.

Commissioner Kelly asked Mr. Kanipe if he agrees with Mr. Allan about our primary needs being a new police department. Mr. Kanipe said yes, based on the facility needs study. Commissioner Kelly said no one has mentioned it to him before. Mr. Kanipe said these priorities

seeing well across the board from a state perspective 5-6% and certainly from a regional perspective too.

We do have some ability within this budget to do some targeted increases as well for our current employees based on merit as well as this cost-of-living adjustment especially for the Police and Public Works Departments. Many budget increases really focus on those infrastructure improvements. We have additional repaving funds scheduled for the other streets within Town and portions that are included within the stormwater project.

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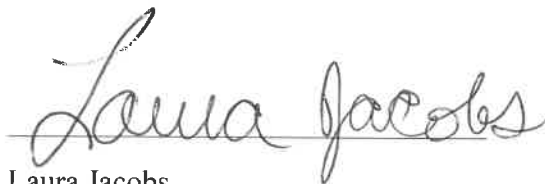
are up to the Board decide together. Commissioner Kelly said there are a lot of unanswered questions.

PUBLIC COMMENT

Mr. Drew Stephens thanked Mr. Zimmerman for the presentation and hopes to use the same logic on accessory buildings.

The meeting was adjourned at 5:42 pm. The next meeting is scheduled for Tuesday, June 6, 2023 at 4:30 pm.

ATTEST:

A handwritten signature in cursive script that reads "Laura Jacobs".

Laura Jacobs  
Town Clerk

A handwritten signature in cursive script that reads "George F. Goosmann" followed by a stylized "III" and a flourish.

George F. Goosmann, III  
Mayor