

MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF
BILTMORE FOREST HELD FEBRUARY 11, 2020.

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 Doris P. Loomis, present

Commissioner E. Glenn Kelly, present

Commissioner Fran Cogburn, present

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

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

Mayor Goosmann asked for a motion to approve the January 14, 2020 Regular Meeting Minutes and the Special Call meeting minutes. A motion was made by Commissioner Cogburn. The motion was seconded by Commissioner Kelly and unanimously approved.

A special presentation was given by Dr. Jennifer Mullendore, Medical Director of Buncombe County Health and Human Services. Dr. Mullendore distributed information regarding tick borne illnesses including Lyme disease. Data was included for Buncombe County as a whole. The numbers they provide rely on the providers reporting to the County. It is statutorily required. Once the County gets the information, they report this information to the State of North Carolina. Since 2014, there has been an increase of Lyme disease within Buncombe County. Rocky Mountain Spotted fever (another tick borne illness) has increased as well since 2014.

Dr. Mullendore said since 2015, one or two Biltmore Forest residents have reported a tick borne illness each year. With the animal population in this area, they can carry the Lyme disease so it can be acquired in this area. North Carolina is a low incidence State. Dr. Mullendore referenced the CDC (Center for Disease Control) website. Less than ten confirmed cases per 100,000 residents in the State of North Carolina were reported. The Northeast area is an area where the percentage of cases is higher. Dr. Mullendore also mentioned the warmer winter weather and ticks being more active year round.

Ms. Laura Wrenn mentioned that she tested positive for Lyme disease and the extreme suffering she went through for ten days. Both of her dogs tested positive for Lyme. Ms. Wrenn wanted to know how to track animals with Lyme disease. Dr. Mullendore says this is not reportable. The Public Health Veterinarian said there are clearly many cases of Lyme disease in dogs. When veterinarians do a test, the test for the organism which includes Lyme disease is listed in the panel. Many times the panel will come back and the test will show a seropositive. This does not mean the animal has Lyme disease. It could mean the animal has been exposed.

Dr. Mullendore suggested wearing repellent and checking your body for ticks. Ms. Diane Zimmerman asked about the Lyme disease vaccination for dogs. Dr. Mullendore was unsure of the Lyme disease vaccination.

Dr. Mullendore said if someone has a tick on their body, monitor symptoms. Check symptoms for 14 days after the tick is found such as fever, headaches, or rash, let your provider know.

Ms. Susan Cook said the deer are a problem and carry ticks and the Town needs to get rid of them.

Dr. Mullendore also said Dr. Brian Byrd, a Public Health entomologist who is an expert in ticks and mosquitos, would be an excellent resource. Mr. Kanipe said they will try and set a presentation up in the spring with Dr. Byrd.

Ms. Cook asked how to check yourself for ticks. Dr. Mullendore said it helps to use mirrors.

Ms. Cook asked how many people in Buncombe County have had Lyme disease twice. Ms. Cook said she pays taxes and we should get rid of the deer. Commissioner Kelly informed Ms. Cook of the deer depredation permit the Town has. Ms. Cook is afraid deer carry the Coronavirus. Mayor Goosmann told Ms. Cook the Town can only do what the State of North Carolina allows.

Ms. Wrenn asked if the deer can be neutered. Mayor Goosmann said no. Ms. Wrenn asked if the Board was sure the deer could not be castrated. Mr. Billy Clarke said yes.

Mayor Goosmann thanked Dr. Mullendore for presenting this information.

Chief Ryan Cole gave the monthly report for the Skyland Fire Department. Chief Cole said this month is “heart healthy” month and an article for the newsletter will be submitted regarding this. Chief Cole also said the Fire Department will be offering a CPR class to the Town residents later on this year. There will be details given within the next few months. Chief Cole emphasized the importance of having furnaces and heating systems serviced this time of year.

Chief Chris Beddingfield gave the monthly report for the Police Department. Last month there were multiple calls and arrests. There were ten arrests for the month and four of the arrests were felony related. Chief Beddingfield said he will provide a more detailed arrest report at the March meeting. Chief Beddingfield emphasized the importance of serving Town residents with personalized service. Officers have been extremely busy with domestic calls, calls regarding assaults, and drug related matters. Ms. Laura Wrenn asked about the number of arrests and a breakdown of residents versus non-residents. Chief Beddingfield did not have the statistics at that moment but the majority of arrests are non-residents.

Mr. Austin Tucker gave the monthly report for the Public Works Department. Mr. Tucker said everything was going well at Public Works. Commissioner Cogburn asked about the status of

the vandalized street lights. Mr. Tucker said new lenses are being made and they should be ready this week. Mayor Goosmann thanked Mr. Tucker for all of their hard work.

Ms. Adrienne Isenhower gave the monthly Planning report. There were no additional questions for Ms. Isenhower. Mayor Goosmann thanked Ms. Isenhower for her work.

New Business was conducted and Mr. Kanipe asked the Board for Consideration of the FYE 20 Audit Agreement with Carter, P.C. Commissioner Loomis made a motion to approve the Audit agreement for FYE 20. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

The next New Business matter was Recommendation for Consultant Selection for the Greenwood Park Stream Restoration Project. Mr. Kanipe said there was response from five firms. Mr. Kanipe recommended moving forward with WithersRavenel. Mr. Kanipe said this firm is heavily involved in this area already. Commissioner Kelly made a motion to approve WithersRavenel for the Stream Restoration Project. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe Discussed the New Land Use Regulations approved by the General Assembly during the last year (N.C.G.S. 160-D). Mr. Kanipe said it will be mandatory for everyone in the State. There are two specific deadlines that must be met. The first is to amend the existing Zoning and Development Ordinance to bring them into compliance with these changes by January 1, 2021.

The second deadline will require more work from the Town's perspective. This work will be due July 1, 2022. A Comprehensive Plan will have to be adopted in order to continue zoning within the Town. Mr. Kanipe suggested the process would begin in January 2021 and the Town would like to have this done ahead of time.

Mr. Clarke said all zoning for cities and counties will all be under one statute. There are significant changes to zoning in general. Mr. Clarke said it is not too early to start thinking about the Comprehensive Plan.

The Accessory Structure Ordinance was discussed and there was a Public Hearing in November and several changes were offered. Mr. Kanipe referenced page 38 of 41 in the packet. Mr. Clarke revised the preamble portion of it to more accurately reflect the intent behind the Ordinance.

Mr. Kanipe said there was discussion on how to specify what a deer fence is. Mr. Kanipe said he visited the Wildlife Resources Commission website and they recommend a ten foot fence.

Commissioner Loomis offered the word “replacement” in Section C should also be stated before the word “fence” except where it states “existing” fence.

Commissioner Loomis also suggested taking out “to the extent necessary” in Section A (2).

Commissioner Loomis also said people from The Ramble had a valid concern regarding a dog fence. Commissioner Loomis asked if a neighboring property owner objected to having a buffered fence, would the neighboring property owner’s concern still be taken into consideration by the Board of Adjustment. Mr. Clarke said by having the word “may” in the Ordinance, the Board of Adjustment may approve or disapprove it. Mr. Clarke said the Board of Adjustment has the discretion not to allow it.

Commissioner Kelly would like to see the word, “may” in Section B(3) and B(4). Commissioner Kelly would also like to change “must” to shall in C (5).

Mr. Clarke also pointed out the wording should state “Board of Commissioners” on page three.

Commissioner Loomis said she wants to be responsive to the people that attended the work session. The majority of people did not want fences allowed in backyards without restriction. Commissioner Loomis said there will be certain situations where backyard fences should not be

allowed even with buffering. Commissioner Loomis also emphasized the landscape plans should be presented to the Board of Adjustment when presenting a fence plan. Mr. Clarke said if an applicant meets the requirements for getting a Special Use Permit, he/she has made a Prima Facie case. The Board of Adjustment is a Quasi-Judicial (fact finding) Board, they could consider other evidence as well. As the language is written, Mr. Clarke said it gives the Board of Adjustment discretion and authority to not approve a fence.

Commissioner Cogburn agreed with Commissioner Loomis that it should be at the Board of Adjustment discretion whether to approve or disapprove fences.

Mr. Kanipe asked the Board about their preference for the height of the deer fencing. Commissioner Kelly and Commissioner Loomis preferred ten foot fences. Mayor Goosmann and Commissioner Cogburn preferred eight foot fences.

Mr. Clarke suggested one final version be written and then a final decision can be made. Mr. Kanipe said the proposal will be brought back to next month's Board of Commissioners meeting so it can be adopted.

Mayor Goosmann introduced the Town's new Public Works Director, Mr. Harry Buckner. Mr. Buckner is looking forward to working for the Town and working with the employees.

Mr. Kanipe discussed the stoplight at Eastwood and Hendersonville Road. There have been changes made and it should be running more efficiently now.

Mr. Kanipe discussed the temporary speedbumps that have been placed on Hilltop Road. There has been a dramatic decrease in speed since the installation. The only concern from some is the noise.

Mr. Kanipe said VC3 will be redoing the Town's website and it would be much more user friendly once this is completed.

PUBLIC COMMENT

Ms. Laura Wrenn expressed her concern with the Town using WithersRavenel versus McGill Associates.

Ms. Martha Barnes asked for a question to be clarified regarding Ms. Wrenn's issue with the culvert.

Ms. Susan Cook expressed her concern regarding the overpopulation of deer in Biltmore Forest. Mr. Kanipe gave details to Ms. Cook regarding the deer depredation permit.

Mr. Drew Stephens told the Board he is appreciative of the speed bumps being installed on Hilltop. Mr. Stephens suggested moving the Northern speed bump at the top of the hill. Mr. Stephens also spoke about an issue he saw with the trash and recycling collection that was being picked up at his house.

There were also questions about backyard fences and deer fences.

Ms. Diane Zimmerman expressed her concern regarding invisible fences and does not support them because wildlife can access a property.

Ms. Joyce Young said in the proposed Zoning Ordinance, the height of the columns should be stated. Ms. Young also discussed placement of deer fences on a property. She also suggested not putting up bird feeders and berry bushes which attract bears.

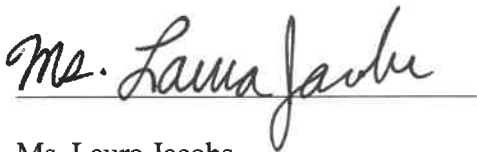
Commissioner Cogburn moved to go into Closed Session at 5:59pm. Commissioner Loomis seconded the motion. The motion was unanimously approved.

The meeting went out of Closed Session at 6:10pm.

Mayor Goosmann adjourned the meeting at 6:11pm.

The next Board of Commissioners meeting is scheduled for Tuesday, March 10, 2020 at 4:30 p.m.

ATTEST:

Handwritten signature of Ms. Laura Jacobs in cursive script, written over a horizontal line.

Ms. Laura Jacobs
Town Clerk

Handwritten signature of George F. Goosmann, III in cursive script, written over a horizontal line. The signature includes the Roman numeral "III" at the end.

George F. Goosmann, III
Mayor