

MINUTES OF THE MEETING OF THE MAYOR AND TOWN COMMISSIONERS OF
BILTMORE FOREST HELD MARCH 15, 2016.

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. Billy 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 February 9th, 2016 meeting. The motion was seconded by Commissioner Kelly and unanimously approved.

Mayor Goosmann and the Board expressed their sympathies with the passing of Mr. Terry Crouch's father.

Mayor Goosmann asked Chief Dennis Presley from the Skyland Fire Department to present the monthly report. Chief Presley said it was a fairly quiet month. There were a few more calls than usual but basically just routine assistance calls.

Mayor Goosmann thanked Skyland Fire Department for all they do for the Town.

Mayor Goosmann asked Chief Eric Tinsley to present the monthly report for the Police Department. Chief Tinsley said it was a busy month for the Police Department but no major crimes

occurred. Mayor Goosmann asked what “special assignment” meant on the police report. Chief Tinsley said it usually means the Officer conducts radar operation. Mayor Goosmann asked Chief Tinsley what the sign ordinance violation was on the police report and Chief Tinsley said it was a real estate sign that was too close to the road.

Commissioner Kelly asked how the body cameras and dash cameras are working. Chief Tinsley said they are working well. Chief Tinsley said he is working on telling the Officers to keep their cameras on when driving their Police vehicles.

Mayor Goosmann asked Mr. Terry Crouch to present the Public Works monthly report. Mr. Crouch said it was an average month. Mayor Goosmann had a question for Mr. Crouch regarding street number signs. Mayor Goosmann asked if the house number signs had to be ordered from the Town and is it common for residents to buy street number signs from somewhere else. Mr. Kanipe and Mr. Clarke both stated there is a provision in the Ordinance that allows for a house number sign but it does not specify where to buy one. Mayor Goosmann noticed one that did not look uniform on Eastwood Road. Mr. Crouch said he will take a look at the street number sign.

Commissioner Kelly asked Mr. Crouch how the new recycling program is going. Mr. Crouch said we had a few glitches but are doing well on just the fifth day of this program. We have collected 4.8 tons so far. Commissioner Kelly asked how that compares with what is being taken away in the bins outside of Town Hall. Mr. Crouch was unsure and Mr. Kanipe said we had yearly totals for that. Mr. Kanipe believed it to be around 700 tons and said we may be a little bit under that just based on initial consumption. Mr. Crouch said overall the new recycling program is running well. Mayor Goosmann thanked Mr. Crouch.

Mayor Goosmann asked Mr. Jonathan Kanipe for the storm water presentation plan. Mr. Kanipe stated the area around Hemlock Road and Cedar Hill Drive is a big concern. Also, the area around 56 Forest Road has been washed out underneath the road. Those are the two areas to focus on right now. Mr. Kanipe proposed a budget amendment which takes funds allocated already in the budget that will not be used this year. These funds are available as a result of the garbage truck purchase occurring a bit later so this debt service will begin in the next fiscal year. Additionally,

there was equipment purchased in the Streets department's equipment line item which had already been purchased in the Public Works line item so these funds are available. Additional funds for the amendment were pulled from the contingency line item.

The Town and Public Works Department requested quotes from several different contractors. Mr. Crouch and Mr. Kanipe feel confident with Buckeye Construction. They offer a good price and good construction. They also did a segment of the Town's water line replacement, and are also willing to start the project immediately.

Mr. Kanipe said that the agreement with Buckeye Bridge for the construction could be approved after the budget amendment was approved. This Budget Amendment allows us to create a line item within the Powell Bill Fund. It will focus on storm water and drainage repairs. Within the Budget you will see coming up, we will knock out the issue on Greenwood and the Vanderbilt/Lone Pine intersection. I would like to see some funds allocated in there annually for this type of work.

Commissioner Loomis moved for adoption of the Budget Ordinance Amendment creating storm water drainage transferring into that account. Commissioner Cogburn seconded the motion and was unanimously approved.

Commissioner Cogburn moved to have the bid accepted for Buckeye Construction. Commissioner Kelly seconded the motion and was unanimously approved.

As you all know, Gary Davis was here last month and he contacted Robin Kanipe to perform a structural review. Mr. Kanipe is retired from SKA Structural Engineers here in Asheville, but doing some consulting work on the side. He came out and reviewed the Public Works building and the storage building. He also took a look at the Police Department. His report is based on the Public Works building and the storage building. The building is almost 90 years old and is deteriorating rapidly. Mr. Robin Kanipe raised a lot of interesting points on whether it would be feasible to take it down to the walls and rebuild. Also, he raised issues with the cell tower behind it and what happens if we want to take it all down and rebuild on that same sight. Ideally,

we would like to use the space that we have on site and Mr. Jonathan Kanipe asked the Board to allow the creation of an RFQ to solicit information from architectural firms for these buildings. Mr. Kanipe did not know whether keeping the building in the same footprint was feasible. but said it would be a good idea to speak to various architects in further detail. The Board agreed and Mr. Kanipe indicated he would have something to present next month.

Mr. Billy Clarke went over a summary of the discussion of fences with the Board of Adjustment. Commissioner Cogburn and Commissioner Loomis also attended one of the Board of Adjustment meetings. Mr. Kanipe asked Mr. Kenny Armstrong, a former town intern, about the number of fences approved during the Board of Adjustments process. Mr. Armstrong said one-third of Conditional Use Permits applied for were for fences. Mr. Clarke said the current Ordinance does not prohibit fences, and denotes them as an accessory structure. Mr. Clarke listed the current fencing requirements in the Ordinance. Chain link fences are really not supposed to be in the front yard or side yard, they are also discouraged in the rear yard. There is no fencing allowed in the front yard or side/rear yard setbacks without variance approval. The Ordinance does not prohibit fencing. The Board of Adjustments asked for guidance and direction regarding the type and color of fencing. The Board of Adjustments does not like having to decide what color and what kind of fencing is acceptable. Another item pointed out at the meeting was there are a lot of justifications for fencing. As an example, people use dogs as justification for fencing. There was a general agreement that dogs and children are not really a justification for putting up a fence in the front yard. Commissioner Loomis asked if that was just for the front yard or if that is everywhere. Mr. Clarke clarified that it applies everywhere.

Mr. Clarke asked for direction from this Board regarding fencing. We can tweak the existing Ordinance. Another issue the Board of Adjustment talked about was buffering of the fences. They do not think that a fence should be allowed as a result of buffering, but if they do allow a fence, they require buffering.

Mayor Goosmann stated that Commissioner Loomis and Commissioner Cogburn both served as Chairman for the Board of Adjustment in the past. Mayor Goosmann also stated he served on the Board of Adjustment.

Commissioner Loomis stated that she would feel comfortable having us take the language from the Preamble and writing it into the Ordinance. Commissioner Loomis stated she was not confident when people need to replace a fence that they should actually replace it with a fence. Commissioner Loomis believes more thought should be given about why someone would consider a fence. Mr. Clarke said he would be happy to put something together about the fencing requirements.

An audience member asked to comment about electric fencing and wondered if it was allowed. It is around the entire property of a home in Biltmore Forest. Is there a way this can be dealt with or if this is addressed anywhere in the Ordinances. Mayor Goosmann said this is a matter we will look into. The audience member pointed out the electric fences are much more powerful than the battery operated fences and this could be very dangerous.

Another audience member asked how the Board was going to mitigate the issue of people who would like to put up a new fence when compared with people who have existing fences. The audience member said it should be an all or nothing issue. Either allow everyone to have fences or do not allow residents with existing fences to replace them. Everyone needs to feel like they are given the same consideration. Mr. Clarke agreed and said that he will draft some language together and the Board will make the decision on this.

Mayor Goosmann thanked the audience members for their comments and feedback.

Mr. Clarke reminded everyone that we still have a limit of accessory buildings to one. There is not a limit on the number of accessory structures and we have discussed this at the Board of Adjustment meeting. It is primarily regarding new houses. They have a lot of proposed accessory structures. They have walls and landscaping features. There was concern about the impact to the Town. Mr. Clarke was not recommending any change but said this matter has come up. Mr. Kanipe stated the newer homes particularly on the larger lots have had quite a bit of those features that have been included in their design.

In terms of schedule, Mr. Clarke said he will try and get something out before the next Board meeting.

Mr. Kanipe said he has been in touch with American Legal Publishing and there is no issue with extending the deadline. The deadline is currently April 29th.

Commissioner Cogburn asked if there are any gates previously presented before the Board of Adjustment. Mr. Kanipe said yes, the gates are presented along with fences but are considered a separate item.

Mayor Goosmann adjourned the meeting at 5:27 pm. The next Board of Commissioners meeting is scheduled for Tuesday, April 12th at 4:30 pm.

ATTEST:

Jonathan B. Kanipe
Town Administrator

George F. Goosmann, III
Mayor