

MINUTES OF THE MEETING OF THE MAYOR AND TOWN COMMISSIONERS OF
BILTMORE FOREST HELD OCTOBER 13, 2015.

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, not present
Commissioner E. Glenn Kelly, present
Commissioner Doris P. Loomis, present

Mr. Jonathan Kanipe, the Town Administrator and Mr. William 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 Loomis to approve the minutes of the September 8, 2015 meeting. The motion was seconded by Commissioner Kelly and unanimously approved.

Mayor Goosmann called on Chief Dennis Presley of the Skyland Fire Department. Chief Presley said it was a normal month and thanked the Town for allowing them to purchase the used Dodge Charger from the Police Department. Chief Presley said they will assist the Town for Halloween.

Mayor Goosmann asked for Chief Tinsley's monthly report. There was low crime and low activity for the month. The bear population is increasing this time of year.

Commissioner Loomis asked about the 27 dog complaints on the monthly police report. Chief Tinsley said it sounds like a high number but it is most likely a misprint. Chief Tinsley said he believed the number should have been 7 dog complaints. Mayor Goosmann asked about the 23

“unable to locate suspect” calls. Chief Tinsley said that is probably a mistake and each dispatcher may perceive a service call differently. Chief Tinsley said he will look into this matter and find out details.

The meeting went into closed session at 4:38 p.m.

Commissioner Kelly made a motion to go into open session at 4:57 p.m. Commissioner Loomis seconded the motion. All were in favor and the meeting went into open session.

Mr. Kanipe spoke regarding the proposed easement to AT&T along Valley Springs Road. AT&T offered \$3,600.00, which is approximately \$2.00 per linear foot. The AT&T representative rounded up and figured the easement would require approximately 1,800 feet. Mr. Kanipe relayed that this was brought to the Town’s attention by Biltmore Farms and AT&T had not discussed this issue with the Town previously. As such, Mr. Kanipe told the AT&T representative that the Town was not prepared to make a decision at this time. Mr. Kanipe indicated that he would go back to the AT&T representative and ask for more clarification and rationale regarding the payment and speak with the Town engineer to arrive at a going rate. Mr. Clarke said we need to see a final survey at some point, and noted that this line was intended for the new Deerfield project.

Mayor Goosmann brought up the sign approval for the Beautification Committee. They have asked for permission to post signs so they can have a speaker series lecture. Mr. Rusty Rhea will be speaking on tree health and the committee wants to put out four signs. Commissioner Kelly moved to approve the four signs for the Beautification Committee. Commissioner Loomis seconded the motion and it was unanimously approved.

Mr. Clarke brought up the issue of the solar panels at 26 Stuyvesant Road. Senate Bill 25 essentially says that towns cannot regulate building design elements. Mr. Clarke believes the Town ordinance regards solar panels on the roof as a building design element. Mr. Clarke noted that the Board of Adjustments was very concerned about the matter when Dr. Crosby came to the Board of Adjustment meeting. Dr. Crosby withdrew his application at that time. Mr. Clarke said several members of the Board of Adjustment did not agree with his interpretation of the Town’s ordinance

regarding solar panels as design elements. Mr. Clarke added that the state building code does not speak to solar panels in regards to design. Mr. Clarke informed the Board that his firm discovered a North Carolina General Statute that specifically disallows towns from prohibiting the installation of a solar collector. Towns are allowed to have an ordinance that prohibits the location of solar collectors visible by the person on the ground, and can prohibit them on the side of a structure that faces areas common to public access, or on a roof surface that slopes downward toward the same area open to common or public access. The current Town Ordinance does not read that way. Mr. Clarke noted that the Biltmore Forest Country Club golf course is certainly a common area, but he does not think it is a public access area.

Mayor Goosmann began discussion of the proposed budget amendment for a grant received by the Police Department. Chief Tinsley reviewed the grant award, and noted that it was changed from its original purpose of a wall penetrating radar to in-car video cameras. Chief Tinsley indicated this was a 100 percent funded grant.

A motion was made by Commissioner Kelly for the FY2015-2016 budget amendment be approved in recognition of the grant for the in-car video cameras. Commissioner Loomis seconded the motion and the item was unanimously approved.

Mayor Goosmann asked Chief Tinsley how the camera at Busbee and Vanderbilt is working. Chief Tinsley said it is working very well.

Commissioner Kelly asked for larger and brighter flashing lights before approaching the signs at the crosswalk along Stuyvesant Road. The lights are great for night use but in the early morning or late afternoon, there should be something larger and brighter flashing. Mr. Crouch looked into this matter but there are not many options when electricity is not available at the site. It is difficult to get anything brighter which is battery or solar operated. A strobe light was also discussed, and Mr. Crouch agreed to investigate a battery operated strobe light.

Commissioner Kelly asked Chief Tinsley whether it would be possible to find out if one of the Town's old fire trucks, which was sold to a smaller volunteer fire department, was still in service and if so to place the old fire truck at the Biltmore station as a memento.

Mayor Goosmann thanked Chief Tinsley for all the officers did for the Town of Biltmore Forest.

Mayor Goosmann asked Mr. Crouch if Public Works picked up the leaves yet. Mr. Crouch said not yet and that leaf pick up would begin in November.

Mayor Goosmann asked Mr. Crouch if he believed the Metropolitan Sewerage District (MSD) taking over the Asheville water system would impact the Town. Mr. Crouch said he did not believe it would impact the Town.

Mr. Crouch asked if anyone noticed the big tree that fell down near 394 Vanderbilt Road. Mr. Crouch said it caused some power outages but this was restored within a few hours.

Mayor Goosmann asked Mr. Kanipe for his report and an update on the recycling program. Mr. Kanipe said we are waiting on the sanitation truck. Mr. Kanipe indicated that he and Mr. Crouch had discussed the shipment of the containers. Mr. Kanipe believes there will be enough time once we actually get the truck in to get those purchased and distributed. Mr. Kanipe indicated the truck should be delivered around December 1st. Mr. Crouch said we will deliver the recycling carts a little bit at a time because we do not have the room to store 650 carts here at the Town. Commissioner Kelly said we need to let residents know in advance that this will happen.

Mr. Kanipe also mentioned the new Town website. We are hoping to go live with it next week. Mayor Goosmann said the new website really looks nice and was very pleased with the appearance. Mr. Kanipe said this new website is such a vast improvement from what we had. Mr. Kanipe said that Mrs. Helen Stephens has worked hard at getting forms set up on the website and it is really coming together. A lot of the zoning information is up there too which will really help people when filling out forms.

Mr. Kanipe reviewed the virtual office/IT project and noted that we are about halfway done. Mr. Kanipe and Lieutenant Robin Davenport from the Police Department have been working with VC3 to perform this work. Mr. Kanipe hopes the Town is fully online before the start of the new year. Mr. Kanipe mentioned the recodification project with American Legal Publishing and hoped to have more information on that the following month.

At the conclusion of his report, Mr. Kanipe returned to agenda item number two and asked the Board for a motion on payments to The Ramble Community Association in conjunction with a previously approved agreement. Commissioner Loomis made a motion to pay them what we owe based on the cost for the years we have not paid it according to our agreement. Commissioner Kelly seconded that motion and it was unanimously approved.

Mr. Kanipe also mentioned that the Town Beautification Committee wants to put some decorative plants and grass on the island at the end of Cedarcliff and Busbee near the gate to the Biltmore Estate. The committee would like to use some existing rock there and locate the pink decorative grass in the island. Mr. Kanipe just wanted to make sure there were no objections to this, and there were none.

Mayor Goosmann adjourned the meeting at 5:34 pm. The next Board of Commissioners meeting is scheduled for Tuesday, November 10 13th at 4:30 pm.

ATTEST:

Jonathan B. Kanipe
Town Administrator

George F. Goosmann, III
Mayor