

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD JANUARY 10, 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 Cogburn made a motion to approve the minutes from December 13, 2022. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were 32 calls, many of them being medical assistance calls. Chief Lance also discussed the water outage from the previous month.

Chief Chris Beddingfield gave the report for the Police Department. There were 580 calls for service. The promotional process is finished for the Lieutenant's position. This process included a stakeholder interview, an internal review board, an external review board, and a board for investigative type responsibilities. There was also a written test which was a very intense process. Mr. Adam Cabe was the top finisher and was awarded the position of Lieutenant.

Ms. Aslyne Tate finished Instructor School and obtained her Associates Degree as well. Joseph Zub finished Basic Law Enforcement Training. Matt Kelly finished Crisis Intervention Training school.

The Police Department worked with Skyland Fire Department and handed out almost 2,000 bottles of water to residents from the water outage. There were some challenges with the 211 system as they were transferring local calls to another state during the water crisis.

Mr. Harry Buckner gave the report for the Public Works Department. Most of the leaf collection is complete and piles are getting a lot smaller. The brush route will return on January 15. A storm event caused most of the leaves to fall at one time which led to a slightly longer pickup process this year.

Public Works is continuing to work on hiring. Mr. Buckner said they had two interviews this week. They will work on extending offers later this week. There is an uptick in applications after the holidays.

Mr. Buckner said work has begun on the new service lines to the streetlights. There will be some construction activity on the South end putting in conduit power for the streetlights.

Mr. Buckner said the garbage can vendor did not meet their deadline which was the end of 2022. They should be delivered imminently.

Next month, Public Works is going to wrap up the leaf collection and then work on a more routine brush schedule.

They are working on a repair to a service line at the country club.

Mayor Goosmann thanked Mr. Buckner for the Department's hard work. Mr. Buckner thanked Mr. Mike Dale for all his hard work during the water outage. He was running everything in Mr. Buckner's absence. Mr. Buckner noted the great deal of value Mr. Dale brings to the

department. Mr. Buckner also commended the Police department for working so hard and everyone showing excellent teamwork.

Mr. Jonathan Kanipe gave the report for the Town and gave an update on the 65-gallon trash cans. They are currently being hot stamped at this point and hopefully they will arrive shortly.

Mr. Kanipe had a meeting with Jennings Environmental regarding a Town wide stream restoration plan. It would be an application from the Town to the Land and Water Fund for an appropriation for a grant that would allow us to map and find all the streams in Town and look at these from a restoration perspective. We will formally submit the grant in June.

The social room upgrades have now been pushed back to March.

Mr. Kanipe discussed the Town Centennial events. Ms. Diane Zimmerman did an excellent job with her history presentation and had about 90 people in attendance for each session. The 5k also went well and had about 85 participants.

Mr. Avery Dolinger discussed the Duke Energy Targeted Underground Project update. The project areas south of Biltmore Forest Country Club have been constructed. This includes 4.43 miles of overhead being removed and 879 customers with improved reliability. Unfortunately, due to logistical delays with the underground transformers, the area north of the Biltmore Forest Country Club will experience a one year delay in construction. This new timeline is for construction to occur between 2024-2027. Once complete, this will be 8.43 miles of overhead removed with 507 customers having improved reliability. Mr. Dolinger noted that easement acquisition is continuing on Amherst Road and Lone Pine Road. Field assessments are being conducted along White Oak Road and Buena Vista Road.

Mr. Dolinger provided his contact information if there are any questions or concerns.

Mr. Kanipe began the discussion of new business, and presented information related to the City of Asheville water outage. The City of Asheville issued an alert on December 25 to all its

water customers asking for conservation of water due to the recent cold temperatures and above average water usage. On December 26, Town citizens began losing water as well as 38,000 water customers throughout the southern and western portions of Buncombe County, and some portions of Henderson County.

Mr. Kanipe thanked all Town staff for working hard during this event and noted the excellent teamwork by all departments. Mr. Kanipe also reviewed how the Town's water system operates. The Town purchases water from the City of Asheville, delivered via three master metered connections. The City of Asheville provides water services to Town citizens within the Ramble, certain homes along Ridgefield Place, and businesses along Hendersonville Road south of Browntown Road. The Town owns all water service lines and infrastructure past each interconnection point. The Town bills Biltmore Forest residents. The Town replaced approximately 75 percent of water lines in 2004-2005. Lines not replaced were constructed in the 1980s, 1990s, and 2000s and remain in good service. Overall, the water system is in good shape.

Mr. Kanipe went over the timeline of events that occurred with this outage. On December 25, there was an alert from Asheville asking all customers to conserve water due to freezing temperatures. On December 26, there was an alert from Asheville indicating some may experience low/no pressure due to disruptions in the system. The first contact to the Town at approximately 8:00pm from residents regarding water outages in Biltmore Forest. After that, the Town sent out a CodeRED emergency notice to Town of Biltmore Forest residents regarding water outage. The Town reached out to Asheville Water Resources at 9:51pm on Monday, December 26. The indication at that time was that a valve was being adjusted near the intersection of the Blue Ridge Parkway and Hendersonville Road and this adjustment should restore service to the Town.

On December 27, Public Works discovered reduced pressure zone backflow valves at the City of Asheville and Town of Biltmore Forest interconnection dumping water profusely. Most of the Town was without water. The Town sent a boil water advisory at 9:04 am which included directing citizens to the City of Asheville's website regarding boil water notices. The Town sent updated notifications to residents at 2:05pm directing those who need additional information to the website. The website update includes specific information refuting rumors that the water

outage is a result of the Town and City disagreeing over who would fix a leak that led to a service outage in Biltmore Forest. This rumor likely surfaced due to the RPZ opening at the Busbee Road triangle. MAHEC reached out to the Town staff regarding lack of water and closure to their facility. MAHEC also informed us the system would likely be down for an extended period. At 7:35 pm, Town staff sent out a CodeRed with an update from the City of Asheville after a press conference indicating the water restoration should occur within the next 48 hours. The Town also reached out to Buncombe County Emergency Management and the American Red Cross regarding water needs and water distribution to residents. During an email request to Buncombe County Emergency Management, coordination with Skyland Fire Department begins regarding water distribution.

On December 28th, the Town staff contacted a local water vendor and coordinated the pick-up of 80 cases of bottled water. A CodeRed message was sent out notifying residents water is available for pickup or if needed, delivery. Public Works staff made repairs to the Busbee Road PRV and interconnection with the City of Asheville. COA water resources were alerted to this repair. The Town Public Works staff continued to assess the entirety of the Town water distribution system and ensure the system is prepared for resumption of water service.

On December 29, the Town received information from residents that water service is returning and that pressures are stabilizing. Town facilities came back online with low pressure around 12:30pm. The Town website was updated with site alerts as necessary.

On December 30, Town staff addressed questions regarding whether boil water advisories remained in effect. By December 30, 2022, Biltmore Forest residents served by the Town water were back in full service. On January 1, 2023, the COA notifies all that boil water advisory is lifted for the majority of the southern distribution system. The Town staff sent a final CodeRed message notifying residents that boil water advisory has been lifted.

The communication and coordination among Town staff were exceptional. Everyone pitched in and pulled together regardless of vacation plans, working remotely, or being sick. The Town water infrastructure is in good shape to handle regular service and significant disruption to the system. There were communication issues from other local government partners that must be

improved upon. The Town's water shortage response plan was not activated due to triggering requirements not being met. This is predominately utilized during drought events and not necessarily designed for an immediate emergency. While not required by state law, this should be an area the Town should consider reviewing and improving internally and in coordination with the City of Asheville.

Moving forward, the Police Department dispatch should have capabilities by having auto-response pick-up upon multiple unanswered rings. There was an overwhelming call volume that came into the police department with one dispatcher working. The Town will also work via newsletter and the Biltmore Forest Police mobile app to reinforce residents not to call 911 unless it is a true emergency and understanding the "high call volume" message does not mean the person's call is not important.

Mr. Kanipe reviewed the recommendation of a bid of award to Baker Grading and Construction for Cedar Hill Road stream stabilization project. The Town budgeted funds for a preliminary engineering report during FY22 to stabilize an unnamed tributary to the Four Mile Branch. More specifically, the purpose was to stabilize the stream running adjacent to Cedar Hill Road near the intersection of Hemlock Road. The Board approved funding for the construction of this project in FY23 and Town staff and the engineer moved forward with the final design and bidding for this project. Baker Grading and Construction's bid is \$274,027.50 and they are the lowest bidder for the project. They did the construction work in Greenwood Park as well. Commissioner Kelly made a motion to approve the consideration of the bid, Commissioner Cogburn seconded the motion. The motion was unanimously approved.

The next topic discussed was consideration of a new full-time Town Planner. Mr. Kanipe reviewed the Board's discussion of this position during last year's budget crisis and provided information related to the job. Mr. Kanipe indicated it would likely be later in the spring when this individual is hired.

Commissioner Kelly asked if final zoning decisions would be made by Mr. Kanipe or if the Planner would make the final decision. Mr. Kanipe said he would still be the Zoning Administrator, so he would make the final decision.

Commissioner Cogburn is in favor of this position and said it has been needed for a long time to oversee construction sites and enforce ordinances. Commissioner Cogburn asked if there could be a probationary period for the employee that was in this position. Mr. Kanipe said, generally any full-time hire we have goes through a six-month probationary period just to make sure the person is a good fit for the position. Mr. Kanipe said a component of this person's job would be to meet with contractors and be in the field regularly.

Commissioner Loomis is also in favor of this position and said it would be good to have someone in the field regularly looking over our Town and making sure everyone complies. This would also be the coordinating person for the Board of Adjustment meetings.

Commissioner Kelly asked what percent of Mr. Kanipe's time is dedicated to this position now. Mr. Kanipe currently devotes a substantial amount of time to these duties. The Town wants to move forward with more proactive work that we cannot do now. By having this new position, Commissioner Loomis said Mr. Kanipe will not have to split his time between his regular job duties and the duties for what is included in the planning position and will run more efficiently for public works, the police department, and administration.

Mr. Drew Stephens said this potential planning employee would bring on a quality of service to the community that is not measurable in time and fully supports this.

Mr. Tom and Mrs. Joyce Young also expressed their support for this position via email and in person. Ms. Martha Barnes also expressed her support for this position.

Commissioner Cogburn made a motion to approve the Planning position, Commissioner Loomis seconded the motion. There was further discussion by Commissioner Kelly and offered an Amendment for this position not to exceed \$85,000 for the first year. All were in favor and the motion was unanimously approved. Mr. Kanipe thanked the Board for approving this position.

Mr. Kanipe discussed the Consideration of waving tax penalties associated with second-billing property taxes for January and February 2023. The Buncombe County Tax Assessor's Office sends the Town the current year tax scroll in August, which is when the tax bills are created. Later in the year, they sent us a second billing scroll, which consists of GAP bills for vehicles, discoveries of properties, and any appeals that were presented to the Board of Equalization and Review. This year, the second billing scroll came in mid-November, but there were issues within our software to create discovery notices adequately, resulting in the delay of creation of these notices.

Due to the delay in creating and mailing these notices, the Town is requesting to waive the first two months of penalties and interest for only the second billing notices. If payment is not received prior to March 1, 2023, a 2 percent penalty will be added, and 0.75 percent interest for each month subsequent thereafter.

G.S. §105-348 states that a tax "notice shall be conclusively presumed, whether or not such persons have actual notice". Town staff believes this presumption is incorrect in this instance since residents would not be able to presume, they have a tax notice due to the unforeseen nature of GAP and discovery bills. Mr. Kanipe recommended the Board delay the application of penalties and interest until March 1, 2023.

A motion was made by Commissioner Loomis, Commissioner Cogburn seconded the motion. The motion was unanimously approved.

PUBLIC COMMENT

Mr. Paul Zimmerman thanked the Board for passing the Planner position.

Ms. Martha Barnes said some of the compliances are complaint driven and causes neighbors to have tension amongst one another, so she expressed her approval for the Planning position so this person could assist with avoiding conflict amongst neighbors.

Commissioner Loomis made a motion to go into Closed Session at 5:45. Commissioner Kelly seconded the motion. The motion was unanimously approved.

A motion was made by Commissioner Loomis to go out of Closed Session, the motion was seconded by Commissioner Kelly and unanimously approved. The meeting was adjourned at 6:02pm. The next meeting is scheduled for Tuesday, February 14, 2023 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

