

Town of Fletcher
Agenda Review Meeting
Minutes
September 5, 2023
"Tuesday"

Call the meeting to order at: 06:00 pm

Those who were in attendance are as follows:

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

Councilman Keith Reed did not attend this meeting.

Moment of Silence:

Pledge of Allegiance:

Public Comments

George Benge of 305 Mountain Alder Lane Fletcher He commented on the Resolution on the agenda restricting small cell wireless facilities. He thanked council for their support on this and stated that signs will be going up in Windsor Forest neighborhood opposing the cell towers.

Discussion Followed:

Graham Neiman of 229 Windsor Forest Circle Fletcher Commented on other options for placing the cell tower facilities instead of putting them in neighborhoods.

Discussion Followed:

Approval of minutes-corrections, additions or deletions.
(8/7, 8/14)

No comments were made on the minutes at this time.

Council Updates

Mayor Preston Blakley stated that the courts look great and that he was out there shooting some hoops this past weekend. He said that the pickle ball courts were definitely being used. He also thanked staff and council for supporting this.

Mayor Pro-Tem Bob Davy asked about scheduling for use of the pickle ball courts.

Town Manager Mark Biberdorf stated that it starts this week on Rec desk.

Discussion Followed:

Councilwoman Sheila Franklin stated that she had a resident contact her about the light at Rutledge road. Yes, the red light is a great thing but the issue that people have on Old Case Road is that people turn right on red without even stopping/slowing down. She said that there was almost a bad accident that involved her (resident) daughter. She asked if we could contact DOT about putting a sign up for no right turns on red.

She commented on the courts and that someone asked her would there be sign up sheets and I said no it was first come first serve. It sounds to me that if it stays busy like this that we might have done twice as much a few years sooner. However, I am glad that we have done what we did in the first place and looking forward to adding to it if necessary.

Discussion Followed:

Consent Agenda

None at this time.

Resolution restricting the location of small cell wireless facilities- Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf stated that this is largely in follow up to a discussion that you had at the last meeting. A resolution was suggested and I took a stab at drafting something here. The first issue here was the location of these facilities in our subdivisions with underground utilities. The second issue is to try the best we can to steer them away from residential structures with the concerns of safety issues of the proximity of a cell tower to a home. Eric and I have been trying to get up with our contact at Crown Castle and she called me this past week as I had a question as to who is the customer on this. She wasn't able to disclose that at this point.

So, the two things in the resolution is the first is to trying to steer it away from our subdivisions where utilities are buried underground. The second is just a general comment and as a policy statement from council that bears weight. However, it can't compel Crown Castle and other companies to outright prohibit them from putting up cell facilities that would currently be allowed by law. I think they do seem interested in trying to make the most minimum impact as far as where they go and I kind of get the impression that don't want to be somewhere where they are not wanted or desired.

Discussion Followed:

Mayor Pro-Tem Bob Davy asked about why are we singling out subdivisions where utilities are buried underground. Why don't we just say that we don't want them in residential neighborhoods.

Councilwoman Sheila Franklin stated that she was about to say the same thing because we don't know about the health implications.

Town Manager Mark Biberdorf stated that they try to co-locate on electrical facilities that are already there. So, if there is already a pole there they try to collocate on that if it is available.

Discussion Followed:

Councilwoman Sheila Franklin stated that she would change the following:

WHEREAS, it is the desire of the Town to steer the potential location of small cell wireless facilities toward areas where other utilities are above ground and/or they can be collocated on existing utilities.

To

WHEREAS, it is the desire of the Town to steer the potential location of small cell wireless facilities toward areas where other utilities are above ground and be collocated on existing utilities.

She also stated that she would also change:

That the Fletcher Town Council requests that companies that install small cell wireless facilities locate these facilities outside of residential neighborhoods where utilities are buried underground and make their best effort to instead identify other areas.

To

That the Fletcher Town Council requests that companies that install small cell wireless facilities locate these facilities outside of residential neighborhoods and make their best effort to instead identify commercial areas.

Town Manager Mark Biberdorf stated that he had commercial in there but after some feed back was asked to not make it that specific.

Councilwoman Sheila Franklin stated that she agrees with Bob and for it to not sound like it is an option for any residential area.

Discussion Followed:

Discussion and possible approval of request for release of performance bond for Phase 3 of Sycamore Cottages – Eric Rufa, Planning & Zoning Director.

Planning & Zoning Director Eric Rufa stated that this is for the Phase III Bond release for completion of the work mentioned in your packets. This is for sidewalks, street trees and the auxiliary parking area. This is not tied to improvements that would be required if they happen to come in and request street takeover down the road. Jabbo and I continue to work on that and Jabbo is going to be looking into a few other things as to matters of his opinion of takeover or not. I will be back next week to answer questions on this.

Discussion Followed:

Update from the police department on traffic enforcement efforts- Dan Terry, Police Chief.

Town Manager Mark Biberdorf stated that Chief Terry will be here next week and there is an outline in your packet. This is partly in response to a complaint that we received from a resident of Windsor Forest about speeding on Fanning Bridge Road.

The police have been doing traffic enforcement there and beyond what the inquiry stated. Rather than just respond to that one issue or request we have to look at this from the bigger picture. We have to look at traffic enforcement as a whole as we are not at the level where we can have multiple officers just assigned to traffic enforcement. I wanted to have him come to a meeting and discuss how we are currently handing traffic enforcement.

Discussion Followed:

Comments from the Town Manager Mark Biberdorf.

On the town center project, we are continuing to have dialogue with different parties. As I mentioned Windsor Built Commercial and I did not get a chance to reach out to them today to see if they had any updated to what they have been analyzing for our property. Eric received a call from Tennoca Construction who reached out about interest in meeting with us to talk about suggestions and we did that last week. He is going to come back to us and give some additional thoughts on how this could lead to a partnership or agreement. We are getting emails with specific requests from brokers about the property. Pulliam Properties reached out to us and Beverly Hanks has reached out to us with specific questions about the traffic restrictions from the Traffic Impact Analysis study.

On the DOT review/issue of the intersection turning left into Ingles as I talked to you last month about concerns/issues of safety. There has been a lot of accidents there. I think DOT is definitely acknowledging that and our police dept sent a bunch of accident data to them pre and post when they made the last improvements there. So, they are going to restrict the flashing yellow by turning it off between noon and 7:00 pm because this was one of the highest incidents of accidents occurring there. Two other things that they are going to do is tapering in the left turn lanes going from Hwy 25 onto Old Airport Road. Also, the stop bar for the thru and left turning traffic on Old Airport road will be moved back from the intersection to help with sight distance for right turning traffic.

Tax bills have been going out and we have been getting some comments and complaints. Council agreed to lower the rate (Fletcher) within 3/10 of a cent to revenue neutral and the county lowered their rate to revenue neutral. However, people still had increases in their taxes.

As you respond to these inquires, counties are required by law to do a revaluation at least every 8 years and Henderson county does it every 4 years and some counties do these every 2 years. When they do this, they are required to bring it close to market value as possible. Our tax office tries to respond to this by letting people make payments and of course it has to be paid in full by January 5th. There is the homestead exemption and if your income is below a certain level you can apply/qualify for that. There is also an elderly/veteran exemption that if you fall below a certain income level then you can apply/qualify for that as well.

Thank you for making the effort to fund the courts project and to help get it done and I think that the community is appreciating it.

On the sound walls on the I26 project the ballots for that are supposed to go out this week. We are going to follow-up as Susan is drafting an email to send out to the residents to make sure they respond on the ballot and if she does not have an email she is going to call them.

We are getting some complaints about the condition of the property at Woodhill & Highway 25. Eric has reached out to the property owner as it was supposed to be a Dodges store and the developer has since withdrawn from the project because DOT is making them put a stop light at the intersection of Woodhill & 25. The complaints were about the look of the property and the owner wants to level the property which will make it look a little better.

Discussion Followed:

Public Works is going to have a free mulch pickup on Saturday September 9 from 8:00 to 12:00 pm and they will load it for you.

Mayor Blakely stated that he read about this Energy Community Tax Credit Bonus which is within the Inflation Reduction Act. There is a key provision in there called direct pay or elective pay in which entities such as ourselves qualify for the full value of the tax credit and receive it as a direct payment. We might be interested to see if there are any projects surrounding that or anything that we are already doing that we can get that benefit. To qualify for it you have to be an energy reliant community that relies on non-renewable sources of energy and part of Fletcher falls in there. So, if there is an opportunity to get a project done or pay for something we are already doing it might be worth it to look into this.

Discussion Followed:

Mayor Blakey asked for a motion to adjourn.

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

Motion carries all in favor.

Adjourned: 07:10 pm

Approved:

10/9/23
Date

Preston Blakely
Mayor Preston Blakely

Town of Fletcher
Town Council Meeting
Minutes
September 11, 2023

Call the meeting to order at: 6:00 pm

Those who were in attendance are as follows:

Mayor Preston Blakley
Councilman Keith Reed
Councilman Trevor Lance
Councilwoman Sheila Franklin
Town Manager Mark Biberdorf
Planning & Zoning Director Eric Rufa

Mayor Pro-Tem Bob Davy was not here at this time.

Moment of Silence: Mayor Blakley ask for a moment of silence in honor of those who lost their lives during 9/11

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

Public Comments

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

Larry Cutrone of 230 Windsor Forest Circle Fletcher presented some pictures on the small cell towers on poles and what they look like. He asked that they be made a part of the record.

George Benge of 305 Mountain Alder Lane Fletcher brought in a sample of the signs that the neighborhood had made to appose the cell towers in the Windsor Forest neighborhood. He thanked his fellow neighbors for all the work they did on them.

Approval of minutes-corrections, additions or deletions.
(8/7, 8/14)

Mayor Blakley asked for any corrections, additions or deletions to the minutes as provided if none do we have a motion to approve the minutes as presented.

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

Motion carries all in favor.

Council Updates

None at this time.

Consent Agenda

None at this time

Resolution restricting the location of small cell wireless facilities- Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf stated that last week he presented a draft Resolution to articulate a position on small cell wireless facilities going up in Fletcher. We took a good look at this to specifically mention and steer any facility away from residential structures. The Resolution goes on to articulate the esthetic and health concerns if they are placed in close proximity to residential structures. Then your desire to steer them to non-residential areas. Eric and I have been continuing to stay in communication with Crown Castle which is the company that has been working on trying to analyze and identify areas. They have not made any final plans. We had a conference call with several officials and they talked about an in-person meeting. If you adopt this Resolution we will send it to them and we will send it to our state legislative delegation as we have been keeping them aware of this. The authority do this came from a bill that was adopted back in 2017.

Discussion Followed:

Mayor Blakely asked for a motion to approve Resolution R-23-06.

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

Motion carries all in favor.

Discussion and possible approval of request for release of performance bond for Phase 3 of Sycamore Cottages – Eric Rufa, Planning & Zoning Director.

Planning & Zoning Director Eric Rufa stated that we spoke about this item last week at the agenda review meeting. This is in regards to the Phase III of Sycamore Cottages performance bond in the amount of \$114,498.00. This bond covered the sidewalks, street trees and an auxiliary parking area. The work in Phase III is complete and as we have done with other phases we are asking council to release the bond. We have representatives for the developer here tonight if council has any questions. There are some other items that will need to be completed for future takeover of the streets that we are working with the developer, engineer and public works on. I'll be happy to answer any questions that council may have.

Councilwoman Sheila Franklin do you foresee any issues with the takeover of the streets and have you had an opportunity to speak to anyone from the HOA.

Planning & Zoning Director Eric Rufa stated that we have been out to the site the other day and have seen where Tennoca has begun to do the corrective work with some of the issues with the cracks in sidewalk and curbing. There maybe some issues with some ramps that might need correction.

Mayor Blakely asked for a motion to approve the release of Phase III of the performance bond for Sycamore Cottages?

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

Motion carries all in favor.

Update from the police department on traffic enforcement efforts – Dan Terry, Police Chief.

Police Chief Dan Terry went over some recent statistics/information that he has collected so far in 2023 for the town. He also gave an overview of a future performance plan for the department stating that the department is still short staffed and they are working on filling those vacancies as well.

Mayor Pro-Tem Bob Davy came in at 6:27 pm

Discussion Followed:

Comments from the Town Manager Mark Biberdorf.

On the bill that was passed this summer that moved elections from odd numbered years to even numbered years in which the director (Summer Heatherly) talked to you about at last months meeting. With these changes the filing period would be in December with a primary in March. I think you had some concerns about that and the City of Hendersonville did as well. There is such a long time between the filing period all the way to the general election even with a primary in between. (1 year) The city of Hendersonville has been trying to stream line this process and do away with the need for a primary. Anyone that wants to run still has that same opportunity to do that with this going to the general election. The City of Hendersonville wants to go to a non-partisan plurality method which is just a fancy term for the top voter getter(s) out of everyone that files would win that seat. You have a copy from the SOG that explains theses three methods (will be attached to final minutes). We are currently the 3rd method (listed) and so is Hendersonville and they want to switch to the non-partisan plurality method and with this the filing period would be in July (without a primary) for the general election in November. They did a Resolution of Intent last week and are going to hold a public hearing in October and then consider an ordinance in November. If that goes through then they would be under this non-partisan plurality election method. This would stream line the process.

If you want to do this we have to move on it quickly and we would need to do a Resolution of Intent by the end of this month and we would need a special call meeting for this. I was suggesting Friday September 29 in the morning at 10 or 11 since we have the ribbon cutting on the courts at noon.

Discussion Followed:

Council agrees to set a special call meeting on Friday September 29, 2023 at 2:00 pm.

The intersection safety improvements that DOT is doing (Ingles turning left) has gone into effect from noon to seven. (No yellow turning light) They will be working on some other improvements not sure when those will take effect as of yet.

The courts project is done and they are getting used. The ribbon cutting is Friday September 29 at noon.

On the I26 sound walls project (Wildwood) seems to be moving forward and letters have gone out to the impacted property owners. We have been doing some extra communication with this to make sure residents respond to this.

The elected officials update luncheon, you have a copy of an email from Brittney Brady to see if you have any preference on the topics of discussion for this. This is usually done in January and if you have any ideas I need to know by September 25th.

The Mayor and Councilman Lance worked on some suggested revisions to the fire contract with Fletcher Fire & Rescue. I shared the suggested list with the Fire Chief and Deputy Fire Chief and asked them to share it with their board. I also suggested they could create a committee to review these suggestions as well.

On the mulch give a way they did 22 loads this past Saturday but they still have a lot left so if you know anybody who wants mulch please let them know.

Mayor Blakely asked for a motion to adjourn.

Mayor Pro-Tem Bob Davy stated he would make that motion and it was seconded by Councilman Keith Reed.

Motion carries all in favor.

Adjourned: 7:08 pm

Approved:

10/9/23
Date

Preston Blakely
Mayor Preston Blakely

Town of Fletcher
Special Call Meeting
September 28, 2023

Call the meeting to order at: 1:57 pm

Those who were in attendance are as follows

Mayor Preston Blakley
Mayor Pro-Tem Bob Davy
Councilman Trevor Lance
Councilwoman Sheila Franklin
Councilman Keith Reed
Town Manager Mark Biberdorf

Discussion and Approval of Resolution R-23-07 a Resolution of Intent for the Town of Fletcher to use the Plurality Method of Elections.

Town Manager Mark Biberdorf stated that this has come about with the adoption of Senate Bill 265 that has moved our elections from odd to even years. As a result of that we have had to change our primary and the interest is to hold our primary closer to the general election. The only way practically to do that would be to change from our primary method to a non-partisan plurality method. What this does it allows the election to happen with the highest vote getter and eliminate the need for a primary. Hendersonville got this going with the suggestion of a non-partisan plurality method by drafting a Resolution that they shared with us. We researched it and found that it would work for us as well. If you all pass this Resolution it just sets the public hearing for our October meeting. After the public hearing we would bring an ordinance to amend our charter back in November. All it would change in our charter is where it says we are a primary election method to a nonpartisan plurality method. Then the primary would be instead of being in December would be in July.

Senator Moffitt is willing to submit legislation to change our charter from the primary method to the non-partisan plurality method and we thought about pulling this but just in case something happened and he can't get this done we decided to move forward. If this happens and we know that it has been filed and approved then we may not need to put the ordinance on the November meeting. This is my understanding at this point.

Discussion Followed:

Mayor Blakely asked for a motion to approve Resolution R-23-07.

Mayor Pro-Tem Bob Davy stated so moved and it was seconded by Councilman Trevor Lance.

Motion carries all in favor.

Mayor Blakely asked for a motion to adjourn

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

Motion carries all in favor

Adjourned: 2:04 pm

Approved

10/9/23
Date

Preston Blakely
Mayor Preston Blakely