

TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER



COUNCIL MEMBERS:
JIM PLAYER
TREVOR C. LANCE
KEITH REED
AMBER MCKINNEY

Town Council Agenda Review Meeting June 2, 2025 at 6:00 PM

Call the meeting to order at: 6:00 PM

Moment of Silence:

Pledge of Allegiance:

Public Comments:

"We will strive to uphold each citizen's First Amendment right to free speech. We will ensure a level of civility and decorum. We ask that all speakers be respectful and adhere to the three-minute time limit. Council is not expected to debate/discuss issues during public comment."

Approval of minutes - corrections, additions or deletions

- 1) Agenda Review Meeting 5-5-25
- 2) Budget Meeting 5-8-25
- 3) Regular Meeting 5-12-25

Council Updates

Consent Agenda

- 4) Approval of resolution adopting the South Mountains Regional Hazard Mitigation Plan

Discussion Items

- 5) Public hearing to consider potential amendments to Appendix 1 of the Fletcher Land Development Code (Flood Damage Prevention Ordinance).
- 6) Update on farmers market activity and discussion of potential change of location - Mark Biberdorf, Town Manager and Josh Queen, Parks & Recreation Director
- 7) Discussion of fire inspections being conducted by Fletcher Fire & Rescue - Chief Robert Griffin, Fletcher Fire & Rescue

- 8) Presentation of a capital improvement plan for the Fletcher ABC Board - Brandon Olsen, ABC Boardmember
- 9) Discussion of potential application for state revolving funds from Hurricane Helene - Mark Biberdorf, Town Manager
- 10) Public hearing and approval of budget ordinance - Mark Biberdorf, Town Manager

Town Manager Report

Department Reports

- 11) May Reports

Adjourn

Upcoming Events

Summer Concert at the Auction House, June 7, 2025, from 6:00 pm - 8:00 pm
Regular Meeting June 9, 2025, at 6:00 pm
Special Call meeting to close out the Budget year June 30, 2025, at 9:00 am.
Agenda Review Meeting July 7, 2025, at 6:00 pm
Regular Meeting July 14, 2025, at 6:00 pm

"This Institution is an equal opportunity provider."

Town of Fletcher
Town Council Agenda Review Meeting
Minutes
May 5, 2025

Call the meeting to order at: 6:00 PM

Those who were in attendance are as follows:

Mayor Preston Blakely
Mayor Pro-Tem Trevor Lance
Councilmember Amber McKinney
Councilmember Jim Player
Town Manager Mark Biberdorf
Planning & Zoning Director Eric Rufa

Councilmember Keith Reed did not attend this meeting.

Moment of Silence:

No comments were made at this time.

Pledge of Allegiance:

No comments were made at this time.

Public Comments:

Joe Black of 340 Howard Gap Road Fletcher, commented on all the speeding on Howard Gap Road and that something needs to be done about it.

Approval of minutes - corrections, additions or deletions

Agenda Review Meeting April 7, 2025

Regular Meeting April 14, 2025

No comments were made at this time.

Council Updates

No comments were made at this time.

Consent Agenda

Overview of possible amendments to the Floodplain Damage Prevention Ordinance and possible setting of public hearing for the June 9, 2025 meeting

Approval of Budget Amendment #4 to the FY 24/25 Budget Ordinance.

Approval of Resolution R-25-05 concerning repeal of the down zoning statute

Planning & Zoning Director Eric Rufa went over the proposed amendments to the flood plain ordinance and has requested to set a public hearing for next month.

Discussion Followed:

Discussion Items

Update on ABC store - Samantha Todd, Chairman.

ABC Board Chairman Samantha Todd gave an update on the ABC store and the projects that the board has been working on.

ABC Board Member Brandon Olsen gave an update on the board looking at opening another store and some potential locations, preferably at the south end of town.

Discussion Followed:

The board has also requested an increase in their statutory maximum fund balance. They want to set aside funds for the new store and will be back next month with a presentation. The town manager is going to look into the requirements for this.

Resolution opposing multiple bills in the General Assembly to strip local land use regulatory authority - Mark Bibberdorf, Town Manager

Town Manager Mark Bibberdorf went over the resolution concerning the legislation removing local authority on land use matters.

Discussion Followed:

Council agreed to move this item to the consent agenda for next week.

Update on Tropical Storm Helene recovery efforts - Mark Bibberdorf, Town Manager

Town Manager Mark Bibberdorf gave an update on storm repairs in the park. Council approved the contract last month to repair the ball fields, multi-use courts and the dog park. Patton Construction has been working on these items and what is slowing things down is the delivery of the materials. It is going just slower than we hoped, but it is going. A American Electric is nearing completion of the electrical repairs in the park.

The other repairs that are outstanding are the repair to the bridge at the back of the park and the two sections of stream bank repairs. McGill has gotten together the bid specifications for that. It was advertised this past Sunday and the bids will be due on May 27th, and we will have a pre-bid conference on May 15th with potential contractors. We have procedures that we have to follow in order to get FEMA reimbursement for this.

We have essentially completed vegetative debris removal. Our public works crew helped the county with this, and we are back to normal brush pickup. The public works crew also helped with the construction debris piles. The county put out a deadline of May 1st for people to have their items by the curb.

Reimbursements are currently at \$133,552.00 from FEMA.

Discussion Followed:

Town Manager Report

On our town center project, we are thinking about ways we can advertise or market our land that is available for mixed-use development. I met with an attorney recently, Ernie Pearson of the Sanford Holshouser law firm. He has some contacts with investors. We should be getting our updated documents from Summit Marketing soon. Chris Burns, who is the owner, has been trying to get approval for the architectural renderings from Lewis Real Estate. One of the things we have been waiting for is to see what is going to happen with our flood ordinance. We have nothing new from retail strategies at the moment.

Discussion Followed:

The budget is balanced. I have got a draft of the presentation ready with no rate increase. Keeping at .28 cents, and it is around 9.8 million. It will change somewhat we do not have our property and liability insurance renewal rate as yet. I just found out from Jabbo that the county is increasing their tipping fees on garbage, and it could be up to \$7.00. We have all our expense requests, and we have been able to fund them.

Mayor Blakely asked about the fire inspections.

Town Manager Mark Biberdorf stated that it is in the budget.

Mayor Pro-Tem Trevor Lance stated that he would prefer that we have to pay to do this to contract with our fire department instead of paying the county to do this.

Just a reminder at 8:00 am for breakfast before the meeting, and then we will start our budget meeting at 9:00 am.

Our first Farmer's Market starts tomorrow from 3:00 to 6:00 pm, and we have a lot of vendors signed up.

Discussion Followed:

Department Reports

April Reports

Adjourn

Mayor Blakely asked for a motion to adjourn.

Councilmember Jim Player motioned to adjourn, and it was seconded by Councilmember Amber McKinney.

Motion all in favor.

Adjourned at: 6:55 pm

Upcoming Events

First Farmer's Market of the season, May 6, 2025, from 3:00 to 6:00 pm

Budget Workshop Meeting May 8, 2025, at 9:00 am

Mocks & Masterpieces May 9, 2025, at 5:00 pm

Regular Meeting May 12, 2025, at 6:00 pm

Golf Tournament May 16, 2025, at 9:00 am

Agenda Review Meeting June 2, 2025, at 6:00 pm

Summer Concert at the Auction House, June 7, 2025, from 6:00 pm -8:00 pm

Regular Meeting June 9, 2025, at 6:00 pm

Close out Budget year at the end of June?

Approved.

Date

Signed

Town of Fletcher
Town Council Budget Presentation for FY 25/26
Minutes
May 8, 2025

Call the meeting to order at: 9:00 AM

Those who were in attendance are as follows:

Mayor Preston Blakley
Mayor Pro-Tem Trevor Lance
Councilmember Amber McKinney
Councilmember Keith Reed
Councilmember Jim Player
Town Manager Mark Biberdorf
Assistant Town Manager Heather Taylor

Discussion Items

PowerPoint presentation of the recommended budget for FY 25/26 - Mark Biberdorf, Town Manager.

Town Manager Mark Biberdorf gave a PowerPoint presentation of the recommended budget for the upcoming FY 25/26. He also answered questions that the council had for him as well.

Mayor Blakely asked for a motion to recess (take a break).

Mayor Pro-Tem Trevor Lance motioned to take a break, and it was seconded by Councilmember Jim Player.

Motion all in favor.

Recessed at: 11:28 am

Back in Session at: 11:39 am

Adjourn

Mayor Blakely asked for a motion to adjourn

Councilmember Jim Player motioned to adjourn, and it was seconded by Mayor Pro-Tem Trevor Lance

Motion all in favor.

Adjourned at: 11:54 am

Approved.

Date

Signed

Town of Fletcher
Town Council Regular Meeting
Minutes
May 12, 2025

Call the meeting to order at: 6:00 PM

Those who were in attendance are as follows:

Mayor Preston Blakely
Mayor Pro-Tem Trevor Lance
Councilmember Jim Player
Councilmember Amber McKinney
Councilmember Keith Reed
Town Manager Mark Biberdorf

Moment of Silence:

Mayor Blakely led the group in a moment of silence.

Pledge of Allegiance:

Mayor Blakely led the group in the pledge of allegiance.

Public Comments:

David Todd of 96 Wilkie Way Fletcher thanked the town council and the town manager for their service. He commented on the storm water run off coming from Windsor Forest down to his home and his neighbor's home. He has asked that the ditch on his property be improved so that there is an equivalent amount of detention prior to the restriction being removed.

Tony Bland of 6 Wilkie Way Fletcher commented on the restriction being in place prior to his wife (who lived there 27 years) buying the property. He states he has lived there for 13 years and that they have both worked harder maintaining the property and putting restrictions in at our end of the ditch coming down through David's property. We put rockwork walls in to slow down the water. In the 27 years that Brenda has lived, there has been a time that there has been leakage into the crawl space, but with the management we put in place, it has not been a major issue for us. However, now that the restriction has been removed, the water can come down to our property much quicker. We feel that we now have a better chance of flooding through our crawl space. This past weekend we worked to divert more water to the woods to keep it away from our crawl space.

Approval of minutes - corrections, additions or deletions

Agenda Review Meeting 4-7-25

Regular Meeting 4-14-25

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

Mayor Pro-Tem Trevor Lance motioned to approve the minutes and it was seconded by Councilmember Jim Player.

Motion all in favor.

Council Updates

No comments were made at this time.

Consent Agenda

Overview of possible amendments to the Floodplain Damage Prevention Ordinance and possible setting of public hearing for the June 9, 2025 meeting

Approval of Budget Amendment #4 to the FY 24/25 Budget Ordinance.

Approval of Resolution R-25-05 concerning repeal of the down zoning statute

Approval of Resolution R-25-06 opposing multiple bills in the General Assembly to strip local land use regulatory authority.

Mayor Blakely asked for any comments or questions concerning the consent agenda and, if not, do I have a motion to approve the consent agenda as presented.

Councilmember Keith Reed motioned to approve the consent agenda and it was seconded by Councilmember Jim Player.

Motion all in favor.

Discussion Items

Update on Tropical Storm Helene recovery efforts - Mark Biberdorf, Town Manager

Town Manager Mark Biberdorf went over the most recent update on the improvements and repairs to the park. The fencing on the ball fields is coming along the crews are there. The materials being delivered have been an issue. The surface of the multi-use courts still needs to be repaired and the posts for the fencing are up. Hopefully, by the end of the month, this will be completed.

Discussion Followed:

The other major repair project is the bridge and then two parts of the stream banks. They advertised on May 4th a week ago. The bids are due in on May 27, and we are having a pre-bid conference this Thursday at 2:00. Glad to see that this is finally let for bid so that we can

get this done.

On debris removal here in town it has gone along quite well. We started helping with debris removal (vegetative) and that has been completed. We have also been helping with C & D removal and that has basically been completed as we may have a few things here and there that still need to be picked up. The county has made remarkable progress and is about two months away from completing pick up in the right of way. They are still working on picking up private property and that may take a while longer as they have to get permission for that. Debris removal from streams has just started, and I was hoping to get a list of the streams that they have decided need debris removal.

We have received two FEMA reimbursements at just over \$133,000.00.

Town Manager Report

On the town center project update, I mentioned that I had met with an attorney (Ernie Pearson) who works on a lot of economic development projects. He works on putting together agreements and economic incentives. So I met with him and discussed development projects and explained what is going on here and the possibility of incentives. He is getting information out to his contacts. I should have the document from Summit Marketing soon, and I will share that with you. McGill Associates is doing the preliminary engineering work on the town center property, and they were waiting on the moratorium of no development in the flood plain. Our prior developer, Martin Lewis of Lewis Real Estate group and Will Buie, reached out last week, and they wanted to meet and talk about the project.

We had our budget workshop last Thursday where I presented the recommended budget. The only thing we were waiting for was the renewal of our property and liability insurance. We got that in, and it was a 12,000 to 14,000 increase, so our expenses will increase by that much. We will get one last set of values that I will plug into the budget for the public hearing. The next step is the budget message, and it will be available for the public to view before the public hearing which will be advertised on May 28.

The Farmer's Market was well attended, and they did decent business for the first day. Really excited to have that going.

The ABC board and establishing a capital improvement fund with excess revenues and gross receipts. You have a copy of the statute in front of you. So they can, with your approval, set aside funds for capital improvements. The council has requested more information on this and wants to put it on the agenda for next month.

Discussion Followed:

Further discussion was held on the flooding/stormwater that was mentioned in public comments. McGill Associates (Ben Cathey) will be going out to the property/site on Thursday to assess the situation and report back on this matter.

Department Reports

April Reports

Adjourn

Mayor Blakely asked for a motion to adjourn

Councilmember Jim Player motioned to adjourn, and it was seconded by Councilmember Amber McKinney.

Motion all in favor.

Adjourned at: 6:47 pm

Upcoming Events

Golf Tournament May 16, 2025, at 9:00 am

Agenda Review Meeting June 2, 2025, at 6:00 pm

Summer Concert at the Auction House, June 7, 2025, from 6:00 pm -8:00 pm

Regular Meeting June 9, 2025, at 6:00 pm

Close out Budget year at the end of June?

Approved.

Date

Signed

MEMORANDUM

TO: Mayor & Council

FROM: Mark Biberdorf, Town Manager

COPY TO: Heather Taylor, Assistant Town Manager
Eric Rufa, Planning & Zoning Director

DATE: 5/29/2025

SUBJECT: Approval of resolution adopting the South Mountains Regional Hazard Mitigation Plan



Background:

The Town of Fletcher participates in a regional hazard mitigation plan update every five years. It is required in order for the Town to continue to receive disaster assistance from state and federal government agencies. A consultant that is hired by Henderson County facilitates the update and any periodic adjustments to the Mitigation Action Plan. An excerpt from the plan that applies to Fletcher and the resolution authoring the approval of the plan are attached.

Recommendation:

Approve attached resolution.

Attachments:

1. Resolution. Adopting South Mountains Regional Hazard Mitigation Plan
2. Fletcher Mitigation Action Plan

R-25-07
RESOLUTION
ADOPTING THE SOUTH MOUNTAINS
REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within the town of Fletcher are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to drought, extreme heat, hailstorm, hurricane and tropical storm, lightning, thunderstorm wind/high wind, tornado, winter storm and freeze, flood, hazardous material incident, and wildfire; and

WHEREAS, the Town of Fletcher desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Article 5, Section 160D-501 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has enacted General Statute Section 166A-19.41 (*State emergency assistance funds*) which provides that for a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and.

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

WHEREAS, the Town of Fletcher has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of this council of the Town of Fletcher to fulfill this obligation in order that they will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the Town.

NOW, THEREFORE, be it resolved that the Fletcher Town council hereby:

1. Adopts the South Mountains Regional Hazard Mitigation Plan.

2. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this the 9th day of June 2025.

Mayor Preston Blakely

Attest:

Christine Thompson, MMC, NCCMC
Town Clerk

Town of Fletcher Mitigation Action Plan

Action #	Description	Hazard(s) Addressed	Relative Priority	Funding Sources	Responsible Party	Target Completion Date	2025 Action Implementation Status
Prevention							
P-3	Develop a stand-by acquisition grant application that lists properties located in the floodplain.	Flooding	Moderate	Grants	Town Council	Action to be deleted.	Action to be deleted. There has been no interest (by Council or by citizens) in buy-outs in the Town.
P-4	Identify properties adjacent to the railroad tracks and post in a GIS system for potential buyout of highly vulnerable structures.	Hazardous Substances	Moderate	General Revenue and Grants	Town Council	Action to be revisited during 2030 plan update.	The Town acquired several properties a few years ago along Hwy 25 by the railroad, that have since been demolished. The Town contracts with the local Council of Governments for GIS mapping assistance and could have a map of properties along the railroad tracks produced quickly if needed.
P-5	Seek grant funding for mitigation opportunities eligible under the most current version of the UHMA Guidance and Public Assistance 406 mitigation Guidance at the time of the application. Projects may include, but are not limited to: acquisition, elevation, mitigation reconstruction, and wet/dry flood proofing to commercial and/or residential structures as applicable; redundant power to critical facilities, storm shelters and other activities that reduce the loss of life and property as a result of impacts from natural hazards.	All	Moderate	Federal Grants	Town Staff	As funding becomes available.	New action for the 2025 plan.

SECTION 9 MITIGATION ACTION PLAN

Public Education and Awareness Activities							
PEA-1	Educate contractors about principles for quality redevelopment and safe housing development through written materials or a County sponsored workshop.	All	Low	General Revenue	Planning Department	Action to be revisited during 2030 plan update.	Building services and Fire services will continue to provide education and outreach as available.
PEA-2	Provide new home and property buyers with information on quality redevelopment and safe housing development. The information is probably most efficiently dispersed at the County and local administration buildings.	All	Low	General Revenue	Planning Department	Action to be revisited during 2030 plan update.	This item will continue as additional outreach is needed.

MEMORANDUM

TO: Mayor & Town Council
FROM: Eric Rufa, Planning & Zon Dir
COPY TO: Mark Biberdorf, Town Manager
DATE: 5/20/2025



SUBJECT: Public hearing to consider potential amendments to Appendix 1 of the Fletcher Land Development Code (Flood Damage Prevention Ordinance).

Background:

At their April 15, 2025 meeting, the Fletcher Planning Board recommended several revisions to the Town's Flood Damage Prevention Ordinance. The draft ordinance is included in your packet materials. Chris Brown, from McGill Associates, assisted the Town with the draft revisions, which can be broken down into two different categories:

* The substantive changes to the code involve an increase in elevation requirements for residential uses from three to FOUR feet above base flood elevation (BFE). Additionally, a number of specific uses are recommended to be prohibited within officially designated floodplain areas. These would include the following:

1. Private and Public Schools
2. Child/Adult Day Care
3. Housing for the Elderly (Nursing Homes and other forms of assisted living)
4. Multi-Family Residential
5. Public Works Facilities
6. Mission-critical facilities, including but not limited to, police, fire, EMS, hospitals, emergency response centers, data centers, any other facilities deemed essential for important operations, services, and needing to ensure continuous operation.

* The other amendments are simply updates which bring our code in line with the State's model ordinance. Staff at NC Emergency Management have reviewed our code and McGill Associates made sure to include all changes required by the State.

Recommendation:

Staff is recommending that Council approve the draft changes as recommended by the Planning Board and the NC Emergency Management Dept.

Attachments:

1. Appendix1_FloodDamagePrev Final with DEM Markups_5-13-2025

Town of Fletcher

FLOOD DAMAGE PREVENTION ORDINANCE

(Appendix 1 to the Land Development Code)

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of Fletcher, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of The Town of Fletcher and its extra-territorial jurisdiction (ETJ) are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;

- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;
- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may

enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community, dated _____.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost

cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been

elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map Repository" means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area (NEA)" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

Prohibited Uses means uses listed within this Ordinance that the Town of Fletcher has restricted building within the Special Flood Hazard Areas.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus ~~Four (4)~~ ~~Three (3)~~ feet of freeboard for all residential uses; for all other allowable uses the freeboard shall be three (3) feet. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least ~~four (4) feet above the highest adjacent grade for all residential uses, and three (3) feet above the highest adjacent grade~~ for all other allowable uses.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling,

Commented [CB1]: Another recommendation is to have a freeboard requirement for residential and another for business/industrial, (Overlay Zoning). Does this fall under the new regulatory restriction of no down-zoning? (SB 382)

Commented [WF2R1]: Chris, at this time the down zoning requirements are still in limbo for floodplain as these requirements are based on federal requirements for NFIP participation rather than state requirements. Our legal counsel is researching it.

Commented [CB3]: This is the only location where the freeboard is given (Definition Section). Most other Flood Damage Prevention Ordinances in NC are similar as far as where this information is located. The majority of NC Flood Ordinances (Municipal and County) call for 2' of freeboard. Note: Laurel Park (which is also in Henderson County) has a stipulated freeboard of 4'.

Commented [CB4]: At the February 18th, 2025 Planning Board Meeting discussions took place about increasing the freeboard amount to possibly 4' or 5'. Another option was put forth to have “no impact/not development in the Special Flood Hazard Areas”.

Commented [CB5]: Discussion on zoning vs the Regulatory Flood Protection Elevation (RFPE). Looking into the Town of Fletcher's zoning map in relation to the Special Flood hazard Area (SFHA), it appears the residential zoning is minor compared to the remainder of the zoning designations.

floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Threat to Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, ~~including Extra-Territorial Jurisdictions (ETJs)~~, including Extra-Territorial Jurisdictions (ETJs) of the Town of Fletcher and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated October 2, 2008 for Henderson County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto. The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Henderson County, dated October 2, 2008, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:
~~Henderson County Unincorporated Area, dated March 1, 1982; Town of Fletcher, dated March 1, 1982.~~

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Fletcher or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than ~~\$50.00~~ **\$100.00** or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Fletcher from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Planning Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain

Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to ~~mean sea level~~ **NAVD 1988** of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to ~~mean sea level~~ **NAVD 1988** to which any non-residential structure in Zone AE, or A will be floodproofed; and
 - (iii) Elevation in relation to ~~mean sea level~~ **NAVD 1988** to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (~~FEMA Form 81-65~~ **FEMA Form FF-206-FY-22-153**), with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AE, and A1-30.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

Commented [CB6]: See comment next page

- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A description of the development to be permitted under the floodplain development permit.
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
 - (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 - (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
 - (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (g) The flood openings requirements, if in Zones A, AE or A1-30.
 - (h) Uses in enclosed areas below BFE shall be limited to parking, building access, and limited storage only.
- (3) **Certification Requirements.**
- (a) **Elevation Certificates**
 - (i) An Elevation Certificate (~~FEMA Form 81-31~~) ~~FE-206-FY-22-152~~ is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~mean sea level~~ ~~NAVD 1988~~. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - (ii) An Elevation Certificate (~~FEMA Form 81-31~~) ~~FE-206-FY-22-152~~ is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~mean sea level~~ ~~NAVD 1988~~. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 - (iii) A final as-built Elevation Certificate (~~FEMA Form 81-31~~) ~~FE-206-FY-22-152~~ is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be

corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (~~FEMA Form 81-65~~ FF-206-FY 22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to ~~mean sea level NAVD 1988~~. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- ~~(i)~~(ii) A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY 22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance ~~with the~~ with the provisions of Article 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
- (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and

Commented [CB7]: This Form is still in use and acceptable. They have an updated form FF-206-FY-22-153, however, the updated form specifies "DRY" non-residential floodproofing and also ask for more information. It is more restrictive for obtaining floodproofing credit. Does the Town want to list this form?

Commented [WF8R7]: The 86-0-34 expired in 2022 and should be replaced with (FEMA Form FF-206-FY 22-153) in all applicable locations. The 86-0-034 should not be used as a substitute for the new form.

- (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

(4) Determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (3) Notify adjacent communities and the North Carolina Department of ~~Crime Control and~~ Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to ~~mean sea level~~ **NAVD 1988**) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to ~~mean sea level~~ **NAVD 1988**) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to ~~mean sea level~~ **NAVD 1988**) of all public utilities in accordance with the

provisions of Article 4, Section B(3).

- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data have not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data are provided but no floodway or non-encroachment area data have been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area are above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.

- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Zoning Board of Adjustment as established by the Town of Fletcher, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are

protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

- (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage possibly resulting in premiums that are cost prohibitive and not eligible for a federally backed mortgage. This could add to difficulty in resale. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

Commented [CB9]: Reference - NCQuickGuide20217

- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued prior to development permit approval.
- (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

- (a) The use serves a critical need in the community.
- (b) No feasible location exists for the use outside the Special Flood Hazard Area.
- (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
- (d) The use complies with all other applicable federal, state and local laws.
- (e) The Town of Fletcher has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- ~~(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.~~
- (4) All new electrical, heating, ventilation, air conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding

to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

a) Replacements part of a substantial improvement must also meet the above provisions.

b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple Base Flood Elevations (BFEs), the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

(17) New construction including substantial improvements of certain facilities as listed herein shall be prohibited in the Special Flood Hazard Areas:

- a) Private and Public Schools
- b) Child/Adult Day Care
- c) Housing for the Elderly (Nursing Homes and other forms of assisted living)
- d) Multi-Family Residential

e) Public Works Facilities

f) Mission-critical facilities, including but not limited to, police, fire, EMS, hospitals, emergency response centers, data centers, any other facilities deemed essential for important operations, services, and needing to ensure continuous operation.

SECTION B. SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data have been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

Commented [CB10]: Does the Town want to add something about method of elevation such as compaction of floodplain fill, distance from structure etc.? (Ref p. 48 NCQuickGuide2017)

Commented [WF11R10]: Chis, any fill placed would need to be compacted and the appropriate certifications of compaction be submitted and maintained with the floodplain documentation.

Commented [CB12]: Add restriction on fill? Henderson Co. limits fill to 20% in flood fringe, but also include floodway. Under consideration now is that they will totally restrict floodway fill which Fletcher already is doing.

(b) Shall not be temperature-controlled or conditioned;

(bc) shall be constructed entirely of flood resistant materials.

(ed) shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
- (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
- (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a Insert number of years (One (1) year minimum is required) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the Insert number of years (One (1) year minimum is required) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (The repetitive loss portion is in italics is OPTIONAL, but will be required for flood insurance policy holders to be eligible for Increased Cost of

Compliance (ICC) benefits for repetitive losses.) If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions;

(ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (b) meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below

Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

(9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
- (d) Commercial storage facilities are not considered "limited storage" as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no

Base Flood Elevation (BFE) data have been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When Base Flood Elevation (BFE) data are available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
 - (b) When floodway or non-encroachment data are available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with the provisions of Article 3, Section B and utilized in implementing this ordinance.
 - (d) When Base Flood Elevation (BFE) data are not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Located within the Special Flood Hazard Areas established in Article 3, Section B are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

1. **No encroachments, including fill, new construction, substantial improvements or other developments shall be permitted in the floodway and non-encroachment areas except that recreational and agricultural uses and infrastructure and utility improvements may be permitted if:**
 - (a) **it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not**

result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit, or

(b) ~~a~~ A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

Commented [CB13]: Formatting, make this section same font and size, can still bold sentences

2. If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
 - a. The anchoring elevation standards of Article 5, Section B(3) and,
 - b. The no encroachment standards of Article 5, Section F(1).

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted January 13, 2003 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Fletcher enacted on January 13, 2003, as amended, which are not reenacted herein are repealed.

The date of the initial flood damage prevention ordinance for the unincorporated area of Henderson County is July 5, 2005.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION C. EFFECTIVE DATE.

This ordinance became shall become effective October 2, 2008, readopted xxxxx.xx.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Town Council of Fletcher, North Carolina, on the 11th day of August, 2008. ?????

WITNESS my hand and the official seal of _____, this the ____ day of _____, 200.

Mayor William B. Moore Preston Blakely

(Seal)

Commented [WF14]: Just be sure once the ordinance is adopted it gets sealed

MEMORANDUM

TO: Mayor & Council

FROM: Mark Biberdorf, Town Manager

COPY TO: Heather Taylor, Assistant Town Manager

DATE: 5/28/2025

SUBJECT: Update on farmers market activity and discussion of potential change of location - Mark Biberdorf, Town Manager and Josh Queen, Parks & Recreation Director



Background:

Attached is a memo for Council regarding the first month of activity for the farmers market and a recommendation to consider changing locations.

Recommendation:

It is recommended that Council consider changing the location of the market to Bill Moore Community Park.

Attachments:

1. Memo To Council. Update on Farmers Market & Discussion of Potential Change of Location

MEMORANDUM

TO: Mayor and Town Council

FROM: Mark E. Biberdorf, Town Manager *MEB*
Josh Queen, Parks & Recreation Director

COPY TO: Heather Taylor, Assistant Town Manager

DATE: May 28, 2025

SUBJECT: Update on Farmers Market Activity & Discussion of Potential Change of Location

The Town's first farmers market has been underway for a month now. Parks & Recreation staff has heard mostly positive feedback from the public and vendors about it. However, one issue that has been continually brought up is that the current location is not ideal. It has been suggested that the Town consider moving the location to Bill Moore Community Park.

In comparing and contrasting the current location of the market near Town Hall and moving it to the park, Parks and Recreation staff put the following information together based on observations from vendors and patrons:

Current Location – Town Hall Parking Lot:

- **Traffic and Parking Challenges:** Even with staff at the gate and cones blocking access from Howard Gap, drivers still attempt to come through. Managing traffic flow requires additional staff support.
- **Lack of Handicap Parking:** Many of our guests are older and use walking aids. The walk from the Town Hall lot is long, and the broken pavement creates safety hazards.
- **Bathroom Access:** Restrooms are difficult to locate and access, which affects both guests and vendors. Vendors often need to leave their booths unattended to find restrooms.
- **Pavement Condition:** The parking lot is full of cracks, loose pavement, and holes, creating a hazard for pedestrians and complicating vendor setup.
- **Vendor Load-In/Out:** The size and layout of the lot make loading and unloading difficult, especially for larger setups.
- **Environmental Factors:** The full-sun, asphalt surface creates high temperatures that can negatively impact produce and the overall experience.
- **Limited Foot Traffic:** There's no organic foot traffic in this area, which limits casual attendance and community visibility.

Proposed Location – Bill Moore Community Park:

- **Increased Visibility and Access:** The park offers higher visibility and more inclusive access for all visitors.
- **Organic Foot Traffic:** Being in the park encourages more spontaneous visits and integrates with other park activities.
- **Post-Hurricane Engagement:** Moving the market here helps bring people back to the park and supports our community recovery efforts.
- **Vendor-Friendly Space:** The open grass fields provide more space for vendor setup and easier load-in/out.
- **Reduced Staffing Needs:** The park's layout would require less staff support for traffic and setup.

Also attached is direct feedback that we received vendors when asked the question about a different location. Based on this feedback and analysis from staff, it is recommended that we consider moving the location of the farmers market to Bill Moore Community Park.

If Council should have questions on this report prior to the Agenda Review meeting, please let me know.

MEB/meb

Attachment

Mark Biberdorf

From: Josh Queen
Sent: Wednesday, May 28, 2025 10:18 AM
To: Mark Biberdorf
Subject: Farmers Market

Good Morning Mark,

I reached out to vendors who attended one or more of our markets to gather their insights on the potential benefits and drawbacks of moving the market from Town Hall to Bill Moore Community Park. I asked them to share their thoughts from a vendor's perspective. I would like to move the market over to the park starting in June.

Please see their response below:

Farmer:

"I see a lot of potential in the Fletcher Farmers Market. For a beginning market, there has been enough positivity and promotion that high quality vendors and a large percentage of farmers have showed up for the market. I think in the future it could be a tremendous service to the Fletcher community. That being said, the current location is not workable. I already know that some top farm/vendors have not come because they knew they would not be able to sell enough at that location to make it worth their time.

Farming is a notoriously time-consuming job and farmers in our area have to choose carefully what markets they attend because while they are at the market, they know there is farm work not getting done. Therefore, there needs to be a critical mass of customers for a farmer to be able to spend an afternoon at a market. If they don't get enough sales or if they pick fresh produce that does not sell and is therefore wasted, it's not that they don't want to come back...they can't come back and hope to stay in business. Margins are narrow for small farms.

The current location of the Fletcher Market is problematic because it is not visible from the road (or really anywhere). It is also small, hot, short on parking, and lacks any character to draw customers. The park is opposite. Even better, I am hopeful the park will draw families which will enable parents to feed their children healthier food and teach them about agriculture and small business. As a mom (and farmer), I would love to take my kids to a park and farmers market at the same time. It's a win for kids and parents alike and will enhance Fletcher's offerings as a community. I strongly support the move from the maintenance shed to the park."

Animal Products:

"I believe a move to the park is the only way the market will flourish. We will have visibility from the road for patrons passing by. Also, I have talked to many other farmers in the community that would be interested in vending at our market, but only if it is relocated to the park."

Consumables:

"there's a lot more traffic with the school across the street and better parking!"

Farmer:

I think this would be a great move! I think that it would create more traffic for the market, and it would increase accessibility for all parties involved (customers and vendors)!

Grower:

More exposure to the public's view would be a great idea

Baked Goods:

"I think it would also be a great idea given that there are summer games/people visiting the park! My main concern would still be weather, especially in grassy areas"

Farmer:

"We would love the move to the park, I think there's already a good traffic flow that way, great parking, bathrooms and playground for families, lots of people go there for walks with dogs already, I think it would be great for the community. "

Consumables:

"I think moving over to the park would provide visibility as long as the market is close to howard gap road. Drive by visibility is key.

Example. The Mills River Farm Market is in the back parking lot behind evergreens which has been problematic for drive-by visibility."

Grower:

"The parking lot is going to be extremely hot soon and the parking lot is not great."

Maker:

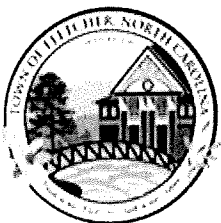
"The market overall is a great addition to the community, however for the long-term success of the market it needs to be in a well-established location with attractive scenery, accessible parking, and space to grow. The current location does not have any of those qualities. "

Josh Queen

Director

Fletcher Parks & Recreation

(828) 687-0751



MEMORANDUM

TO: Mayor & Council
FROM: Chief Robert Griffin
COPY TO: Heather Taylor, Assistant Town Manager
DATE: 5/28/2025



SUBJECT: Discussion of fire inspections being conducted by Fletcher Fire & Rescue - Chief Robert Griffin, Fletcher Fire & Rescue

Background:

Fletcher Fire & Rescue has expressed interest in conducting fire inspections for the Town of Fletcher. Chief Robert Griffin met recently with Town staff to discuss the possibility of the Town migrating from Henderson County conducting fire inspections to the fire department providing this service. This has been brought about due to Henderson County's recently declared intention to start charging for this service.

Recommendation:

This item is informational only at this time.

Attachments:

1. Draft Fire Inspection Fee Schedule - Fletcher Fire & Rescue

Fire Inspection Fees	
Minimum up to 1,000 square feet	\$50.00
1,001 - 5,000 square feet	\$100.00
5,001 - 10,000 square feet	\$150.00
10,001 - 25,000 square feet	\$200.00
25,001 - 50,000 square feet	\$250.00
50,001 - 100,000 square feet	\$300.00
100,001 - 200,000 square feet	\$350.00
Over 200,000 square feet	\$400.00
R-2 & S Occupancies (Apartment Complexes, Storage Units, etc.)	
1-20 Units	\$50.00
21-50 Units	\$100.00
51-100 Units	\$150.00
101-150 Units	\$200.00
151-200 Units	\$250.00
201-250 Units	\$300.00
251-300 Units	\$350.00
Over 300 Units	\$400.00

Plan Reviews	
Subdivision / Fire Development	\$250.00
Fire Plan Re-Review	\$50.00 per review after three reviews
Fire Plan Review / Final Inspection (Less than 2,500 sq feet)	\$100.00
Fire Plan Review / Final Inspection (2,500 – 10,000 sq feet)	\$250.00
Fire Plan Review / Final Inspection (10,001-25,000 sq feet)	\$500.00
Fire Plan Review / Final Inspection (25,001 – 100,000 sq feet)	\$750
Fire Plan Review / Final Inspection (More than 100,001 square feet)	\$1000.00

MEMORANDUM

TO: Mayor & Council

FROM: Brandon Olsen

COPY TO: Heather Taylor, Assistant Town Manager

DATE: 5/28/2025

SUBJECT: Presentation of a capital improvement plan for the Fletcher ABC Board - Brandon Olsen, ABC Boardmember



Background:

The Fletcher ABC Board is interested in establishing a capital improvement plan (CIP). The CIP would allow them to set aside surplus funds for the purpose of possibly building another store. Brandon Olsen with the ABC Board will be on hand to provide additional background on this item.

Recommendation:

This item is for informational purposes at this time.

Attachments:

1. Fletcher ABC Board Capital Improvement Plan

Fletcher ABC's current maximum working capital is \$831,832

We are currently operating around \$787,090

This number is provided by the percentile of sales vs assets we have on hand.

We expect to hit that ceiling by the end of this fiscal year.

We would like to raise the maximum working capital to 1.5 million dollars. We are hoping to aggressively invest in these funds in a money market account build our reserves for the purpose of building a new store. We intend to keep disbursements at their current level of \$361,000 split between the schools, law enforcement and the town for the 2025-2026 Fiscal Year and hope to build our capital reserves to buy land or a building for an additional store.

We are projecting higher sales figures next year and aim to have about 400k in buying power as an immediate down payment to stand a better chance in the current competitive real estate climate.

We hope that the eventual building of a new store will let us continue to give back to the city of Fletcher at the exceptional rate that we have been able to for the past five years.

We need to be agile and proactive in our marketplace to continue delivering robust distributions, we intend to engage a third-party market research firm to validate our thinking. Pending the results from the analysis we may decide to move forward or redirect these funds.

MEMORANDUM

TO: Mayor & Council

FROM: Mark Biberdorf, Town Manager

COPY TO: Heather Taylor, Assistant Town Manager

DATE: 5/29/2025

SUBJECT: Discussion of potential application for state revolving funds from Hurricane Helene
- Mark Biberdorf, Town Manager



Background:

Attached is a memo describing a recent federal appropriation for infrastructure assistance related to Hurricane Helene. Also attached is a map showing a neighborhood where a potential sewer expansion was previously explored. I am going to discuss with Council the possibility of submitting a project for sewer extension to this neighborhood.

Recommendation:

Authorization to submit a preliminary application.

Attachments:

1. Memo. SRF Supplemental Appropriations for Hurricane Helene Affected Areas
2. Fletcher sewer extensions

MEMORANDUM

TO: Mayor and Town Council

FROM: Mark E. Biberdorf, Town Manager *MEB*

COPY TO: Heather Taylor, Assistant Town Manager

DATE: May 29, 2025

SUBJECT: State Revolving Funds Supplemental Appropriations for Hurricane Helene Affected Areas

A notice was sent out recently about a workshop covering the State Revolving Funds Supplemental Appropriation for Hurricane Helene (SRF Helene). This is something that came out of the American Relief Act of 2025 that provided supplemental disaster relief funds. The Act provides for several different types of revolving funds or loans that have 0% interest and some forgivable principal elements to them as well. The types of projects that this covers involve improvements to water and wastewater infrastructure.

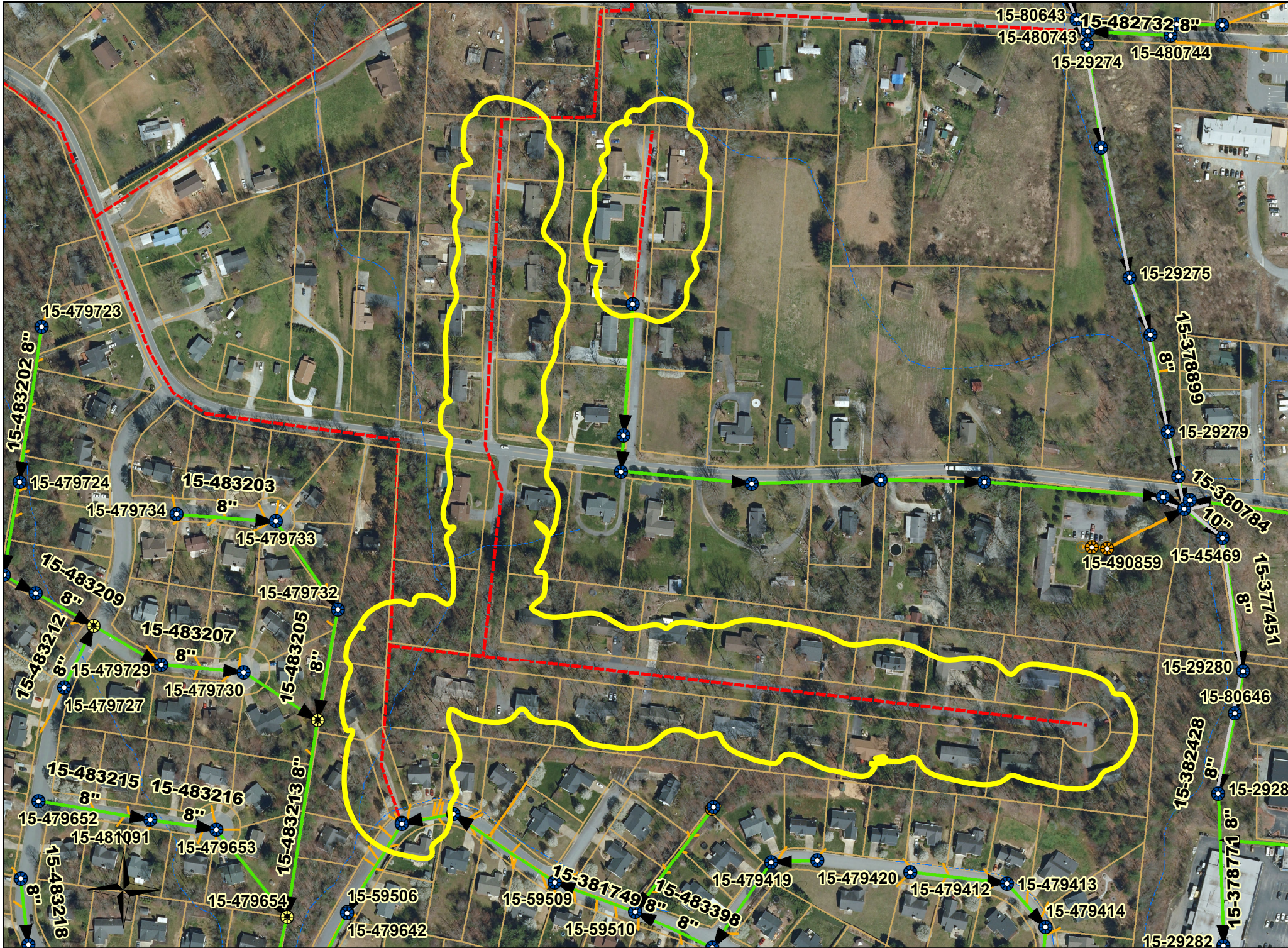
A specific funding category within the SRF Helene program involves support for decentralized wastewater treatment systems. What this means is help for connecting to centralized wastewater treatment systems where you have distressed or failing septic tanks. The goal is to assess the potential to connect homes to centralized systems and thereby improve flood resilience. The reason I attended the workshop on this was to learn more about the potential for connecting one of Fletcher's older neighborhoods to sewer.

Attached is a map that depicts a neighborhood where sanitary sewer does not exist and there is the potential for SRF Helene funds to be applied. The neighborhood has been on a project list for a number of years where the Town has evaluated resident interest and accessibility to sewer. I would like to explore the possibility of the Town submitting an application for SRF Helene funding to assist this neighborhood. A preliminary application is required and would be the first step in pursuing this funding.

I will provide further background on this item at the Agenda Review meeting.

MEB/meb

Attachment



Fletcher sewer extensions

MEMORANDUM

TO: Mayor & Council
FROM: Mark Biberdorf, Town Manager
COPY TO: Heather Taylor, Assistant Town Manager
DATE: 5/29/2025



SUBJECT: Public hearing and approval of budget ordinance - Mark Biberdorf, Town Manager

Background:

The required public hearing for presentation of the recommended budget for FY 2025-2026 will be held at this meeting. The budget ordinance that you will be asked to approve after the public hearing is attached for your review.

Recommendation:

Adopt the budget ordinance.

Attachments:

1. Budget Ordinance

***TOWN OF FLETCHER
BUDGET ORDINANCE
FISCAL YEAR 2025-2026***

BE IT ORDAINED by the Town Council of the Town of Fletcher, North Carolina, this 9th day of June 2025 at a Regular Meeting that the following fund revenues and departmental expenditures together with certain restrictions and authorizations are adopted:

SECTION I. GENERAL FUND

1. Revenues Anticipated:

Current Taxes	\$4,948,510
Motor Vehicle	311,773
2024 Taxes & Prior Years	10,000
Tax Interest	9,000
Tax Advertising	1,000
Interest on Investments	360,000
Powell Bill Interest	1,500
Misc Revenue	10,000
Utilities Sales Tax	867,700
Beer & Wine Tax	38,000
Cable Franchise	41,000
Powell Bill	259,000
Local Sales Tax	2,350,429
Recreational Activities	120,000
Business Registration Fee	8,000
Land Use Permits	7,000
ABC Law Enforcement	14,000
Sale of Fixed Assets	20,000
Lease Revenue	7,500
Concession Stand	2,250
ABC Distribution	325,000
Police Revenue	2,500
Memorial Golf Tournament	7,500
Disposal Tax	6,300
Community Park Development	750
Appropriated Fund Balance	266,604

TOTAL GENERAL FUND REVENUES: *\$9,995,316*

2. General Fund Expenditures Authorized By Department:

GENERAL GOVERNMENT

Governing Board	\$ 58,629
Administration	800,776
Professional Services	280,481
Recreation	765,676
Planning	237,822
Information Technology	258,600

Total **\$ 2,401,984**

PUBLIC SAFETY

Police	\$ 2,357,502
Fletcher Fire and Rescue	1,951,477
Mills River Fire and Rescue	45,608

Total **\$ 4,354,587**

PUBLIC WORKS/FACILITIES

Town Facilities	\$ 156,150
Public Works	1,696,392
Powell Bill	259,000

Total **\$ 2,111,542**

CAPITAL IMPROVEMENT FUND

Capital Improvements Fund	\$ 1,127,203
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Total **\$ 1,127,203**

TOTAL GENERAL FUND EXPENDITURES: \$9,995,316

SECTION II. TAX RATE ESTABLISHED

An Ad Valorem Tax rate of \$0.28 per \$100 at full valuation is the official tax rate for the Town of Fletcher for the fiscal year 2025/2026. This rate is based on the total valuation of \$1,897,649,054 at an estimated rate of collection of 99%. The tax rate for the prior fiscal year was \$.28.

SECTION III. SPECIAL AUTHORIZATION-BUDGET/FINANCE OFFICER

The budget/finance officer shall be authorized to reallocate departmental appropriations among the various objects of expenditures, as he/she believes necessary.

SECTION IV. RESTRICTION- BUDGET OFFICER

The budget officer shall be authorized to appropriate any federal funds in accordance with Federal and State Regulations.

SECTION V. UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This ordinance and the budget document shall be the basis of the financial plan for the Town of Fletcher during the 2025/2026 fiscal year. The budget officer shall administer the budget and shall insure that operations officials are provided guidance and sufficient details to implement their appropriate portion of the budget. The accounting section shall establish records, which are in consonance with the budget and this ordinance and the appropriate statutes of the State of North Carolina.

SECTION VI. AUTHORIZATIONS AND RESTRICTIONS ON THE BUDGET OFFICER

Interfund Transfers, not established in the budget document, may be accomplished only with prior authorization from the Board.

Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Finance Director to be kept on file by them for direction in the disbursement of funds.

This Ordinance shall be and the same hereby is effective for the period beginning July 1, 2025 and ending June 30, 2026.

I move the adoption of the foregoing ordinance: _____

Seconded By: _____

Read, approved and adopted this the 9th day of June 2025, to become effective the 1st day of July 2025.

Preston Blakely, Mayor

Mark E. Biberdorf, Budget Officer

Attest:

Christine Thompson, Town Clerk

Monthly Update— May, 2025

Planning & Zoning

Planning Board/ZBA – The Board did not meet in May... Currently advertising vacancy for the District 4 seat. We had not received any applications prior to the newsletter deadline so we extended the application period to the end of June. We have now received 3 applications so far as of this date. We will look to have applicants attend the July agenda meeting for introductions/questions and ask that Council consider making an appointment at the regular July meeting.

- Continued day to day issuance of permits, fielded inquiries about potential new developments, and responded to miscellaneous complaints (various complaints involving zoning, solid waste, and/or junked vehicles.
- Continued work on implementation of various minimum measures related to the Town's MS4 Stormwater Permit. Continued discussions and work with Mary Roderick from LOS and Chris Brown from McGill on various aspects of the program.
- Attended the May 8th meeting of TCC (advisory board to the FBRMPO)
- Have been continuing to monitor properties with substantially damaged structures from Helene. Will have another visit from FEMA on June 4 as they are continuing to closely monitor the local programs. One severely mobile home at 601 Clover has been demolished in recent weeks.
- Participated in a meeting with Town Manager and Martin Lewis re: Town Center properties.
- Continued work with McGill Assoc. on pending items related to floodplain ordinance amendments. McGill incorporated several minor changes into the draft following guidance from NCEM. Council will hold public hearing in June to consider approval of the draft amendments.
- Attended the May 21 meeting of the Asheville Regional Housing Consortium.

**Public Works Department
Monthly Report
May 2025**

Brush Pick Up

At this time, Public Works has resumed brush collection. Public Works is currently hauling the brush to our facility where contractors for FEMA are collecting it. For the month of March, Public Works collected 292 brush orders which produced 504 Cyds of brush.

Vehicles

Maintenance was performed on 5 police cars and 6 Public Works Vehicles and 2 P&R vehicles.

Sanitation

Sanitation numbers are not available at this time. Heritage Park Subdivision is about 95% complete and we are collecting this development.

Streets

The paving is complete on N & S Sunberry trail and Wild Meadow Ct. Public Works have mowed all Town streets.

Fletcher Parks and Recreation Department
Monthly Report – May 2025

Programs

Spring Yoga Class

Our Spring Yoga Class will conclude on May 29. We will continue our partnership with Soul Summit to offer **Yoga in the Park** — free of charge for participants — on June 2, 16, and 23. Community response has been very positive, and we're excited to continue this collaboration.

Golf Tournament

The annual **Robert Parrish, Sr. Golf Tournament** was held on May 16 at Chestnut Mountain Golf Course and was a great success. Seventeen teams participated, and the event ran smoothly with beautiful weather and strong community support. Player feedback was overwhelmingly positive, making this another memorable year.

Title Sponsors:

- McGill
- Truist Bank

Fletcher Farmers Market

The **Fletcher Farmers Market** opened for the season on May 6 and is now held every Tuesday from 3–6 PM at the south end of Town Hall. Early markets have seen steady attendance and a diverse mix of vendors offering fresh produce, baked goods, and crafts. Community feedback has been very encouraging, and we're looking forward to continued growth throughout the season.

Mocks and Masterpieces

Mocks and Masterpieces was held on May 9 at Fletcher Town Hall and attracted a great crowd for an evening of creativity and fun. Participants enjoyed mocktails and light refreshments during a guided painting session. The event received positive feedback for its relaxed atmosphere and accessible format, making it a strong candidate for future repeat offerings.

Summer Day Camp & Middle School Adventure Camp

Preparations are complete for our **Summer Day Camp** and **Middle School Adventure Camp**, both set to begin on June 9. We are pleased to report that all staff positions are fully

filled. Final planning is underway to ensure a fun, safe, and enriching experience for all campers. We look forward to welcoming everyone for a season full of adventure and excitement!

Fletcher Baseball & Softball League

The **Fletcher Baseball and Softball** season concludes on May 31. We are especially grateful to have had a successful season, despite the ongoing challenges and damage caused by Hurricane Helene. Thanks to the dedication of our staff, volunteers, and community, our teams enjoyed a full season of play, growth, and teamwork.

Facilities & Maintenance

Bill Moore Community Park

Our maintenance team is in full swing with the mowing season and has done an excellent job keeping the park clean and welcoming. This month, they began reworking the front entrance with new plants and shrubs to enhance curb appeal.

Fence & Multi-Court Repairs

Fence Scape is nearing completion of the fencing project at the ballfields. The new fencing for the multi-purpose court is scheduled to arrive on Friday, May 30.