

MINUTES
COUNCIL OF THE VILLAGE OF FLAT ROCK
SPECIAL MEETING – N. HIGHLAND LAKE ROAD IMPROVEMENT PROJECT
ST. JOHN IN THE WILDERNESS CHURCH PARISH HALL
JUNE 19, 2018
10:00 A.M.

Mayor Staton presided over the special meeting on June 19, 2018, at 10:00 a.m. in the Parish Hall of St. John in the Wilderness Church. Those present in addition to Mayor Staton were Vice Mayor Weedman, Council Members Brown, Dockendorf, Gooch, Jamerson, and Posey, and Village Clerk Parker.

Mayor Staton led the group in the Pledge of Allegiance.

Mayor Staton explained the purpose of the meeting was for council discussion and action on NCDOT proposed improvements to N. Highland Lake Road. All council members will be given an opportunity to discuss his or her support or opposition to the proposed improvements. Opportunity for comments by the public has been given over the past year, and many have spoken at council meetings. There will be no public comment period at this meeting. It is now time for the council members to speak.

Mayor Staton gave a timeline on the project as follows:

Jan. 7, 2016 NCDOT by email advised Village Administrator that funding for road improvements for North Highland Lake Road had been approved, and that Flat Rock, Hendersonville and Henderson County were invited to a meeting for a presentation of DOT's recommendations for such improvements.

Jan. 19, 2016 DOT hosted that meeting; attended by representatives of Henderson County, City of Hendersonville, Village of Flat Rock, et al. All village council members, except one, plus village administrator attended. DOT representative, Joel Setzer, the District 14 engineer, reported that NHL Rd was categorized as functionally obsolete and in need of improvements. We asked that DOT send us their recommendations for such improvements and give us the opportunity to respond with concerns, questions and comments.

Division 14 was operating under a NCDOT policy that had been adopted a number of years earlier, a *Complete Streets* policy that required all new road projects, as well as existing road improvement projects, include infrastructure for bicycle and pedestrian use. Following that policy's requirements, NHL Rd was to be designed with lanes widened from 11' to 14', with 10' bike/ped lanes on each side of the road. In places where the bike/ped lanes could be separated from the paved travel way for safety reasons, additional widening would be required for buffer areas.

- Feb. 1, 2016 DOT plan was reviewed and discussed at a council meeting at which Council Members Brown and Dockendorf, who had attended the DOT presentation, were not present. *Complete Streets* concept was unacceptable to council. Instead, council's desires, approved unanimously and communicated to DOT by village administrator were for a maximum road width of 22' – i.e., 11' traffic lanes - plus curb and gutter, no on-road bicycle lanes, no sidewalks, an off-road, 10 – 12' wide multi-use path on the park side of the road only, and a maximum speed limit of 35 mph.
- June 20, 2017 DOT presented a preliminary plan to the council and the public at village hall. Still much that council objected to in the plan. Council continued to work with DOT and its consultants to minimize the impact of the project on the village.
- Aug. 30, 2017 Special council meeting held to discuss project. A motion to reject the project and discontinue further discussions was rejected on a 2 – 4 vote. Majority of the council wished to continue negotiations with DOT to minimize the proposed project's impact on the village.
- Nov. 1, 2017 Pinecrest Presbyterian Church, by letter, advised council that the proposed project would adversely impact the church by (1) destroying its septic system, said to be located on the NHL Rd side of the church, and it could not be relocated on the property; (2) the covered entry way for safe access for elderly and handicapped members of the church, together with a bus and vehicle turn-around, would be lost, and such entry would have to be moved to another side of the church; (3) four handicap and 27 other parking spaces on the NHL Rd side of the church would be lost; (4) some 30 pine trees along the NHL Rd side of the property would be lost.

Such adverse impacts, which were not acceptable to the council, were brought to the attention of DOT and its consultants, who, after investigation and redesign, determined that the septic system is located on the Greenville Highway side of the church and would not be affected by the project, and redesigned the project so as not to affect the covered handicap entrance or result in the loss of handicap and other parking spaces.

DOT also advised that a loss of the pine trees would be the result of extending the storage or stacking area of the left turn lane onto Greenville Highway to accommodate more cars and reduce the congestion of the right turn lane. In other words, the trees would be removed with or without consideration of a sidewalk along the road at that point.

With DOT's intention to include in the plan the accommodations for the planting of replacement buffering trees along the road, and the mitigation of other adverse impacts on the church, council's basis for objection to the project was eliminated.

Research of the minutes of council meetings held in 2016 and 2017 indicate that the subject of the DOT proposed NHL Rd improvement project was publicly mentioned or discussed in five agenda meetings and four monthly council meetings in 2016, nine agenda meetings and five monthly council meetings in 2017, and at virtually every council meeting in 2018.

At this mid-way point in 2018, almost 2 ½ years from our first learning about the project, much discussion and negotiation with DOT, and satisfactory resolution or mitigation of most issues deemed important by the council having been achieved, it is time for council to take action on the proposed project.

Council Member Jamerson made the following motion:

That the council approve or endorse NCDOT STIP Project No. U-5887, N. Highland Lake Road (SR-1783), a road improvement project contemplated by revised plans prepared for NCDOT by Vaughn & Melton, consulting engineers, and presented to the council and the public at a special meeting held on April 13, 2018; and the June 12, 2018, report of Council Members Ginger Brown and Sheryl Jamerson's May 9, 2018, meeting with Reece Schuler about the proposed project.

Such approval or endorsement is subject to the continuation of discussions between the council and NCDOT and a mutually acceptable resolution of each of the following issues:

1. Route of the multi-use path through the Park at Flat Rock.
2. Location of the entrance to the Park at Flat Rock.
3. Location of the entrance to, and the rerouting of Highland Golf Drive.
4. Style and appearance of the surface treatment of the culvert that carries King Creek, guardrails, crosswalks, and left turn lane features.

Such approval is further conditioned on:

1. NCDOT's continued discussions and coordination with the State Historic Preservation Office in the development of plans for the project, as well as compliance with all other pertinent requirements of the State Environmental Policy Act; and
2. NCDOT's obtaining the necessary permits from the Army Corps of Engineers and the North Carolina Division of Environmental Quality with respect to the replacement of the culvert that carries King Creek.

And that such approval or endorsement be communicated to NCDOT with a request that the council, Historic Flat Rock, Inc., Pinecrest Presbyterian Church and other property owners that may be affected by the project be included in the formulation of final plans for the project.

The motion was seconded by Council Member Brown.

Before council's discussion of the motion, Mayor Staton gave a summary of NCDOT's revised plan. The plan provides for reconstruction of the entire length of North Highland Lake Road between Greenville Highway (NC 225) and Spartanburg Highway (US 176), with improvements on the portion of the road within the Village of Flat Rock that include, inter alia, a widening of the road at its Greenville Highway intersection with a rounding of the pavement and sloping of the land at the southeast corner to provide for safer access and a better sight line, and the lengthening of the storage lane for left turns onto Greenville Highway; 11' wide travel lanes with 2' wide paved shoulders on the south side of the road, and curb and gutter on the north side of the road for most of the length of the road within the Village of Flat Rock; a concrete box culvert to carry King Creek under the road as it flows northward from the Highland Lake dam; a 5' wide sidewalk east from Greenville Highway along the southern property line of Pinecrest Presbyterian Church to the driveway entrance to the church property, and a 10' wide multi-use path from said driveway entrance along and separated from the traveled way for the remaining distance of the road to the railroad tracks, which route will run through the Park at Flat Rock; a new entrance for the Park at Flat Rock; improved access for ingress and egress for Highland Golf Drive; left turn lanes as appropriate at Highland Lake Drive, Highland Park Road, and the entrance to the park; and crosswalks for access from the Highland Lake community to the Park at Flat Rock.

At this time, Council Members were given the opportunity to make their comments in favor of or in opposition to the project.

Council Members Jamerson, Brown, Dockendorf, Posey and Gooch expressed support for the project. Council members recalled that more than two years have passed since they were advised of the project by NCDOT, and that the subject has dominated council's discussions, both publicly and privately, for most of the time in the interim. All were not pleased with the plan as first presented by NCDOT and were in favor of discussions with planners about lessening the impact of the project on the village. Upon being advised by Pinecrest Presbyterian Church that the project as originally planned would destroy the church's septic system and entrance and turnaround for elderly and disabled members, and result in the loss of handicap and other parking spaces on that side of the church, council members brought that information to the attention of NCDOT and its consulting engineers, asked for an investigation and changes in the plan as necessary to avoid such adverse effects on the church. Council members also were cognizant of the location of historic properties along the south side of the road and agreed that the road improvement plan should avoid road changes that would affect those properties.

While some council members would have preferred some widening of the travel lanes, they agreed that the revised plan that kept them at the current width was a compromise they would support. Further, the revised plan takes into consideration the major concerns of the church with respect to the septic system, the covered entry to the church and turn-around, and the potential loss of parking spaces. Council members expressed regret that the pine trees between the road and the church would be removed to accommodate storage in the westbound, center left turn lane onto Greenville Highway, but felt NCDOT's proposed treatment of the area, which includes replacement tree planting, was a satisfactory compromise.

Council members also discussed the design that would have the south side of the road follow the edge of the existing road, widening of the road on the north side only as necessary to accommodate left turn lanes, and softening of the curvature of the road on the north side in the area of the left turn lanes for an improved sight distance.

Other pluses commented on by council members included bicycle and pedestrian accommodation the entire length of the road that would someday connect with greenways planned by the village, Henderson County and Hendersonville, a new entrance to the park, a change in the grade of the road at the railroad crossing for better sight distance, and a cross walk for pedestrian access from the Highland Lake area to the park.

All who spoke in favor of the project expressed the need for the road improvements for safety reasons, ease of anticipated congestion in the future and, particularly, the improvement of the Greenville Highway – North Highland Lake Road intersection where a dangerous drop-off at the southeast corner currently is a hazard for passenger and school buses, emergency vehicles and delivery trucks.

Council Member Dockendorf also mentioned his concerns about the road, that intersection, and the need for the planned improvements for the safety of his teen age children, some of whom have already reached driving age. The proposed improvements are needed to make the road safer, not only for his driving age children, but for all who will use the road in the future.

Some who spoke in support of the motion to approve the proposed road improvements indicated they disagreed with most opponents that North Highland Lake Road does not have a safety problem, the proposed improvements are unnecessary and would be a waste of taxpayer money, the proposed improvements would forever change the character of Flat Rock, and the proposed improvements are inconsistent with and would jeopardize Flat Rock's designation in the National Register of Historic Places as a historic district,

Vice Mayor Weedman, in expressing opposition to the project, stated that he had been opposed to the project from the beginning for all the reasons expressed by members of the public who had spoken against the project at council meetings over the past year. He recognized DOT and Council Member Dockendorf for making substantial improvements in the plan for the project,

which would result in less impact on the village than the original plan. Notwithstanding such improvements, he remained unhappy with the impact of the project on Pinecrest Presbyterian Church and the veterinary hospital on the east side of the railroad tracks and outside the village's corporate limits.

He stated that it appeared to him that much of the support for the project by other Council Members seemed to stem from having DOT install the pedestrian/bicycle path and new park entrance with the village sharing in that cost. With a study underway to plan for possible paths from the park to the Sandburg National Historic Site, it would be prudent to wait for findings from that study before making an installation. It is possible that a recommended path from the park to the Sandburg facility might not go along North Highland Lake Road. This could be a path to nowhere.

He ended by stating that he was elected as a representative of his constituents and because most of his constituents who contacted him or who signed petitions objecting to the project were opposed to the project, he is still opposed and would vote against the motion of approval.

Mayor Staton read the following citizen comments received in written or spoken form:

A resident of Highland Lake Village – “I am looking forward to being able to walk from my neighborhood to the park, as well as to easily make turns onto Highland Lake Drive when driving. I feel that much of the opposition to the plan is unfounded, and based on speculation rather than fact, and have been surprised at how closed-minded and unwilling to listen – to anything – these people who oppose the plan are.”

A resident of Kenmure – who in addition to expressing general support for the project, stated: “I particularly support the addition of pedestrian and bike access. This feature is the future of transportation. Businesses and residents seek to locate in areas that support foot traffic. The most important factor however is the safety aspect. We are never going to eliminate foot traffic, nor should we seek to, thus it makes sense to take advantage of the opportunity to incorporate pedestrian and bike access into the roadway.”

With regard to trees, that same Kenmure resident went on to say: “I understand the concerns people have expressed regarding the loss of trees. I am an ardent supporter of trees and recognize the value of mature trees in particular. I have looked at the area and I believe that the majority of trees in question are already compromised due to their location to power lines or their state of health. In my opinion the benefit of the project eclipses the damage from the loss of trees.”

A composite of comments from residents: “Cultural Landscape Group: Flat Rock, whose members were once included in a group described in a *Hendersonville Lightning* editorial as ‘self-appointed curators of Flat Rock,’ has littered the village’s roadsides with ridiculous,

nonsensical, asinine, *much-ado-about-nothing* signs that mar the beauty of our scenic byways and other roads, and that have done more to spoil Flat Rock's pleasant and tranquil landscape than anything included in the proposed improvements of N. Highland Lake Road could ever do. The signs are meaningless, open the village and its residents to ridicule, and have been tolerated far too long. It is well past time for the removal of this blight on our roadsides."

A resident of Flat Rock Forest commented on his receipt of a postcard from the Cultural Landscape Group and that group's opposition to the project and effort to stop it; and after reviewing their allegations, along with village and state documents, wondered why they are so protesting; and found it disturbing that a small group wants to subvert the process. He said, in part: "While I can't expect everyone in the village to agree with the decisions made by the elected village council, I do expect them to abide by them. While my wife and I chose Flat Rock for its charm, nature, people, and spiritual calling, I do realize that with time things will change in our village. Bridges and roads wear out, traffic patterns change, and safety issues arise, and the best solutions will sometimes involve the widening of roads, the adding of sidewalks, the clearing of right of way. What some people fail to realize is it took the displacement of nature and property for us to enjoy the roads and other infrastructure that we take for granted today. I love Flat Rock, and while I don't want it to become an over developed and crowded place, I do realize some limited adjustments need to be made to improve the quality of life for all. And, yes, this may mean some discomfort as change can bring anxiety, anger, and the feeling of lack of control. I trust Flat Rock Village Council has exercised its fiduciary duties and in the end, we will have better roads, bridges and sidewalks, and the next generation will thank us for our foresight."

As discussions apparently ended, Council Member Gooch called the question. A consensus of the council agreeing, Mayor Staton conducted a vote on the motion on the floor. The motion carried on a vote of 5-ayes to 1-no, the lone no vote being cast by Vice Mayor Weedman.

With no further discussions, a motion to adjourn was made by Council Member Gooch, seconded by Vice Mayor Weedman, and carried on a unanimous vote. The meeting was adjourned at 11:10 a.m.

Michelle Parker, CMC
Village Clerk

Robert V. Staton
Mayor