

**MINUTES
COUNCIL MEETING VILLAGE HALL
110 VILLAGE CENTER DRIVE
NOVEMBER 8, 2007
9:30 A.M.**

CALL TO ORDER

Mayor Shaw presided over the Council Meeting of November 8, 2007, at 9:30 a.m., in the Village Hall assembly room. Those present were Mayor Shaw, Vice Mayor Staton, Council Members Boleman, Bucher, Hicks, Weedman, and Wert, Village Clerk Collier, 13 citizens and one member of the media.

MOMENT OF SILENT MEDITATION / PLEDGE OF ALLEGIANCE

Mayor Shaw led the group in a moment of silent meditation followed by the Pledge of Allegiance.

APPROVAL/CHANGE AGENDA

Council Member Weedman moved to approve the agenda, seconded by Vice Mayor Staton. The vote was unanimous, motion carried.

AUDIT

1. CARL SHAW CPA, LLC – Council Member Weedman

Mayor Shaw said that Mr. Carl Shaw had not arrived yet, so the public hearing for Berwick Downs would be heard first, and then Council would return to the audit.

PUBLIC HEARING

2. BERWICK DOWNS – Ken Howard and Council Member Boleman

Council Member Boleman moved to enter into a public hearing for the Berwick Downs subdivision, seconded by Council Member Bucher. The vote was unanimous, motion carried.

Mayor Shaw stated that those who wished to speak in favor of or against the project should come forward to be sworn in. Mayor Shaw swore in Greg Cloos, Lee King, and Brian McCarthy. He then stated that anyone else wishing to speak would also need to be sworn in.

Ken Howard, Deputy Zoning Administrator, stated that this is the first cluster subdivision application. He said that he did not have anything to add to the packets received by Council some days ago. He also said that this seems to be a reasonable, very well prepared and a complete plan, and recommended approval by Council.

Mayor Shaw stated that Council has received a recommendation for approval of the subdivision from the Planning Board. He said that, at the time of the Planning Board's hearing, two substantive items were outstanding, but both had since been received.

Mr. Greg Cloos introduced himself and stated that he is an architect and a planner and that he has been working with Kenmure Enterprises in developing this plan. He also said that the Shipman tract on the west side of Highway 225 is adjoined by Kenmure to the south. The tract consists of two parcels containing a total of 41 acres zoned R-40. Stretching from the highway back to the lots on Glassy Mountain Road the distance is approximately 1,200 feet north to south with a 271 foot frontage on Highway 225.

Mr. Cloos showed Council drawings of the plan and pointed out the location of the development just off Highway 225. The plan proposes 38 single family lots, with the smallest lot at .598 acres and the largest one at 1.12 acres. There will be a gated entrance and two main private roads, Shipman Parkway and Car Farm Lane. There are four main park areas provided for in the plan, which are situated throughout so that most of the houses will have frontage. "We were able to save a lot of the old trees that are on site right now", he said. All streets will contain five foot wide side walks on both sides, and there will also be walking trails.

Mr. Cloos stated that the streets will be private. He also said that there would be 13 low voltage street lights.

Mr. Lee King stated that the City of Hendersonville has accepted the sewer lift station required for the development. Mr. McCarthy asked if they thought that he could tie into the city water. Mr. King stated that he had not addressed that issue. Council Members then discussed the possibilities of tapping into the city water system. It was suggested that Mr. McCarthy go to the City of Hendersonville to inquire about such taps.

Mr. King stated that the Flat Rock Historic Society had said that the old barn has historic value. He said that the barn would need a new roof costing approximately \$100,000. They are now looking for someone to remove the old barn and sell the materials. The proceeds will be donated to Historic Flat Rock, Inc.

Mr. King stated that the minimum sizes of the houses probably would be in the 2,500 to 3,500 square foot range. He said that the typical main floor could have a minimum of 1,600 square feet with the remaining footage in an upper or lower floor.

Mr. McCarthy asked about a barrier since his property adjoins one of the lots. Mr. King stated that they were planning to clean up the edges of the property but could not do a lot of work until he gets final approval.

Mr. Jeff Gould from Glassy Lane asked to be sworn in so he could speak. Mayor Shaw then swore in Mr. Gould.

Mr. King stated that when the development has sold 80%, or 25 lots, then the owners would assume control over the common areas, which will include the parks and roads.

Mr. King stated that the setbacks are 25 feet front, 25 feet side, and 35 feet rear.

Mr. Gould stated that there was a fence along the property on Glassy Mountain Lane. Mr. King stated that he has plans to clean that area and remove the fence, briars and dead wood. He also said that the fence may not be on his property. He said that he had not walked the line to make sure that all the fences are on his property. "I was told it was on my land," he said. "The barbed wire fence must have been put in when the farm was there, he said, and basically goes all the way around the property." Mr. Gould asked if he requested that the fence be removed, would it be? Mr. King stated that the plan is to remove all the fencing. Mr. Gould also asked if the price range of the homes would be the same as Kenmure. Mr. King said that it probably would. Three things that determine value are view, location, and whether it was on a golf course or not. He said that view and golf course seemed to result in the highest value.

Vice Mayor Staton stated that he would like to comment on cluster subdivisions. He said that all the dimensional requirements are waived, and the dimensional requirements include setback requirements. At an early conceptual stage, rear setbacks for Berwick were to be 25 feet. Mr. Howard pointed out that the ordinance does require 35 feet setbacks. They are not required to stick with those requirements or that dimension on the exterior plots, but the developer revised the plan to include 35 foot rear setbacks on the perimeter of the property. He said that the proposed revision of the Zoning Ordinance would require a 100 foot setback on Greenville Highway, which the developer has addressed. He said that the exterior lots are in compliance with the new proposed requirements, so they have done what was asked of them as far as setbacks are concerned.

Council Member Weedman stated that having lived in Kenmure for eleven years and worked with management from time to time he couldn't be happier with what they have planned to go into here. He thinks it is a good plan and they have been extremely conscious in getting professional help to development it. He complimented the developers on the plan and asked all council members to approve it.

Mayor Shaw stated that all the documents came in at one time and not piece by piece.

Council Member Hicks moved to adjourn the public hearing and reconvene into the regular council meeting, seconded by Council Member Weedman. The vote was unanimous, motion carried.

Vice Mayor Staton suggested to the Mayor that Council deal with the issue now as opposed to taking it up as a later agenda item. The Mayor stated that it would be a good idea.

Vice Mayor Staton moved to approve the application for subdivision approval for Berwick Downs. Council Member Weedman asked if Vice Mayor Staton would consider that it be subject to the two conditions imposed by the Planning Board. Council Members commented that the developer has now satisfied those conditions, and there was no need for such an amendment of the motion. Council Member Hicks seconded the motion. The vote was unanimous, motion carried.

AUDIT – Carl Shaw, CPA, LLC - Council Member Weedman

1. 2006-2007 Audit Report

Mr. Carl Shaw, CPA, was introduced by Council Member Weedman. Mr. Shaw distributed the audit report to Council and the Village Clerk. He stated that the capital assets are being depreciated. He said that the report on page 1 is a requirement and a recommendation for fund balance. Page 2 is the income statement and pages 5 and 6 summarize the income statement. Page 7 is a report of budget and budget amendments. He said that some accounts did not calculate correctly in the software program. He went on to say that Tax Collector Collier will work with him on these discrepancies. He said that it was a good audit, the Village is in a great financial condition, and he is very pleased with tax collections. He went on to say that there is no money owed on taxes for 2005 and that only 3 individual tax accounts for 2006 remain outstanding. He commended Council Member Weedman for his work. He also commended the Mayor and Council for their participation in finance. All invoices are signed and approved by individual council members. He said that shows Council takes an interest in the finances of the Village. He also said that since there were only two employees there should be a better way to segregate duties and not allow one employee to do all the keying of the taxes, posting and making the deposit. These duties should be separated a little more, but he understands it is difficult with only two employees. He thanked all for their cooperation.

Consent Agenda

3. ADOPTION OF MINUTES, TAX RELEASES & DISCOVERIES

Vice Mayor Staton moved to adopt the consent agenda, which consisted of the minutes of the September 4, 2007, Agenda Workshop Meeting, the September 13, 2007, Council Meeting, the October 1, 2007, Agenda Workshop Meeting, the Executive Session Minutes of September 13, 2007, and the Tax and Releases from Henderson County, seconded by Council Member Hicks. The vote was unanimous, motion carried.

Special Reports

4. ZONING ADMINISTRATION - Council Member Wert

Council Member Wert stated that there would soon be an opening for a Zoning Administrator. He also said that things are getting more complicated, and he thinks it would be appropriate to hire an individual for this position.

Vice Mayor Staton stated that, at the October agenda meeting, in Jim and Dave's absence, it was discussed and it appears that there is a consensus that the Zoning Administrator's position should be a paid one. He said that Nick had reservations based on the work load when Mr. Jasper was here. He said that there was a consensus that it be taken up at the next meeting. Council Member Wert stated that he thought it should be on the next agenda.

Council Member Wert then talked about an incident in the Kingwood Subdivision that Zoning Administrator Ambrose is handling. It involves the rental of an apartment in a single-family home in the R-40 district. The matter is expected to be resolved shortly.

5. TAC – MPO ADOPTION OF COMPREHENSIVE TRANSPORTATION PLAN - Council Member Wert

Council Member Wert stated that one more public hearing is scheduled for the review of the transportation advisory plan. He said action would be taken at Thursday's meeting. He said that they did not have any information to give the TAC-MPO. He then updated Council on the connection to I-26.

6. VILLAGE HALL - Council Member Bucher

Council Member Bucher stated that he had received a letter regarding health of the trees on Village property. He said that he consulted an arborist about the hemlocks that are dying. He said that some money can be spent to loosen the soil, but it may not help in a drought situation. He and Ed Lastein are going to walk the property to check all the trees. Some of the trees may need to be replaced by next spring.

He then said that Ed Lastein's son wants to do a Boy Scout's project for the Village. He asked Council for some ideas of a project he could undertake around the Village Hall.

Council Member Bucher then explained the street changes in Dunroy that are state required.

7. PLANNING BOARD - Council Member Boleman

Council Member Boleman stated that the minutes of the last Planning Board meeting were in Council's packets. She said that the board will discuss the Boyd property at their next meeting before sending it to the Council.

8. TAX COLLECTIONS - Council Member Weedman

Council Member Weedman stated that Sharon Alexander, the Village Attorney, was working on the bankruptcy of the Woodfield Inn. He said that a sale of the inn may be imminent, which will clear the title and pay off the tax liens.

9. SENSE OF PLACE – Council Member Boleman

Council Member Boleman stated that the Sense of Place group met on October 31 and now has a draft ready to go to the Planning Board, Zoning Administration and the public. She said that an article about Sense of Place and its progress to date would be in the newsletter regarding the information. Council Member Hicks stated that he thinks the draft should not go to the public before the Planning Board's review. Council Member Boleman agreed.

She then said that Mr. Ken Howard and Mr. Roger Ambrose of Zoning Administration met with Carol Rhea to discuss revisions in the Zoning Ordinance, which was helpful. She then commended Ms. Rhea for a job well done. Vice Mayor Staton updated Council on Ms. Rhea's contract and how it needed to be amended to increase the contract sum. Council Member Boleman stated that she would consult with Larry Blair to see if the Planning Board could be finished its review of the draft ordinance within six weeks.

New Business

10. BLUE RIDGE FIRE DEPARTMENT BUDGET AMENDMENT - Council Member Hicks

Council Member Hicks stated that we all are aware of the new real property assessments by the County. The Blue Ridge Fire Department (BRFD) received a check from the Village in October, he said. After receiving the check, the BRFD said that the check was not in line with the County's figures. Council Members Weedman and Hicks met with Gary Brown and the BRFD treasurer, Glenda Nix, who reported that she had not seen the contract between the Village and the BRFD. He went on to say that it was pointed out that the Village budget is based on the contract and everything that is done is per the contract. He then said that it was the Village Council's desire to have a good relationship with the BRFD and if there are errors we will correct them so the BRFD will be paid for their services. The conclusion is that we should adjust the Village budget by the right values rather than proposed values.

Council Member Weedman stated that a worksheet had been provided by the BRFD and is in Council's packets. Ms. Nix was told by the County to take a percentage of the new values since revaluation, for budget purposes. "The percentage that should have been used was 5% to 10% lower than it should have been," he said, "so as a result they were shorted due to their own figures. They claim that they did not receive any figures from the assessor's office." Council Member Weedman stated that it was the opinion of Council Member Hicks and himself to approve the Budget amendment by decreasing the Capital Expenditures (10-4191-500) by \$59,813 and increasing the BRFD budget (10-4144-631) by \$59,813. He went on to say that if the County was collecting for the fire districts, the resulting number is what would be reflected and not what we have budgeted. He also said that this is the right thing to do.

Council Member Weedman stated that the Assessor, Stan Duncan, said that these new numbers are roughly correct. What BRFD had to begin with was soft figures, and as a result we got soft figures and therefore it short changed them. He said that Valley Hill Fire Department is different by about \$2,000 or \$3,000 and Green River Fire Department is overpaid by about \$10,000 or \$12,000. Council Member Weedman said that he thought that Valley Hill Fire Department was not too badly out of balance, but we will meet with the Green River Fire Department to bring those figures more into alignment.

Council Member Weedman then moved to adopt the budget amendment by decreasing the Capital Expenditures (10-4191-500) by \$59,813 and increasing the BRFD budget by \$59,813, seconded by Council Member Hicks. The vote was unanimous, motion carried.

New Business

None.

Other Business

11. MAYOR – COUNCIL REPORTS

Council Member Bucher stated that he had written a small article for the newsletter regarding the trees. He also said that the Land of Sky has sent out statistics on the water shortage. He also said that the Henderson County water table is 21.5 inches low.

Council Member Hicks stated that he sent mail to his home address, which is Hendersonville, NC 28739 + 4 but used Flat Rock, NC 28731 + 4. The mail was sent from different places and all reached his address in a timely manner even though he sent it to Flat Rock instead of Hendersonville.

12. PUBLIC COMMENT

Pete Bonesteel suggested that Council should consider conflict of interest issues. He said that his wife, Georgia, is on the Planning Board and he is a Deputy Zoning Administrator. He suggested that Council Members that oversee these departments be sensitive to conflicts of volunteers on boards.

Mr. Bonesteel stated that the Planning Board will have to meet more frequently on the Zoning Ordinance revisions, and the public should be given a summary of the changes, the lack of which will further confuse rather than simplify.

Mr. Bonesteel stated that he traveled on West Blue Ridge Road recently when school was letting out for the day. He said that he waited about 25 minutes before he could get through the traffic. He suggested that someone look into the problem.

Vice Mayor Staton stated that Carol Rhea is preparing a summary that will be available to the public.

During the meeting Mayor Shaw introduced Mark Schulman as the Times-News reporter for the Village.

13. ADJOURNMENT

Council Member Weedman moved to adjourn, seconded by Council Member Boleman. The vote was unanimous, motion carried.

Rowena M. Collier, CMC
Village Clerk

Ray E. Shaw, Jr.
Mayor