

MINUTES
VILLAGE OF FLAT ROCK COUNCIL MEETING
ASSEMBLY ROOM
JANUARY 9, 2020
9:30 A.M.

Mayor Weedman presided over the January 9, 2020, council meeting at 9:30 a.m. Those present in addition to Mayor Weedman were Vice Mayor Jamerson, Council Members Carpenter, Coletta, Dethero, Gooch and Posey, 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

Mr. Dennis Flanagan, a member of Historic Flat Rock, Inc. and Chairman of the Historic District Oversight and Compliance Committee spoke about certain road activities and how Historic Flat Rock became a historic district.

Mr. Ronald Alsobrook suggested having evening meetings periodically. He mentioned today is National Police Appreciation Day, and the general statute that was signed that local entities county and cities can refuse to accept federally mandated refugees. Mr. Alsobrook stated there is no need for the Highland Lake Road project.

AGENDA APPROVAL/CHANGES

Under *New Business – Item #9, Fund Retention, and Item #10, Banking arrangements*, were added to the agenda. Council Member Gooch made a motion to approve the agenda as amended, seconded by Council Member Coletta. The vote was unanimous, motion carried.

Consent Agenda

1. The Consent Agenda consisted of the following:

- December 2, 2019 – Agenda Workshop Minutes
- December 12, 2019 – Council Meeting Minutes

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

Special Reports

2. Administration – Village Administrator Christie

Administrator Christie reviewed the December 2019 zoning report dated January 3, 2020, and the Village Administrator report dated January 3, 2020 (see attached reports). Administrator Christie

mentioned the Henderson County Traffic Advisory Committee meeting has been moved to January 13, 2020, 4:00 p.m., and the FBRMPO meeting will be held January 23, 2020, 1:00 p.m., at Land of Sky Regional Council in Asheville NC.

3. Park Update – Council Member Carpenter

Council Member Carpenter gave a report on the Park Commission meeting on January 7, 2020;

Issues for Discussion:

- Kids in Park Track Trail Grant (Adam Rhodes, Milton Butterworth)

Kids in Parks offers an expanding network of family-friendly outdoor adventures called TRACK Trails. Each TRACK Trail features self-guided brochures and signs that turn a park visit into a fun and exciting outdoors experience. The children can earn badges and prizes for tracking their park adventures.

This program was developed in 2008 to improve the health of children and the health of our parks by making existing trails more attractive and fun for novice users. At that time, the Blue Ridge Parkway Foundation, National Park Service and Blue Cross/Blue Shield of North Carolina Foundation joined together to formally link the health of children to the health of parks by creating a strong network of trails and partners in the communities on and along the Blue Ridge Parkway.

The regional program was so successful that parks across the country rapidly embraced Kids in Parks TRACK Trails due to demonstrated effectiveness and ease of implementation. Today, there are more than 190 TRACK Trails in 12 states, Washington, DC, and the Eastern Band of the Cherokee Nation, comprising a national network of self-guided adventures that inspire kids and families to be more physically active outdoors. Additionally, the program has received numerous national and international requests for information from other public land management and health care organizations.

In Henderson County, “Trail Tracks” have been started in Fletcher Park, the Carl Sandburg Historic Site, and Mills River Park.

A formal presentation to Council will be made after further consideration by the park Commission and the Park Foundation if it is decided to pursue this program.

- Nature Immersion Proposal, AKA Forest Bathing (Roger Bass)

Forest Bathing is a visit to a forest or park for relaxation and recreation. The walk includes mindfulness and breathing exercises such as natural aromatherapy. During the nature walk participants do not focus on identifying plants and animals, but experience nature through five senses for relaxing and relieving stress.

The proposal is for Roger to lead a 2 – 3 hour forest bathing walk at the park, either as a one-time event or once a month during the spring and summer if there is enough interest. This activity is appropriate for groups of 4 – 15 people over 10 years of age.

- Bryan Playground Cargo Net (Park Ranger)

The previous net wore out in the summer of 2018, much sooner than expected. A new net was purchased for \$3,000.00 but only lasted one year due to extensive use (20 – 30 kids on it at one time on occasion). This amenity is very popular with the children who visit the park.

A replacement of the same quality would cost \$5,000.00. A net of much higher quality, which should last 10 years (but without any warranty) can be purchased for \$14,000.00 including installation. The current net is currently roped off to prevent usage.

The Park Foundation does have funding available to purchase the higher quality net. They will discuss further at the February meeting.

- Trace and Company began work on January 7, 2020 to improve the drainage on three sections of the trails. This cost has already been budgeted.
- Will Garvey will do a monthly article for the newsletter.
- Friends of the Park will be launched this quarter.

Additional Items:

- It was agreed that a joint workshop involving the Village Council, Park Foundation, and the Park Commission would be beneficial.

Council Member Carpenter made a motion to hold a joint workshop between the Village Council, Park Foundation, and the Park Commission at the Village Hall in the month of March 2020; specific date to be determined. The motion was seconded by Council Member Coletta and carried a unanimous vote.

- It was noted that Village Council is directed in the Park Commission bylaws to appoint a chairman for the Park Commission in January of each year for a one-year term ending the following January 31st. No recommendations were forthcoming at this time. Consideration of candidates by the Commission members will take place prior to their next meeting scheduled February 27, 2020.
- Village Council is directed in the Park Commission bylaws to appoint three to five members to the Park Commission for staggered three-year terms. There are currently three (3) appointed members on the Commission. A request was made for candidates to fill one or both of the open slots, but no recommendations were submitted. Council Member Carpenter

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mentioned that he had spoken with Georgia Bonesteel about this opportunity, who said she would be delighted to serve. She has already been a park volunteer for several years, so her volunteer application is on file. This suggestion was well received by the committee.

Council Member Carpenter made a motion to appoint Georgia Bonesteel as a member to the Park Commission for a three-year term ending January 31, 2023, seconded by Council Member Gooch. The vote carried on a unanimous vote.

Vice Mayor Jamerson asked about installing something to serve as a safety barrier at the top of the hill in the tot lot area that kids are riding bikes over. John Wilkerson stated the hill will be sodded in March, and Will Garvey has ideas of installing plants. She made the suggestion of installing either bushes or a fence.

4. Foundation Update – Council Member Gooch

Council Member Gooch invited Dennis Flanagan to give the update. Mr. Flanagan reported the Foundation does an annual end of year fundraising campaign which raised approximately \$25,000. Differently this year was to allow people to designate how they wanted their funds used. A vast majority of the funds received were for sustaining efforts within the park. A large donation of \$2,500 was received to sustain the Quiet Place.

Mr. Flanagan reported the Park Foundation will launch in this quarter the Friends of the Park at Flat Rock Giving Society and the Foundation is going to the various levels of what they want to obtain but will have a minimum level of \$25.00 on an annual basis. He stated the Foundation does have the software to handle this and to manage this within the park.

Mr. Flanagan reported that while the park will remain passive in design will be active in nature. The Foundation has entered into a Memorandum of Understanding with Pardee Hospital last year, to put in place a number of programs that would encourage physical activity within the park. As the Foundation enters into this year, its relationship with Pardee is growing and will include much more activity in the park from April – October, free yoga on Thursdays and Saturdays, and also potentially establishing a walking club. This information is being marketed on the Park Foundation and the Park at Flat Rock websites.

Mr. Flanagan mentioned the Foundation will be holding a spring fling fundraising event either in March or April.

5. Transportation Update – Council Member Coletta

Council Member Coletta mentioned the following meetings; City of Hendersonville, January 9, 2020, 5:45 p.m., at City Hall, HC Traffic Advisory Committee, January 13, 2020, 4:00 p.m., and FBRMPO, January 23, 2020, 1:00 p.m., Land of Sky Regional Council office in Asheville, NC, will be discussing the North Highland Lake Road project.

Council Member Coletta reported following the December 30, 2019, agenda meeting, the Council notified NCDOT and FBRMPO of the action taken by the council on the resolution.

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Council Member Coletta mentioned the detour on Rutledge Drive has been removed and traffic has been reduced. In the next month or so she is planning to meet with NCDOT's maintenance division of Henderson County to discuss repairing some of the damage on Rutledge Drive resulting from the heavy traffic use.

Council Member Coletta stated that given that council has voted to request that the road project be cancelled, and that part of the property that NCDOT needs to use for the project is in the park, she feels that council owes NCDOT an answer in terms of that property. Council Member Coletta made the following motion for council to consider;

With the Flat Rock Village Council vote of December 12, 2019, to request abandonment of the N. Highland Lake Road project and Resolution No. 219 of December 30, 2019, the Village of Flat Rock declines to enter any agreement to sell or convey any village-owned property, including land that is part of The Park at Flat Rock, to the North Carolina Department of Transportation (NCDOT) for purposes of the N. Highland Lake Road project (NCDOT Project No. U-5887). As owners and stewards of The Park at Flat Rock, we intend to protect this critical resource of our village.

Council Member Dethero seconded the motion. Vice Mayor Jamerson expressed a lot of concerns and stated she would have liked to have been made aware of this before the council meeting. She stated the TAC and FBRMPO committees are either going to vote to abandon or continue the project. If the project is continued, the Village Council should know within a short amount of time if the rest of county and region supports the project and votes to continue it. She feels this is inappropriate. Council Member Coletta responded that this is dealing with property located within the Village, doesn't affect the City of Hendersonville nor Henderson County. She feels this makes it clearer and helps solidify the vote that council made on December 12, 2019, and the resolution that was passed December 30, 2019 to cancel the project.

Council Member Posey pointed out that Mayor Weedman had previously made it clear that this was not necessarily a done deal even though council has taken action. She stated she supports Vice Mayor Jamerson's comments that until the Village Council actually goes through the series of meetings with the other entities, we should not adopt the motion at this time. Council Member Dethero stated it's very important that both the City of Hendersonville and Henderson County, who are going to vote on this project know how council stands before they vote, so that they understand that if the project goes through, NCDOT will have to take this land by eminent domain.

Mayor Weedman mentioned we have received two offers from NCDOT \$137,000 and \$110,000. He stated if what council has voted on fails, and the project proceeds, this motion will stand, NCDOT will take the land through condemnation and eminent domain.

After discussions, the vote carried a 4-yes, 3-nay vote to adopt the motion, motion carries.

6. Tax Report – Vice Mayor Weedman

Mayor Weedman reported that, as of January 8, 2020, the current fiscal year tax collections are at 95.72 percent with \$1,184,361.12.

Old Business

New Business

7. Organization – Mayor Weedman

Mayor Weedman previously sent council members an organizational chart, He would like to

organize functions of each council member according to areas of responsibilities. It will be discussed and voted on at the next council meeting.

8. Town Hall Meetings – Council Member Carpenter

Council Member Carpenter suggested having two town hall meetings a year, the first one in March, April, or May, and the second one in August or September, 7:00 p.m. – 8:00 - 8:30 p.m., either renting St. John in the Wilderness Church or Pinecrest Presbyterian Church to hold larger crowds. The format would be that council members speak first and outline what is going on in their areas of responsibilities. Mayor Weedman will give a general overview of issues coming before council, then receive feedback from the public, and discuss areas of concern from residents. Council Member Carpenter will send council members emails to work out the details. He will also ask for suggestions on when and times to hold council evening meetings.

9. Fund Retention – Mayor Weedman

Mayor Weedman made a motion for council to approve the ability to retain funds in the village office and move from the current \$250 to \$500 allowed by state law, seconded by Council Member Gooch. Mayor Weedman explained the law has changed and it provides that if the governing body decides that you can keep as much as \$500 in the office, it is allowed. The vote carried a unanimous vote, motion carries.

10. Banking – Mayor Weedman

Mayor Weedman stated we bank with Entegra Bank which will become First Citizens Bank. A decision needs to be made as to whether to keep accounts with First Citizens or start looking at other banks. He has asked Vice Mayor Jamerson and Council Member Dethero to take a look to see what alternates are available. Local government has a restriction, we can only bank with entities that are in the collateralization pool.

Other Business

11. Mayor – Council Reports

Council Member Dethero talked about the Halfway Tree Mobile Home Park sewer system. The City of Hendersonville has on their agenda to discuss an eminent domain question. There is an old roadbed where the sewer line might go to the mobile home park. The perspective buyer is paying for all engineering expenses. The mobile home park is not within the Village limits, is within the County. There is a question, if city sewer line goes in, does the mobile home park become a part of the city or stay in the county's jurisdiction.

Council Member Dethero mentioned in a recent Historic Flat Rock meeting, there is a wonderful video that gives a history of Flat Rock with commendations by an Indian chief, longtime residents, and owners of historic homes. Historic Flat Rock will be showing the video at the Flat Rock Playhouse to members, and asked council to consider showing the video on the grounds of the Village Hall.

Council Member Posey reported the Planning Board met on Tuesday, January 7, 2020, discussed a lineup of items to be reviewed in 2020, including the sign control ordinance, short term rentals, a discussion of the citizen survey, review and refining the implementation plan, Planning Board bylaws, discussion of GS 160D that affects our ordinances and must be finished and in effect no later than December 31, 2020. Administrator Christie reported every municipality and county in NC has to change their ordinances. Council Member Posey mentioned a volunteer application has been received to appoint Ronald Katz to the Board of Adjustment and the Planning Board is still seeking volunteers for the Board of Adjustment. Mayor Weedman has approached Mr. Tom Murrill, who has agreed to serve on the Board of Adjustment and will need to fill out a volunteer application.

There were discussions as to whether there is a need for volunteers to fill out an application. It was agreed that the application is good to have their background information, and if volunteers are covered under the Village's liability insurance coverage an application is necessary.

Council Member Posey mentioned Eric Ousler was appointed to the Board of Adjustment at the December 30, 2019, agenda meeting.

Council Member Coletta will post on the Village's website the Village is always seeking volunteers to serve on committees and boards.

Council Member Carpenter commented he thinks the volunteer applications should be retained.

Council Member Gooch reported Justin Hembree, Director of Land of Sky Regional Council has resigned, and they are seeking a new director.

Council Member Coletta mentioned on the Village's website over the next month, she will be updating and asked if anyone wants to add anything to let her know.

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Mayor Weedman addressed the sign control ordinance stating members of the Planning Board have expressed concerns and believe it needs reviewing. He asked for specifics from the Planning Board and for Council to move quickly to amend the ordinance. There is one application waiting and it is unclear how the sign enforcement officer can proceed. The process will be to get specifics from the Planning Board, Council review the recommendations, give to Village Attorney, Sharon Alexander for review, then come back to Council for adoption.

Mayor Weedman mentioned we will have to harmonize our ordinances with the new law GS Chapter 160D by December 31, 2020. He suggests acquiring some outside help to review our ordinances and if council agrees he will approach Tom Murrill, a retired attorney to review, and form a small committee of attorneys to start this process.

Mayor Weedman reported on the CLG lawsuit both parties have agreed and met the deadline of December 18, 2019. He checked the federal court website as of January 8, 2020, the judge had not signed off on the lawsuit. The court gave until January 3, 2020 for comments. As soon as the judge has signed off on the lawsuit documents, Mayor Weedman will circulate to council members.

Public Comments

Mr. Ronald Alsobrook commented that the trails at the park need be upgraded and are in need of drainage repairs. He suggested meetings having time limits on speaking.

Mr. Ed Tiles encouraged all council members and residents to attend the City of Hendersonville's meeting held that evening no matter where they stand on the N. Highland Lake Road project. He expressed disappointment of how the City of Hendersonville is treating this project and giving their opinion of what the Village should be doing.

Adjournment

With no further discussions, Council Member Carpenter made a motion to adjourn the meeting, seconded by Council Member Coletta. The meeting adjourned at 10:55 a.m.

Michelle Parker, CMC
Village Clerk

Nick Weedman
Mayor