AGENDA
VILLAGE OF FLAT ROCK COUNCIL MEETING
VILLAGE HALL ASSEMBLY ROOM
110 VILLAGE CENTER DRIVE
AUGUST 10, 2023
9:30 AM

Call to Order

Moment of Silent Meditation

Pledge of Allegiance

Public Comments

Agenda Approval/Changes

Consent Agenda

1.
   - July 3, 2023 – Agenda Workshop Minutes
   - July 13, 2023 – Council Meeting Minutes
   - 2023 Tax Charge

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

Old Business

6. Henderson County Traffic Advisory Committee Report – Vice Mayor Coletta

New Business

7. Appointment to Planning Board – Council Member Gregory

Other Business

8. Mayor – Council Reports

Public Comments

Adjournment

VILLAGE OF FLAT ROCK COUNCIL MEETING MINUTES
VILLAGE HALL – ASSEMBLY ROOM
110 VILLAGE CENTER DRIVE
AUGUST 10, 2023
9:30 A.M.

Mayor Weedman presided over the August 10, 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, and Village Clerk Parker and Village Administrator Christie. Council Member Toner was not present.

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 - None

Agenda Approval/Changes

Under *New Business, Item #7 – Appointment to Planning Board* was added to the agenda. Council Member Gregory made a motion to approve the agenda as amended, seconded by Vice Mayor Coletta. The motion was carried by unanimous vote.

Consent Agenda

1. The Consent Agenda consisted of the following:

   - July 3, 2023 - Agenda Workshop Minutes
   - July 13, 2023 – Council Meeting Minutes
   - 2023 Tax Charge

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 July 2023 zoning report dated August 8, 2023, and the Village Administrator report dated August 7, 2023 (see attached reports). Village Administrator Christie mentioned she will be attending a NC Zoning Official conference in Charlotte, NC August 14 – 16th.

3. Park Update – Council Member Carpenter

Council Member Carpenter gave an update on the following from the July 27, 2023, Park Commission meeting:

Park Commission Appointments: The Park Commission currently has two open spots; anyone interested should fill out and submit a volunteer application.

Dye Creek Restoration Project: With the signing of the contract for Andrew Bick to serve as the Project Manager for the project, work is scheduled to start in mid-November 2023.

Andrew Bick will begin the process to solicit bids in August, with bids to be awarded late September to early October.

Mary Scott Robinson has completed a plant inventory of the vegetation currently existing in the Dye Creek Project area to be used as reference during the revegetation of the area once the relocation work has been completed.

Q4 2022/2023 Budget Report: Expenditures for the Park came in at 87.45 percent of the budgeted amount after removing the monies allocated for the Dye Creek Project (a small amount of expenses was incurred during the last fiscal year).

Park Survey: The Park Commission has previously discussed creating an unofficial survey to collect ideas and perceptions from Park visitors. After further discussion at the July meeting, it has been decided to hold off on this project until after the N. Highland Lake Road project and the Dye Creek Restoration project have been completed.

Tree Identification Proposal: John Miller, Park Commission member, proposed using small, metal identification tags on some of the park trees (i.e., tag one of each species of tree found within Park boundaries). The trees marked would be placed on a map of the park to allow people to locate the trees with an aim of improving tree identification. Searching for the marked trees would also be a fun activity for children and school classes to help them begin to appreciate the great diversity of plants found in WNC and Flat Rock.

New Invasive Species found in the Park: Georgia Bonesteel reported at the July 27, 2023 Park Commission meeting that Highland Lake is infested with the invasive tropical plant Parrot Feather, which is also growing in King Creek. The Park Commission will be discussing how and if to eradicate this plant at the next Park Commission meeting scheduled for August 24, 2023.

Visitation in the Park: A total of 17,764 cars were counted entering the parking lot in June. The total count for July was 18,219 cars counted, or an average of 588 per day.

Park Rules Signage: Park Director Dages reported that signs listing the park rules have been vandalized or are worn to the point of needing to be replaced. Park Director Dages and Village Administrator Christie will investigate pricing for the purchase of new signs.

Summer Intern: Mary Scott Robinson's focus in the park has been on visitor relations, compiling an inventory of the botanical species found in and around Dye Creek, and water sampling to build a baseline of park water quality prior to major construction and water diversion associated with N. Highland Lake Road project so the effects (if any) on water quality can be seen when the road project has been completed. Her last day of employment will be Monday, August 28, 2023.

Park Master Plan: The updated master plan has been delayed pending creation of a new map/drawing of the park to be finalized, reflecting the changes required by Village Council at the May 9, 2023, meeting. Further discussion by the Park Commission on finalizing the plan

for submittal to Village Council will continue once the revised map has been completed.

Pardee in the Park: The Hendersonville-Barre exercise classes have started in the park. The classes are being held at 5:30 p.m. each Wednesday from now until October in the Pavilion.

4. Foundation Update – Council Member Toner

In Council Member Toner's absence, the Village Administrator read an email from Tracey Daniels giving the following update:

- There was no Foundation Board meeting on Monday, August 7, 2023, due to weather and no quorum.
- The Dye Creek campaign will officially launch to the wider public next week, mailing to donors next week.
- Park Foundation is hoping to partner with the Flat Rock Playhouse Junior for an educational opportunity/craft at the annual Pumpkin Sale, Saturday, October 14, 2023.
- Park Foundation continues to get great support with a 53 percent retention rate of our donors.

5. Transportation Update – Vice Mayor Coletta

Vice Mayor Coletta reported the following:

- Historic Flat Rock, Inc., along with a resident along W. Blue Ridge Road, is interested in helping with the scenic byway application.
- N. Highland Lake Road was closed August 8 – 9 for the railroad to do work on the tracks. The work that needs to be done under the road, which should take place at night, has yet to be scheduled. NCDOT and the City of Hendersonville are negotiating how to proceed with that work on the sewer line that runs under N. Highland Lake Road just east of the railroad tracks.
- Dennis Flanagan and Vice Mayor Coletta will be meeting with NCDOT sometime next week to review the guardrail and concrete colors on the southside of N. Highland Lake Road inside the historic district. The State Historic Preservation Office required that NCDOT mitigate visual disruption in the historic district by upgrading the appearance of the guardrails and the new culvert at the dam and King Creek.

Old Business

6. Henderson County Traffic Advisory Committee Report – Vice Mayor Coletta

Vice Mayor Coletta presented a handout showing final prioritization projects of seven highway projects to move forward and seven bike/pedestrian projects to move forward requested from HCTAC to be submitted to NCDOT and FBRMPO, none directly affecting Flat Rock.

The Kanuga Road project is still on the list as a carryover project but is unfunded and unscheduled.

New Business

7. Appointment to Planning Board – Council Member Gregory Council Member Gregory mentioned Judy Katz and Dale Bartlett's terms have ended and commended them for their hard work while serving on the Planning Board. Jenny Bevan-Liberatos, the owner of Five Oaks Inn, has expressed an interest in serving. Council Member Gregory made a motion to appoint Jenny Bevan-Liberatos to the Planning Board, seconded by Vice Mayor Coletta. The motion was carried by unanimous vote.

Other Business

8. Mayor – Council Reports

Council Member Dethero mentioned the Kudzu spraying has finished. He has spoken with the Town of Tryon who is interested in starting the Kudzu program.

Council Member Gregory mentioned the Planning Board has updated their By-Laws and the Board of Adjustment will be updating theirs later.

Council Member Jeter reminded council members that the Land of Sky Regional Council BBQ event will be held Tuesday, August 15, 2023, 12:00 p.m., at Fletcher Community Park.

Mayor Weedman asked if the three-year grant money had been transferred to the Village from the Park Foundation. Park Director Dages will be requesting reimbursement from the Park Foundation in October.

Mayor Weedman mentioned he has contacted Tesla about installing two charging stations in the parking lot of the Village Hall, but he has gotten no response.

Public Comments – Mr. Barry Warthen, president of the Highland Golf Villas HOA, mentioned that more gravel is needed at the entrance and exit of Highland Golf Drive as NCDOT has cut the pavement in that area and the gravel has been packed down or washed out. Mr. Warthen as a Park Commission member clarified that the Park Commission will be looking at doing the park survey after the Dye Creek project is complete, and the Park Commission is opposed to putting identification tags on the trees in the park.

Adjournment

At 10:15 a.m., Council Member Carpenter made a motion to adjourn the meeting, seconded by Council Member Jeter. The motion was carried by unanimous vote.

Michelle Parker, CMC
Village Clerk

Nick Weedman, Mayor

The Village of Flat Rock
North Carolina

Incorporated in 1995

To: Mayor and Council
Planning Board Members

From: Zoning Administrator

Date: August 8, 2023

Ordinances Activity Report for July 2023

Ordinance Activities	This Month	2023 YTD	2022 YTD
Compliance Certificates Approved for SFD's	1	9	18
Temporary Compliance Certificates Approved	0	0	0
All Other Compliance Certificates Approved	3	19	17
Certificates of Occupancy/Compliance Approved	2	24	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	$375.00	$3,125.00	$4,575.00

July 2023 Ordinances Activity Report

Certificates of Zoning Compliance applications approved:

1 – Single Family Dwelling - (The Farm at Highland Lake Village)
3 – Screen Porch/Sunroom - (Glassy Ln, Dunroy, Kenmure)

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 for a quasi-judicial evidentiary hearing at Council's July 13th meeting. The hearing was recessed and reconvened to July 31st where it was approved (with conditions).

Misc. zoning and other ordinance issues:

- Minor subdivision at Trenholm and Little River Rd approved (Captain Smyth's Preserve). Infrastructure has been installed. Both (plat and covenants) are now acceptable for recording. 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. The owner's trustee has all the needed information and needs to record the HOA documents with the Secretary of State. No further updates. Note: Matt Matteson with the Hendersonville Lightning inquired about its status.
- Worked with Flat Rock Playhouse Board of Trustee's representative, Joe Ippolito, in reference to a lot with a SFD on it that they want to expand. Consulted with village attorney about nonconforming language in the LDO and updated Mr. Ippolitio who had indicated that they are working on combining lots (recombination plat) for the Village to review. In the meantime, I was contacted via email by an architect who indicates that he is working on a possible renovation of the same building. Shared with him the work that Mr. Ippolito and I had done. Met with him in early June to be followed by another meeting with Mr. Ippolito. Update: Received recombination plat to review and approve. Set another meeting for Mr. Ippolito and Mr. Kelsch for August 25th.
- Inspected a complaint off Rutledge Dr about the placement of a shed in the front yard which is not allowed per our Land Development Ordinance (LDO). Met with property owner's (violators) and complainant. Explained the process moving forward once a Notice of Violation (NOV) is issued. Update: Violators in office on July 11, 2023. They indicate that the shed is gone.
- Continue to work with Council Member Gregory on securing a contract for an audit of our LDO. Update: Met with representatives from Land of Sky. Reviewed their proposed scope of work. We discovered that the person we met was not going to be the person doing the work as we originally thought. They have hired a new employee and we have set a meeting for August 17th to meet with them.
- Issued one construction form not requiring a Certificate of Zoning Compliance for property off Middleton Rd.
- 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. Update: Met with Churches representative to review SUP and variance procedures. Met with him again on July 11th.
- Researching original permit and site plan for remaining dermatologist at the Market Center at Highland Lake Village as we received an inquiry about the ability to add an elevator.

SCO, TPO, FDPO, HLO:

- Was contacted by a new property owner last December for a property on Middleton Rd. There is an existing barn on the property built under an agriculture "exemption" which means no building permit was approved. In 2005, the Village issued a zoning approval to remodel the barn to add living quarters. The new owner wants to redo the interior and possibly add an accessory building to the property. This property is in the flood plain and it appears that the original building (barn) did not receive a flood permit. All of this took place prior to the Village having a flood plain ordinance in place. It was recommended

that the owner get an elevation certificate done and send it to us to see the existing elevation of this building. Was contacted again by the property owner who sent us the elevation certificate. Sent elevation certificate to Andrew Bick who advises keeping renovations below 50% of market value or FEMA requires the entire structure to be brought into compliance. Any new construction will have to meet current Flood Plain ordinance standards.

- 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.
- 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 July. They are still planning on looking at their bylaws at a future meeting.

- The Planning Board did not meet in July. The did meet August 1st, 2023, which was the last meeting for two longstanding members, (Judy Katz and Dale Bartlett). They reviewed and approved some minor updates to the Planning Board By-Laws. The next scheduled meeting will be September 5th, 2023, at 1:30 pm due to the Labor Day holiday and the Council meeting scheduled for the morning of the 5th.

Village Administrator Report
August 7, 2023

Flat Rock Crime Reports:

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

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

Other

7/7/23: Highland Golf Dr., OSJ Warrant Serv Misuse of 911 System

Website/Facebook Report/EV Charging Station Stats:

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

- There were 5447 - page views of the home page of the website, an increase of 453 from the previous month.
- Following the default home page views, the following 12 sections were viewed most, in descending order: Calendar, Mayor and Council, Park Facilities Reservation Calendar, General Information, The Park at Flat Rock, Shopping and Dining, Park Facility Reservations, Archived Media Resources, North Highland Lake Rd Project, Contact Us, About Us, 2023 Village Council Minutes.
- 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, road construction updates, and the reappraisal process.
- Facebook stats for July 2023:
  Followers: 1815
  Post Engagement: 100
  Post Reach: 419
  New Followers: 4
- Electric Vehicle Charging Station Uses:
  July 2023: 83- Utility cost for last 30 days=$249.00 for 1.66 MWh based on $0.15 per kWh. (1000 kWh or kilowatt hours=1 MWh or megawatt hour) Starting August 11,2023 the Village is going to start charging $0.20 per kWh through ChargePoint.

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 July 27th, 2023. The next scheduled meeting to be held will be on August 24th, 2023, in the Rudnick Room at the Park.
- Park updates include master plan production, possible Tai Chi programming, Dye Creek, and the North Highland Lake Road project. Also discussed a community survey, budget, and tree identification in the park.
- Dye Creek- The Park Foundation has been investigating grant funding for this project as well as conducting their own fund raising. Received one grant for $20,000 for signage. Received word that the grant from the North Carolina Division of Water Resources was fully funded at $190,580.00. Have activated a vendor account with the North Carolina Electronic Vendor Portal and filled out the No Overdue Taxes Form as requested. The contract with DEQ was approved and signed at the July 31st Council Agenda meeting.
- Dye Creek Contract-Michael Dages, Council Member Toner, Council Member Carpenter, and I reviewed the most recent updated language from Andrew Bick and sent it to the Village Attorney for review. There were some questions about the indemnification language that stalled the contract moving forward until Ms. Alexander and Mr. Bick spoke directly and came to an agreement that was acceptable to both parties. This contract was approved and signed at the July 31st Council Agenda meeting.
- Natalie Berry (Henderson County Director of Site Development) reviewed and approved the flood plain permit for the Dye Creek project.
- Intern started July 1st. She is working on plant id, and water quality testing of Dye Creek.
- 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 last week.
- The Flat Rock Transportation Advisory Committee will be meeting quarterly in 2023. Their next scheduled meeting will be held on September 12th, 2023.
- Council approved the speed radar installation contract at the May meeting. Vice Mayor Coletta met with the contractor to discuss the installation. We have notified Don McMahon of the need to load software onto the laptop. Update: Signs installed last week and currently collecting data for a baseline.
- Kudzu treatment requests-Kudzu treatments are complete.
- Contacted the paint contractor who did the original interior painting at Village Hall to come and look at the ceiling in the Highlander Room and give us an estimate for exterior painting of Village Hall. Those estimates have just been received. Council Member Gregory contacted another painter to get another estimate which has been received. Obtained the name of another painter to get a 3rd estimate.
- Audit-Worked with Michelle to prepare for Kim Carland from Carl Shaw's office, to come into the office the week of July 31st.
- Contacted NCLM to confirm insurance requirements for the DEQ contract.
- Working with Carol Richard and Council Member Jeter to review the personnel policy and propose possible updates. Asked Carol to look at the policies from Hendersonville, Mills

River, Fletcher, and Laurel Park. She also reviewed the state personnel policy for possible updated language.

- Received notification for the Local Government Solid Waste and Materials Management Report which is due by September 1st, 2023.
- Received notification of the North Carolina Demographic Information Survey which is due by July 21st, 2023. This has been completed.

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
NCLM-Met with Amy Whisnant who is a Risk Control Consultant
NCLM- Met with Regina Mathis who is an ARP Field Representative
Attended a virtual meeting of Henderson County Managers to discuss the Local Government Committee for Cooperative Action (LGCCA) agenda on July 12th, 2023.
Attended the LGCCA meeting on July 18th, 2023.
Attended (virtually) the Henderson County TAC meeting on July 19th, 2023.

Report prepared by:
Patricia Christie, CZO
Village Administrator