

MINUTES
VILLAGE OF FLAT ROCK COUNCIL MEETING
ASSEMBLY ROOM
OCTOBER 8, 2009
9:30 AM

CALL TO ORDER

Mayor Staton presided over the council meeting of October 8, 2009, at 9:30 a.m., in the Assembly Room of the Village Hall. Those present in addition to the Mayor were Council Members Chandler, Davis, Farr, and Wert, and Village Clerk Hill. Not present were Vice Mayor Weedman and Council Member Bucher.

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

Mayor Staton asked that the Water Task Force Update by Council Member Bucher, appearing on the agenda as item number 5, be deleted because he is not present, and that Transportation Issues – Council Member Farr, be inserted in its place. Council Member Wert made a motion to approve the agenda as amended, seconded by Council Member Chandler. The vote was unanimous, motion carried.

PUBLIC COMMENTS

Ms. Joan McFadden introduced herself and stated that she is a representative of the League of Women Voters that will be attending all council meetings for observation.

CONSENT AGENDA

1. Council Member Farr moved to approve the Consent Agenda, consisting of the following:

- August 31, 2009, Agenda Workshop Minutes
- September 10, 2009, Council Meeting Minutes
- Resolution No. 167 – Waiving Compensation for Mayor & Council Members

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

Special Reports

2. ZONING ADMINISTRATION – Council Member Wert

Zoning Administrator Boleman stated the owner and the contract purchaser of Lockwood Apartments have submitted a conditional commercial district rezoning application for the Lockwood property. Packets of information on the application will be available next week for the Planning Board and Council to review. Planning Board will consider the application on Tuesday, November 3, 2009, and Council will consider the application at a public hearing on Monday, November 30, 2009. She summarized the rezoning application by stating the property, consisting of four main buildings being used as rental property, is currently zoned multifamily. The buyer is proposing to use the brick house as a real estate office, while continuing the rental property use of the remaining three buildings. The only major visual change is related to parking space requirements. The owner is proposing to increase the number of parking spaces. The zoning of the property will change to C-1CD.

Zoning Administrator Boleman reviewed the zoning report and reported on the following zoning issues:

- **King Creek Preserve** – Mark Ambtman, Project Manager, reported to Ms. Boleman his understanding that five unsold lots left in Sherwood were bought by a resident currently living in Sherwood. Mr. Ambtman requested a later deadline for completion of infrastructure in King Creek. Ms. Boleman gave him a copy of North Carolina General Assembly Session Law 2009-406.
- **Berwick Downs** – Lee King is interested in subdividing a lot that was originally reserved for utilities, with half of the lot being combined with the adjacent lot on each side.
- **Braewood RPUD/SUP** – The developer continues to weigh the option of bringing in a new application or an amended application. Hilton Swing is looking at the possibility of having two or three phases more than what was approved, breaking it down into smaller phases to make it more manageable with the economy.
- **Highland Golf Villas** – Ms. Boleman met with representatives of Highland Golf Villas regarding regulations applicable to the SUP issued by Henderson County. The president of the homeowners association will advise homeowners of the process for applying for approval of proposed construction before undertaking the work. Ms. Boleman has put together a comprehensive file documenting county actions in approving the SUP, case history notes of her meetings with homeowner representatives, etc.
- **Highland Lake PMUD** – Ms. Boleman met with Steve Collins and an employee of Clinkscales (surveyor), at their request, regarding irregularities in the draft of updated Master

Site Plan they recently submitted. They allege they will submit an updated and corrected Master Site Plan by the middle of October 2009. Floodplain issues in phase 2 of Unit 10 remain unresolved. Ms. Boleman also reminded Mr. Collins that the letter of credit for Unit 1 will expire October 1, 2009, and the letter of credit for Unit 4 expired many months ago. Mr. Collins was in touch with the Finance Officer on the letters of credit issue. Subsequently, the Village received an email from a BB&T representative stating the bank is in the process of examining Mr. Lindsey's request for letters of credit for Units 1 and 4.

- **Highland Lake/South Lake in the RC District** – In August Ms. Boleman revoked the Certificate of Zoning Compliance for the South Lake development pending resolution of floodplain issues. Mr. Lindsey had filed two applications as a result of the revocation of the CZC, one to appeal the revocation of the CZC and the second, a variance application under the Flood Damage Prevention Ordinance. These hearings will take place in late November or early December.
- **Zoning, Planning Board and Board of Adjustment meetings scheduled for October 2009:**

Zoning: Zoning breakfast meeting scheduled for Wednesday, October 14, 2009.

Planning Board: The Planning Board is not scheduled to meet in October.

Board of Adjustment: The Board of Adjustment meets October 21, 2009, to consider a variance application.

Ms. Boleman received an email from Natalie Berry relating to stormwater management, asking for feedback on the possibility of the Village allowing Henderson County to enforce a county ordinance within the Village limits. Council instructed Ms. Boleman to advise Ms. Berry that we would permit Henderson County to enforce stormwater management in the Village.

Ms. Boleman stated that Barbara Coladarci is interested in serving as a volunteer in zoning administration. Ms. Boleman is also talking to Ms. Coladarci about the possibility of serving as a volunteer deputy floodplain administrator.

Ms. Boleman suggested that we ask the Sherriff's Department to provide us with data on criminal activity and arrests in the Village. Mayor Staton will discuss this matter with Sheriff Davis.

3. VILLAGE HALL – Council Member Wert

Council Member Wert gave an update on the status of the air conditioning system. Council agreed to postpone to a later date a discussion of a request that the Village supplement the cost of treating hemlocks on the Flat Rock Playhouse property.

4. TAX COLLECTIONS – Vice Mayor Weedman

In Vice Mayor Weedman's absence, Tax Collector Martha Orr prepared a tax report showing \$154,625.53 collected as of October 7, 2009.

5. TRANSPORTATION ISSUES – Council Member Farr

Council Member Farr reported that we have received formal approval from NCDOT for our sidewalk extension project. McGill Associates has prepared the bid package. Bid packages should go out to prospective bidders in the next couple of weeks. The schedule to start work is January with completion by October 1, 2010.

Mr. Farr presented two resolutions recommended by the Henderson County Transportation Advisory Committee and the French Broad River MPO. **Resolution No. 168 – Requesting the North Carolina General Assembly to Exclude the Appalachian Development Highway System Funding From the NCDOT Equity Formula.** Mr. Farr made a motion to adopt Resolution No. 168, seconded by Council Member Wert. The vote was unanimous, motion carried.

Resolution No. 169 – Resolution to Support and Participate in Regional Collaboration of County and City Governments to Address Regional Fuel Planning Through the US Department of Energy's Local Energy Assurance Planning (LEAP) Initiative. Mr. Farr made a motion to adopt Resolution No. 169, seconded by Council Member Davis. The vote was unanimous, motion carried.

Council Member Davis discussed the possibility of erection of a "bear crossing" sign on NC 225. Mr. Farr will contact NCDOT regarding this issue.

Old Business

New Business

Other Business

6. Mayor – Council Reports

Council Member Farr presented a Kudzu Committee report prepared by Liz Curtis.

Council Member Wert discussed the new laws of recycling.

Mayor Staton reported the Historic Post Office is currently getting a new roof. He presented an e-mail from David Voorhees asking the Council to consider supporting the Shop & Dine campaign with a contribution of \$1,000.00. Council Member Chandler made a motion that the

Village support the Shop & Dine campaign as requested with a \$1,000.00 contribution. The motion was seconded by Council Member Davis. The vote was unanimous, motion carried.

Mayor Staton will contact Sheriff Rick Davis regarding the cost of maintaining a K-9 unit dog, and criminal activity and arrests in the Village.

Public Comments

Pete Bonesteel discussed concerns of bear sightings and traffic control.

Adjournment

At 10:40 a.m., with no further discussions, Council Member Davis moved to adjourn, seconded by Council Member Chandler. The vote was unanimous, motion carried.

Michelle Hill
Village Clerk

Robert V. Staton
Mayor