

Town of Fletcher
Agenda Review Meeting
Minutes
August 7, 2023

Call the meeting to order at: 6:00 pm.

Those who were in attendance are as follows:

Mayor Preston Blakely
Mayor Pro-Tem Bob Davy
Councilman Trevor Lance
Councilman Keith Reed
Councilwoman Sheila Franklin
Planning & Zoning Director Eric Rufa
Town Manager Mark Biberdorf

Moment of Silence:

Pledge of Allegiance:

Mayor Blakely stated that typically he would jump into public comment but he wanted to give an update regarding the cell tower issue. He stated that Eric Rufa will be providing that update.

Planning & Zoning Director Eric Rufa stated that this is in no way to deter anyone from speaking on this matter this is just an update. I started out last week knowing very little on this as we had inquiries from Crown Castle reportedly coming into the neighborhood (Windsor Forest) and spray painting etc. I do know more today than I knew early last week. On Friday I was contacted by someone from Crown Castle in their external affairs department. I do believe they would have contacted me eventually but with the response from the neighborhood and some curt emails I sent last week speed things up a little.

We are essentially up against a bill/general statute that the state of North Carolina adopted in 2017 that mandated municipalities allow these kinds of providers to locate small cell facilities up to 40 or 50 feet in public rights of way. That could mean co-location on existing polls or new polls altogether. As it so happens the initial investigation into this was taking place in Windsor Forest. We are currently studying the language on this in our statutes and have yet to discuss this with our town attorney as he was out of town last week. My understanding is that the state

granted these companies the right to do this. He then read the email below that he received from Ann Brooks an external affairs manager from Crown Castle.

Per our discussion, please be advised that Crown Castle is in the very preliminary stages of small cell network design in the vicinity. We have a customer who has asked us to identify locations where they can build infrastructure that will improve the performance and capacity of their network, and meet the increasing data-consumption demands of their customers.

Crown Castle recognizes the Town and the community around our designed installations have questions about our project, and we are happy to address those questions. We will consult with the Town of Fletcher before submitting any applications to understand our responsibilities and obligations under local regulations. Having built and maintained telecommunications infrastructure in western North Carolina for over thirty years, we are committed to ensuring Crown Castle's ongoing presence in the community remains collaborative and transparent.

Thanks again for your time today, I look forward to further consultation.

ANN BROOKS

External Affairs Manager, Central Area

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CROWN CASTLE

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www.CrownCastle.com

Again, I can only take it at face value and they seem sincere. I got asked a question what happens if they show up and start planting poles in the ground. I am fairly concrete that we can require permits and we are in the process of setting up an initial discussion with Crown Castle possibly this week via a zoom meeting. As they are also talking about coming in to meet with us in a couple of weeks in person. Besides myself, I would also include the town manager along with the public works director as this involves town rights of way. Our first approach would be to try and steer them towards thoroughfares where there is existing above ground utilities. I was told that they are looking at numerous locations in town. I did not get any other

specific locations but they are going to be talking to us about all locations they are currently looking at. We are going to try and steer them towards the more palatable ones. They said that not all locations they are looking at are residential.

Discussion Followed:

If I get any new information before next Monday I will be back up here to share it.

Town Manager Mark Biberdorf stated that he contacted the League of Municipalities and we tried to stand on the definition of co-locate (term in bill) which means that you are putting this on an existing facility. Their attorney interpreted that this means to put up a new facility as well.

Discussion Followed:

Public Comments

Note: Document(s) will be attached to the sign in sheet for public comment for the minute book that were requested to be made part of the record.

Mark Washburn 307 Mountain Alder Lane Fletcher spoke against a cell tower for health concerns as well as esthetics of tower in the neighborhood.

David Romanach 236 Windsor Forest Circle Fletcher spoke against a cell tower in the neighborhood citing health issues/concerns

Revonda Buckingham 115 Red Spruce Way Fletcher spoke against a cell tower in the neighborhood citing health issues/concerns.

Steve Watkins 200 Windsor Forest Court Fletcher spoke against the cell tower in his neighborhood and thanked staff for help on this issue.

George Benge 305 Mountain Alder Lane Fletcher read a document/paper against putting a cell tower in his neighborhood.

Robert Greaves 447 Glensprings Drive Fletcher stated that he does not live in Windsor Forest that he lives in Southchase. He said that they are putting in a convenience center behind my house He said if they can do this in Windsor Forest than they can do it in Southchase as well and he is against this.

Approval of minutes-corrections, additions or deletions.
(7/3, 7/10)

No comments were made on the minutes at this time.

Council Updates

None at this time.

Consent Agenda

Approval of improvement guarantee via a performance bond in infrastructure improvements in Heritage Park Subdivision on Rutledge Road (Jackson Family Developers)

No Comments were made on the Consent Agenda at this time.

Impacts of the recently passed legislation moving council elections to even numbered years – Summer Heatherly, Director of Elections.

Director of Elections Summer Heatherly gave an overview of the recent changes to the election process since the recent passing of the bill that moved municipal elections to even numbered years in Henderson County.

The issue with the new bill is that it only covered the regular election and not the primary elections.

Elections Specialist Aaron Troutman also gave some updated information and answered some questions as well.

Discussion Followed:

Discussion of lease agreement for farming of Town owned property – Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf stated that he received inquiries from another farmer who is very interested in the property across from Meritor. As you know we currently have that under lease with Timmy Johnston and Tap Root Grain Farms LLC. The town is also farming property here right behind town hall with Michael Simpson. He has expressed strong interest in the Meritor property. I have reached out to Mr. Johnston who is farming on the town's property across from Meritor. He is still interested in farming the land and he has spent considerable amount of money on it as well.

Discussion Followed:

After some discussion council has agreed to keep the current lease agreement with Mr. Johnston as has been a good tenant and has maintained the property well.

Discussion of potential public engagement efforts – Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf stated that this was a follow-up item to some discussion we had a while back. Right after the Polco National citizen survey that we conducted here we had a conversation about ongoing public engagement. Polco has a digital database that we are in where we can do smaller surveys on specific issues. We are in this and have it for a year as part of our overall contract/survey. I know it also came up for discussion about having small public engagement meetings (City of Hendersonville does this) where the public has an opportunity to ask questions instead of hearing from us.

Discussion Followed:

Comments from the Town Manager Mark Biberdorf.

On the sound walls on I-26 near Wildwood, last time I mentioned that August was when the contact letter would go out to specific homeowners that are impacted by this. It now looks like it will be September before the letter goes out and we are continuing to monitor this. We were looking at either calling or sending a letter out to these homeowners to make sure they are aware of this. We also found out that all it takes is a simple majority to respond to the letter back to them.

A few years ago DOT shifted the left turn lanes on Highway 25 near Ingles creating a poor sight distance at the intersection for people turning left (during flashing yellow light). This has been creating a lot of accidents as there was an accident there just recently involving a motorcycle. I contacted Steve Buchanan (district engineer) about this via email and he responded pretty quickly. So we have to look at accident history on this and I contacted the police department who has been keeping track of the accidents at this intersection. Two and half years prior to the changes made there was only 4 accidents and then after the changes were made there was 17 accidents. Staff has been getting a lot of calls on this issue and DOT is going to analyze the data from the police department.

First Citizens Bank here in Fletcher has contacted us about having a community shred day this fall on October 20th (tentative date) and they wanted the town to help promote it.

Tax Bills- we were supposed to get the tax scroll from the county today they are behind schedule. We will be adding in with the tax bills a notice with some general information on it for the residents.

Mayor Blakely asked about traffic enforcement on Fanning Bridge Road as he had an inquiry from a resident.

Town Manager Mark Biberdorf stated that they are doing what they can but with limited staff have focused more on Hwy 25 as they have stopped people who have outstanding warrants or drugs in the car. Once they are more fully staffed this will be more of an option for them. I think we are 3 officers down right now.

Mayor Blakely asked for a motion to adjourn.

Councilman Trevor Lance stated I make a motion and it was seconded by Councilwoman Sheila Franklin.

Motion carries all in favor.

Adjourned: 7:34 pm

Approved:

9-11-23

Date



Mayor Preston Blakely

Town of Fletcher
Town Council Meeting
Minutes
August 14, 2023

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
Councilman Trevor Lance
Planning & Zoning Director Eric Rufa
Town Manager Mark Biberdorf

Moment of Silence: Mayor Blakley suggested a moment of silence.

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

*****Public Comments*****

Note: Document(s) will be attached to the sign in sheet for public comment for the minute book that were requested to be made a part of the record.

Suzie Dedrick of 215 Windsor Forest Circle Fletcher - spoke out against the 5G cell tower in her neighborhood.

Brandon Olsen of 33 Stoney Brook Court Fletcher – stated that he is happy and grateful for the new recording equipment in the council room. He thanked council for supporting this system as well.

Teresa Scott of 722 Cardwell Lane Fletcher - (Sycamore Cottages HOA president) spoke on the issues they have in the neighborhood regarding erosion and flooding on the back half the neighborhood due to the building of Fern Leaf school. The roads are in terrible condition as they currently have a sink hole at the entry way into the community. She also stated that she has concerns for the retention pond in the neighborhood as well.

NOTE: Neighborhood is in the final phases of construction and the streets etc. have not been turned over/accepted by the Town of Fletcher as of this date and time.

Jeff Johnson of 203 Windsor Forest Circle Fletcher spoke out against the 5G cell tower in his neighborhood.

Dianne Coleman of 241 Windsor Forest Circle Fletcher (declined to speak)

Michele McCarthy of 506 Cardwell Lane Fletcher (declined to speak)

Mickey Gamble of 204 Windsor Forest Circle Fletcher mentioned the speed limit change in his neighborhood and that it is not working. Also, the new traffic light at Fanning Bridge and Rutledge Road is causing "GPS" systems to run traffic through the neighborhood. He is also against the 5G cell tower in his neighborhood as well.

John Wojciki of 237 Windsor Forest Circle Fletcher spoke out against the 5G cell tower in his neighborhood.

Johnathan Ferguson of 303 Cardwell Lane Fletcher (declined to speak)

Kathy Maney of 40 Berry Patch Drive Fletcher (declined to speak)

Kim Potthoff of 315 Mountain Alder Lane Fletcher spoke out against the 5G cell tower in his neighborhood.

David Romanach of 226 Windsor Forest Circle Fletcher spoke out against the 5G cell tower in his neighborhood.

Larry Cutrone of 230 Windsor Forest Circle Fletcher spoke out against the 5G cell tower in his neighborhood.

Andrew Todd of 201 Windsor Forest Circle Fletcher spoke out against the 5G cell tower in his neighborhood

George Benge of 305 Mountain Alder Lane Fletcher spoke out against the 5G cell tower in his neighborhood and read a statement that he asked to be made part of the record as well.

David Reynolds of 112 Red Spruce Way Fletcher spoke out against the 5G cell tower in his neighborhood.

Robert Rolland of 516 Windsor Forest Court Fletcher spoke out against the 5G cell tower in his neighborhood.

Ryl Giacchetta of 605 Carolina Holly Way Fletcher spoke out against the 5G cell tower in her neighborhood.

Mayor Pro-Tem Bob Davy stated that he commended everyone who got up and voiced their opinion tonight on this matter.

Revonda Buckingham of 115 Red Spruce Way Fletcher spoke out against the 5G cell tower in her neighborhood and thanked everyone for what they are doing to help.

Mike Brassfield of 16 Gorman Lane Fletcher mentioned that he left for work one morning and came back and there was a huge utility/light pole in his yard and while he did not like it he said that since it does benefit everyone he can give up part of his property for it. He said that something that will benefit everyone is not necessarily in itself a bad idea.

Mayor Blakely stated that these issues are not agenda items this evening but I think the Town Manager and Planning Director are prepared to give some updates on these matters.

Town Manager Mark Biberdorf stated that Sycamore Cottages is approaching full completion of the development. As a project progresses we do have performance bonds so basically it is a guarantee that certain improvements get complete so that a developer does not come in and leave town before the project is completed. There are issues that need to be addressed and some of the bonds are starting to come off. The bonds are for things like sidewalks, (not the roads although there are some things that need to be addressed) trees and some other things. So Jabbo Pressley our Public Works Director and Eric Rufa our Planning & Zoning Director have been inspecting the area and have been out there as recently as Friday. They are in communication with the developer to correct these things. They are aware of the issues of the street and some curb and gutter. I don't think it is as much as the sidewalks but some of the storm drainage issues as well as the retention pond. On the storm drainage issue, we don't oversee this directly but we do work hand in hand with the county. The county inspects post construction storm drainage issues. Natalie Berry from the county engineering department has been working to address this and is aware of the deficiencies in the drainage there. We will not take over the roads in there for maintenance (as is the plan) until these issues (punch list items) are addressed in there.

Planning & Zoning Director Eric Rufa stated that the most recent thing is that you are likely get the last request for a release of a bond which covered the infrastructure items to be completed. The separate matter is that a lot of these

infrastructure items (punch list items) have now been in place for a while so as Mark mentioned they will be coming to us with a request for a takeover of the curbs, streets and sidewalks in there. Before we let them come to you (council) with this request (bond release) Jabbo Pressley has been in touch with them to get the necessary repairs completed before he gives you his blessing for road take over. I spoke with another representative from the subdivision about these items that we are working on this. I have spoken to Natalie and she has indicated that the pond itself is now in compliance and they are working to correct some issues with a storm water ditch. Again, this is a separate matter from road take over as we are ultimately not responsible for the stormwater pond or ditches.

Town Manager Mark Biberdorf stated the town does not maintain storm water retention ponds once it is complete. It is the responsibility of the HOA. We do maintain the town right of way if there is are storm water issues related to that.

Planning & Zoning Director Eric Rufa answered questions that council had on the bond and Sycamore Cottages.

Discussion Followed:

Planning & Zoning Director Eric Rufa stated back to the small cell tower issue from last week. I don't have a lot of new substantive information to share. The only thing that I can add to last week is that we did have our first online virtual meeting with Crown Castle today. To start we kind of got the initial presentation on the types of infrastructure they do and how we are here to work with you etc. This is the kind of stuff that you would expect in a meeting like this. We sort of pressed it that they said a lot at the beginning about this demand and I don't want anything I say tonight to be misinterpreted as defending the company. The roll out of this technology was designed to be at a neighborhood level but I think there could have been a better way of going about this then ramming a statute at us in 2017 thanks to a powerful lobby but that is where we are now. We do have an appointment to talk to our town attorney Joe Ferikes on Friday to launch into an initial discussion on this and what kind of legal standing that we have. I have said that I would do whatever I can to help on this short of violating a statute. What I came away from with the meeting today is that they seem like they are going to work with us on finding more palatable locations. There is a lot of talk as to how many locations that are being proposed for Windsor Forest and town wide. Last week I had heard 11, as of today I saw a very zoomed out aerial map that is hard to pinpoint exactly as it looks like they are looking at 6 locations and only one of which is in Windsor Forest. Two of them happen to be in DOT rights of way in the Airport Road area. Then DOT will have the permitting authority. If for some reason this tower gets pushed out of Windsor Forest onto Fanning Bridge Road then the permitting authority will ultimately go to

DOT. Where we left it today is that we would be happy to get in the room with them as I would be happy for an in-person meeting. Sometime around the end of August we are hopeful they are going to send some folks here for a meeting and possibly go out in the field to really scout out some locations. I probably upset some folks earlier with my email response back saying that my goal is to push this out of neighborhoods with underground utilities if possible. Ultimately, they can come in here and wave around some papers from a lawyer and say that we can do this in your right of way. The tone on how we work with this first batch is going to set the tone for all other batches to come.

Discussion Followed:

Planning & Zoning Director Eric Rufa stated that he tentatively wants to get this on the September meeting as an agenda item if he has a significant update. If we still don't have a permit application than this may be a little premature.

Discussion Followed:

Approval of minutes-corrections, additions or deletions.
(7/3, 7/10)

Mayor Blakley asked for questions, corrections or deletions to the minutes as presented? Seeing none do we have a motion to approve the minutes as presented?

Mayor Pro-Tem Bob Davy stated so moved and it was seconded by Councilwoman Sheila Franklin.

Motion carries all in favor.

Council Updates

Mayor Pro-Tem Bob Davy said that he went to the ground-breaking ceremony at Asheville Airport last Friday for their new terminal that they are putting up. He said that it is going to be pretty impressive when they are done and the project is going to take 3 to 4 years.

Councilman Keith Reed stated that he was at Fletcher park the last week of day camp and he asked the director that if you could do anything differently what would it be. He said that he would love another covered shelter like the one that they have as when it is bad weather it is hard to fit all the kids under the one shelter. As I have

mentioned before I would like to see batting cages between the fields that could double as a shelter and batting cage.

Discussion Followed:

Consent Agenda

Approval of improvement guarantee via a performance bond on infrastructure improvements in Heritage Park Subdivision on Rutledge Road (Jackson Family Developers, LLC)

Mayor Blakely asked if there were any questions or comments on the consent agenda and if not do I have a motion to approve the consent agenda as presented.

Councilman Keith Reed stated that he would make a motion and it was seconded by Councilman Trevor Lance.

Motion carries all in favor.

Discussion of potential public engagement efforts – Mark Biberdorf, Town Manager.

Mayor Blakely stated that before you start that Mr. Manager I was just going to make a comment. I know this was my idea but it seems there was a little reservation last week. I think that Councilmember Franklin made the comment that people do feel comfortable reaching out to us which I do agree with. If we don't want to do this I think we will be ok but if we do then I think that it will be a good experiment.

Town Manager Mark Biberdorf stated that I do have one thing to mention to you in follow up based on the feedback that I got last week. This layout that you have here is the proposed layout for the family festival. Some of you mentioned maybe just doing something at a Parks & Recreation event. It is not on here but a good location if we had a tent set up and maybe a couple of you could be in there. If you wanted we could have Fletcher Town council members (sign) and have it set up at the base of field five behind the backstop where there is an opening. This is a visible spot for the festival. If you are interested we can set that up and you need to keep it at two people. If you are interested we can set that up and let me know tonight.

Discussion Followed:

Council is interested in doing this and staff will work on setting this up.

Comments from the Town Manager Mark Biberdorf.

On the sound walls next to I-26 this is continuing to move forward protecting the Wildwood neighborhood. We will follow-up on this (communication) with the particular residents that get the opportunity to vote on this. You only need a simple majority for this to move forward. We think that notification will be in early September.

We talked last week about contacting DOT about possibly some changes to the intersection heading north turning left into Ingles. We have had some concerns of the real danger there. The police did gather some accident data, two and a half years before the changes and two and a half years since. There were 4 accidents before the changes and 17 accidents after the changes. I think there is enough of a case to examine a potential change there. The information has been sent to Steve Buchannan (traffic engineer) with DOT and he said that they are going to review the information.

The community shred day in conjunction with First Citizens Bank is tentatively set for Friday October 20.

Councilman Keith Reed mentioned adding the pill drop event as well.

Town Manager Mark Biberdorf stated that he would mention this to the Chief.

I heard your feedback on the tax bills and the insert. The next day I talked to our staff in getting ready for billing they had already printed them out. So next year we will look at using the color paper as has been suggested by council.

This could be a separate agenda item at some point and I am not trying to make a bigger issue out of this then it needs to be right now but this sort of caught my attention. You have a handout on the dias and this from the community college about their 4-year facility master plan. I guess what set this up is that I was at a breakfast for the community college and they gave a big presentation of their master facility plan and at the end they mentioned that Fletcher was still on their facility plan. I wanted to look at their two last plans and a pressed them to get a copy of it. If you look at the first one from 2019-2023 the Fletcher center was never funded and on the second page they had some description of what it would be notes etc. So, this was their prior four plan and they just redid the plan and if you go further into this on their chart here there is no specific mention of the Fletcher facility which was in the last one. If you look at the narrative description here it is more watered down. Well this has been going on for ten years. In 2015 we started to reserve space here for

the community college to do continuing ed classes to show that there was a need here. As we get so many calls to use and book our rooms here especially the multipurpose room. I emailed about this to the community college president and vice president because I was concerned this is not getting attention that it deserves and the response I received well it needs to be funded before we work on the semantics The county has got to fund this and Commissioner Lapsley tried to work on this over a year ago and was shot down We are to the point we did this to demonstrate the demand for a facility out here. We started making our rooms scheduled off or reserved times just for the community college and we have done that and been a good steward of it and demonstrated that there is enough demand for it as we have had to turn others away. I don't know if we want to go across this bridge or not.

Discussion Followed:

They need to do another coating on the courts and some of the netting and internal fencing need to be completed but it appears to be on track. Right now, we are shooting for August 28th and we would like to do a ribbon cutting on that.

Mayor Blakely asked for any other business from council and if not do I have a motion to adjourn.

Councilman Trevor Lance stated that he would make a motion and it was seconded by Mayor Pro-Tem Bob Davy.

Motion carries all in favor.

Adjourned: 7:46 pm

Approved:

09-11-23
Date

Preston Blakely
Mayor Preston Blakely