

PROPOSED AGENDA

Meeting of the Town of Biltmore Forest Board of Commissioners

To be held Tuesday, March 12, 2019 at 4:30 p.m.

A. Roll Call by the Clerk

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

B. Approval of the Minutes

1. The minutes of the Regular Meeting held Tuesday, February 12, 2019 will be presented for approval.

C. Public Comment

D. Reports of Officers

1. Chief of Skyland Fire and Rescue
2. Police Department
3. Public Works Director
4. Town Manager

E. New Business

1. Consideration of Agreement with J.M. Teague for Traffic Control Engineering Services (*Mr. Kanipe*)
2. Planning Commission Meeting Report – Accessory Structures (*Mr. Kanipe*)
3. Greenwood Park Grant Application Update (*Mr. Kanipe*)
4. Public Works Building Update (*Mr. Kanipe*)

F. Petitions, Motions, and Other Business

G. Public Comment

H. Adjourn

MINUTES OF THE MEETING OF THE MAYOR AND TOWN COMMISSIONERS OF
BILTMORE FOREST HELD FEBRUARY 12, 2019.

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, 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 8, 2019 minutes. There was one change on page four that was corrected. A motion was made by Commissioner Loomis to approve the minutes as amended. The motion was seconded by Commissioner Cogburn. The motion was unanimously approved.

Mr. Kanipe gave the Town report and said the Public Works project is progressing. The framing should be up within the next few months.

Mr. Kanipe also said quality assurance checks are being done with the CodeRed system to ensure customers are receiving messages.

The Town has hired two new employees for the Public Works department. Lucius Riley and James Bumgarner are doing their field training. They will be working in solid waste.

Several projects were approved at the January 2019 Board of Adjustment meeting. The first project approved was a solar array project at Carolina Day School. The next project approved was a driveway project on Forest Road.

Charles Tesner, a Public Works employee, has become the first certified arborist for the Town. He completed his training and can now conduct tree inspections and removal requests for the Town. Charles is a wonderful asset to the Town and this certification will vastly help the Town.

The Boxwood Blight seminar was rescheduled to March 11th at 6pm. It will be held at the Town Hall. The Stuyvesant Road bridge repair is just about finished. There are just a few more minor repairs needed and these will be completed in summer.

The Community Committee will be hosting an Arbor Day event on Saturday, April 27th from 10am-12pm at Rosebank Park. There will be many activities for kids at this event.

PUBLIC COMMENT

Mayor Goosmann asked if there was any Public Comment. Ms. Ruhl said the deer population is excessive. She also asked how the Town can get native plants growing and how can the Town grow more plant life. She also worries about fires with all the fallen limbs around Town. Ms. Ruhl also suggested selling Dogwoods to people for the Arbor Day event. Mr. Kanipe said they were approved for more than 25 deer this year. Mr. Kanipe said they will be giving away saplings and various trees at the Arbor Day event.

Mr. Tom Young made a comment about the fencing issues. Rather than changing the Ordinances to having individual households put up deer fences, Mr. Young suggested deer fencing the entire Town. This could help with the excessive deer population.

Mayor Goosmann ended the Public Comment session.

Chief Ryan Cole gave the monthly report for the Skyland Fire Department. Chief Cole said there were 32 calls for service. There was one fire fatality in the Skyland Fire District which is still under investigation. Chief Cole emphasized keeping up with smoke detectors, and advised making sure batteries work and that there is one in every room. Chief Cole said there is new software called Community Connect which is available to the Public Safety Community. It will be able to help emergency services to receive notifications of what to expect before crews arrive to the situation in need of help. Mayor Goosmann thanked Chief Cole for the Fire Department's hard work.

Chief Chris Beddingfield gave the monthly report for the Police Department. Chief Beddingfield said there were 112 calls for service. This was due to the storms and many more vehicle stops.

Chief Beddingfield mentioned a revision to the vehicle replacement plan in the current year's budget. The Police Department budgeted for a new vehicle for the 2018-2019 year. They discovered that Ford shut the plant down for one year and police vehicles were not being produced for one year. A used Crown Victoria was purchased instead. This was purchased from the Skyland Fire Department. Approximately \$4,000 will be invested into this purchase instead of a new car for the 2018-19 year which would have cost approximately \$40,000. The Town will use some of the remainder of these funds to upgrade and improve in-car cameras and MDT computer systems in each car.

The District Attorney is requesting a transparency agreement to enter into with each Municipality and the County. This includes examples such as truthfulness and excessive force matters. Mr. Clarke said this agreement basically requires the Town to inform the District Attorney's office if an officer is testifying and that individual has disciplinary issues.

Commissioner Kelly asked Chief Beddingfield how many businesses have conducted active shooter drills. Chief Beddingfield said training has been conducted at Care Partners, Carolina Day, MAHEC, Forest Dermatology, and Deerfield.

Mr. Terry Crouch did not have any further input on the Public Works monthly report.

Mayor Goosmann acknowledged Mr. Charles Tesner for his training regarding tree inspections.

A resident asked if Public Works could help move branches and limbs to the right of way from her backyard. Mr. Crouch said they cannot remove the debris if it is on their property, but if it is placed in the right-of-way, Public Works will remove it.

Mayor Goosmann called on Ms. Laura Wrenn for additional public comment. Ms. Wrenn asked Mr. Paul Zimmerman if the survey response discussed last month was a result of 185 individuals or 185 homes. Mr. Zimmerman said 185 individuals responded to the survey. Ms. Wrenn said she cannot hear what is going on during the meeting. Mayor Goosmann suggested she sit in the front row. Mr. Kanipe is also working on a possible technical issue with CodeRED and how messages are relayed to the public.

Mr. Kanipe discussed the hazard tree inspection project on Vanderbilt Road. Mr. Kanipe introduced Mr. Rusty Rhea, who is a consulting entomologist for the Town. Mr. Rhea evaluated trees along Vanderbilt and Stuyvesant Road to determine the hazardous trees within that area. Mr. Rhea determined there are nine trees that need to be removed that are on Town property and 39 trees that need to be removed on private property.

Mr. Rhea described the hazardous tree identification process to the Board. Mr. Rhea did not go into yards. The majority of trees that need to be removed are white pines. Most of them were leaning at least ten degrees and are hazardous. Some of the trees were also dead. Mr. Rhea also provided information to the Town regarding land owners that had trees on their property that were deemed hazardous. Mr. Kanipe would like to proceed to have the nine trees removed that are on Town property. Commissioner Cogburn asked how long this would take. Mr. Kanipe said he would like to see the project completed by the end of next month. Mr. Kanipe said this will be an ongoing budget item for next year so this can be done on an annual basis.

Mr. Clarke said the Town should be proactive on having these trees removed because they could become a hazard. Mr. Clarke said residents should also be proactive on having trees removed from private property to prevent damage to their own property or even a neighboring property. Mr. Clarke and Mr. Kanipe also suggested giving property owners a specific amount of time to remove a tree upon being notified of the hazardous condition. If the tree is not removed then it would be considered a nuisance and the Town can request to have it removed. Mr. Clarke stated the cost of the removal could be added to the land owner's tax bill if the Town ended up removing the tree. Although it may be an aggressive stance, it is for the safety of the public.

Mrs. Diane Zimmerman also pointed out an area along Lone Pine Road with poor visibility at the intersection.

Mr. Kanipe reviewed the Audit contract for Fiscal Year ending in 2019. This is required by the Local Government Commission. The contract is with Carter PC who the Town has used in the past. They do a wonderful job and Town staff enjoys working with them. The amount of the contract is approximately \$23,000.

Commissioner Kelly made a motion to extend the contract with Carter PC for the Fiscal Year ending in 2019. Commissioner Cogburn seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed the plan for Greenwood Park. Mr. Kanipe presented the Board the agreement with WithersRavenel to write the grant proposal. The cost is \$6,400.

Commissioner Cogburn moved to approve the grant writing proposal with WithersRavenel. Commissioner Loomis seconded the motion. The motion was unanimously approved.

Mr. Kanipe discussed accessory structures. The updated survey memorandum from Mr. Zimmerman was given to the Commissioners. Commissioner Loomis asked for more specifics on the deer fencing requests. Mr. Kanipe said there are some requests for deer fencing which he

estimated to be about fifty percent of the total fence requests. Mr. Kanipe said if anyone on the Board would like to amend the Ordinance then this would go to the Planning Commission for review. The Planning Commission reports back to the Board of Commissioners whether the outcome is favorable or unfavorable. After this is done, the Board must hold a public hearing prior to considering an amendment to the zoning ordinance. Commissioner Kelly asked how specific they have to be to get the information to the Planning Commission. Mr. Clarke said it has to be specific enough to know what is being discussed. Mr. Clarke said the proposal that was discussed in August is specific enough. It would allow driveway gates, it would allow fences that are not in the rear or side yard setback to be approved by the Town Manager without going to the Board of Adjustment, but they would have to comply with the design guidelines. Mr. Clarke said what would be changing is allowing driveway gates. Commissioner Cogburn said the driveway gates would not be allowed in the front yard setback. Mr. Clarke confirmed this statement. Commissioner Loomis and Commissioner Cogburn agreed to have this proposal sent to the Planning Commission for their consideration.

Mr. Kanipe discussed traffic control survey results with the Board. Mr. Kanipe said based on the survey results from the community and consulting with Chief Beddingfield, he recommends an all-way stop at the Cedarcliff Road and Vanderbilt Road intersection.

The second suggestion Mr. Kanipe proposed to the Board is to decrease the speed limit from 35 mph to 25 mph at the intersection of Vanderbilt Road North of Busbee Road. Mr. Kanipe said enacting a 25 mph speed limit in this area should have an impact on speeding issues. Commissioner Loomis expressed support for this proposal.

Mayor Goosmann said residents will need to be informed of this change. Mr. Kanipe suggested hiring a traffic expert/engineer to alert residents of the change due to their experience and knowledge. Mayor Goosmann also suggested a CodeRed message be sent out. Commissioner Cogburn suggested also putting a sign out similar to a hazard sign to inform residents of the change.

Mr. Clarke discussed the animal control memorandum. The Town recently has recently had issues with three dangerous dogs. Mr. Clarke read possible Amendments to the Ordinance in

Chapter 90. If a dangerous or unruly dog were brought into Town, the Police Department would have the authority to remove the dog. Commissioner Kelly also suggested if the Ordinance was violated, to make this a misdemeanor charge. Mr. Clarke said that could be a possibility.

Mrs. Zimmerman mentioned the barking dogs and said this is a problem at times. Mr. Kanipe agreed.

Commissioner Cogburn suggested a sign be put in the parks telling people to keep dogs on a leash.

Mr. Clarke mentioned the three dogs that were staying in Town were with the people that were either renting or visiting a resident for a long time.

Mr. Clarke would like to draft a more comprehensive change to the Ordinance and it can be discussed at the March meeting.

A motion was made by Commissioner Loomis to go into Closed Session at 5:55 pm. The motion was seconded by Commissioner Cogburn and unanimously approved.

A motion was made by Commissioner Loomis to go out of Closed Session, the motion was seconded by Commissioner Cogburn and unanimously approved. The Closed Session meeting was adjourned at 6:00 p.m. The Board of Commissioners authorized the Town Manager to extend an offer of employment to the relative of an existing town employee.

There being no further business, Mayor Goosmann adjourned the meeting at 6:00 p.m.

The next Board of Commissioners meeting was scheduled for Tuesday, March 12, 2019 at 4:30 p.m.

ATTEST:

Jonathan B. Kanipe
Town Manager

George F. Goosmann, III
Mayor

UNAPPROVED



Biltmore Forest Public Works Department

Terry Crouch
Director Of Public Works
355 Vanderbilt Road
Biltmore Forest NC, 28803

Phone: 274-3919
Fax: 274-3921
Mobile: 777-4466
Email: tcrouch@biltmoreforest.org

PUBLIC WORKS MONTHLY REPORT **FEBRUARY 13, 2019 TO MARCH 12, 2019**

- Completed all of the normal routine services to the residents on schedule, garbage collection, recycling and brush removal.
- Dug out and removed the mud at the radius at the intersection of Stuyvesant and the Parkway road with road bond due to all of the traffic running through it.
- We have collected a total of 23 loads of brush for the residents and transported them to Asheville Stump and Dump.
- Removed the remaining leaves and debris from the park on Vanderbilt, Greenwood and the pond on Hemlock.
- We cleaned up and hauled off all of the debris from the snow storm we had in December below the bridge over I-40 on Vanderbilt road to the red light.
- Completed 61 special requests from the residents, extra garbage collection, meter rereads, house no. signs, recycling request, etc and completed 45 utility locate request.
- Completed the 2 monthly bacteriological water samples for February 2019 and both were in compliance with the state.
- Completed repairs to the sunken area at 1 Stuyvesant and repaired the gas tap hole at 388 Vanderbilt road.

- Completed repairs to several pieces of equipment.
- We collected a total of 29.41 tons of garbage and 15.79 tons of recycling for the month of February.
- Repaired the sink hole on the road shoulder at no. 6 Frith due to a broke sewer line.
- Repaired and reinstalled the streellight at Busbee and Buena Vista intersection that came down during the snow storm that we had back in December.
- We have limed the park on Vanderbilt road and we are also going to aerate the park and do some repairs to the perimeter around the playground equipment.
- We repaired the hole in the bank at the pond on the Brooklawn Chase side near the culvert headwall.
- Austin Tucker and Charles Tesner attended a pesticide class to maintain their commercial pesticide license.
- A total of 524 hours were spent maintaining the Towns roads and road shoulders.
- 67 hours were spent maintaining the Town's parks and pond.
- Charles inspected 18 trees for the residents.
- Repaired 2 streetlights (general repairs).
- We are continuing to repair road shoulder ruts and road shoulders all over the Town due to vehicles.
- Spent several hours blowing off the road shoulders with the tractor mounted blowers.
- We are still collecting litter on the road shoulders on Hendersonville road from Cedarcliff road to Busbee road weekly.
- Cut up and removed 2 trees that had fallen across the roadway.
- We installed pine needles at the island at Busbee and Cedarcliff and at the end of Forest road.

- Completed the repairs to the concrete curbing at the island on Holly Hill that was damaged in the snow in December.

Sincerely

A handwritten signature in black ink that reads "TERRY CROUCH". The signature is written in a cursive style with capital letters.

Terry Crouch
Director of Public Works

BILTMORE FOREST POLICE DEPARTMENT

Department Head Report

March 12th, 2019 Board of Commissioners Meeting

Chris Beddingfield, Police Chief

Police Dept. Monthly Report 02/01/19 to 02/28/19

Calls for Service:484

Officers responded to the following calls for service.

Accident - 2	Accident - PI -0
Alarm - 22	Animal Carcass - 0
Assist EOC - 10	Assist Motorist - 9
Assist Other Agency -7	Assist Resident - 9
Bear Report – 0	Business Check - 86
Busy -15	Crime Prev. - 29
Chase-0	Direct Traffic -2
Distressed Animal -0	Disturbance - 0
Dog Complaint - 12	Escort - 1
Fire – 4	Fight-0
Hit and Run - 0	House Check - 57
Improper Parking –1	Incomplete 911- 3
Investigation –7	Intoxicated Driver-2
Mental Patient - 0	Missing Person - 0
Noise Disturbance – 4	Ordinance Violation - 5
Out of Service - 0	Out of Town - 3
Person Down – 0	Power Outage -1
Radar Operation – 7	Road Blocked -9
Service of Car - 6	Sign Ord Violation -2

Special Assignment –3	Special Check -11
Speed/Reckless Driving-2	Suspicious Person -11
Suspicious Vehicle - 24	Vandalism - 0
Vehicle Stop – 39	Well-being Check - 3

Total Number of Calls: 484

Arrests: 1

0-Felony

2 Misdemeanor-Both for DWI, one had child abuse charges as well for a child in the vehicle

Time Consumption Summary:

Approximations

Business Checks-43 hours

House Checks-1 hour

Radar Operation-4 hours

Vehicle Crash Invest.-1 hour

Notable Calls and Projects:

Multiple dog complaints for the month including several dog bite cases

Worked very short staffed for the month of February. Technically, three positions short - One retirement, one resignation, and one personnel related. This did not include several sicknesses that occurred as well. Two of the open positions are now filled with those employees starting the first week of March. We are in process of filling the third.

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Town Manager Report

Date: March 12, 2019

Board of Adjustments Meeting

The Board of Adjustments met in January and approved several projects. The first was the construction of a replacement fence (specifically, a deer fence) at 7 Frith Drive around the side and rear of the property. This property abuts the Blue Ridge Parkway and a deer fence is permitted in this location. A new residence was approved for construction at 22 Cedarcliff Road, with a variance granted allowing the extended use of the existing driveway in a setback. A conditional use request was approved for the construction of a tennis court and swimming pool in the rear yard at 31 Hilltop Road. A variance was granted based upon safety concerns for a new residence to be located at the corner of Southwood and Stuyvesant Roads. The property owner requested the variance for the front of the property to face on Southwood Road instead of Stuyvesant Road. The Town's ordinance requires the front to be the side with the longest road frontage. In this instance, the Stuyvesant Road side was approximately 34 feet longer than the Southwood Road side. The Board approved the variance request, allowing the home to face Southwood Road, largely for safety reasons and to curtail greater disturbance to the site during construction.

Hazard Tree Removal and Notices to Residents

Town staff has begun further identifying properties with hazard trees (affecting the public road) and will begin sending those letters in the next few weeks. The Town has already removed one hazardous tree identified by Mr. Rhea's assessment. This specific tree was located in Greenwood Park. The remaining trees identified in the report are likely to be removed by the end of the month, and the Town has identified additional trees located throughout the Town that need to be removed. As mentioned last month, we hope to perform this work routinely from this point forward.

Animal Control Ordinance Amendments

The Town Attorney and staff are still working to provide amendments for the Board's review. We hope to have these for you at the April meeting.

Boxwood Blight Seminar

The boxwood blight seminar, hosted by the Town and featuring the NC Cooperative Extension Service, is scheduled to be held on Monday, March 11th from 6-7:30 p.m. Staff will provide a more thorough update on this seminar at the meeting.

Biltmore Forest Community Preservation Committee

As mentioned last month, the BFCPC is working to establish a new, annual event centered on Arbor Day. The committee is meeting on Monday, March 11th to discuss the event and staff will have a broader update at the regular meeting.

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners
From: Jonathan Kanipe, Town Manager
Re: Consideration of Agreement with J.M. Teague Engineering
Date: March 12, 2019

Background

During the February meeting, the Board authorized staff to find an engineering firm to design the signage, spacing, and location for new traffic modifications along Vanderbilt Road. These modifications include the reduction in speed limit north of the last residence along Vanderbilt Road and the creation of an all way stop intersection at the intersection of Cedarcliff and Vanderbilt Roads. The Board's direction to hire an outside engineering firm ensures all regulatory requirements, including posting temporary signage alerting residents and motorists to upcoming changes in the traffic pattern, will be met.

Proposal from J.M. Teague Engineering

The Town inquired received a proposal from, J.M. Teague Engineering (JMTE) for this project. J.M. Teague is a transportation focused firm and has the knowledge, skills, and abilities to implement this project for the Town. The requested completion date was for this project to be completed by June 1, 2019; however, this is certainly flexible depending upon the Board's wishes and recommendations by the engineers.

The proposal from JMTE is attached with a cost of \$2,800.00 for this work. Staff recommends the Town approve this proposal with J.M. Teague Engineering.



525 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797
www.jmteagueengineering.com

March 4, 2019

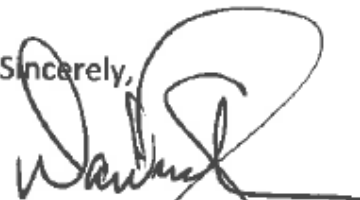
Mr. Jonathan Kanipe
Town Manager
Town of Biltmore Forest
355 Vanderbilt Road
Asheville, NC 28803

RE: Proposal & Scope of Services: Traffic Control Implementation for Vanderbilt Road

Dear Jonathan,

As requested, J.M. Teague Engineering and Planning is pleased to provide the enclosed Scope of Services and fee estimate regarding the potential installation of an all way stop control (AWSC) at the intersection of Vanderbilt Road @ Cedarcliff Road. JMTE has also been asked to further examine Vanderbilt Road from the I-40 bridge to the residential section of BILTMORE FOREST to determine a recommended speed limit reduction and to oversee the installation of the new speed limit. JMTE's proposal also includes oversight of the installation, including advance public notification, advance warning traffic control devices, AWSC installation, speed limit installation, and removal of advance warning traffic control devices.

We appreciate the opportunity to expand our already strong working relationship with the Town of Biltmore Forest on this project. Please feel free to contact Kenny Armstrong at 828.456.8383 should you have any questions regarding our proposal.

Sincerely,

David B. Gildersleeve
Business Developer/Planner



525 North Main Street
Waynesville, NC 28786
(P) 828.456.8383
(F) 828.456.8797
www.jmteagueengineering.com

PROPOSAL & SCOPE OF SERVICES:
TRAFFIC CONTROL IMPLEMENTATION
FOR
VANDERBILT ROAD
Town of Biltmore Forest, North Carolina

Prepared For:

Jonathan Kanipe
Town Manager
Town of Biltmore Forest
355 Vanderbilt Rd
Asheville, NC 28803

Prepared By:

J.M. Teague Engineering & Planning
525 North Main Street
Waynesville, NC 28786

March 2019

WAYN 0910

PROJECT BACKGROUND AND UNDERSTANDING:

J.M. Teague Engineering and Planning (JMTE) understands that BILTMORE FOREST desires to install an all way stop control (AWSC) at the intersection of Vanderbilt Road @ Cedarcliff Road. JMTE has also been asked to further examine Vanderbilt Road from the I-40 bridge to the residential section of BILTMORE FOREST to determine a recommended speed limit reduction and to oversee the installation of the new speed limit.

As part of these new traffic control patterns, BILTMORE FOREST has asked JMTE to oversee all aspects of the installation, including advance public notification, advance warning traffic control devices, AWSC installation, speed limit installation, and removal of advance warning traffic control devices.

PROJECT AREA:

The project limits and scope include Vanderbilt Road from Interstate 40 to Cedarcliff Road and all approaches to the intersection of Vanderbilt Road @ Cedarcliff Road.

SCOPE OF WORK:

JMTE will manage, supervise, and provide general oversight on the design and installation of an AWSC at the intersection of Vanderbilt Road @ Cedarcliff Road. This will include advance warning signs advising drivers on all approaches of the upcoming traffic pattern change. The advance warning design and procedure may involve the temporary installation of a portable CMS, if available and determined necessary after further investigation. The scope includes oversight of the stop sign installation, including site inspections during each phase of implementation, potential duplication signs or oversized signs, and oversight of the removal of advance warning devices or supplemental devices for a period of time after the AWSC installation.

JMTE will also manage, supervise, and provide general oversight on the investigation, design, and installation of a tiered reduced speed limit along Vanderbilt Road from the I-40 bridge into the residential area of Biltmore Forest. This is based on recent Town leaders' desire to reduce the posted speed limit from 35 to 25 once drivers reach the residential area of Vanderbilt Road. The scope includes oversight of the speed limit sign installation including site inspection during each phase of implementation, potential duplication signs or oversized signs, and oversight with the removal of advance warning devices or supplemental devices through a period of time after the speed limit installation.

BILTMORE FOREST will provide all signs, sign supports, and labor needed for sign installation, including temporary signs needed for advance public warning. Although JMTE will recommend and mark locations for signs associated with these improvements, the Town will be responsible for locating all underground utilities prior to installation of signs and will notify JMTE if minor sign location adjustments need to be made due to utility or other conflicts. If adjustments need to be made, JMTE will determine appropriate alternate locations based on the Town's input and conflict discovery. In addition to JMTE research, the Town agrees to also provide JMTE any recorded right of way information through the project limits if available through the Town's records.

PROJECT DELIVERY:

The target date for the AWSC installation and the speed limit change will be somewhere near the first of June 2019 to capture any seasonal residents of BILTMORE FOREST who may be returning for the summer.

FEE STRUCTURE:

- Professional fees for the above stated work are estimated to be **\$2,800.**

If the Town of Biltmore Forest changes the project scope or its parameters anytime during the project, additional fees may be required. The client will be provided with a quote of anticipated fee changes prior to any additional work.

Invoices will be submitted on a regular basis, usually monthly, by the Engineer to the Client for services performed and expenses incurred the previous month. If the final product has not yet been delivered upon the invoicing date, the invoice will reflect a percent complete, tasks complete, hours worked so far, or similar denotation. A final invoice will accompany the final product delivery and will be denoted as such. Payment of each invoice will be due within 30 days of receipt. Interest at the rate of 1.5% monthly will be added to accounts not paid within 30 days. If the Client fails to make any payment due the Engineer for services and expenses within 45 days after the Engineer's transmittal of its invoice, the Engineer may suspend services until all amounts are paid in full.

If this proposal is acceptable, please return an initialed copy and a contract will be prepared for execution. Project work efforts will begin on the executed contract date. In the event that work needs to begin prior to the contract execution, a written notice to proceed will suffice as an interim agreement until a contract can be formally executed.

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131
www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Planning Commission Meeting Report – Accessory Structures

Date: March 5, 2019

Background

The Board of Commissioners has reviewed information regarding fences and driveway gates for quite some time. During the February meeting, the Board requested that a draft ordinance developed by Town staff be reviewed for comment and feedback by the Town's Planning Commission. The Board's intention was to receive feedback from the Planning Commission prior to considering whether to schedule a public hearing on this matter.

Planning Commission Meeting

The Planning Commission met Wednesday, March 6th at 4:00 p.m. to discuss potential changes included in the revised accessory structure ordinance for fences and driveway gates. The Planning Commission heard significant concern from citizens regarding the last draft of potential changes to the accessory structure ordinance.

Fences

Much discussion focused on neighbor notification regarding the construction of a fence. As currently construed, the last ordinance draft does not include neighbor notification or consideration since the fence decision would be administrative in nature and would no longer be under the Board of Adjustment's purview. There was additional concern over the use of the word *may* in regards to buffering from neighbors, with many feeling this was too vague. Concerns were raised over the materials and standards for fences, including height requirements, with staff noting that this was the current language in the ordinance.

Driveway Gates

Citizens raised concerns that the ordinance did not adequately account for circular drives, or driveways with more than one entrance, as the terminology *driveway gate* (singular) was used.

There was a desire from those present to see a height limitation for columns, in addition to gates. Staff noted that there was currently no height requirement for columns in the ordinance.

Repair/Replacement of Fences

Those present had concerns over the existing allowance for fence repair and replacement. The draft ordinance provided to the Board last month, and from last year, does not change any of the existing requirements related to replacement or repair. However, concerns raised by citizens at the meeting related to the repair or replacement of non-conforming fences.

Planning Commission Feedback

The Planning Commission was not prepared to offer a formal recommendation or consideration of the ordinance at this time. They indicated a preference to discuss this in greater depth after hearing from the citizens. This meeting is currently being scheduled. Staff will provide any feedback from the Board of Commissioners to the Planning Commission at this next meeting.

Planning Commission member Toya Hauf expressed an opposition to fences in Biltmore Forest, generally, and expressed opposition to making fence construction easier through an administrative review, specifically. Ms. Hauf mentioned the idea of a moratorium on fence, driveway gate, and wall requests to allow the Town time to review and consider potential changes. Moratoriums related to fences were previously discussed by the Board in January 2017. As a reminder, any moratorium 60 days or under requires the Town to hold one public hearing and publish notice of the hearing not less than 7 days prior in the newspaper. If we wanted a moratorium of 61 days or greater, we would have to hold hearings subject to NCGS 160A-364.

Action Requested

The Board asked to receive the Planning Commission's feedback prior to scheduling a public hearing regarding potential changes to the ordinance. Based upon the feedback gathered, and the Planning Commission's desire to consider the feedback from citizens before making a formal recommendation, it is recommended to wait on scheduling a public hearing for this ordinance amendment.

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Greenwood Park Grant Application Update and Public Meeting

Date: March 12, 2019

Background

The Board of Commissioners approved an agreement between the Town and WithersRavenel during last month's meeting for grant application assistance related to a Parks and Recreation Trust Fund (PARTF) grant. This agreement allows WithersRavenel staff to prepare the grant application and work on the Town's behalf communicating with North Carolina parks staff.

Update

WithersRavenel staff has worked diligently to prepare the Town's application. A public meeting is scheduled for Tuesday, March 12, 2019 from 6-8pm to gather community input on the proposed Greenwood Park master plan. WithersRavenel and the Town are conducting citizen surveys to gather feedback regarding what citizens want to see in their parks.

WithersRavenel staff have recommended removing the stream restoration portion of the master plan from the grant application. This does not mean this portion of the project will not be completed. Rather, additional funding is being sought for this portion of the project and staff, along with WithersRavenel staff, are meeting with Division of Water Resources officials to discuss these possibilities. The Town intends to submit the grant informally for review by April 1, and the final grant will be submitted by the deadline on May 1.



COMMUNITY MEETING

PARKS and RECREATION TRUST FUND GRANT APPLICATION for **GREENWOOD PARK**

*Ask Questions and Provide Comments on the
Project and the PARTF Grant Process!*

Tuesday, March 12
6pm-8pm (drop-in)

Biltmore Forest Town Hall
355 Vanderbilt Rd.
Asheville, NC 28803

For more information,
please contact:

Check Us Out:

<https://www.biltmoreforest.org>

Jonathan Kanipe
Town Manager
jkanipe@biltmoreforest.org

828-274-0824

355 Vanderbilt Rd | Biltmore Forest, NC
Po Box 5352 | Biltmore Forest, NC 28803
P (828) 274-0824 | F (828) 274-8131

www.biltmoreforest.org



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

Jonathan B. Kanipe,
Town Manager

MEMORANDUM

To: Mayor and Board of Commissioners

From: Jonathan Kanipe, Town Manager

Re: Discussion of Changes to the Accessory Structure Ordinance

Date: March 12, 2019

Background

The Board approved a contract with Beverly-Grant, Inc. as the construction manager at risk for this project in September 2018. The project began in late October 2018 with an estimated completion timeline of July 2019.

Update

The Public Works building construction project has reached several milestones over the past month. Certainly, the most noticeable changes are the concrete block and trusses used to reconstruct the southern end of the building. The contractor lost several days over the course of the last month due to rain or weather issues, but believes these days can be made up once the full project is under roof.

Shingles from the remaining portion of the building will come off sometime within the next two weeks and the bulk of the roofing projects beginning now. The water proofing around the northern end of the building is still in process and being completed.

Staff from Beverly-Grant, and specifically the project supervisor Jeff Catlin, have done a good job keeping the site under control during the construction project. The site is clearly incredibly tight and parking has been a challenge, but Mr. Catlin has done a great job being responsive to the Town's needs during meetings, heavily attended events, and doing his best to keep mud from the site from breaching the parking lot. The Town is appreciative of his efforts in this regard.