

MINUTES
VILLAGE OF FLAT ROCK COUNCIL MEETING
ASSEMBLY ROOM
AUGUST 20, 2009
9:30 AM

CALL TO ORDER

Mayor Staton presided over the council meeting of August 20, 2009, at 9:30 a.m., in the Assembly Room of the Village Hall. Those present in addition to the Mayor were Vice Mayor Weedman, Council Members Bucher, Chandler, Davis, Farr, and Wert, and Village Clerk Hill.

MOMENT OF SILENT MEDITATION / PLEDGE OF ALLEGIANCE

Mayor Staton led the group in a moment of silent meditation. He then led the group in the Pledge of Allegiance.

AGENDA APPROVAL / CHANGES

Council Member Chandler asked that reappointments to the Planning Board be added under Other Business. Council Member Wert made a motion to approve the agenda as amended, seconded by Vice Mayor Weedman. The vote was unanimous, motion carried.

CONSENT AGENDA

1. Vice Mayor Weedman moved to approve the Consent Agenda, consisting of the following:
 - June 29, 2009, Agenda Workshop Minutes
 - July 9, 2009, Council Meeting Minutes

The motion was seconded by Council Member Farr. The vote was unanimous, motion carried.

Special Reports

2. ZONING ADMINISTRATION – Council Member Wert

Zoning Administrator Boleman reported on the following zoning issues:

- **Braewood RPUD** – The developer has advised the Zoning Administrator that he is considering the possibility of letting his Special Use Permit for Braewood expire next year, and thereafter submitting an application for a new SUP for Braewood. He asked her to provide information from the newly adopted zoning ordinance that would give him an idea of the maximum number of dwelling units he could have on the property. The developer said he may choose to develop the project in more than the current three phases if he applies for a new SUP.

- **Highland Lake PMUD/Unit 10/Phase 2 and South Lake in the RC District** – The Zoning Administrator advised Council that she has been made aware of some potential problems with floodplain issues in both of these areas. She advised Council that she will not approve any certificates of zoning compliance (CZCs) for buildings in Phase 2 of Unit 10 until floodplain issues are resolved. She further advised Council that she will be sending the developer a letter advising him that she is revoking the CZC for South Lake until all floodplain issues are resolved in an appropriate manner. She and some Council Members will be meeting with Randy Mundt of the NC Emergency Management office on Wednesday, August 26, 2009, to review the Flat Rock Flood Damage Prevention Ordinance, to make site visits to the floodplain areas, and to discuss general and specific floodplain issues, including those at Highland Lake.
- **Highland Golf Villas** – A history of the Highland Golf Villas (HGV) development was presented by the Zoning Administrator. George Schroeder, a resident of HGV, was present at the meeting to participate in the presentation/discussion.

HGV was annexed by the Village of Flat Rock effective January 1, 2006, and was zoned R-20, as it was previously zoned by Henderson County. At the time of annexation, the development was built out with the maximum of 44 homes. Also, at the time of annexation, the Village Council was not aware that a special use permit for a residential planned unit development (RPUD) had been previously approved by the county. The developer of HGV was granted a special use permit by Henderson County on August 6, 2001, to develop a RPUD on the site that is now HGV.

The Zoning Administrator advised Council that in the last 3 three months it has come to her attention that since January 1, 2006, a few (4-6) residents have added small additions (primarily decks) to their homes after those additions were approved by the HGV Homeowners Association (HOA). She met with the HOA president and two other residents of HGV in July 2009 at which time they advised her they were unaware of a zoning ordinance requirement that property owners obtain CZCs prior to building additions to their homes.

The Council and the Zoning Administrator discussed ways to resolve the issue of the additions that have taken place since the annexation of HGV and the enforcement of zoning requirements in general related to that development. The Council concurred that the Zoning Administrator need not require retroactive zoning documentation by property owners who have made additions to their homes between the effective date of annexation of HGV and this date, as long as such improvements meet the requirements of the Henderson County SUP for the project.

Council Member Chandler and Larry Blair, Chairman of the Planning Board, brought up issues that were discussed at the August 4, 2009, meeting pertaining to a comprehensive land use plan and extra territorial jurisdiction (ETJ). Mr. Blair

stated that members of the board have mixed feelings about drafting a revised comprehensive land use plan, but would participate if Council felt it was necessary.

Mr. Blair stated that board member Jan Partin had some concerns with ETJ in the following three areas: the south side of Little River Road at camps Ton-a-Wandah and Pinnacle, Erkwood Drive across from Estate Drive, and Cobblestone Village. Mayor Staton stated that, at a meeting with Anthony Starr months ago, he was advised that it is the policy of the county that the county will not consent to ETJ for any property that is already zoned by the county. For any property not so zoned, consent by the county is not required as to ETJ assumed by the village.

3. VILLAGE HALL – Council Member Wert

Because of the lack of articles that have been received to date, it was suggested by Council Member Wert that publication of the upcoming Village Record be delayed until mid September. Council Member Wert reported that the office has recently had an air conditioning problem, which has been corrected.

4. TAX COLLECTIONS – Vice Mayor Weedman

- **Tax Settlement** - Vice Mayor Weedman reported ~~on~~ that tax collections for the past fiscal year are at 100 percent. Tax Collector Hill, as required by law, has prepared a FY 2008/09 Tax Settlement Statement (see attached). Vice Mayor Weedman moved to accept the settlement statement submitted by the tax collector, seconded by Council Member Davis. The vote was unanimous, motion carried.
- **Appointment of Tax Collector and Deputy Tax Collector** - Vice Mayor Weedman moved to appoint Martha Orr as Tax Collector, and Michelle Hill as Deputy Tax Collector, seconded by Council Member Farr. The vote was unanimous, motion carried. Ms. Orr and Ms. Hill were then sworn in to their respective positions.
- **Tax Charge 2009/2010** – Vice Mayor Weedman stated that the Tax Charge 2009/2010 (see attached) gives Tax Collector Orr authorization to begin collecting 2009/2010 taxes. Vice Mayor Weedman moved to give the charge to the tax collector, seconded by Council Member Wert. The vote was unanimous, motion carried.

Vice Mayor Weedman explained that we had started the process of foreclosure on property owned by Shields Hundley, we advertised his delinquent account and by law charged him an administrative fee of \$50.00, which will be paid. After discussion with Mr. Hundley, Vice Mayor Weedman asked that Council agree that the Tax Collector may disregard the administrative fee and have that sum when collected applied to the 2009/2010 taxes. This would require us not to take any legal action and his next year's taxes will be paid in advance. By consensus the Council agreed to Mr. Weedman's recommendations.

OTHER BUSINESS

5. Reappointments to Board of Adjustment, Traffic Safety Advisory Committee, and Greenways Committee – Council Member Farr

Council Member Farr moved to reappoint Dick Jackson and Scott Schenck to the Board of Adjustment for three year terms, seconded by Council Member Davis. The vote was unanimous, motion carried.

Council Member Farr moved to reappoint John Manners to the Traffic Safety Advisory Committee for a three year term, seconded by Council Member Bucher. The vote was unanimous, motion carried.

Council Member Farr moved to reappoint Ed Lastein, Dries Jansma, and Jay Fitzpatrick to the Greenways Committee for three year terms, seconded by Council Member Davis. The vote was unanimous, motion carried.

Reappointments to Planning Board – Council Member Chandler

Council Member Chandler moved to reappoint Larry Blair and Jan Partin to the Planning Board for three year terms, seconded by Council Member Davis. The vote was unanimous, motion carried.

6. Mayor – Council Reports

Council Member Bucher reported that beer and wine tax receipts will be reduced by two-thirds in the current fiscal year. The Village budgeted \$15,000, but will receive \$5,000.

Council Member Farr reported that he has received the official executed agreement from NCDOT for the sidewalk project.

Council Member Farr received an e-mail from Terry Hicks indicating that the Little River Road bridge over Mud Creek has settling issues on the roadway approaching the bridge. He has passed this information on to Mark Gibbs of NCDOT. The bridge is not scheduled to be replaced until 2011, but NCDOT will review and see how to repair to last until replacement.

Council Member Wert reported that Council Member Bucher is continuing to research electrical surge protection for the Village Hall. He commended Council Member Farr for his work with NCDOT.

Council Member Chandler received a suggestion from Newell Doty about the possibility of a reminder sign for the tailgate market to be placed at the corner of Greenville Highway and Little River Road on Flat Rock Playhouse property. He will work with Bob Brown on this issue.

Mayor Staton informed Council that Session Law 2009-403 requires that each governing board adopt a code of ethics policy, and that all members attend a minimum two hour ethics training class within twelve months of election. The law is effective January 1, 2010. He stated that the

language of the law is somewhat confusing to him as to its applicability to council members in mid-term.

Public Comments

Pete Bonesteel advised the Council that, in his opinion, maintenance of Highland Lake has been neglected, and the lake is badly in need of clean-up. He also discussed the breaking and entering of vehicles parked at his home and the theft of a cell phone from his truck. He said his purpose in reporting such incidents was to make the Council aware of crime in the village.

Adjournment

At 11:12 a.m., with no further discussions, Council Member Wert moved to adjourn, seconded by Council Member Farr. The vote was unanimous, motion carried.

Michelle Hill
Village Clerk

Robert V. Staton
Mayor