

Town of Fletcher  
Agenda Review Meeting  
Minutes  
July 5, 2022  
"Tuesday"

Call the meeting to order at: 06:00 pm

Those who were in attendance are as follows:

Mayor Preston Blakely  
Mayor Pro-Tem Bob Davy  
Councilwoman Sheila Franklin  
Councilman Keith Reed  
Town Manager Mark Biberdorf  
Tax Collector Cynthia Broome

**Councilman Trevor Lance did not attend this meeting.**

**\*\*\*Public Comments\*\*\***

**John Brandon Olsen of 33 Stoney Brook Court Fletcher** spoke on the use of ARP funds that the town will be receiving and the recent incident with Fletcher police officers and the death of the individual that was taken into custody.

Approval of minutes-corrections, additions or deletions.  
(6/6, 6/13 & 6/29)

**No comments were made on the minutes at this time.**

**Council Updates:**

**Mayor Pro-Tem Bob Davy** stated that Commissioner Bill Lapsley reported that the county is in the process of buying 35 to 37 acres of land in Ferncliff Industrial park. (4.5 million dollars) The reason for this is that there is 100 acres north of the park which has no access to water and transportation. They are buying these acres to allow a corridor/access to the 100 acres. The property itself is owned by the Airport Authority and they would like to do a land swap with them and hopefully see something like a Pratt Whitney go in there.

**Chuck McGrady** reported that there is a proposal at the legislature right now to have taxes on vehicular products to go towards NCDOT fund. (auto parts, oil, tires, filters etc. ) This would help DOT with funding for all their projects.

**Consent Agenda**

Reappointment and charge Tax Collector Cynthia Broome to collect property taxes for 2022-2023 for the Town of Fletcher.

Approval of revisions to town's personal handbook to include update of tuition reimbursement.

Mayor Blakely asked for comments, questions on the Consent Agenda from council.

There were no questions or comments from council at this time.

**Annual presentation from Asheville Regional Airport - Lew Bleiweis, Executive Director.**

Mayor Blakely stated that Mr. Bleiweis would be here next week to give his annual airport presentation.

**Presentation and approval of year-end tax collectors report - Cynthia Broome, Tax Collector.**

Tax Collector Cynthia Broome gave a report on the year end tax collection for 2021 tax year.

	<u>2021</u>
Original Levy	\$ 4,462,318.83
Discoveries	\$ 98,190.23
Releases	\$ (8,361.87)
Total Levy	\$ 4,552,147.19
 Total Levy	 \$ 4,552,147.19
Total Payments	\$ (4,541,393.18)
Balance	\$ 10,754.01

Tax Collector Cynthia Broome then answered questions that council had for her on the report.

**Staff report on process for amending electoral district lines in Fletcher - Mark Biberdorf, Town Manager.**

**Town Manager Mark Biberdorf** stated that in your packet you have a memo describing the process and the background on this. Then you have a copy of our town charter and a map of our election districts. (residential not electoral) As far as the process on that you have the same voting districts since incorporation which are spelled out in the charter with exception of some annexations. Council has not taken action to adjust the districts and the only reason they have changed (districts) over the years is because of annexation.

You have two types of voting districts and Fletcher is really a residential voting district. It is not an electoral district. As a candidate you must reside in the district but your elected at large. A true electoral district the candidate must reside in that district and only someone who lives in that district can vote for that candidate. The authority to amend the district (NCGS 160A-23) you can adjust for annexation or population. Residential districts you do not have to do amend the district but electoral districts you do have to amend the district lines.

Discussion Followed:

**Extension of purchase and sale agreement for Town Center project - Mark Biberdorf, Town Manager.**

**Town Manager Mark Biberdorf** stated that in your packet you have a Resolution to extend the purchase and sale agreement with the developer. The transportation improvements are causing a delay and the agreement expires on July 28. We are meeting with DOT on July 14 to discuss their response on council feedback on the options of transportation improvements outside what the traffic analysis said. If they can get their driveway permit they are more comfortable moving towards the closing/construction.

Discussion Followed:

**Policy on appointments to Town of Fletcher voluntary boards – Christine Thompson, Town Clerk.**

**Town Clerk Christine Thompson** went over an amended/updated policy with the suggestions that were highlighted in the document and asked for council's suggestions.

Discussion Followed:

**Councilwoman Sheila Franklin** stated that she felt like a job description needed to be available so that the applicant knew what they would be applying for.

NOTE: Job descriptions will be available with the posting of the vacant board position.

**Comments from the Town Manager Mark Biberdorf.**

Regarding the recent in custody death of Mr. Hensley the investigation is still underway with the SBI. This is standard operating procedure and it will probably take several more months. They have interviewed people and have been keeping the chief apprised to the proceeding. I contacted our insurance carrier and they have opened a claim in case there is any litigation on this. The two officers that have been on administrative leave will be coming back in the next week or so. One of them was injured and they might not be back at that time.

**Discussion Followed:**

We had an inquiry about annexation from Fern Leaf Charter school. Their director Michael Luplow had emailed inquiring about satellite annexation of their property off of Old Hendersonville Road. I gave him the information about the process but I also wanted to update our forms. I cautioned him that if they are interested in doing this he should have a conversation with council before we start the formal process. This is totally up to council. From what we can tell upon research of prior satellite annexations it has been more for business or some residential as it has been more for tax value back as an exchange for the annexation. You annex a school there is no tax value back on that.

**Discussion Followed:**

One thing you need to be aware of when we do satellite annexation there is only so much you can do acreage wise (Statutory limitation) that is satellite annexed. You can't do more than 10% of your acreage that is in the primary corporate limits. We currently have left right now 332 acres that you can satellite annex.

**Discussion Followed:**

We also received a request for a de-annexation from 326 Flynn Branch Road Fletcher. This property formerly belonged to Jim Clayton (former councilmember) as he wanted to be in the town limits. His daughter and son-in-law now own it and they want to be de-annexed. This has to go by legislation and be authorized by the

General Assembly. We are going to touch base with the General Assembly and School of Government to make sure there is nothing we are missing here. At some point you will probably have to weigh in on this.

Discussion Followed:

LGCCA is on Tuesday July 19<sup>th</sup> at 3:00 pm please let Christine know if you have anything for the agenda.

Our summer concert in the park will be this Friday from 6:00 to 8:00 and the Flashback Band is playing.

Mayor Blakley asked for a motion to adjourn and Councilwoman Sheila Franklin stated that she would make that motion and it was seconded by Councilman Keith Reed.

Motion carries all in favor.

Adjourned: 07:19 pm

Approved:

8/8/22  
Date

Preston Blakley  
Mayor Preston Blakley

Town of Fletcher  
Town Council Meeting  
Minutes  
July 11, 2022

Call the meeting to order at: 6:00 pm

Those who were in attendance are as follows:

Mayor Preston Blakley  
Mayor Pro-Tem Bob Davy  
Councilwoman Sheila Franklin  
Councilman Keith Reed  
Town Manager Mark Biberdorf  
Police Chief Dan Terry

**Councilman Trevor Lance did not attend this meeting.**

Moment of Silence: Mayor Blakely stated that we will now have a moment of silence

Pledge of Allegiance: Mayor Blakely led the group in the pledge of allegiance.

**\*\*\*Public Comments\*\*\***

**John Brandon Olsen of 33 Stoney Brook Court Fletcher** spoke on the extension of the purchase & sale agreement on the town center project and the amending the electoral district lines.

**Gayle Kemp of 27 South Chase Drive Fletcher** spoke on the recent in custody death of Mr. Hensley and some concerns that she had about this including the use of body cameras for the police department.

**Mitzi Reed of 84 St John's Road Fletcher** spoke on the use of open camp fires in residential yards and could this be amended in some way.

Approval of minutes-corrections, additions or deletions.  
(6/6, 6/19 & 6/29)

Mayor Blakely asked for any corrections, additions or deletions to the minutes and if not do we have a motion to approve the minutes as presented.

**Councilman Keith Reed** stated that he would make a motion to approve the minutes and it was seconded by Mayor Pro-Tem Bob Davy and Councilwoman Sheila Franklin.

**Motion carries all in favor.**

#### **Council Updates**

**Mayor Blakley** stated that he was very pleased to see the turnout for the concert in the park that it exceeded his expectations.

**Mayor Pro-Tem Bob Davy** stated that in their last Henderson County Transportation Advisory meeting that Bill Lapsley mentioned that county is in process of purchasing 37 acres in the Ferncliff Industrial park. This is to open up 100 acres north of the industrial park that does not have good water and vehicular access. So, by buying the 37 acres they hope to open up those 100 acres to some major manufacturer for development.

**Chuck McGrady** mentioned that there is a proposal in the legislature to have taxes on vehicular products such as auto parts, oil etc. diverted to the DOT trust fund instead of the state general fund. They are hoping that this will free up money for road projects within the state.

**Councilwoman Sheila Franklin** mentioned that she went to Henderson County Economic Development meeting this past week and there are a lot of great things going on. Great plans from several committees: Marketing/Product development, Workforce development and Business development. I can explain more in depth of what is going on and I am very honored to be a part of this board. They are also having meetings that are coming up now through June 2023 are all in the Fletcher area.

She also stated that a resident wrote her on the duck crossing issue on Rutledge Road that she thinks that the signage is not quite enough and asked if the signage can be increased in that area. Traffic is not slowing down and ducks are getting hit on a regular basis.

#### **Consent Agenda**

Reappointment and charge Tax Collector Cynthia Broome to collect property taxes for 2022-2023 for the Town of Fletcher.

Approval of revisions to town's personnel handbook to include update of tuition reimbursement.

Approval of year-end Tax Collector's report for 21-22.

Mayor Blakely asked for any comments or questions on the Consent agenda and if not do we have a motion to approve the Consent agenda as presented and it was so moved by Mayor Pro-Tem Bob Davy and seconded by Councilwoman Sheila Franklin.

Motion carries all in favor.

Annual Presentation from Asheville Regional Airport – Lew Bleiweis, Executive Director.

Executive Director Lew Bleiweis gave an update on the Asheville Regional Airport and their current projects.

He then answered questions that council had for him.

Discussion Followed:

Staff report on process for amending electoral district lines in Fletcher – Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf stated that this was just an informational report to show what the process is for redistricting. Per our charter that process is at the discretion of council. There is a general statute reference that talks about when you have an annexation or a census update that those are two times that it is suggested that you revisit it. The town operates under a residential district versus a true electoral district. With the residential district the candidate has to reside in the district however they are elected at large versus on the electoral district where the councilmember has to reside in that district and be elected by residents who actually live in that district.

Discussion Followed:

Mayor Blakely stated that he would like to further discuss this at a later time when Councilmember Lance is in attendance.

Extension of purchase and sale agreement for Town Center Project – Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf stated that I first had this in the packet last week as a Resolution authorizing myself and the mayor to negotiate an extension. Since then I told you a little bit at the agenda review meeting the attorney that worked with us in



developing the original purchase and sale agreement and economic development agreement worked on a specific extension to get us and them through the end of August. This is due to ongoing discussion with DOT relative to the traffic transportation improvements. We are going to be meeting with DOT on Thursday. The developer feels if they can get the driveway improvements approved then they are more comfortable moving forward with a closing date.

Discussion Followed:

**Councilwoman Sheila Franklin** make a motion to approve the authorizing of the Resolution for the extension of the purchase and sale agreement for the town center project and it was seconded by Councilman Keith Reid.

**Motion carries all in favor.**

**Review of policy on appointments to Town of Fletcher voluntary boards –  
Christine Thompson, Town Clerk.**

**Town Clerk Christine Thompson** stated that the policy was revised to show/include that a job description would be available when posting vacancies on the boards. (Included in the packet was job descriptions for the Planning & Zoning board and the Parks & Recreation board)

**Mayor Blakley** stated do we have a motion to approve the changes on the policies to the appointments to the Town of Fletcher volunteer boards and it was so moved by Mayor Pro-Tem Bob Davy and seconded by Councilman Keith Reed and Councilwoman Sheila Franklin.

**Motion carries all in favor.**

**Comments from the Town Manager Mark Biberdorf.**

I know we have heard some comments from the public about the in-custody death of Mr. Hensley who passed away involving our police department and the sheriff's department. It is under investigation with the SBI and we don't have a specific timeline for their completion of that investigation. Our police chief has been in constant communication with them providing any information that they are requesting. We have a claim open with our carrier in the event there is any civil litigation on this.

On annexation, Michael Luplow (Fern Leaf) had inquired about satellite annexation of their new campus on Old Hendersonville Road. I reached out to him to see if he is

willing to come talk to you all before submitting his application. This is roughly a three-month process. I have not heard back from him as of yet.

On de-annexation, we received a request from the property owner of 326 Flynn Branch Road about being de-annexed from the town. This is one of our few satellite parcels that are residential. Mostly our satellite parcels are commercial. If someone wants to be considered for this they have to get a bill introduced in the General Assembly and then the bill has to pass for this to happen. I did let the property owner know that and if they are considering this to please let us know. If this were to happen they would no longer receive town services.

Discussion Followed:

On the extension of service with MSD, we have had some discussion about possibly using ARP funds to extend sewer service to residents in Fletcher who do not have sewer. To get some idea if MSD would do this and what might be the cost involved. I sent an email to their engineer and got a response back. I was looking at Westfelt Road, North Hudson and Dogwood Terrace so they ran some numbers at a per linear foot cost. To extend sewer lines, it was in excess of \$615,000 and this does not include if they had to tear up the road and any additional right of way acquisition.

Discussion Followed:

LGCCA is coming up on July 19 at 3:00 pm, if you have any other agenda items please let Christine know about this.

**Councilwoman Sheila Franklin** asked Police Chief Dan Terry to come to the podium and speak on Ms. Kemp's concerns on the recent in custody death.

**Police Chief Dan Terry** spoke on the issues that Ms. Kemp raised during the public comment period. He also stated that this is still under investigation with the SBI and could not say much at this time. He stated that until the investigation was completed he suggested withholding any judgement at this time.

**Mayor Blakely** asked for a motion to adjourn and it was so moved **Councilman Keith Reed** and seconded by **Councilwoman Sheila Franklin**.

**Motion carries all in favor**

Adjourned: 07:04 pm

Approved:

8-8-22

Date



Mayor Preston Blakely