

MINUTES OF THE MEETING OF THE MAYOR AND TOWN COMMISSIONERS OF
BILTMORE FOREST HELD TUESDAY, JULY 14, 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, 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.

Mayor Goosmann brought forth a typographical error from the June 9, 2015 meeting on page nine in the second paragraph. Error was noted and corrected. Motion was made by Commissioner Cogburn to approve the minutes of the June 9, 2015 meeting. The motion was seconded by Commissioner Kelly and unanimously approved.

Mayor Goosmann called on Chief Dennis Pressley. Chief Pressley stated it was a normal month, and thanked the Town for a great working relationship. Chief Pressley said that the Department enjoyed the 4th of July celebration. Chief Pressley also discussed the state Senate's sales tax proposal, and noted at their last countywide chiefs meeting, several had not read the bill. Chief Pressley indicated that there was supposed to be provisions to protect emergency services, but they had not seen it as of yet. Mayor Goosmann thanked Chief Pressley and the Department for their help and everything they do.

Mayor Goosmann inquired about the newly installed electricity at the park. Mr. Terry Crouch verified this installation by M.B. Haynes. Mayor Goosmann stated someone had asked about it and he wanted to verify this.

Mayor Goosmann called on Chief Tinsley. Chief Tinsley said it was a fairly quiet month. There was a larceny of a landscape trailer. Officers gave quite a few warnings to bicyclists.

Mayor Goosmann inquired about the crosswalk on Stuyvesant Road. Chief Tinsley said he had a resident tell him there was a dip in the bump when she was driving a golf cart over it. Chief Tinsley said they would look into it. Chief Tinsley asked how much the price estimate was to cut the crosswalk down, and Mr. Kanipe stated it was approximately \$5,000-\$6,000 dollars to go down 1-1.5 inches. Chief Tinsley said the southbound lane seems more aggressive when people drive over it. Mr. Kanipe noted that several Country Club employees had thanked the Town for the crosswalk, as they now feel much safer when crossing Stuyvesant Road.

Commissioner Kelly asked about the license plate reading cameras. Chief Tinsley said they are working great.

Chief Tinsley informed the Board that the Police Department took a subject to jail for littering beer cans throughout the Town. This subject was a 52 year old female nurse at MAHEC, and they believed she was drinking beer every day and throwing beer cans throughout Biltmore Forest. Officers finally caught her and she was arrested. Chief Tinsley also spoke to her Supervisor at MAHEC.

Commissioner Kelly asked about the status of the body cameras and how they are working. Chief Tinsley said they could be working better. Commissioner Kelly said he recalled that the Legislature passed a bill that police departments would be reimbursed \$1 for every \$2 spent to get body cameras, and wondered whether this would also apply retroactively. Com-

missioner Kelly indicated this would be worth looking into, and Chief Tinsley replied that he would have Lt. Davenport look into this. Chief Tinsley also noted the Department is currently working on getting better cameras for the vehicles.

Mayor Goosmann called on Mr. Terry Crouch to cover his monthly report. Mr. Crouch said it was an average month. Charles Tesner is our new employee at Public Works. Mr. Crouch updated the Board on the status of the new garbage truck, which was officially ordered earlier in the month and will take about 90 days to get here.

Mayor Goosmann asked about all the spray paint on the street on Brookside. Mr. Crouch indicated that this was marking associated with repaving this street, and informed the Board that the pavers hoped to be here this week, but it depended on weather.

Mayor Goosmann asked Mr. Kanipe to discuss the VC3 contract. Mr. Kanipe briefed the Board on the Virtual Office Advantage (VOA) system and gave a brief overview of how the Town's new information technology systems would work. Mr. Kanipe noted that this was discussed in the budget process, and that funds for this project were allocated within the current year budget. In addition to providing the Town Hall, Police Department, and Public Works with IT support and new infrastructure, this program would allow us to have all of our data and files backed up remotely into two different places. Mr. Kanipe noted that currently the Town has a computer back up on-site, but that is about it. This will allow us to be much more up to date as far as technology goes. Mr. Kanipe noted that the Town has already seen good work and help from VC3 when Laura's computer went down and they got her back online.

Commissioner Loomis made the motion for the VC3 contract. Commissioner Cogburn seconded the motion. All were in favor and the contract for VC3 was unanimously approved.

Mayor Goosmann spoke of the BB&T agreement which was the second item. Mr. Kanipe welcomed any questions or feedback, and noted that Mr. Clarke advised having the Board for-

mally approve the financing agreement. This finance agreement that would allow us to receive \$120,000 from BB&T for the new garbage truck as well as retrofitting the older truck for recycling.

Mayor Goosmann asked if there were any questions regarding the BB&T agreement. Commissioner Kelly made the motion for the BB&T agreement. Commissioner Cogburn seconded the motion. All were in favor and the BB&T agreement was unanimously approved.

Mr. Kanipe discussed the budget reallocation for the conclusion of FY14-15. Commissioner Cogburn made the motion to approve the transfer of funds closing out the 14-15 FY. Commissioner Kelly seconded the motion and was unanimously approved.

Mr. Kanipe then addressed the Planning Commission's most recent discussion regarding short term rentals. Their initial thought was to recommend a minimum time period of ninety (90) days. Mayor Goosmann said his initial thought was that a sixty (60) day minimum may be better.

Commissioner Kelly suggested sticking with 90 days but that the renting party does not have to actually let it be occupied for 90 days. They can stay less than 90 but this would reduce the amount of rentals per year. If someone wants to rent it for two months, you do a three month lease. Commissioner Kelly suggested they could only paid for two months and stay two months and reduce the rent accordingly. It looks stronger to him than saying you could do it every 60 days.

Mr. Clarke said the Planning Committee liked the 90 day approach. Commissioner Cogburn brought up the number of rentals one could have in a year, and asked that it be limited to two (2) times per year. Mr. Clarke said this was included as a note to the permitted use table. Mayor Goosmann said there are some homes that are rented for more than 90 days. Mr.

Clarke said that by having this enforced, it prevents short term rentals for less than 90 days and also prevents home stays.

Commissioner Loomis asked a question about renting a home more than once per year. Commissioner Cogburn said she preferred limiting the number of times to rent to two per year. Commissioner Kelly agreed with two rentals per year.

Mr. Clarke said that if the Board was agreeable with these modifications, he and Mr. Kanipe would take this information back to the Planning Committee who will make their final recommendation to the Board. Mr. Clarke also noted a few changes including the home stay at the beginning of the second page, and recommended an amendment in the permitted use table to state that only two rentals of a dwelling unit or accessory structure within a calendar year were allowed.

Commissioner Loomis brought up the issue of visible side and rear lots, and said she would like to see similar restrictions for these specific lots as a front yard does. Mr. Clarke said it can be done, and reminded the Board of the current provisions regarding front yard structures. Mr. Clarke noted that structures in the side and rear yard lot are allowed as a Conditional Use and must receive Board of Adjustments approval. Commissioner Loomis said that on certain lots there is no difference between the front and side yard, and no difference in visibility. Commissioner Loomis felt it unfair to people who want to put things in their front yard but cannot, only to have a loophole where a structure is allowed in a fully exposed side yard.

Mr. Clarke said this would involve working on the definition of side yard and front yard, and Mr. Kanipe advised it would be best to provide some flexibility to the Board of Adjustments for these specific cases. Commissioner Loomis noted the rationale that you do not want something visible or intrusive to people, and that the Town needs to be consistent. Mr. Clarke agreed, and asked Commissioner Loomis if there were additional lots of concern. Commissioner

Loomis indicated that any areas where side lots, that were actually facing on the front of a street, would be troublesome.

Mayor Goosmann had a question about mailboxes and received a complaint about a pink mailbox on Hilltop. Mr. Clarke said he did not think the ordinance addressed mailboxes or colors.

Mr. Clarke asked to take the Planning Committee the things we talked about with home stays and short term rentals. All agreed. Mr. Clarke said we will work on this issue with the yard visibility and return with an update.

Mr. Kanipe began discussing his monthly report with an update on the Tree Protection Ordinance. He had worked with Rusty Rhea to define more scientifically and objectively the basal area of a lot and whether trees should be planted back or if a lot was dense enough. Mr. Rhea had shown Mr. Kanipe the techniques for measuring this basal area, and mentioned that he and Mr. Clarke had worked on other language for the ordinance. The tree report was also included for the past six months. Mr. Kanipe informed the Board that there was no Board of Adjustments and Design Review Board meeting in June. The Board of Adjustments met yesterday (July 13th) and talked about a new house at the end of Hemlock. This case was tabled until the applicant could redraw their plan and come into more conformity with the Ordinance.

In terms of the website, VC3 is moving forward quickly with the design. The site map is almost finished at this point, and we are shooting for a September rollout. Mr. Kanipe relayed an email he received from the NC League of Municipalities that afternoon about the Legislature's budget writing conference committee, and informed the Board that the House appointed 82 members to their side of the conference committee. The Senate has not released their members yet. Mr. Kanipe mentioned several bills that he and Mr. Clarke were watching, including a large Senate omnibus environmental regulations bill. There is a lot of information that could impact the Town, such as limiting the materials used in water/sewer pipes to the cheapest option in bids.

Mr. Kanipe spoke briefly about the approved changes to zoning and design aesthetics, and was not sure yet what final impact that would have. Mayor Goosmann indicated that most areas in Town, with the exception of Stuyvesant Crescent and the new section, are historical. Mr. Kanipe said he would ask for assistance from the State on that identification.

Mayor Goosmann relayed a question from a resident who inquired about fast food restaurants. She believed that fast food restaurants could not build on the east side of Hendersonville Road. Mr. Kanipe indicated this was not the case, and he had spoken with the resident as well. No information could be found relating to this matter. Commissioner Kelly confirmed this and the Department of Transportation could not find any files either. Mayor Goosmann said we need to clarify the Ordinance with the historic district.

Mayor Goosmann congratulated Mr. Kanipe for being nominated as the NC Manager's Association as their Program Committee Vice Chair.

Commissioner Kelly asked Mr. Kanipe how much our income exceeded our expenditures last year, other than the water payment. Mr. Kanipe didn't have an exact number at the present time. Commissioner Kelly said it looks like it is around \$100,000. Mr. Kanipe agreed and said we should have that exact number shortly after the auditors finish their work in August. Mayor Goosmann asked if the only debt we have now are paying off the police department renovation and the new garbage truck. Mr. Kanipe said yes.

The next Board of Commissioners meeting is scheduled for Tuesday, August 11, at 4:30pm. Mayor Goosmann adjourned the meeting at 5:39pm.

ATTEST:

Jonathan B. Kanipe
Town Administrator

George F. Goosmann, III
Mayor

