MINUTES OF THE MEETING OF THE MAYOR AND THE TOWN COMMISSIONERS OF BILTMORE FOREST HELD MARCH 8, 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

Mr. Jonathan Kanipe, the Town Manager, and Mr. William Clarke, the Town Attorney, were also present. The meeting was held remotely via Zoom for purposes of limiting the spread of Covid-19.

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

Commissioner Loomis made a motion to approve the minutes from February 8, 2022. The motion was seconded by Commissioner Cogburn. The minutes were unanimously approved.

Chief Trevor Lance gave the report for the Skyland Fire Department. There were nineteen calls for the month. Chief Lance informed the audience about fire pit dangers and burning. Mayor Goosmann thanked Chief Lance and the entire staff for all their hard work.

Chief of Police, Chris Beddingfield gave the report for the police department. The calls for the police department also decreased. Chief Beddingfield held a community relations event at the Ramble where they presented crime prevention information to residents. Chief Beddingfield said there were approximately one hundred people that attended this event. A great deal of feedback was received especially regarding lighting issues.

Chief Beddingfield said all vehicles budgeted for the year are now in service.

Sgt. John Driver retired and the police department held a drop-in retirement celebration.

Chief Beddingfield said the mobile phone app will be ready to use soon. This will be an application to download on your phone regarding community engagement. Residents will be informed when this will occur. Mayor Goosmann thanked Chief Beddingfield for his hard work and the entire staff.

Director of Public Works, Harry Buckner, gave the report for the public works department. In February, water bills were mailed out.

New employee, Kasey Lake, has been assigned to the Route B sanitation route and is doing a great job.

The work at Brookside Park is being done and made a good first step in tidying up the park and have received positive feedback.

The culvert replacement will be starting at Park Road soon. The street light meter bases project is underway. The construction of this should start this month. Repairs of storm drain issues along 111 Stuyvesant were also completed last week and staff did an excellent job.

Commissioner Kelly asked when the new trash cans will arrive. Mr. Buckner said it should arrive in 8-10 weeks.

Town Manager, Jonathan Kanipe gave the report for the Town. The mask requirement expired on February 16th.

The Greenwood Park stream restoration project pre construction meeting is scheduled for next Thursday at 1:00pm.

Mayor Goosmann, Commissioner Loomis and Mr. Kanipe attended a seminar in mid-February. Information was received from the Naval Postgraduate Academy regarding emergency preparedness. The panelists for this seminar included a former Assistant Secretary in the Department of Homeland Security, a former FEMA division head, and a former Senate aide whose portfolio included FEMA funding.

Discussion centered on natural disasters and continuing to work well together during these emergencies. An emerging focus is on the threat of cybercrime to our units of government, and Buncombe County provided specific information regarding their current plans. Mr. Kanipe said they will be working on and looking at internal policies.

On Tuesday, March 22nd, there will be a Public meeting regarding the Comprehensive Plan to gather feedback from residents'.

Mr. Kanipe introduced Sergeant John Driver and described how he has served as a member of the Biltmore Forest Police Department since 2007. Prior to joining the BFPD, Sgt. Driver served in the Asheville Police Department, the United States National Guard, and the United States Navy. Sgt. Driver completed the Law Enforcement Leadership Academy (LELA) last year, and has been a strong example of service for the Town and its officers.

Chief Chris Beddingfield read the Resolution of Appreciation for Sergeant John Driver.

TOWN OF BILTMORE FOREST BOARD OF COMMISSIONERS

COUNTY OF BUNCOMBE

RESOLUTION 2022-01

RESOLUTION OF APPRECIATION

WHEREAS, Sergeant John Driver has faithfully completed 15 years of service to the Town of Biltmore Forest, serving admirably as an Officer and then a Sergeant of the Town's Police Department; and

WHERAS, Sergeant Driver served as a member of the Asheville Police Department from February 1999 through April 2006; and

WHEREAS, Sergeant Driver served his country as a member of the United States Army North Carolina National Guard from June 1998 through August 2003, including two deployments for Operations Enduring Freedom and Iraqi Freedom; and

WHEREAS, Sergeant Driver previously served as a member of the United States Navy from August 1994 through March 1997; and

WHEREAS, the Mayor and Town Board of Commissioners recognize the valuable service that Sergeant Driver has provided to the Town, this community, and the United States of America; and

WHEREAS, the Mayor and Town Board of Commissioners take this opportunity to express their thanks and gratitude formally to Sergeant Driver for outstanding dedication to the Town; and

THEREFORE, the Mayor and Town Board of Commissioners express their appreciation for the outstanding manner in which Sergeant Driver performed his duties, for his dedication in serving the citizens of the Town of Biltmore Forest each day, and for his work to improve the lives of Biltmore Forest citizens.

This the 8th day of March, 2022.

George F. Goosmann, I

ATTEST:

Laura M. Jacobs Town Clerk Commissioner Loomis made a motion to approve Resolution 2022-01 for Sergeant John Driver. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Consideration of Resolution 2022-02, which is a Resolution authorizing Badge and Service Sidearm to Sergeant John Driver. Commissioner Kelly made a motion to approve and Commissioner Loomis seconded the motion. The motion was unanimously approved.

Consideration of Resolution 2022-03- A Resolution authorizing the surplus of Town personal property. The Town received delivery of two new patrol vehicles and both were placed into service within the past month. As a result, Chief Beddingfield has recommended the following two vehicles be declared surplus and sold via GovDeals. 2016 Ford Explorer VIN# 1FM5K8AR7HGA63784 and 2017 Ford Explorer VIN# 1FM5K8AR9JGA05374.

The Town still maintains auxiliary vehicles that are in excellent operating condition. The surplus of old cars and purchase of new cars is part of the Town's vehicle program that ensures the most appropriate and effective equipment for our officers. Commissioner Cogburn made a motion to approve and Commissioner Kelly seconded the motion. The motion was unanimously approved.

Consideration of Ordinance 2022-01, An Ordinance to Amend the Town of Biltmore Forest Town Code. The Board of Commissioners has reviewed the Town's existing sign ordinance over the course of the past three months. As part of this review, the Board has received feedback from residents regarding the existing sign ordinance as it specifically relates to "no trespassing" signs. The Board has provided feedback to the residents as well as staff regarding potential amendments to the sign ordinance that are specifically geared to "no trespassing" signage.

ORDINANCE 2022-03 AN ORDINANCE TO AMEND CHAPTER 93 OF THE TOWN CODE OF THE TOWN OF BILTMORE FOREST

§93.02. POLICY REGARDING SIGNS.

This subchapter sets forth the Town of Biltmore Forest policies and regulations regarding the size, type and location of signs. The subchapter is intended to regulate size, type and location of signs, ensure that signs are not located in the public right of way, do not pose a threat to public safety, do not unreasonably interfere with aesthetic quality and are consistent with the nature of a primarily residential community. It is not the intent of this ordinance to regulate the content of signs or to limit the right of free speech.

(Ord. 2021-02, passed 2-9-21)

§ 93.03 SIGNS AND POSTERS GENERALLY.

Except as set forth herein, no sign of any kind, including posters, advertisements, billboards, announcements and like, shall be erected by any person in any district zoned R-1, R-2, R-3, R-4 or R-5 unless the sign, type, size and intended location comply with this subchapter or unless prior approval of the sign type, size, and intended location are first obtained from the Town Manager or Board of Commissioners. Any sign erected in violation of this subchapter shall be promptly removed.

(2013 Code, § 15-2) (Ord. 2021, passed 2-9-2021)

§93.04 DEFINITIONS

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION SIGNS. Signs identifying a company or individual constructing or renovating a house or building on a property in the town.

IDEOLOGICAL SIGNS. Signs advocating support for a particular system of ideas and ideals which may form the basis of an economic or political theory and policy.

INVISIBLE FENCING SIGNS. Signs advertising the location of underground (invisible) fencing on a property or the location of installed underground utilities

NO TRESPASSING SIGNS. Signs providing notice, in a manner reasonably likely to come to the attention of intruders, not to enter the property on which the sign(s) are located.

ON-PREMISES COMMERCIAL SIGNS. On Premises Commercial signs – signs located on or

attached to buildings in the zoning districts in the Town where commercial businesses are allowed.

POLITICAL SIGNS. Signs advocating support for a particular candidate for political office or political party.

REAL ESTATE SIGNS. Signs advertising the sale or lease of residential or commercial real property.

SECURITY COMPANY SIGNS. Signs indicating that a security system has been installed on a property.

§ 93.05 SIGNS AND POSTERS; REQUIREMENTS.

- (A) Real Estate Signs. No person, either as owner or real estate agent, shall post any sign except as follows:
- (1) One sign per lot, not to exceed six square feet in size, not to contain any electrical component and not to be lighted in any way;
- (2) If the sign is posted by a real estate agency, the wording shall be limited appropriately to indicate that the property is for sale or rent, the name and telephone number of the agency, the listing firm website, and the multiple listing service number, texting code, or individual website assigned to the home for sale;
- (3) If the sign is posted by an owner, the wording shall be limited to appropriately indicate that the property is for sale or rent, the name of seller, if so desired, a telephone number, and individual website assigned to the home for sale;
- (4) Wording shall be the same on both sides of the sign if both sides are exposed to the roadway;
- (5) The sign shall be set back at least 20 feet from the nearest edge of the pavement of the public road on which the house fronts or faces and in no event shall the sign be located within any public road right-of-way;
- (6) No portion of the sign shall extend more than four feet above the ground;
- (7) The sign shall be removed no later than three days after the closing of the sale of the property;
- (8) If a sign is for commercial use in the R-4 or R-5 Residential Zoning District and does not comply with the limitations herein, application must be made to the Board of Commissioners for approval; and
- (9) The owner of a residential lot and the real estate agent placing a real estate sign on the residential lot shall each be responsible for any violation of this section.
- **(B)** Construction Signs. Signs advertising the name of an individual or company constructing or renovating a house or other building on a property are allowed as follows:
- (1) On any residential lot on which construction or renovation has begun, neither the general contractor nor the owner of the residential lot shall post or permit to be posted more than one sign in addition to any sign required by law to be posted (i.e., building permits and the like);

- (2) The general contractor may place one sign on the residential lot on which construction or renovation has begun which sign shall not exceed six square feet in size and shall be limited in wording to the street number or address of the property and the name, address, and telephone number of the general contractor. The general contractor's sign shall also be subject to divisions (A) (1), (A) (4), (A) (5), and (A) (6) above. The general contractor's sign shall be removed from the property not later than three days from the completion of construction by the general contractor or occupancy by the owner of the property being constructed, whichever comes first; and
- (3) The sign shall be set back at least 20 feet from the nearest edge of pavement of the public road on which the house fronts or faces. The sign shall not be posted in the public right of way.

 (4) The owner of the residential lot and the general contractor shall be responsible for any violation of this section.
- (C) No Trespassing Signs No Trespassing Signs are allowed on private property provided the signs are erected as follows:
- (1) The sign(s) shall be posted in manner reasonably likely to come to the attention of intruders and include notice not to enter the premises, with verbiage limited to the following, or some combination thereof: No Trespassing, Do Not Enter, Private Property
- (2) The sign(s) shall not exceed two square feet in size, not contain electrical components, and not be lighted in any way, including reflective, luminous, or "glow in the dark" components.
- (3) The sign(s) must be set back at least ten feet from the nearest edge of the pavement on the public road or street, and in no event shall the sign be located within any public road or right-of-way.
- (4) If a property has multiple driveways, a sign may be allowed at each driveway entrance.
- (5) There may be no more than one (1) sign every fifty (50) feet. There may be no more than four signs on a single parcel.
- (6) Signs may not be placed within a side yard or rear yard setback, according to the setbacks in place for that specific zoning district. The only exception to this provision is found in part 7 below.
- (7) Properties that abut non-residential property may place no trespassing signs on the property line, but only on the property line where these properties abut non-residential property.
- (8) No portion of the sign(s) shall extend more than two (2) feet above the ground.
- (9) Signs may not include neon, "day-glow", or fluorescent colors.
- (10) The owner of a residential property placing a no trespassing sign on the property shall be responsible for any violation of this section.
- **(D)** Political and Ideological Signs. Political and ideological signs are allowed on private property provided the signs are erected as follows.
- (1) Each sign shall not exceed four square feet in size and not contain any electrical component or be lighted in any way;
- (2) The sign shall not be located within the Town owned public right-of-way or on Town property and must be set back at least twenty feet from the nearest edge of the paved road on which the house fronts or faces and shall not encroach on the public right of way;
- (3) No portion of the sign is to extend more than four feet above the ground;

- (4) A sign located on private property requires the owner's approval;
- (5) Up to four (4) political signs may be placed on private property beginning thirty days before the beginning of early voting for a primary or general election. Political signs should be removed within five days after the primary, general or special election; and
- (6) Political and ideological signs are not allowed on Town property.
- (E) Security Company Signs. Security Company signs are allowed on private property as follows:
- (1) On any residential or business property with a commercial security system, up to two (2) signs bearing the name of the security company and appropriate contact information, may be posted;
- (2) The signs shall not exceed one (1) square foot in size, not contain electrical components and not be lighted in any way;
- (3) The signs shall be set back at least ten (10) feet from the nearest edge of the pavement on the public road or street.
- (F) Invisible Fencing Signs. Signs indicating the presence and location of underground fencing are allowed as follows:
- (1) On any property with an underground "invisible fence," up to two signs noting the presence of the invisible fence and the name of the company providing the fence may be posted on the property;
- (2) The signs shall not exceed one (1) square foot in size, not contain electrical components and not be lighted in any way;
- (3) The signs shall be set back at least ten feet from the nearest edge of the pavement on the public road or street.
- (4) For the purpose of this subchapter, temporary flags indicating the installation of underground (invisible) fencing shall be removed no later than forty-five (45) days after installation.
- (G) Flags for Underground Utilities. Are allowed on a temporary basis to indicate the presence and location of underground utilities.
- **(H)** Signs Located in the R-4 and R-5 Zoning Districts.
- (1) On any lot occupied by a business in the R-4 and R-5 Districts, on-premises signs are allowed provided the following definitions and permit requirements are met.
- (2) For the purpose of this division (G), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ATTACHED SIGN. Any sign attached to, applied on, or supported by the front wall or wall facing street of a building.

CLEARANCE. The vertical distance from the established finished grade to the lowest edge

of the sign.

DEVELOPMENT IDENTIFICATION SIGN. A sign bearing only the name of the multiple tenant development.

ERECT. To construct, build, raise, assemble, install, place, replace, locate, affix, attach, display, alter, use, create, paint, draw, illuminate, or in any other way bring into being or establish.

FREESTANDING POLE SIGN. A sign which is permanently affixed to the ground by a pole or other structure and which is not part of the building.

GRADE. The lowest point at which a sign is attached to the ground.

GROUND SIGN. A freestanding sign flush to the ground and not elevated upon poles or stanchions and not attached to the building.

HEIGHT. The vertical distance between the highest part of the sign or its supporting structure, whichever is highest, and the base of the sign at grade.

INTERNALLY ILLUMINATED. Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material, from a light source within the sign.

LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use.

MULTIPLE TENANT DEVELOPMENT. A development in which there exists a number of individual or separate activities and in which there are appurtenant-shared facilities (such as parking areas).

NONCONFORMING SIGN. Any sign, which was allowed when, erected or displayed but which does not conform to the standards of this ordinance and any sign, which was not allowed, but was nonetheless impermissibly created or displayed before the effective date of this ordinance and any amendments thereto.

ON-PREMISES SIGN. Any sign used for the purpose of displaying, advertising, identifying, or directing attention to a business, products, operations, or services sold or offered on the lots where the sign is located.

SETBACK. The horizontal distance between the leading face of the curb of a street and the closest point of a sign or sign structure on such lot. Where there is not a curb, the measurement shall be made from the edge of the pavement.

SIGN. Any words, lettering, numerals, parts of letters or numerals, figure, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is

known, made of any material, except live vegetation, including any surface, fabric, or other material background structure designed to carry such devices, as are used to designate or attract attention.

SIGN STRUCTURE. Any structure, which supports, has supported or is capable of supporting a sign.

SINGLE TENANT. A single business establishment, activity or use.

WALL SIGN. Any sign painted or attached flat against and parceled to the exterior wall or surface of a building or other structure and/or which projects from the wall or surface.

- (3) On-premises single-tenant signs.
 - (a) Allowed within the R-4 and R-5 Zoning District may be either:
 - 1. Freestanding. Pole or ground; or
 - 2. Attached. Wall.
- (b) Two business identification signs are allowed per lot, only one of which shall be a freestanding or ground sign. For freestanding or attached signs, the total allowable area per face of selected sign(s) shall not exceed 40 square feet per face, with two faces per freestanding or ground sign allowed. In the event the freestanding sign is less than the 40 square feet per face allowed, the size of the attached sign erected may be increased by that difference. Signs may be internally or externally illuminated.
- (c) Additionally, the following requirements must be met based on the type of sign selected:
- 1. If freestanding pole or ground, then the sign shall be a maximum of eight feet in height with a minimum setback of ten feet; and
 - 2. If wall, then the maximum projection from a wall shall be six inches.
 - (4) On-premises multiple-tenant development signs.
- (a) On-premises multiple-tenant development signs allowed within the R-4 and R-5 zoning district may be either:
 - 1. Freestanding; pole or ground attached; or
 - 2. Wall.
- (b) For a multiple-tenant development, the development itself is allowed one identification sign. For a freestanding sign, the total allowable area per face of selected sign shall not exceed 60 square feet with two faces per freestanding or ground sign allowed. If freestanding pole or ground, the sign shall be a maximum of 20 feet in height and minimum setback of 15 feet. Individual tenants within the development shall be allowed one attached wall sign not to exceed ten square feet, and at the due discretion of the Board of Commissioners, not more than two, not to exceed ten square feet. The maximum projection from a wall shall be six inches.
- (I) The owner of the business establishment erecting a sign shall be responsible for any violation of this ordinance.
- (J) Any sign removed by the Town for violation of (A) or (B) of this ordinance shall be

disposed of by the Town within five days from the date the sign is removed from the residential lot unless the residential lot owner, real estate agent or general contractor, as the case may be, claims said sign within the five-day period.

This section as amended on March 8, 2022, shall become effective on March 9, 2022. (2013 Code, § 15-2) (Ord. passed 9-15-1987; Ord. passed 12-8-1990; Ord. passed 9- -2002; Ord. passed 2/9/2021, Ord. passed 3/8/2022)

This 8th day of March, 2022.	
	George F. Goosmann, III Mayor
Attest:	
Laura Jacobs Town Clerk	

Commissioner Kelly made a motion to approve. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe suggested the discussion of a special separation allowance policy for early retiree law enforcement officers. In 2019, Keith Mackey retired and retired as an early retiree at 25 years. In September 2019, the Town awarded a lump-sum payment to him after twenty-five (25) years of service. Some of his service was as a public safety officer when the Town still operated in this manner. The Board of Commissioners authorized a payment of \$1,000.00 per year of service to the officer and stipulated that the amount be in recognition of his combined service as a public safety officer.

As officers consider an early retirement, Mr. Kanipe said from the Town's perspective, it would be a good idea to have a set policy for the future if an officer decides to retire early.

Chief Beddingfield explained the retirement process and supplement for a law enforcement officer and said if an officer decides to retire at twenty five years, they lose a great deal of their pension with a reduced benefit so they were looking at a policy the town could develop to help officers retire early with some type of supplement involved by adopting a policy.

Mayor Goosmann asked for a write up to show the various financial possibilities regarding a supplement for an officer who chooses to retire early on the twenty five year plan. The Board could then decide how to proceed.

The Biltmore Forest transportation study presentation was conducted by Mr. Kenny Armstrong with J.M. Teague Engineering. In September 2021, the Board of Commissioners authorized an agreement with J.M. Teague Engineers to perform a transportation study for the Town. The focus for this transportation study was to identify challenges and opportunities regarding traffic and transportation within Biltmore Forest, while utilizing survey tools to gauge resident opinions on the matter. Specifically, the study focused on the following three items: Researching and cataloging relevant existing plans from other jurisdictions that border Biltmore Forest, including these plans' data and recommendations, collect and coordinate traffic-related community concerns, Provide recommendations to the Board of Commissioners that promote safety for all roadway users.

Over the course of the past six months, JMTE performed work related to these focus areas, including conducting a Town-wide survey. Verbatim survey responses are found in the appendix of the attached report. The report includes specific recommendations for the Town to consider. These recommendations range in timeframe (from short term to long term) as well as financial commitments.

The traffic study objectives are to research and catalog relevant existing plan data and recommendations, collect and coordinate traffic-related community concerns, and provide recommendations to promote safety for all roadway users. The key findings for this study are: residents like to walk and do so often along many roadways, overgrown shrubs cause concern for visibility at driveways and intersections, left turns onto and from Hendersonville Road are seen as dangerous, construction and landscaping vehicles occasionally cause safety concerns, and finally residents have various concerns about Valley Springs Road.

Visibility is an issue, suggestion of keeping hedges trimmed and wearing reflective clothing while walking is important. Left turn movements onto Hendersonville Road are dangerous at non-signalized intersections. Other takeaways are a designated walking trail and police patrols for speeding and general safety.

Another suggestion would be to rethink the pattern of Busbee Road by keeping the right turn only lane.

A traffic study was also suggested for Valley Springs road and adding a right turn lane on Eastwood Road.

Another recommendation is to focus on the edges (installing safety edges) and to also widen the white edge line.

Establish a traffic calming policy would also be effective. The Town could provide traffic cones for residents, install a pair of roundabouts at town hall, and install a series of mini roundabouts.

Recommend installation of bike racks and expanding Brooklawn Park were the final recommendations.

Commissioner Kelly asked Mr. Armstrong about whether the Town owns right of way to do the roundabouts. Mr. Armstrong said the Town can fit within the framework that already exists for a mini round about.

Mrs. Diane Zimmerman asked what traffic calming is. Mr. Armstrong said it could be speed bumps, speed humps, traffic circles, and improving signage. Mrs. Zimmerman also was concerned that pedestrians that considered the roads their sidewalks and asked for educational components that can be implemented to help people understand how to safely walk in the Town.

Mayor Goosmann said if there is not enough right-of-way at Busbee and Vanderbilt Road, he suggested an all way stop.

Mr. Paul Zimmerman said this dovetails almost identically with the Planning Commission traffic survey. Mr. Zimmerman was very pleased with this report and the conclusions and recommendations from Mr. Armstrong. Mr. Zimmerman suggested we start doing something in regards to walking trails by beginning at Rosebank Park and head south. He also suggested tie-in the existing bus stops, re-roof as necessary and then allow them to be placed and used as a place to stop.

Commissioner Loomis asked about the "confusing intersections" and what deemed them as confusing intersections. Mr. Armstrong said residents brought out the safety element and many people drove through stop signs. Commissioner Loomis asked if we can identify and differentiate between the intersections that were identified as confusing to residents and those that were identified as confusing to the staff surveyors. Mr. Armstrong said he could differentiate the level of comment for each intersection. Mr. Kanipe spoke about the consultant vetting their interpretation of confusing intersections with staff.

Commissioner Loomis asked if they looked at the shading of the trees at Vanderbilt Road and how it is very difficult to see the walkers at certain times of the day. Mr. Armstrong said it will help to have trails.

Mrs. Zimmerman thanked Mr. Armstrong for conducting this survey.

Public Comment

There was no public comment

Mayor Goosmann adjourned the meeting at 6:01 p.m. The next meeting is scheduled for Tuesday, April 12, 2022 at 4:30 pm.

ATTEST:

Ms. Laura Jacobs

Town Clerk

George F. Goosmann, III

Mayor