

**MINUTES
VILLAGE OF FLAT ROCK COUNCIL MEETING
ASSEMBLY ROOM
NOVEMBER 12, 2015
9:30 AM**

CALL TO ORDER

Mayor Staton presided over the council meeting of November 12, 2015, at 9:30 a.m., in the Assembly Room of the Village Hall. Those present in addition to Mayor Staton were Vice Mayor Weedman and Council Members Chandler, Coletta, Farr, Gooch and Jamerson, Village Clerk Parker and Village Administrator Boleman.

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

At the request of Mayor Staton, *FY 2014/2015 Audit Review - Carl Shaw*, was added to the agenda to follow *Public Hearing – Special Use Amendment Application – SUP-10-01, Lakehouse Academy – Kerry Lindsey, Applicant*. With no additional changes, Vice Mayor Weedman made a motion to approve the agenda as amended, seconded by Council Member Gooch. The vote was unanimous, motion carried.

PUBLIC COMMENTS – None

Public Hearing – Special Use Permit Amendment Application – SUP-10-01, Lakehouse Academy – Kerry Lindsey, Applicant

Mayor Staton reported that the appropriate legal notice of the hearing has been advertised.

Council Member Chandler made a motion to go into public hearing, seconded by Council Member Coletta. The vote was unanimous, motion carried.

Mayor Staton in his statement of the case advised that this is a quasi-judicial public hearing on an application for modification of a special use permit (Case No. Z15-039). Applicant – Kerry Lindsey, 116A Water Lily Drive, Flat Rock, NC 28731; Property address: 447 Lily Pad Lane, Highland Lake Conference Center, Flat Rock, NC.

The special use of the property for which a permit (SUP No. 10-01) was approved September 2, 2010, is a private school, operated as Lake House Academy. The property is zoned RC Residential Conference District. A private school is a special use in the RC district. The application is for a modification of that special use permit for the construction of a new classroom building for Lake House Academy.

Requirements and procedures for the granting and approval of amendments of special use permits by the village council are set out in Article XV, §§1500, et seq.

Mayor Staton asked all Council Members if anyone has any conflict of interest or any outside information they may have pertaining to the case. There were none.

Mayor Staton asked that all persons intending to give testimony come forward at this time to be sworn in by Village Clerk Parker. The following were sworn in;

Tom Robertson, 174 Mountain Close Lane, Flat Rock
Peggy Moore, Lakehouse Academy, 447 Lily Pad Lane, Flat Rock
Kerry Lindsey, Highland Lake, 116A Water Lily Drive, Flat Rock
Jack Grup, Highland Lake Inn, 86 Lily Pad Lane, Flat Rock
Garry Cain, President, Rose Office Systems
Fotu Soliai, Executive Director, Lakehouse Academy, 447 Lily Pad Lane, Flat Rock

Zoning Administrator Boleman presented the application stating the public hearing notices were mailed to adjoining property owners as required by the Land Development Ordinance, and a notice was posted on site at Lake House Academy. The Planning Board met on October 27, 2015 to review the application, the memorandum recommending approval of the modification to the existing special use permit was entered into evidence as Exhibit F1, and was given to Village Clerk Parker for the record.

Zoning Administrator Boleman reported in 2010 an application for a special use permit for a private school was approved by the Council. The private school is allowed by the Land Development Ordinance as a special use in the RC District. The school was approved for up to forty-nine students, which number will not change. This is an application for an amendment to the SUP to permit the construction of an additional classroom building for Lake House Academy. Ms. Boleman reported all the requirements of the Land Development Ordinance with respect to this application have been met.

Ms. Boleman reviewed the exhibits in the information packets presented to Council. For the landscaping requirements Mr. Lindsey was asked to provide on the site plan drawing the number of existing trees and wooded area in relation to the proposed classroom building. Representatives of the school stated that, due to compliance problems, ordinance issues, and fire marshal regulations, the school will not have more than forty-nine students enrolled on or off campus.

The proposed classroom is a modular building and, after acquiring the proper permits, will take approximately 90 days for construction.

Mr. Lindsey stated his plans for the construction of the new building will require the relocation of the roadway around Lake House Academy and on to adjacent property, as well as the removal of some trees, and his design will have the lowest possible impact on the land.

Builder Garry Cain, with Rose Office Systems, Inc., presented photo renderings for the proposed modular building, which were entered into evidence as Exhibit E2. Mr. Cain stated they propose to build the building to match the existing Lake House Academy Lodge. There were discussions about

the need for additional photo renderings or drawings showing front and rear elevations, and roof pitch of the proposed building.

Resident Tom Robertson spoke in opposition to the proposed modular building. He feels the building is completely out of character with the neighborhood, will decrease property values, and is not the desire of the neighborhood.

Mr. Jack Grup, owner of Highland Lake Inn spoke in favor, stating his clients drive the entrance road and, therefore, the appearance and maintenance of the building is important to him.

Council Member Coletta expressed concerns of the commercial appearance of the proposed modular building.

Mayor Staton summarized the evidence as follows:

An application has been received from Kerry Lindsey for a modification of a special use permit approved September 2, 2010, for the operation of a private school at 447 Lily Pad Lane in the Highland Lake Conference Center. The private school is Lakehouse Academy. The modification sought by the applicant is to permit the construction of a classroom building for Lakehouse Academy. The application was received by zoning administration on October 9, 2015.

The application has been processed under the Land Development Ordinance of the Village of Flat Rock, Ordinance No. 75. Article VIII, §809 of the ordinance pertains to the RC residential conference district, and Article XV, §§1500, et seq., pertain to the special use permits and amendments thereto.

The Zoning Administrator testified that all notices required by the ordinance were timely published, mailed and posted on the site.

A private school is a special use in the RC district. At the time of approval of the special use permit for the private school, a determination was made that all applicable requirements of the ordinance that pertained to private schools were satisfied, and the required findings of fact were made by the council.

The Zoning Administrator testified that she has determined, from her review of the application and additional investigations and inquiry of the applicant and others, and her review and general knowledge of the Land Development Ordinance that she administers, the proposed construction for which modification of the special use permit is sought, is consistent with the applicable regulations and standards of the ordinance. The applicant must comply with requirements for a certificate of zoning compliance before beginning construction.

Further, she testified that she found nothing in her review and investigation that would alter her finding that the continued use as a private school and the addition of a classroom building (1) will not materially endanger the public health and safety, (2) will not substantially injure the value of adjoining property, and (3) is in harmony with the area in which it is located.

The Flat Rock Planning Board reviewed the application for modification of a special use permit, determined it is consistent with the Village of Flat Rock Comprehensive Land Use Plan and the applicable requirements of the Land Development Ordinance, and recommended approval of the modification of the special use permit as sought by the applicant.

Vice Mayor Weedman made a motion to close the evidence, seconded by Council Member Gooch. The vote was unanimous, motion carried.

With no further discussions, Vice Mayor Weedman made a motion to close the public hearing, seconded by Council Member Farr. The vote was unanimous, motion carried.

Vice Mayor Weedman made a motion to approve the requested modification of SUP-10-01, but with the substitution of the renderings of the proposed classroom building that were submitted at the public hearing as Exhibit E2 for the renderings included in the application; and, further, that additional renderings or drawings showing front and rear elevations of the proposed building be submitted to Zoning Administrator Boleman prior to the issuance of a certificate of zoning compliance. The motion was seconded by Council Member Chandler and carried on a unanimous vote.

FY 2014 – 2015 Audit Review – Carl E. Shaw, CPA

Mr. Carl Shaw, CPA presented Council with the FY 2014/15 Audit Report, which included the Flat Rock Park and Recreation Foundation. He reported a net equity of \$6,709,966 for fiscal year ending June 30, 2015.

Public Comments – None

CONSENT AGENDA

1. Council Member Chandler made a motion to approve the Consent Agenda consisting of the following;

- September 28, 2015 – Agenda Workshop Minutes
- September 28, 2015 – Park Workshop Minutes
- October 8, 2015 – Council Meeting Minutes

The motion was seconded by Council Member Farr and carried on a unanimous vote.

Special Reports

2. Administration – Village Administrator Boleman

Ms. Boleman reviewed the October 2015 zoning report dated November 6, 2015, and Village Administrator report dated November 12, 2015 (see attached reports).

3. Park Update – Council Member Chandler

In his update on the park pavilion, Mr. Steve Jamerson advised that we have entered into a contract with Mill Creek, and a contract with the general contractor. Site work for the pavilion will start after a building permit is obtained from the county.

Council Member Chandler gave an update on the playground;

- Phase 1 is under construction. Grading has progressed smoothly, except for the discovery of an old garbage dump that was probably associated with the farm house that stood near the Welcome Center site.
- Grading has stopped until the rain stops and the weather improves.
- The fine grading is finished in the main play area and we were able to apply grass seed.
- The crawl pipe is installed, and the boulder head wall is complete.
- The climbing wall is finished except for a couple of timbers the playground committee decided to add when weather permits.
- The earth berms are starting to take shape. Waiting on the weather to resume work.
- Subsurface water was encountered in the main play area, but it was intercepted and diverted with a French drain. May hit the same groundwater when starting phase 2 grading, but it will be diverted as well.
- Have been trying to get Beanstalk Journey to create a proposal and agreement for Council to review, but have not seen an acceptable draft. We will continue to pursue same.
- Breakdown of the cost to date
 - Original contract amount - \$73,250
 - Change order #1 (reduce climbing wall) – (-2,970)
 - Change order #2 (add to climbing wall) – +708.75
 - Change order #3 (delete silt fence) – (-910.00)
 - Change order #4 (add French drain) – (+1,950)
 - Current contract amount - \$72,028.75

4. Foundation Update – Council Member Gooch

Council Member Gooch reported the Flat Rock Family Fun Day was a success. The Community Foundation made a site visit to the Pavilion on October 13, 2015, and has given a \$20,000.00 donation.

Mr. Duncan Fraser, presented a final financial report of the 2015 Fall into Flat Rock event showing net income of \$8,514.00

5. Tax Report

Vice Mayor Weedman reported that, as of November 10, 2015, the current fiscal year tax collections are at 43.05%, with \$399,234.32 total collected (see attached report dated November 10, 2015).

Old Business

6. Ordinance No. 93, 2015 Amendments to Land Development Ordinance

Vice Mayor Weedman made a motion to adopt Ordinance No. 93, seconded by Council Member Gooch. The vote was unanimous, motion carried.

7. Ordinance No. 94, 2015 Amendments to Sign Control Ordinance

Council Member Farr made a motion to adopt Ordinance No. 94, seconded by Council Member Coletta. The vote was unanimous, motion carried.

New Business – None

Other Business

8. Mayor – Council Reports

Council Member Coletta reported the Land of Sky Regional Council released the 2015-2019 Comprehensive Economic Development Strategy report if anyone wishes to review it.

Council Member Chandler mentioned the Christmas Luncheon is scheduled for Wednesday, December 16, 2015, at 12:00 p.m., at the Hendersonville Country Club.

Public Comments

Ms. Barbara Coladarci spoke about the chronological events in the park, concerns from residents of the noises and proximity of the playground not on the original plan. She asked Council to consider discussing the new entrance in the 2016/2017 budget cycle.

Resident Nikki Ball of Highland Golf Villas expressed concerns about anticipated noise from the playground, the postponement of construction of a berm between the playground and Highland Golf Villas, and a potential reduction in the value of her home.

ADJOURNMENT

At 11:45 a.m., with no further discussions, the meeting was adjourned.

Michelle Parker, CMC
Village Clerk

Robert V. Staton
Mayor