

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

Motion was made by Commissioner Cogburn to approve the minutes of the November 10, 2015 meeting. The motion was seconded by Commissioner Kelly. Mr. Clarke noticed a few typographical errors. There is an extra “n” on page three within the fourth paragraph. Also, on page 5 within the third paragraph it should say “reserved right-of-way.” Mayor Goosmann said the amendments have been noted. All were in favor of approving as amended.

Mayor Goosmann introduced the Honorable Max Cogburn to swear in the Board members for the next four year term. Each member placed their left hand on the Bible and raised their right hand. The Mayor and Commissioners swore the following oath:

“I (names stated), do solemnly swear, that I will support and maintain the Constitution and the laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent there with, and that I will faithfully and impartially discharge the duties of my office

as (Mayor/Commissioner) of the Town of Biltmore Forest, so help me God.” The documents were all signed.

Mayor Goosmann thanked Lieutenant Davenport for her many years of dedicated service and read the Resolution of Appreciation.

“Whereas, Lieutenant Davenport has faithfully completed over 28 years of employment with the Town, serving as the Lieutenant of the department for ten years. Whereas, the Mayor and Town Board of Commissioners recognize the service that Lieutenant Davenport provided as a valuable employee. Whereas, the Mayor and Town Board of Commissioners take this opportunity to express their thanks and gratitude to Lieutenant Davenport for outstanding service. Therefore, the Mayor and Town Board of Commissioners express their appreciation in an outstanding manner in which Lieutenant Davenport performed her duties for dedication in her day-to-day operations of the Town and for exemplary integrity and leadership skills this 8th Day of December, 2015.”

The Mayor thanked Lieutenant Davenport for all she has done. Lieutenant Davenport thanked everyone and said it has been a privilege working here.

Chief Tinsley said that a tradition in law enforcement is when an Officer retires in good standing, they are presented with their handgun. Chief Tinsley presented Lieutenant Davenport with her service weapon. Lieutenant Davenport thanked Chief Tinsley.

Mayor Goosmann said we need to elect the Mayor Pro Tem. Commissioner Loomis motioned to elect Commissioner Cogburn as Mayor Pro Tem. Commissioner Kelly seconded and the motion was unanimously approved.

Mayor Goosmann said we are fortunate to have Skyland Fire Department give us their reports. We are fortunate to have you all with us and thank you for your service. Chief Pressley said it has been wonderful working with the Town the past three years. He reported that it was a normal month. In January, Skyland FD is adding a fire life safety position that will work every day of the week and also handle public relations. We are going to enhance that for all of the folks in our communities. He will also write our monthly report and put out some prevention tips for your

newsletter. Mayor Goosmann thanked the Skyland Fire Department for their service. Assistant Chief Ryan Cole also mentioned Santa Clause will be visiting Biltmore Forest on Christmas Eve morning.

Chief Tinsley said it was a good month. The larceny was solved quite quickly. A bicycle was missing and found in the woods. There were 45 alarms and 10 investigations and 21 suspicious vehicles. In regards to the gunshot note on the report, gunshots usually come from the Biltmore Estate. Mayor Goosmann thanked Chief Tinsley for all the Police Department does. Commissioner Cogburn thanked Chief Tinsley for all of their help with the tree lighting ceremony last Friday.

Mr. Steven Ayres, Assistant Public Works Director, spoke for Mr. Terry Crouch who was absent. Leaf pick up is generally completed before Christmas. Mayor Goosmann asked if the yearly bacterial water samples were completed. Mr. Ayres said we do this test twice a month. We have six different sites we use. Commissioner Cogburn also thanked Public Works Department for all of their hard work with the tree lighting ceremony on Friday. Mayor Goosmann thanked the department for all of their hard work.

Mayor Goosmann asked for a reappointment of Commissioner Kelly to the Metropolitan Sewerage District Board. Commissioner Loomis made a motion to reappoint Commissioner Kelly to the Metropolitan Sewerage District Board. Commissioner Cogburn seconded the motion and it was unanimously approved.

Mr. Doug Bailey asked for a reappointment of Doug Bailey to the Planning Commission for a three year term. A motion was made by Commissioner Cogburn to reappoint Mr. Doug Bailey. Commissioner Loomis seconded the motion and was unanimously approved.

Mr. Jonathan Kanipe went over the recodification update. American Legal Publishing has provided us with a draft of the editorial and legal changes that they suggested. Most of the legal changes are where there is a statute that is no longer valid or they found a statute that should apply. Some recommendations are for different word choices or things of that nature. Mr. Kanipe provided the Board with that copy of the legal and editorial review. Mr. Clarke and Mr. Kanipe

have gone through the review and I would say have answered most of the questions. There are a few we need to look at a bit more. Mr. Kanipe provided a list of areas that are vague or may include typographical errors. Mr. Clarke has provided his thoughts on those too. The deadline is February 12th to get some information back to American Legal Publishing on where we are.

Mr. Clarke said most of the things from the Legal and Editorial review we are ok with. This is the Board's opportunity to make some amendments to the Town Code including the Zoning Ordinance. The major zoning issues he suggests reviewing are Accessory Structures and Accessory Buildings. He also recommended a review of fencing materials.

Mr. Clarke believes that, as a result of Senate Bill 25, clarification is needed as it relates to the building design aspects of the Code. Mr. Clarke suggests including language in the revised ordinance that indicates that compliance is voluntary or encouraged. Mr. Clarke would like to coordinate with Mr. Kanipe and provide a draft at the next Board meeting. We could probably submit this to the Planning Committee next month. Mr. Clarke also noted that the Board has adopted and approved the 2013 changes but those are not actually outlined yet in the Ordinance. Mr. Clarke said he was unsure whether the changes were in the new recodification version. Mr. Kanipe said the majority are included.

Mr. Clarke also looked at the issue of solicitation. North Carolina law allows us to prohibit solicitation, and he believed we should stick with this interpretation. North Carolina statutes say you can regulate and prohibit unwanted solicitation so he is comfortable with this. Mr. Clarke also suggests a modification to the Animal Control Ordinance. This will be presented to the Board for review as well.

Commissioner Loomis thanked Mr. Clarke and Mr. Kanipe for working on those changes because they needed updating. Mr. Kanipe said we will come up with a draft for January. Commissioner Kelly asked us how many drafts we would be getting. Mr. Kanipe said he believed twenty drafts and a draft would also be available online as well.

Mr. Kanipe said the Board of Adjustment met in November and said Dr. Crosby's solar project was approved. At the Design Review Board meeting, they had two projects which were approved. The replacement and repair of an existing pergola for Tom & Hillary Lynch at 12 Fairway Place. Also the addition of two cupolas to the roofline at 14 Southwood Road which is an interior remodel for more indoor living space.

Mr. Kanipe and Mr. Clarke are meeting with the Buncombe County Tax office tomorrow afternoon to give them our findings on the strips of land. At this point, it is up to them to determine what they need to do to have it listed properly and who to bill for tax purposes.

The easement for Valley Springs Road with AT&T that you all approved last month subject to the survey was done and the survey was presented last week. The easement was recorded after Billy and I reviewed it for accuracy. They also gave us a check for \$4,000 for that easement which we deposited.

Finally, the solid waste truck is still in Charlotte and being outfitted. We hope to close on that loan with BB&T as soon as possible. The truck has taken about two months longer than expected. Terry and I are still hoping for the first of February to start the recycling program.

The Virtual Office and IT upgrades are moving rapidly now. They are hoping to do some beta testing at the end of this month. The actual infrastructure will be put in next week. Once the testing is finished, it should not be long at all before we are fully operational.

The tree lighting ceremony last week went fantastic. Also, thanks to the Beautification Committee for the Tree Health Lecture last month. It was a great turnout, around 55 people. Many residents have asked for a copy of Rusty Rhea's PowerPoint presentation. As soon as I hear back from him, we will post something on our website.

Commissioner Kelly asked about the Personal Property Tax Collection on the Financial Report for November. Commissioner Kelly asked if this collection rate was normal for this time

of year. Most people pay in December, especially the last week in December. So far we have collected about half.

Mayor Goosmann asked for Public Comment from the audience. Ms. Toya Hauf on Vanderbilt Road had two questions. Ms. Hauf stated her and her husband want to get some work done to their house and asked if they need to go before the Board of Adjustment. Ms. Hauf added they are going to repair their driveway and their roof. Mr. Kanipe asked Ms. Hauf to come by and speak with him about what specifically they will be doing.

Ms. Hauf also said that living at 335 Vanderbilt Road, many people tend to speed in this area and it is very difficult to get out of her driveway. Ms. Hauf noticed the speed limit entrance signs throughout Biltmore Forest are 25 mph except for up to 343 Vanderbilt Road. She asked why there are speed bumps throughout other areas of the Town and why so many people speed on this section of Vanderbilt Road. Mayor Goosmann indicated that an ordinance was passed several years ago to decrease the speed limit to 25 mph near that location on Vanderbilt Road. Commissioner Loomis said she thinks people pick up speed because it is a straightaway, however, Ms. Hauf brought up a great point as it is still difficult for people who live in this area to get out of their driveway. Ms. Hauf stated she would love if the Town would consider reducing the speed because they are still part of the neighborhood and other parts have speed bumps. We get a lot of speeders through our area and we have almost been hit. There are deer, turkeys, and we have dogs as well.

Chief Tinsley said he noticed there are more and more of an increase of commuters driving down Vanderbilt and people speeding. Chief Tinsley said he understood why this was a concern for Ms. Hauf. Chief Tinsley also said they will put a speed trailer in this area to monitor what speed people are driving. Ms. Hauf also suggested to somehow remind people of the speed being 35 mph and not 55 mph. Chief Tinsley said we will crack down on this.

Mayor Goosmann said we will take this matter into consideration.

Mayor Goosmann adjourned the meeting at 5:18 pm. The next Board of Commissioners meeting is scheduled for Tuesday, January 12th at 4:30 pm.

ATTEST:

Jonathan B. Kanipe
Town Administrator

George F. Goosmann, III
Mayor