

MINUTES
VILLAGE OF FLAT ROCK COUNCIL MEETING
ASSEMBLY ROOM
JULY 11, 2019
9:30 A.M.

Mayor Staton presided over the July 11, 2019, council meeting at 9:30 a.m. Those present in addition to Mayor Staton were Vice Mayor Weedman, Council Members Brown, Gooch, Jamerson and Posey, Village Clerk Parker, and Village Administrator Christie. Council Member Dockendorf was not present.

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

Under Old Business - Item #6, FY 2018/2019 Tax Settlement Statement, Item #7 – ETJ/Boundary Adjustment, Item #8 – Resolution No. 215 – Protesting the Lack of Enforcement of Penalties for the Discharge of Contaminants onto Properties and Waterways, Item #9 – Citizen Survey were added to the agenda. Council Member Jamerson made a motion to approve the agenda as amended, seconded by Council Member Gooch. The vote was unanimous, motion carried.

Public Comments – Malisia Wilkins, a resident of Flat Rock, expressed disappointment with all the signs within Flat Rock, such as “Keep Flat Rock Green” and “Don’t Urbanize Flat Rock.” She also mentioned she was not happy with the property tax increase to cover litigation costs the council expects to incur in the coming fiscal year.

Consent Agenda

1. The Consent Agenda consisted of the following:
 - June 3, 2019 – Agenda Workshop Minutes
 - June 13, 2019 – Council Meeting Minutes

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

Special Reports

2. Administration – Village Administrator Christie

Administrator Christie reviewed the June 2019 zoning report dated July 8, 2019, and the Village Administrator report dated July 8, 2019 (see attached reports).

Mayor Staton reported there is a proposed contract with Land of Sky Regional Council to prepare a citizen survey for a price of no more than \$3,000.00, which is in the budget. He asked for approval subject to refining some of the language in the contract. Vice Mayor Weedman stated he would like to understand the survey and why it's being done before approving. After discussions, Council Member Posey made a motion to approve the contract with Land of Sky for a fee up to \$3,000.00, seconded by Council Member Gooch. The vote was unanimous, motion carried.

3. Park Update – Council Member Brown

Council Member Brown gave an update on the following:

Bryan Playground and Tot Lot grading and drainage – After a week of prep work, Trace & Co. broke ground on June 24 on the tot lot site to grade the area and install the drainage system. They expect this to take about three weeks, so we are targeting next week for them to shift to the Bryan Playground to do similar work. We have issued a press release on the Bryan Playground closure as well as posting it on social media and the Village website. The Park Ranger also put up flyers around the park. Beanstalk is scheduled to begin installation of the play elements in the tot lot on August 22.

Wildflower Meadow – Our contractors are cautiously optimistic about the development of the wildflower meadow. We definitely see flowers and grasses emerging. Proper mowing and good weather over the coming weeks are the keys to its success.

National Pollinator Week – The National Pollinator Week event on June 22 was a huge success. Twenty-one people attended the nature walk and beekeeper talk.

Cost avoidance/budget savings

- Renegotiated the ponds maintenance contract resulting in annual savings of \$3,150 (was \$9,900, now \$6,750)
- Reworked the Welcome Center services and supplies contract (UniFirst – floor mat service & bathroom air fresheners) resulting in an annual savings of approximately \$1,000.00. Also identified almost \$200 in overcharges that will be refunded to the Village.
- Park Ranger has provided handyman services (e.g., Welcome Center floor repair, wall repair/touch up painting, playground repairs, garage shelving installation, minor Gator maintenance, sign installation, fence repairs). A conservative estimate of five hours per month at \$60 per hour results in cost avoidance of \$3,600.00.

4. Foundation Update – Council Member Gooch

Council Member Gooch deferred the update to Dennis Flanagan. Mr. Flanagan reported Pardee Hospital will hold health programs in the park; the first will be July 17, 2019, on Family Medicine. A Nature Walk is scheduled for July 19, 2019. At the recent board meeting, new officers were elected for the Flat Rock Park and Recreation Foundation. They are: Bill Hale – Treasurer, Jim Olson – Secretary, Duncan Fraser – Vice President, and Dennis Flanagan – President.

Mr. Flanagan mentioned the cancellation of the Feast & Frolic event, which has opened up other fundraising opportunities, and the Foundation will be reaching out for donations.

5. Transportation Update – Council Member Dockendorf

In Council Member Dockendorf's absence, Council Member Posey reported she attended the June meeting of the FBRMPO, which will not meet in July. The June meeting of the Transportation Advisory Committee was cancelled. Its next meeting is scheduled for Wednesday, July 17, 2019. She reported Greenville Highway 225 at Erkwood Drive and Shephard Street will be closed July 17 – October 17 for roundabout construction. NCDOT will close West Blue Ridge Road at the entrance to Mill House Lodge July 10 – 17 for sinkhole repairs.

Mayor Staton reported a NCDOT representative has advised that right-of-way acquisitions for the North Highland Lake Road improvement project are underway. They are working with twenty-five property owners between Spartanburg Highway and Greenville Highway. Six properties of the twenty-five have been settled, and negotiations will continue with the other property owners.

Old Business

6. FY 2018/2019 Tax Settlement Statement – Vice Mayor Weedman

Vice Mayor Weedman presented and reviewed the FY 2018-2019 Tax Settlement Statement for approval, a statutory requirement. At the end of the tax year the Tax Collector submits a statement showing the amount of taxes charged and the amount collected during the fiscal year. Once again, the amount collected was 100 percent of the amount billed. Mr. Weedman made a motion for Council to approve the settlement statement submitted by the tax collector, seconded by Council Member Posey. The vote was unanimous, motion carried.

7. ETJ/Boundary Adjustment – Vice Mayor Weedman

Mayor Staton mentioned this subject was discussed at the last LGCCA meeting, and the County Commission Chairman, Grady Hawkins, suggested that the municipalities take the subject back to their respective councils for discussion of any position they may wish to take. The discussion was the result of an offer by Representative Chuck McGrady to introduce local legislation that would extend the boundaries of various municipalities into ETJ areas. Mayor Staton reported Flat Rock does not have any ETJ areas, but there are some areas that may be appropriate for inclusion in a boundary adjustment. Chairman Hawkins mentioned two ideas. (1) whether Flat Rock wants to pursue a boundary adjustment to bring some areas outside of Flat Rock into Flat Rock; or (2) not extending our boundaries but working closely with the county in an effort to amend our respective zoning ordinances so that county zoning adjacent to Flat Rock and our zoning are compatible.

Vice Mayor Weedman mentioned there are several places on Flat Rock's southern boundary that he thinks should be included, or considered for inclusion, in Flat Rock. They are Kenmure Phases 5 and 6, the part of Kenmure on the southside of Pinnacle Mountain Road; and Cobblestone and Saddlebrook subdivisions. Mr. Weedman has discussed with the developer, Mr. Lee King, the possible inclusion of the two Kenmure phases. Mr. King expressed concerns that if these phases were included in Flat Rock, that he would be able to continue to sell and construct cottages/smaller homes and lots in that area. Mayor Staton mentioned there is a proposal before Kenmure property owners to expand Kenmure by 60 acres for development of 39 lots.

Mr. Weedman stated he does not know the acreage of Phases 5 and 6. Phase 5 is platted and virtually sold out, while Phase 6, the last section of Kenmure to be developed, is partially platted and in the final stage of infrastructure installation. There are 81 lots in the two phases. Phase 5 has 44 residential units, 25 undeveloped lots, and no homes under construction. Phase 6 has five residential units, five lots platted but undeveloped, and two residential units under construction.

Residents of these two phases are in the unincorporated area of Henderson County, and registered voters there use the Green River polling place for voting in general elections. The voting place is always of some confusion for residents in this part of Kenmure.

If municipal boundary lines were redrawn to bring this part of Kenmure into the Village, residents would be asking about pros and cons. Here are some of the points likely to be raised:

Pros

- More restrictive zoning in the Village. Likely a very minor positive.
- Village services such as kudzu control would be provided. There are several lots in the affected area that have kudzu infestations that are present along Pinnacle Mountain Road.

Cons

- Higher property tax rates. The Village currently has a tax rate of \$0.11 per \$100 valuation. This section of Kenmure is in the Green River Fire district, which has a tax rate of \$0.085 per \$100 valuation. For most residents, this would entail increased property taxes of \$200 - \$300 per year. With new federal income tax allowances of a maximum deduction of \$10,000.00 for state and local taxes, this increased tax burden would not be deductible for most property owners in this area.
- Loss of animal control coverage. Assuming the policy of the Sheriff's Department is to exclude coverage for the Village of Flat Rock, this affected area would not have animal control coverage. Sheriff Griffin had a platform in his election campaign to provide animal control services county-wide. If this proves true, this objection could be removed.

Vice Mayor Weedman recommends that we present a positive position on the possibility of a boundary adjustment while council continues to study the matter. Mayor Staton will report back to the LGCCA that Flat Rock would like to pursue the possibility of a boundary extension to include some of the properties discussed. Council agreed.

8. Resolution No. 215 – Protesting the Apparent Lack of Enforcement of Penalties for the Discharge of Contaminants onto Properties and Waterways – Mayor Staton

Mayor Staton reported Mr. Bill Walker has previously spoken to the council about the continuing contamination of his and neighboring properties from the Halfway Tree Mobile Home Park's failing septic systems. Violation notices have been sent from the N.C. Department of Environmental Quality and Henderson County Environmental Health with threats of fines, but fines have not been assessed for the pollution. Mr. Walker has asked council for a resolution of support. The proposed resolution of support was presented by Mayor Staton, Council Member Gooch made a motion to adopt Resolution No. 215, seconded by Council Member Posey. The vote was unanimous, motion carried.

Council Member Brown mentioned that, in a previous meeting, concerns about the contamination reaching King Creek in the park were discussed. Ms. Brown has asked Mountain True, a company that does water testing and treatment, to add King Creek as it flows along the park to its schedule for testing.

9. Citizen Survey – Council Member Posey. (Discussed earlier in the meeting.)

New Business

10. Implementation Plan – Council Member Posey

Council Member Posey mentioned the Planning Board has been working with Historic Flat Rock

The purpose of the survey is to gather opinions, suggestions, and priorities from Village residents and property owners for better informed governance and planning decisions of Village administrators, the Council, and the various boards and committees. Survey topics should include transportation, historic preservation, open spaces and recreation, utilities and waste control, business and residential development, safety and wellbeing for residents and visitors, and the Village's sense of community.

Dennis Maloy, Planning Board Chairman, reported the Planning Board has completed the task of reviewing the Implementation Plan and presented to Council in April recommendations for modifications/changes to the plan for Council to review. The citizen survey was a big action item that came from the implementation plan. Council asked to have more time to review the plan. The implementation plan and citizen survey will be discussed at the August 8, 2019, council meeting.

Dennis Maloy distributed a writing of what the Planning Board has accomplished so far with the citizen survey. According to the statement, the Planning Board has:

- Prepared a purpose statement
- Identified the broad topics or issues for the survey's focus
- Identified other issues that were not included in the 2004 survey: Sign Control Ordinance, Short-Term Rentals, Policing, Resources for the Aging Population, etc.
- Build the 2019 survey off the 2004 version
- Stay away from open ended questions
- Engaged a Land of Sky Regional Council staff member to assist in developing the survey and tabulating the results
- Survey to be available on the Village's website, also insert the survey in the Village Record newsletter.
- Agreed that the role of Council in the survey process should be clarified.

Other Business

11. Mayor – Council Reports

Council Member Brown reported members of the Kudzu Committee will be going out this week to identify properties to be treated in the fall.

Council Member Gooch commented on the new landscaping on the grounds of the Village Hall and commended Administrator Christie in working with TPS Landscaping.

Council Member Jamerson reported hemlock treatment has been completed on Little River Road.

Mayor Staton mentioned the Village, Sign Enforcement Officer Christie and he were recently served in a lawsuit brought by Cultural Landscape Group in which the plaintiffs allege they are being denied their constitutional rights to express their opinions by political signage. He further stated that engaging attorneys to answer the lawsuit will be costly for the Village..

Public Comments

Dennis Flanagan stated the Citizen Advisory Board of the FBRMPO has recently completed a survey on how NCDOT moves forward in the region. He encourages council to request the information from the survey by zip code.

Anne Coletta commented on the lawsuit stating she had sent emails to Council in January 2018 asking that the sign ordinance be amended to meet the CLG constitutional rights.

Stephanie Dunn commented on how the survey is worded, power lines being buried, and the tax increase. She also expressed a concern for people she knows who live in the Halfway Tree Mobile Home Park.

Victor Behorium commented on the amount of money to be spent in litigation and the lack of communication between the lawyers representing the parties to the lawsuit.

Victoria Flanagan commended the staff member with Land of Sky Regional Council that is helping prepare the citizen survey.

Polly Angelakis, Superintendent of the Carl Sandburg Home National Historic Site, reported a public meeting will be held Wednesday, July 17, 2019, 5 – 7 p.m., in the Assembly Room at the Village Hall for a presentation about the proposed rate increase for tours of the site.

Adjournment

With no further discussions, the meeting was adjourned at 11:10 a.m.

Michelle Parker, CMC
Village Clerk

Robert V. Staton
Mayor