

**MINUTES
VILLAGE OF FLAT ROCK COUNCIL MEETING
ASSEMBLY ROOM
NOVEMBER 12, 2009
9:30 AM**

CALL TO ORDER

Mayor Staton presided over the council meeting of November 12, 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, Farr, and Wert, and Village Clerk Hill. Not present was Council Member Davis.

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

Vice Mayor Weedman made a motion to approve the agenda, seconded by Council Member Farr. The vote was unanimous, motion carried.

CONSENT AGENDA

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

- September 28, 2009, Agenda Workshop Minutes
- October 8, 2009, Council Meeting Minutes
- Appointment of Barbara Coladarci as Deputy Zoning Administrator and Deputy Floodplain Administrator
- 2009 Discoveries & Releases

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

Special Reports

2. **FY 08/09 AUDIT REVIEW – Carl Shaw, CPA**

Carl Shaw presented the FY 08/09 audit report and commended the Council and staff for the way the Village's financial records are maintained. He was pleased to give us a "clean report" of the records, particularly in view of the transition from a retiring, long-time clerk to a new clerk. He complimented Village Clerk Hill on her smooth transition into the job, her quick grasp of the Village's finances, the efficient operation of her office, and how well she and Deputy Clerk Orr

work together as a team. He also commented on the Village's operating within the budget and finishing the year in the black and with an increase in our substantial reserves.

3. ZONING ADMINISTRATION - Council Member Wert

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

- **Berwick Downs** – No zoning activity. One house under construction.
- **Braewood RPUD/SUP** – No zoning activity.
- **Highland Lake PMUD** – Kerry Lindsey via Steve Collins submitted an updated master site plan on October 27, 2009. Mr. Collins reported the new submission addresses the irregularities found by the ZA when Mr. Lindsey submitted the last updated master site plan. ZA has not yet reviewed the latest submission.
- **Highland Lake PMUD (Unit 10, Phase 2), and South Lake in the RC District** – The Board of Adjustment is scheduled to hear Mr. Lindsey's appeal and variance applications on December 1, 2009, at 2:00 p.m.
- **King Creek Preserve** – Mark Ambtman, Project Manager, reports infrastructure is near completion.
- **Lockwood Apartments Property** – The Planning Board considered the conditional district rezoning application on November 3, 2009. The Planning Board will send a memo to Council regarding their recommendation prior to the public hearing scheduled for November 30, 2009.
- **Zoning, Planning Board and Board of Adjustment meetings scheduled for November 2009:**

Zoning: Zoning breakfast meeting is scheduled for Tuesday, November 10, 2009, at 8:30 a.m.

Planning Board: In addition to the Planning Board's consideration of the Lockwood Apartments property conditional rezoning proposal at its meeting on November 3, 2009, it heard a presentation on extraterritorial jurisdiction by Mayor Staton.

Board of Adjustment: The Board of Adjustment is not scheduled to meet in November.

4. VILLAGE HALL – Council Member Wert

Council Member Wert asked for Council's preference for the continuation of treating the hemlocks on the Village grounds or having them removed. By consensus, Council agreed to continue treating the hemlocks. He reported that the Kenmure garden group has replaced some flowers on the grounds, and he will continue to work with Betty Roemer on seasonal plantings.

5. TAX COLLECTIONS – Vice Mayor Weedman

Vice Mayor Weedman presented the tax report as of November 10, 2009, with collections totaling \$231,909.84 (34.2%).

6. WATER TASK FORCE UPDATE – Council Member Bucher

Hendersonville is presently working on a plan to increase the availability of water resources and reserve capacity. The utilization of water from the French Broad River has the potential of providing more than four times the amount of water presently being drawn from Mills River (12 MGD). Treatment plant capacity is projected to increase from 12 MGD to 18 MGD and is part of the present plant renovation at the water treatment plant. The proposed storage capacity would increase from 16.551 MGD to 90 MGD.

Mr. Morgan, Water and Sewer Commissioner from Saluda, indicated that Saluda is interested in acquiring a private Tuxedo water system. There was also interest shown by Saluda for a cooperative management agreement with Hendersonville for the maintenance and management of the Tuxedo system if purchased by Saluda. No response has been given to Saluda to date.

Water issue discussions continues with the City of Asheville with very little progress. Neither Commissioner Young nor Commissioner McGrady would recommend any proposal to the commission based upon the discussions to date.

Anthony Starr, Henderson County Planning Director, provided some general information about watersheds:

- All land is included in a watershed.
- 20% of North Carolina lands are classified as being within water supply watersheds that are sources of water for drinking, culinary or food processing purposes.
- Henderson County presently has five regulated watersheds – approximately 48,121 acres total.
- Henderson County regulates the water supply watersheds through zoning required by state and federal law.

- N.C. Department of Environmental & Natural Resources (DENR) sets base regulations for local governments to follow and is responsible for classifying a water supply watershed as stated in the Water Supply Watershed Protection Act.
- The county does not determine or set the water supply boundaries or classifications.

The concern of Henderson County is that the proposed plan of Polk County to use Lake Ager and the Green River Watershed as a water source would be drawing water from a watershed that is more than half in Henderson County (approximately 21% of Henderson County). The most significant changes for Henderson County would be that the limit on impervious surfaces or build upon area would decrease from 80% to 70% for multifamily and nonresidential uses. Discussions between Henderson and Polk counties are ongoing.

**7. PLANNING BOARD'S CONSIDERATION OF LOCKWOOD APARTMENTS
REZONING APPLICATION – Council Member Chandler**

Council Member Chandler reported the Planning Board considered the Lockwood Apartments rezoning application on November 3, 2009, and recommended approval of the application, conditioned upon limitation of the real estate related uses of building four to those discussed by the applicant/contract purchaser at the meeting.

Council Member Chandler also reported that a Planning Board member has suggested that Council review the zoning ordinance regarding steep slope development regulations so as to assure regulations are stringent enough. Council asked the zoning administrator to send an email to Council Member Davis asking him to include the steep slope issue in the proposed zoning amendments file for later review.

Old Business

8. Grant to Sheriff's Department for maintenance of a K-9 unit dog

Council Member Wert made a motion that a grant of \$1,500.00 be made annually to the Sheriff's Department for the maintenance of a K-9 unit dog, seconded by Council Member Bucher. The vote was unanimous, motion carried.

Other Business

9. Mayor – Council Reports

Council Member Bucher reported \$5,000.00 has been moved in the budget from contingencies to medical insurance. Two new line items have been opened for the sidewalk extension project.

Council Member Farr reported a pre-bid conference for the sidewalk extension project took place Tuesday, November 10, 2009, at 1:00 p.m. in the Village Hall, and the opening of bids is scheduled for Monday, November 23, 2009, at 10:00 a.m. He stated that Rutledge Drive has been resurfaced, and because of the significant cost of acquiring right of ways for the road widening, NCDOT has no plans for widening the road in the near future.

Council Member Wert stated the deadline for the Village Record is the end of November.

Vice Mayor Weedman made a motion for a contribution of \$1,000.00 to be made to the David M. Lawrence Distinguished Professorship Fund at the UNC-Chapel Hill School of Government. The motion was seconded by Council Member Wert. The vote was unanimous, motion carried.

Public Comments

Ms. Joan McFadden, a representative of the League of Women Voters, commended the Council for the efficiency with which it conducts business.

Mr. Pete Bonesteel commended Council Member Farr for his efforts in getting NCDOT to resurface Rutledge Drive. He also reported the Apple Country Greenways Commission is having a ribbon cutting on Saturday, November 14, 2009, at 10:00 a.m., for the paved greenway from Patton Park to Jackson Park.

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