

MINUTES OF THE MEETING OF THE MAYOR AND TOWN COMMISSIONERS OF
BILTMORE FOREST HELD JUNE 14, 2016.

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 by the Clerk:

Mayor George F. Goosmann, III, present
Commissioner Fran G. Cogburn, present
Commissioner E. Glenn Kelly, present
Commissioner Doris P. Loomis, present

Mr. Jonathan Kanipe, the Town Administrator, and Mr. Billy Clarke, the Town Attorney, were also in attendance.

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

Motion was made by Commissioner Cogburn to approve the minutes of the May 10, 2016 meeting. The motion was seconded by Commissioner Loomis and unanimously approved.

Mayor Goosmann asked Mark Dillingham to give the monthly report for the Skyland Fire Department. There were several medical calls in the area and also a construction alarm which was a false alarm. Mayor Goosmann thanked Skyland Fire Department for all they do.

Mr. Jonathan Kanipe gave the monthly report for the Police Department due to Chief Tinsley being absent. Mr. Kanipe mentioned the bear sightings increasing. There was also a medical response to a house on Forest Road. Officer Bombace and Officer Jaramillo were recognized for assisting with the medical response for that call and they will be awarded a special presentation at next month's meeting.

Mayor Goosmann asked Mr. Terry Crouch for the monthly report. Quotes will be given at next month's meeting for paving.

A motion was made by Commissioner Cogburn to go into a Public Hearing for the 2016-17 Budget, seconded by Commissioner Kelly and unanimously approved.

The proposed budget was presented as follows.

TOWN OF BILTMORE FOREST
Budget Ordinance Fiscal Year 2016-2017

BE IT ORDAINED, by the Board of Commissioners of the Town of Biltmore Forest that in accordance with N.C.G.S. 159-13(b)(16) the 2016-2017 Budget be approved as follows:

Section 1. It is estimated that the following revenues will be available in the Water Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017.

Account	Account Description	Estimated Fiscal Year 2016-2017
30-3350-0000	SEWER CHARGE COMMISSIONS.	\$ 9,392
30-3710-0000	WATER CHARGES	\$ 446,489
30-3710-0100	MSD SEWER CHARGES	\$ 334,714
30-3730-0000	WATER TAP & CONNECT FEES	\$ 6,000
	TOTALS	\$ 796,595

Section 2. The following amounts are appropriated in the Water Fund.

Account	Account Description	Estimated Fiscal Year 2016-2017
30-8100-0200	SALARIES	\$ 53,059
30-8100-0400	PROFESSIONAL SERVICES	\$ 4,000
30-8100-0500	F.I.C.A.	\$ 5,348
30-8100-0550	UNEMPLOYMENT INSURANCE	\$ 42
30-8100-0600	SHP/BCBSNC-MEDICAL INSUR	\$ 15,017

30-8100-0650	MIT-DENTAL, VISION, LIFE	\$ 1,323
30-8100-0675	HRA-HEALTH REIMB ACCT	\$ 1,000
30-8100-0700	ORBIT-LOC GOV RETIREMENT	\$ 6,738.51
30-8100-0800	401K SUPPLEMENTAL RETIREMENT	\$ 2,653
30-8100-1200	POSTAGE, PRINTING,& STATIONARY	\$ 2,500
30-8100-1500	GENERAL REPAIRS	\$ 50,000
30-8100-3300	SUPPLIES AND EQUIPMENT	\$ 15,000
30-8100-4800	WATER AND SEWER PURCHASES	\$ 215,124
30-8100-4900	SEWER PURCHASES	\$ 334,714
30-8100-5700	MISCELLANEOUS	\$ 500
30-8100-6500	TRAINING AND EDUCATION	\$ 1,500
30-8100-7400	CAPITAL IMPROVEMENT	\$ 93,623
	TOTALS	796,595

Section 3. The estimated revenues for the General Fund are as follows.

Account	Account Description	Estimated Fiscal Year 2016-2017
10-3010-0000	TAX COLLECTION CURRENT YR	\$ 2,447,964
10-3010-0001	AD-VALOREM TAX CURRENT YEAR	\$ 102,951
10-3170-0000	TAX COSTS,PENALTIES,& INTEREST	\$ 2,416
10-3250-0000	INTEREST	\$ 2,909
10-3310-0000	RENTAL COMMUNITY HALL	\$ 1,000
10-3340-0000	AMERICAN TOWER AGREEMENT	\$ 25,857
10-3350-0000	MISCELLANEOUS	\$ 25,000
10-3370-0000	FRANCHISE TAX	\$ 218,000
10-3410-0000	BEER & WINE TAXES	\$ 6,300
10-3420-0000	SOLID WASTE DISPOSAL TAX	\$ 1,200
10-3430-0000	POWELL BILL	\$ 63,600
10-3450-0000	BUNCOMBE COUNTY 1% TAX	\$ 523,665
10-3460-0000	1/2 CENT SALES TAX (70%) A.40	\$ 205,741
10-3470-0000	1/2 CENT SALES TAX (60%) A.42	\$ 273,336
10-3550-0000	BUILDING PERMITS	\$ 10,224
10-3560-0000	DOG LICENSE FEE	\$ 1,800
10-3670-0000	SALES TAX REFUND	\$ 500
10-3670-0100	GASOLINE TAX REFUND	\$ 3,500
10-3700-0000	SALE OF PERSONAL PROPERTY	\$ 7,500
10-3720-0000	PROGRESS ENERGY FRANCHISE	\$ 2,400
	TOTALS	\$ 3,925,863

Section 4. The following amounts are appropriated in the General Fund for the operation of the Town of Biltmore Forest.

Department	Account Description	Estimated Fiscal Year 2016-17
4200	Administration	\$ 254,748
5100	Police	\$ 1,361,111
5200	Fire	\$ 425,000
5600	Public Works	\$ 700,428
5700	Streets & Transport	\$ 317,238
5800	Sanitation	\$ 369,485
6600	General Government	\$ 426,500
6700	Debt Service	\$ 71,354
TOTALS		3,925,863

Section 5. A balanced budget is adopted in accordance with N.C.G.S. 159 and the Local Government Budget and Fiscal Control Act for the General Fund.

Summary	Projected Revenues	\$ 3,925,863
	Projected Expenditures	\$ 3,925,863

Section 6. The Ad Valorem Tax levy is hereby set at a rate of thirty nine and one-half (.395) cents per one hundred assessed valuation. The valuation of real property, personal property, and public utilities is estimated to be \$619,737,602. The estimated valuation of motor vehicles is \$26,063,483.

Section 7. Town water rates will increase by five (5) percent in conjunction with an increase in the wholesale water rate of the City of Asheville. Town sewer rates will increase by 2.5 percent in conjunction with an increase by the Metropolitan Sewerage District of Buncombe County.

Section 8. A salary increase ranging from 4-5 percent is included for each employee on the pay plan in conjunction with annual performance evaluations during the fiscal year.

Section 9. Copies of this Budget Ordinance shall be furnished to the Finance Director of the Town of Biltmore Forest to be kept on file by him for his direction in the disbursement of funds.

Adopted this 14th day of June, 2016.

ATTEST:

Jonathan B. Kanipe, Town Administrator

Mr. Kanipe noted that the current proposal before the Board included a one-penny tax increase. He noted that the original proposal in May did not include a tax increase, but subsequent needs for a new recycling truck resulted in the revised proposal. Mr. Kanipe also noted that funds for the design of the Town's new Public Works Building project were included in the budget.

Mr. Kanipe reviewed his memorandum regarding proposed projects included within the budget, and noted several specific projects including stormwater upgrades, network and cabling infrastructure improvements, and the new recycling vehicle. Mr. Kanipe mentioned that we are also looking forward to the new AMI project for the new water meters.

Commissioner Kelly asked when the last tax increase was. Mr. Kanipe believed it was 4-5 years ago. There were no further questions from the Board.

Motion was made by Commissioner Loomis to go out of Public Hearing at 4:44 pm, seconded by Commissioner Loomis and unanimously approved.

Motion was made by Commissioner Loomis to adopt the 2016-2017 FY Budget and seconded by Commissioner Cogburn. The motion passed unanimously.

Motion was made by Commissioner Cogburn to go into Public Hearing at 4:46 pm, seconded by Commissioner Kelly and unanimously approved.

Mr. Kanipe reviewed the proposed ordinance changes and detailed the meeting with the Planning Commission. The Planning Commission reviews and considers the proposed Zoning

Text Amendments that are a part of the Town’s recodification project. The Planning Commission recommended approval of the zoning text amendment, as written, and also made some suggestions regarding fence allowances around pools as dictated by insurance requirements. Mr. Clarke has provided an additional memorandum regarding the Planning Commission meeting.

Mr. Clarke said Chairman Bailey raised the issue of chain link fences around pools. There was concern regarding an existing fence around the Biltmore Forest Country Club and several others throughout the Town. Mr. Clarke suggested the Board of Adjustment look at it from time to time. This was the only issue raised by the Planning Commission. Mr. Bailey wanted to suggest that the Town be cautious about prohibiting chain link fences especially for chain link fences around pools. Mr. Kanipe suggested adding language where chain link fences are prohibited except for around pools. Mr. Clarke said this issue does not need to be voted on today.

Commissioner Loomis made a motion to go out of Public Hearing at 4:53 pm. The motion was seconded by Commissioner Cogburn and unanimously approved.

Commissioner Kelly made a motion to approve the changes to the Zoning Ordinances as stated in the documents be adopted. Commissioner Loomis seconded the motion and it was unanimously approved.

Mr. Kanipe discussed the schedule of fees as posted below:

**Fiscal Year 2016-2017
Schedule of Fees**

Planning and Zoning Fees	
<u>Application Type</u>	<u>Fee</u>
Zoning Permit	\$25.00 for first \$2,000.00 work plus \$2.00 per \$1,000 construction thereafter
Conditional Use Permit	\$100.00 fee due at application
Variance	\$300.00 fee due at application
<i>Note: Each Conditional Use Permit and Variance Application requires a separate zoning permit upon approval from the Board of Adjustments</i>	

Town of Biltmore Forest Water Fees	
<u>Water Fee Type</u>	<u>Fee</u>

Base Rate (includes 2,250 gallons)	\$45.51		
2,251-60,000 gallons	\$5.41 per 1,000 gallons		
60,001-100,000 gallons	\$5.02 per 1,000 gallons		
100,000 gallons +	\$3.11 per 1,000 gallons		
Water Meter Rental Fee	\$0.10 per 3/4" meter \$0.18 per 1" meter \$0.50 for 1 1/2" meter \$0.65 for 2" meter		
AMI Meter Technology	\$0.89 per meter		
Metropolitan Sewerage District Sewer Fees			
<u>Sewer Fee Type</u>	<u>Fee</u>		
Base Rate Treatment Fee (Per 1,000 gallons)	\$5.86		
<u>Meter Size</u>	<u>Bi-Monthly Maintenance Fee</u>	<u>Bill Fee</u>	<u>Total</u>
5/8"	\$ 13.53	\$ 2.31	\$ 15.84
1"	\$ 34.95	\$ 2.31	\$ 37.26
1 1/2"	\$ 78.26	\$ 2.31	\$ 80.57
2"	\$ 138.41	\$ 2.31	\$ 140.72
8"	\$ 2,191.06	\$ 2.31	\$ 2193.37

Commissioner Cogburn made a motion to approve the FY 2016-2017 Schedule of Fees. Commissioner Kelly seconded the motion and was unanimously approved.

Mr. Kanipe reviewed the proposal for an architectural firm to design the new Public Works Building. After reviewing the packets and qualifications, Mr. Kanipe's recommendation for the Board is to consider entering into negotiations with Clark Nexsen to perform the architectural services for the new Public Works building. Mr. Kanipe was very comfortable with the work they have done.

Commissioner Cogburn made a motion to approve Clark Nexsen as the architect for construction of the new Public Works building. The motion was seconded by Commissioner Kelly and unanimously approved.

Mr. Kanipe discussed the North Carolina League of Municipalities Advocacy Goal Conference. The League is in the early stages of setting their legislative goals for next year's General Assembly session and have requested legislative action items from member cities. Commissioner Kelly has spearheaded the desire to amend the North Carolina General Statutes in regards to the ability to file claims against municipalities for duties conferred upon them by the State for the creation of streets. Commissioner Kelly has proposed a legislative change to N.C.G.S. 160A-296 in regards to protecting municipalities from civil litigation arising from these duties.

The proposed changes to the statute would prevent claims from being raised against Municipalities related to a Municipality's duty to 1) "keep the public streets, sidewalks, alleys, and bridges in proper repair" and 2) "keep the public streets, sidewalks, alleys, and bridges open for travel and free from unnecessary obstructions". Another option would be to confer upon the Municipalities the right to use governmental immunity as a defense in claims related to these duties. The governmental immunity defense is currently not allowed by the N.C.G.S. 160A-485 as a result of the municipality purchasing liability insurance. These two statutes in tandem combine to result in the ability of a party to claim a violation of N.C.G.S. 160A-296 for failure of a municipality to keep one of the duties listed in the statute denies the defense of governmental immunity for the claim to the municipality liability insurance was purchased by the town. Commissioner Kelly said after meeting with Representative Brian Turner, he will consider this legislation and he seemed to be supportive.

Commissioner Kelly made a motion to approve the Resolution for the North Carolina League of Municipalities Advocacy Goal. Commissioner Cogburn seconded the motion and was unanimously approved.

The next matter was the Consideration of Resolution for Buncombe County Hazard Mitigation Plan. The Buncombe/Madison Regional Hazard Mitigation Plan was approved by FEMA in late 2015. The current plan does not expire until September of this year, and the new regional plan was completed last year. In order for the Town to remain eligible for

FEMA/Stafford Act funding in the event of a natural disaster, the Board must approve the attached resolution that will then be submitted to North Carolina Emergency Management.

**RESOLUTION TO ADOPT THE
BUNCOMBE MADISON REGIONAL HAZARD MITIGATION PLAN**

WHEREAS, the Town of Biltmore Forest is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the Town of Biltmore Forest desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Board of Commissioners of the Town of Biltmore Forest to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Board of Commissioners of the Town of Biltmore Forest to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the Town of Biltmore Forest; and

WHEREAS, the Town of Biltmore Forest, in coordination with Buncombe County, Madison County, and the participating municipalities within those counties, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials;

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Biltmore Forest hereby:

1. Adopts the Buncombe Madison Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

Adopted on June 14, 2016.

ATTEST:

Jonathan B. Kanipe, Clerk

Commissioner Cogburn moved to adopt the Buncombe Madison Regional Hazard Mitigation Plan. Commissioner Kelly seconded the motion and was unanimously approved.

Mayor Goosmann mentioned discussion of Brooklawn Chase Pond Silt Infiltration. The Town received the survey results on silt infiltration from Gary Davis, the Town Engineer last week. The results show the cumulative effect of silt being deposited into the pond from 1998 until the present. Mr. Davis and the contracted surveyors measured the most recent topographical features of the pond and compared that previous surveys completed for the Town.

Between 2013 and 2016, the silt in the pond increased by 719 cubic yards. The cumulative effect from 2008 until 2016 is 1,074 cubic yards. Mr. Davis has recommended that we dredge the pond to remove this silt and sedimentation.

The recommendation at this time is that we begin working with the Army Corps of Engineers to obtain the necessary permits to begin the work and plan on dredging the pond in the fall or winter months when there is a higher likelihood of drier weather.

Mr. Kanipe presented the last Budget Reallocation for FY 2015-2016.

Administration				
Account	Account Description	Increase	Decrease	New Budget Amount

10-4200-0300	Legal and Engineering	\$ 9,300.00	\$ -	\$	39,300.00
10-4200-1000	Accounting	\$ 3,700.00	\$ -	\$	40,000.00
10-4200-6600	Capital Improvements	\$ -	(13,000.00)		
		\$ 13,000.00	\$ (13,000.00)		

Police Department					
Account	Account Description	Increase	Decrease	New Budget Amount	
10-5100-1700	Car Repairs and Tires	\$ 5,000.00	\$ -	\$	20,000.00
10-5100-0400	Separation Allowance	\$ 500.00	\$ -	\$	6,700.00
10-5100-3100	Gasoline	\$ -	(5,500.00)	\$	20,500.00
		\$ 5,500.00	\$ (5,500.00)		

Public Works Department					
Account	Account Description	Increase	Decrease	New Budget Amount	
10-5600-1700	Vehicle Maintenance	\$ 15,000.00	\$ -	\$	45,000.00
10-5600-3600	Uniforms	\$ 500.00		\$	6,500.00
10-5600-5900	Miscellaneous	\$ 1,000.00		\$	4,000.00
10-5600-8100	Recycling	\$ 4,000.00		\$	55,000.00
10-5600-5900	Capital Outlay		\$ (10,500.00)	\$	136,476.00
10-5600-3100	Gasoline		\$ (10,000.00)	\$	11,000.00
		\$ 20,500.00	\$ (20,500.00)		

Powell Bill (Streets) Department					
Account	Account Description	Increase	Decrease	New Budget Amount	
10-5700-0200	Salaries	\$ 4,000.00	\$ -	\$	42,403.00
10-5700-0500	FICA	\$ 500.00		\$	3,438.00

10-5700-0675	HRA Acct	\$ 500.00	\$	1,500.00
10-5700-0800	401(k)	\$ 500.00	\$	2,420.00
10-5700-7400	Engineering		\$ (5,500.00)	\$ 4,500.00
		\$ 5,500.00	\$ (5,500.00)	

General Government				
Account	Account Description	Increase	Decrease	New Budget Amount
10-6600-1100	Technology	\$ 7,000.00	\$ -	\$ 53,000.00
10-6600-1500	General Repairs/Maint.	\$ -	\$ (7,000.00)	\$ 20,120.00
		\$ 7,000.00	\$ (7,000.00)	

Water Fund				
Account	Account Description	Increase	Decrease	New Budget Amount
30-8100-0200	Salaries	\$ 5,500.00	\$ -	\$ 89,272.00
30-8100-0700	Retirement	\$ 4,000.00	\$ -	\$ 10,807.00
30-8100-1200	Postage & Printing	\$ 1,000.00	\$	\$ 3,000.00
30-8100-3300	Supplies & Equipment	\$ 1,000.00	\$ -	\$ 21,000.00
30-8100-6500	Training	\$ 250.00	\$	\$ 1,750.00
30-8100-0300	Overtime	\$ -	\$ (2,000.00)	\$ -
30-8100-7400	Capital Improvement	\$ -	\$ (9,750.00)	\$ 33,250.00
		\$ 11,750.00	\$ (11,750.00)	

Motion was made by Commissioner Loomis to approve the Budget Reallocation for FY 2015-2016. The motion was seconded by Commissioner Cogburn and unanimously approved.

Sgt. Mark Allen added further comment to the monthly police report. Some officers call in radar checkpoints. They do not all check in but the ones that did had 36 hours logged. Our Officers are still focusing on the areas of Stuyvesant, Vanderbilt, Cedarcliff, and Forest and wanted to make you aware that they are cracking down the speeders in that area.

Commissioner Loomis made a motion to go into Closed Session at 5:15 pm. The motion was seconded by Commissioner Kelly and unanimously approved.

At 5:23 the session went back to a Public Hearing. The placement of soccer goals at the park were discussed and taken into consideration. Mr. Kanipe was asked to contact Dr. Fowler regarding the proposal.

Mayor Goosmann adjourned the meeting at 5:26 pm. The next Board of Commissioners meeting is scheduled for Tuesday, July 12th at 4:30 pm.

ATTEST:

Jonathan B. Kanipe
Town Administrator

George F. Goosmann, III
Mayor