

MINUTES
VILLAGE OF FLAT ROCK AGENDA WORKSHOP
ASSEMBLY ROOM
JUNE 3, 2019
9:30 AM

Mayor Staton presided over the June 3, 2019, agenda meeting at 9:30 a.m. Those present in addition to Mayor Staton were Vice Mayor Weedman, Council Members Brown, Dockendorf, Gooch, and Jamerson, Village Clerk Parker and Village Administrator Christie. Council Member Posey was not present.

Pledge of Allegiance

Mayor Staton led the group in the Pledge of Allegiance.

A draft agenda for the June 13, 2019, council meeting was presented. Under *Special Reports, Item #3 – Tax Report* was removed from the agenda. Vice Mayor Weedman made a motion to approve the agenda as amended, seconded by Council Member Gooch. The vote was unanimous, motion carried.

Council Member Jamerson made a motion to go into a public meeting, seconded by Council Member Gooch. The vote was unanimous, motion carried.

Public Meeting – Proposed Conversion of Park and Recreation Trust Fund Grant-Assisted Land at the Park at Flat Rock as an Element of the Improvements to North Highland Lake Road (S.R. 1783) in the Village of Flat Rock

The purpose of the meeting is to discuss the conversion of one acre of the 67.61-acre parcel of land comprising the Park at Flat Rock, from recreational use to nonrecreational use. The change in use of one acre will be the result of its inclusion in a reconfiguration of North Highland Lake Road within the village.

The land was acquired by the village in June 2013 for \$1,150,000 with financial assistance in the form of a North Carolina Parks and Recreation Trust Fund (“PARTF”) grant of \$475,000. In accordance with PARTF criteria, the grant-assisted land was dedicated in perpetuity as a recreational site for the use and benefit of the public.

The North Carolina Department of Transportation (“NCDOT”) has proposed safety improvements to North Highland Lake Road with a reconfiguration of the road that includes a strip of land within the park and running parallel to the road, which requires the conversion of one acre of the PARTF grant-assisted land from recreational use to transportation use as an

integral part of the newly configured road. More specifically, the one acre will be included in the road right of way.

Among the safety improvements to the road is the addition of a 2' wide paved shoulder on each side of the road to provide space for motorists to maneuver safely on and off-road around accidents and breakdowns, and better to enable them to avoid accidents. The lack of shoulders today presents a problem along much of the road with a bank on the south side of the road and a guardrail on the north side when it is blocked as a result of an accident or breakdown.

To accommodate the addition of paved shoulders, and to avoid encroaching on historic properties on the south side of the road, the roadbed will be shifted to the north approximately four feet for the portion of the road within the village.

The one acre of the park land to be taken for road right of way currently is not used for recreational purposes, nor would it ever be used for recreational purposes; and its taking will not affect the recreational use of the remaining land in the park.

The village council determined that the proposed improvements to the road would result in, among other things, safer access to the park for all users. For that and other valid reasons, the council last June endorsed the NCDOT-proposed plans for improvement of the road.

Because PARTF monies were used to purchase the property comprising the Park at Flat Rock, the land impacted by the NHL Rd project – i.e., the one acre – must be converted to allow for a use other than public recreation, in this case the improvements of North Highland Lake Road. Following conversion of the one acre, 98.52%, or 66.61 acres, of the park will continue to be utilized for outdoor recreation.

Conversion of the one acre to nonrecreational use requires:

- (1) the consent of the Department of Natural and Cultural Resources (“DNCR”), whose representatives have been guiding us through this conversion;
- (2) the village’s payment to DNCR of an amount based on the current value of the one acre, as determined by NCDOT; and
- (3) DNCR’s release of the one acre from the recreational use restriction imposed by a Deed of Dedication appearing in the Henderson County Registry in Book 1549 at page 314.

We do not know the amount to be paid for the conversion, and we will not know until the process is completed, which we understand will be when DNCR's PARTF board reviews the village's conversion application documentation at its meeting to be held in Raleigh in August.

The PARTF grant to the village for the purchase of the property was an amount equal to 41% of its purchase price. The village's payment to PARTF in mitigation of the conversion should be no more than 41% of the amount NCDOT pays to the village for the right of way – i.e., the one acre.

By a notice published in the April 28 edition of the Times News, the public was invited to the village hall, any time during normal business hours from April 29 – May 29, to view a map and learn details of the land to be included in the road project and the conversion process. During that 30-day period, we experienced very little traffic of observers – mostly those who happened to be in the office for other purposes.

Public comments on forms available for such purpose were even lighter – about 18 comment sheets and letters were received in the 30-day period. Most, if not all, of those forms included comments stating objections – not to the conversion of the one acre from recreational use to nonrecreational use, but to the road improvement project per se.

And most of those objections were to misconceptions that the road will be *widened* and *straightened*.

The traveled way of NHL Rd is not being widened. The travel lanes currently are 11' in width in each direction. The new lanes will be 11' in width. The road bed within Flat Rock – i.e., from Greenville Highway to the railroad tracks – will be widened to the extent necessary to accommodate 2' wide paved shoulders on both sides of the road.

The only widening that will occur – in addition to that required for the paved shoulders – will be that necessary (1) to accommodate turn lanes at Highland Park Road and Highland Lake Drive; and (2) to provide for a longer storage or stacking lane for left turning traffic onto Greenville Highway, and the improvement of the intersection at that point for safer right turns from Greenville Highway onto NHL Rd.

It is primarily the northward shift of the roadbed to avoid encroaching on historic properties on the south side of the road that impacts Pinecrest Presbyterian Church.

With one exception, NHL Rd is not being straightened. Except for the northward shift of the roadbed, the new road will follow the path of the existing road. However, the curve in the area where left turn lanes will be added, will be dampened slightly for a better sight line. There will still be a curve there.

To reiterate, except as aforesaid, NHL Rd is not being widened or straightened. The road is already a heavily-traveled thoroughfare. It is the major route between Greenville Highway in Flat Rock and I-26 and it is marked as such. The posted speed limit of the road will remain 35 mph. It is this council's position that nothing that is being done to the road will attract any more use of the road than will occur with future growth in the area.

The NHL Rd improvement project was endorsed by the village council last June, subject to the satisfactory resolution of some things the council wanted included in the project. Following NCDOT's presentation of the proposed plans to the State Historic Preservation Office, a process in which representatives of Historic Flat Rock, Inc. participated, that office found that such plans had no adverse effect on the Flat Rock Historic District or the nearby properties contributing to that designation.

The final design stage of the project is nearing completion. NCDOT will begin right of way acquisition in June – i.e., this month. It is anticipated that construction will begin with the relocation of overhead utility lines in December 2020.

The 30-day public comment period and this public meeting are required by DNCR regulations as part of the PARTF conversion process. The timing of both was determined by DNCR's schedule that imposed upon the village the necessity of completing our part of the process in order to submit the conversion documentation to DNCR in July for consideration at DNCR's PARTF board meeting in August.

Again, the purpose of this meeting is to discuss the conversion of one acre of the 67.61 – acre parcel of land comprising the Park at Flat Rock from recreational use to nonrecreational use. It is not to rehash the benefits of or objections to the NHL Rd improvement project. DNCR is not concerned with the pros and cons of the road project.

The notice of this public meeting that appeared in the May 25 edition of the Times News indicated that residents in attendance may share their thoughts about the conversion of use of the one acre of park land to be included in the road right of way. Further as indicated in the notice, it

is expected that, following such discussion, the village council at this meeting will take formal action on the conversion.

Mayor Staton invited residents to share their thoughts on the conversion, and asked that anyone wishing to do so please step forward, one at a time, and give his or her name and address to the clerk for the record before speaking. No comments were made from the public.

Resolution No. 214 - Council of the Village of Flat Rock, North Carolina, a Resolution Authorizing Conversion of Part of a North Carolina Park and Recreation Trust Fund Grant Site was presented (see attached copy). Council Member Gooch made a motion to adopt Resolution No. 214, seconded by Council Member Jamerson. The motion carried a 4-yes, 1-no vote.

Vice Mayor Weedman made a motion to go out of the public meeting, seconded by Council Member Dockendorf. The vote was unanimous, motion carried.

Discussions

Council Member Dockendorf reported he would not be in attendance at the June 13, 2019, council meeting.

Council Member Jamerson asked council members to review the proposed fiscal year 2019/2020 budget.

Mr. Duncan Fraser reported the Park and Recreation Foundation is working on the transfer request for reimbursement of paid expenses to the end of June to the Village. He will be bringing before Council proposed board of director members for consideration at the June 13, 2019 council meeting.

With no further discussions, Vice Mayor Weedman made a motion to adjourn the meeting, seconded by Council Member Gooch. The motion carried on a unanimous vote, and the meeting was adjourned at 9:48 a.m.

Michelle Parker, CMC
Village Clerk

Robert V. Staton
Mayor