AGENDA
VILLAGE OF FLAT ROCK COUNCIL MEETING
VILLAGE HALL ASSEMBLY ROOM
110 VILLAGE CENTER DRIVE
NOVEMBER 9, 2023
9:30 AM

Call to Order

Moment of Silent Meditation

Pledge of Allegiance

Public Comments

Agenda Approval/Changes

Consent Agenda

1.
   - October 2, 2023 – Agenda Workshop Minutes
   - October 12, 2023 – Council Meeting Minutes

Special Reports

2. Administration – Village Administrator Christie
3. Park Update – Council Member Carpenter
4. Foundation Update – Council Member Toner
5. Transportation Update – Vice Mayor Coletta
6. Tax Report – Mayor Weedman

Old Business

New Business

7. Potential Council Member replacement
8. Dye Creek Bid Package – Council Member Carpenter
9. Village Personnel Policy Update - Council Member Jeter

Other Business

10. Mayor – Council Reports

Public Comments

Adjournment

VILLAGE OF FLAT ROCK COUNCIL MEETING MINUTES
VILLAGE HALL – ASSEMBLY ROOM
110 VILLAGE CENTER DRIVE
NOVEMBER 9, 2023
9:30 A.M.

Mayor Weedman presided over the November 9, 2023, council meeting at 9:30 a.m. Those present in addition to Mayor Weedman were Vice Mayor Coletta, Council Members Carpenter, Dethero, Gregory, Jeter, Toner, and Village Clerk Parker and Village Administrator Christie.

MOMENT OF SILENT MEDITATION/PLEDGE OF ALLEGIANCE

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

Public Comments – Sharon Burlingame of Rutledge Drive thanked Council Member Dethero for his service serving on Village Council. Polly Angelakis, Superintendent of Carl Sandburg National Historic Home, also thanked Council Member Dethero for serving as a council member. She mentioned the visitor shuttle has arrived and a ribbon cutting will be held November 28, 2023, 10:00 a.m., and noted that engineers should have a design of work to repair the dam in early 2024.

Blue Ridge Fire Chief Will Sheehan gave an update on the Edneyville fire situation.

Agenda Approval/Changes

Council Member Carpenter made a motion to approve the agenda as presented, seconded by Vice Mayor Coletta. The motion was carried by unanimous vote.

Consent Agenda

1. The Consent Agenda consisted of the following:

   - October 2, 2023 - Agenda Workshop Minutes
   - October 12, 2023 – Council Meeting Minutes

Council Member Jeter made a motion to approve the Consent Agenda, seconded by Council Member Gregory. The motion was carried by unanimous vote.

Special Reports

2. Administration – Village Administrator Christie

Village Administrator Christie reviewed the October 2023 zoning report dated November 3, 2023, and the Village Administrator report dated November 2, 2023 (see attached reports).

3. Park Update – Council Member Carpenter

Council Member Carpenter mentioned the Park Commission is reviewing the Park Use permit application for large events to address some concerns, and will review the draft at the next November 30, 2023, meeting.

4. Foundation Update – Council Member Toner

The Park Foundation met Monday, November 6, 2023, and discussed the following:

- Rudnick Grant Application, the Village has received a $10,000 grant from the Community Foundation for Dye Creek (unrestricted), not the full $25,000 requested.
- Fundraising for Dye Creek continues to go well. The Pumpkin Sale raised $1,796. Emphasis will now turn to Giving Tuesday and End of Year Giving.
- Multiple promotion spots are planned for WTZQ Radio and email blasts.
- The Foundation supported Council Member Jeter at the Park Volunteer Appreciation Luncheon, Monday, October 30, 2023, with a very successful event appreciated by all the volunteers.
- Next year is the 10th Anniversary of the Park. The Foundation is beginning to consider ideas for that, but will probably have an event around early April, if all goes well with the Dye Creek project.

5. Transportation Update – Vice Mayor Coletta

Vice Mayor Coletta reported the following:

- Monday, November 13, 2023, Park Director Dages, and Vice Mayor Coletta will be meeting NCDOT to look at samples of material for the walking path.
- After visiting the park, she contacted NCDOT about two concerns: 1) pipes emptying drainage into the park. Based on notes and meetings with NCDOT, the Village hired WGLA Engineering in 2021 to review those plans. Those pipes are a surprise. NCDOT will contact Vice Mayor Coletta about this issue, and 2) the south side of N. Highland Lake Road is in the historic district. The understanding was the only curb and gutter would be on the south side corner of Greenville Highway and Highland Lake Road. NCDOT has installed curb and gutter on the southwest corner of N. Highland Lake Road and Highland Lake Drive. The project engineer should have more information on these issues to give Vice Mayor Coletta at the November 13, 2023, meeting.

Mayor Weedman mentioned he has met with Mr. Buchanan, contractor for the N. Highland Lake Road project, who advises that King Creek has two metal culverts underneath. If NCDOT could control the flow from the dam for a period of time, it would considerably reduce the time required to install the two concrete culverts in place of the metal ones. Kerry Lindsey and Steve Collins have agreed to cooperate with the contractor to discuss.

Mayor Weedman reported neither of the two trees at the entrance to Highland Golf Villas will need to be removed because of the project. The stone wall will also be retained. The tree at the entrance is in bad shape, and he has asked Zoning Administrator Christie, a certified arborist, to assess and advise whether the tree is dying.

6. Tax Report – Mayor Weedman

Mayor Weedman reported that, as of November 8, 2023, the current fiscal year tax collections are at $939,075.68 (56.5 percent) total collected (see attached report).

Old Business – None

New Business

7. Potential Council Member replacement – Mayor Weedman

Vice Mayor Coletta introduced Cheryl Stuller of Flat Rock Lakes, owner of Stuller Power Solutions, as the potential replacement for Council Member Dethero. Vice Mayor Coletta made a motion for Village Council approve the appointment of Cheryl Stuller to fill the remaining one-year term of Council Member Dethero from December 2023 till December 2024. Council Member Gregory seconded the motion, and it was carried by unanimous vote.

8. Dye Creek Bid Package – Council Member Carpenter

Council Member Carpenter made a motion to approve the Dye Creek bid package, seconded by Vice Mayor Coletta. The motion was carried by unanimous vote.

9. Village Personnel Policy Update – Council Member Jeter

Council Member Jeter presented and reviewed a PowerPoint presentation of the proposed personnel policy. Mayor Weedman commended Council Member Jeter and the staff for the work in preparing the policy. She thanked Deputy Clerk Richard and Village Administrator Christie for their work and stated other municipal policies were looked at. She mentioned the Park Volunteer Appreciation Luncheon was a success.

At 11:45 a.m., a short break was taken. At 11:55 a.m., the meeting resumed.

Council Member Jeter presented eight recommendations for the Personnel Policy. After some discussion, the following were approved by the Council:

1. Flexible Time – When "exempt" employees work more than their normal work periods, they may be granted flexible time by their supervisor on an hour-for-hour basis where the convenience of the Village allows. Such flexible time is not guaranteed to be taken and ends without compensation upon separation from the organization.

2. Park Employee Policies – Because of the specialized personnel and operational requirements of the Park at Flat Rock, the Park Director may bring personnel policy recommendations to the Village Administrator, who is authorized to establish supplemental written policies applicable only to the personnel of the Park. All such policies shall be subject to the approval of the Village Council and shall not in any way conflict with the provisions of this policy but shall be considered as a supplement to this policy.

3. A Social Media Policy was adopted as presented.

4. Compensatory Time (Comp Time) – Under the Fair Labor Standards Act (FLSA), local governments may, at their discretion, compensate employees in time off rather than pay when employees work more than the standard workweek or work period.

5. Employees in positions determined to be "exempt" from the FLSA do not quality for Compensatory Time.

6. 401K Contribution – The Village will match 100% of each eligible employee's contributions per pay period, up to a maximum of 5% of the employee's total compensation (not to exceed eighty percent of compensation). All full-time employees may make voluntary contributions to their 401K plans up to the limits established by law.

The following changes to the current policy were also approved:

i. Article 1. Section 7 – The definition of Intern was changed to: A person performing a specific job for a specific duration to learn or increase a skill level. Interns are either unpaid or paid. Interns are not eligible for benefits.

ii. Article III. Section 1 – Equal Employment Opportunity Policy was changed to: The Village of Flat Rock maintains and promotes a consistent recruitment program to promote equal employment opportunities and to identify and attract the most qualified applicants for all vacancies.

iii. Article III. Section 3 – Application for Employment – Selection was changed to: The Village Administrator shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including background checks, using outside resources when needed.

iv. Article IV. Section 2 – Political Activity was changed to: Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitutions and laws of the United States.

v. Article IV. Section 5 – Safety was changed to: The Village will ensure that all employees have a safe, healthy work environment that complies with all safety laws and regulations.

vi. Article IV. Section 7 – Disruption in the workplace was changed to: The Village is responsible for maintaining a productive and professional work environment conducive to conducting the Village's business. To that end, employees are expected to keep workplace disruptions and distractions to a minimum.

The Council agreed to consider the remaining recommendations at the December 4, 2023, agenda meeting.

Other Business

10. Mayor – Council Reports

Vice Mayor Coletta reminded everyone that the Council and Staff Holiday Luncheon is December 6, 2023, 12:00 p.m., at the Hendersonville Country Club.

Adjournment

At 12:45 p.m., Council Member Gregory made a motion to adjourn the meeting, seconded by Vice Mayor Coletta. The motion was carried by unanimous vote.

Michelle Parker, CMC
Village Clerk

Nick Weedman, Mayor

To: Mayor and Council
Planning Board Members

From: Zoning Administrator

Date: November 3, 2023

Ordinances Activity Report for October 2023

Ordinance Activities	This Month	2023 YTD	2022 YTD
Compliance Certificates Approved for SFD's	3	14	18
Temporary Compliance Certificates Approved	0	0	0
All Other Compliance Certificates Approved	2	25	17
Certificates of Occupancy/Compliance Approved	2	35	28
Variance Applications	0	0	1
Special Exception Application	0	0	0
Special Use Permit Applications	0	1	0
Appeal Applications	0	0	0
Special Use Permit Amendment Applications	0	0	0
Rezoning/Text Amendment Applications	0	0	1
Subdivision Application	0	0	0
Floodplain Development Application	0	0	1
Sign Permits	0	1	1
Historic Landmark Status Application	0	0	0
Ordinance Fees Received	$600.00	$4,325.00	$4,575.00

October 2023 Ordinances Activity Report

Certificates of Zoning Compliance applications approved:

3 – Single Family Dwellings- (Chanteloupe, Berwick Downs, Bonclarken). *Bonclarken permit includes the demolition of an existing SFD and rebuilding in the same location.

2 – Decks - (Flat Rock Square, Ravenswood)

Highland Lake PMUD: Letters of credit for Unit 1 and 4 have expired. Unit 1 Block 1, now called Park Residences @ Highland Lake Village, came before Council where it was approved (with conditions). They are still in the process of getting their erosion control/stormwater permits from the County, and they are submitting final revisions that the city asked for on water and sewer. They are also finalizing figures for the Completion Assurance Agreement.

Misc. zoning and other ordinance issues:

- Minor subdivision at Trenholm and Little River Rd approved (Captain Smyth's Preserve). Infrastructure has been installed. Plat was signed and has been recorded. Need proof of covenants being recorded at the register of deeds and the homeowner's association still needs to be established through the secretary of state before any lots can be sold. We have been informed that the owner's trustee has all the needed information to complete these tasks. No further updates.
- Worked with Flat Rock Playhouse Board of Trustee's representative, Joe Ippolito, in reference to a lot with a SFD on it that they wanted to expand. Consulted with village attorney about nonconforming language in the LDO and they worked to combine lots (recombination plat) for the Village to review. Received recombination plat to review and approve. Met with Mr. Ippolito and Mr. Kelsch (architect). Mr. Kelsch has inspected the existing building and is now recommending that the existing structure be demolished and a new one built to meet their needs. This will require a variance due to setback requirements. No further updates.
- The contract for an audit of our LDO was presented to Council for approval at the September meeting and was signed by all parties on September 27th, 2023. Met with consultant on October 10th, 2023, to discuss and review notes I had accumulated over the years. She had already started her review and made changes to improve navigation to include working on links within the document and to general statutes. She is also reviewing the existing LDO for compliance with 160D, reviewing definitions, processes, and standards for clarity, and identifying contradictions and ambiguities. She made her first presentation to the Planning Board on November 7th, 2023.
- Had an inquiry about church property in R-20 (which is only allowed as a special use). The lot is nonconforming and additionally, a Special Use Permit (SUP) would be needed for them to make any improvements to the property. Consulted with Village attorney to see how to advise a potential path forward. Have met with Churches representative twice thus far to review SUP and variance procedures.
- Received a permit request for a restaurant in Flat RockSqaure to build a platform for a cooler. This commercial complex was permitted under a single site plan in the early 2000's as a Commercial Planned Unit Development (CPUD). Have pulled the old permit(s) to see what was approved, any conditions, etc. have spoken with the property owner who has no specific knowledge that was helpful. Contacted the village attorney who ultimately advised that this could be permitted without a revision to the special use permit.
- Lakehouse Academy asked for copies of their Special Use Permits. They are looking into becoming a residential treatment center in order to accept insurance.
- Worked with a realtor about a property on Greenville Hwy that wants to do a recombination and possibly subdivide the property later. After multiple communications with the realtor, surveyor, and village attorney. Signed off on the recombination plat.
- Received an application for five new units at the Mill House Lodge property. The owner presented a document that claims there are only 40 units currently on site which would allow him to build five more to bring the total up to the forty-five allowed by the M-L zoning district as a permitted use. Will ask the tax collector to confirm the current number of unis through the tax records prior to moving forward.
- Multiple communications/meetings about recombination plats. (Robert E. Lee Dr, Old Whiskey Creek Lane)

- Multiple contacts with representative with HBK Engineering about Duke Energy pole maintenance.

SCO, TPO, FDPO, HLO:

- In April of 2021, we received an inquiry from an engineer out of Forest City about lots 16/17 on Mockingbird Dr. in Statonwoods which are located in the floodplain. He was asking about bringing fill onto those lots to take a portion of them out of the floodplain. He worked with our Floodplain Consultant reference permitting requirements. Signed off on Community Acknowledgement Form for a Conditional Letter of Map Revision (CLOMR) request. In September of 2022, the property owner came into the office requesting a certificate of zoning compliance application to build a SFD. Gave him the CZC form and asked about the CLOMR-F request. He had some paperwork with him from FEMA dated June of 2021 which was FEMA's conditional concurrence of the request. He still needs a floodplain permit and a CZC permit to bring in fill and build the house. In June of 2023, the property owner came in after receiving a notice from the tax collector. We discussed that he still needs to get both a floodplain permit and a certificate of zoning compliance permit. Also confirmed that he could apply to FEMA for a letter of map revision for fill (LOMR-F) after construction. Update: Received an elevation certificate via email on October 4th, 2023. Reminded him that he still needs a flood plain permit and a zoning permit. Emailed both applications again. Both applications were dropped off at the office on October 6th, with no plans or documentation. Have had multiple communications with the owner's sister-in-law, who as of November 6th, has brought the engineer from Forest City back into the mix.
- The Historic Landmark Commission last held a meeting in April 2022. Victoria Flanagan had been working on producing a procedural document for granting landmark status and reviewed her proposed changes to the application and "sequence of events" handout. No future meetings are scheduled at this time.
- Permission was granted for the placement of banners on Village property last April and May. Both parties were notified. A policy discussion is still pending.

Planning Board and Board of Adjustment Meetings:

- The Board of Adjustment did not meet in October. They are still planning on looking at their bylaws at a future meeting.

- The Planning Board did not meet in October. At the November meeting, the LOS consultant for the LDO audit made her first presentation to the board. The next scheduled meeting will be December 5th, 2023.

Village Administrator Report
November 2, 2023

Flat Rock Crime Reports:

Information obtained from the Citizen Connect incident map link on Henderson County Sheriff's Dept. website.

Reporting period of October 1, 2023 – October 31, 2023:

The Citizen Connect webpage shows a map with icons indicating an incident, but with no street names to confirm location. The map icon locations are historically inaccurate and need to be verified as being within Village boundaries. Therefore, they are not included again this month.

Website/Facebook Report/EV Charging Station Stats:

Reporting period of October 1, 2023 – October 31, 2023:

- There were 5614 - page views of the home page of the website, an increase of 1017 from the previous month.
- Following the default home page views, the following 12 sections were viewed most, in descending order: Contact Us, Calendar, Park Facility Reservations, Park Facilities Reservation Calendar, Search Results, About Us, Mayor and Council, Meeting Room Reservations, The Park at Flat Rock, General Information, Archived Media Resources, Shopping and Dining.
- Items added or updated: Park facilities reservation calendar information, calendar, updates of scheduled meetings of council, boards and committees, approved council meeting minutes, council meeting agenda, links to community events, shred day announcement, road construction updates, and the reappraisal process.
- Facebook stats for October 2023:
  Followers: 1840
  Post Engagement: 690
  Post Reach: 678
  New Followers: 8
- Electric Vehicle Charging Station Uses:
  October 2023: 24- Utility cost for last 30 days=$69.00 for 461 kWh based on $0.15 per kWh. The Village started charging $0.20 per kWh in August.

Village Hall Office, Grounds, Park, Misc. and Communications:

- For the upcoming month, notices emailed regarding the Village monthly meetings and events. Updated online meeting calendar as needed. Updated website as needed.

- Park related issues and staff support: Worked with Council Member Carpenter, Council Member Toner, Michael Dages, and Tracey Daniels. The Park Commission met October 26th, 2023. The next scheduled meeting to be held will be on November 30th, 2023, in the Rudnick Room at the Park. There will be no meeting in December.
- The park volunteer fall picnic was held on Monday Oct. 30th, at the park pavilion.
- Park updates include Dye Creek, the North Highland Lake Road project, the Daffodil Memorial Garden, planting Chestnut trees and a discussion about the possibility of a cap on the number of attendees at park events.
- Attended Park Foundation meeting on October 9th, 2023.
- Dye Creek- The Park Foundation has been investigating grant funding for this project as well as conducting their own fund raising. They received one grant for $20,000 for signage and received word that the grant from the North Carolina Division of Water Resources was fully funded at $190,580.00. The contract between DEQ and the Village was approved and signed. They recently learned that the Rudnick grant through the Community Foundation was approved for $10,000.
- Dye Creek Project Management Contract- The contract was approved and signed. We worked with Andrew Bick on the final bid package language with input from Council Member Toner and our attorney. This is being brought before Council at its November meeting.
- Natalie Berry (Henderson County Director of Site Development) reviewed and approved the flood plain permit for the Dye Creek project.
- Land of Sky ARP - Staff and Council continues to work with Mary Roderick as needed. Ms. Roderick submitted our annual report on April 14th, 2023, and sent us the annual reports from our grantees.
- The Flat Rock Transportation Advisory Committee will be meeting quarterly in 2023. Their next scheduled meeting will be held on December 12th, 2023. The scenic byway subcommittee cancelled its October 27th meeting.
- Council approved the installation of the speed radar signs. The signs were activated, and Vice Mayor Coletta is downloading information from them.
- Obtaining estimates to repaint the ceiling in the Highlander Room and the exterior of Village Hall. Now have three estimates but haven't compared them in order to bring them to Council.
- Working with Carol Richard and Council Member Jeter to review the personnel policy and propose possible updates. Carol looked at the policies from Hendersonville, Mills River, Fletcher, and Laurel Park. She also reviewed the state personnel policy for possible updated language and put questions out on the clerk listserv for information. We met with Council Member Jeter multiple times to finalize the draft document. This draft was given to Council at the November agenda meeting to review and will be presented at the November regular council meeting.
- Completed Canada Goose Annual Report.

Community Meetings, Networking, Agency Contacts:

Hendersonville Lightning
HC Permits and Inspections
Hendersonville Development Assistance Dept.
Blue Ridge Fire Dept
Town of Mills River Manager, Clerk, Zoning Administrator, and Park Director
City of Hendersonville Public Works Director, Planning Manager.
Town of Fletcher Manager, Park Director, and Planning Director
Town of Laurel Park Manager
Henderson County Park Director, Planning Director, and Planning Staff
Henderson County Director of Site Development
Henderson County Emergency Operations
Attended the Daffodil Project groundbreaking ceremony at the park on October 10th, 2023.
Attended the virtual meeting of the French Broad River Metropolitan Planning Organization Technical Coordinating Committee (FBRMPO TCC) on October 12th, 2023.
Attended the Local Government Committee for Cooperative Action (LGCCA) meeting on October 17th, 2023.
Attended (via Teams) the Henderson County Transportation Advisory Committee (TAC) on October 18th, 2023.
Attended the Manager's networking event on October 27th, 2023.
Attended the volunteer Fall Picnic at the park on October 30th, 2023.

Report prepared by:
Patricia Christie, CZO
Village Administrator

Tax Collection Report

November 8, 2023

2023/24 Tax Year

2023/2024 Property Tax
Collection Report

Billed	$1,663,432.96
Releases	-$914.44
Collections	$939,075.68
Remaining	$723,442.84
Utility billing	$13,065.71
Collection percentage	56.5%

The collections have been excellent and are ahead of the same time last year. Escrow companies have made payments slightly earlier than last year.

At this point, no problems are anticipated.

The first of two payments to the Fire Departments is due at the end of December.

Nick Weedman
Finance Officer