TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER

COUNCIL MEMBERS:
SHEILA FRANKLIN
JIM PLAYER
TREVOR C. LANCE
KEITH REED

Town Council Regular Meeting
May 13, 2024 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 4-1-24
2) Regular Meeting 4-13-24

Council Updates

Consent Agenda

3) Tax releases/refunds
4) Set Public Hearing for June 10, 2024 meeting to consider potential amendments to the Fletcher Land Development Code
5) Approval of Bond for Phase II Infrastructure in The Authors on Rutledge Road

Discussion Items

6) Update on requests for legislative assistance.

Town Manager Report

Department Reports

7) April Reports
8) **Closed Session per NCGS 143.318.11 (5) "Contractual Matters"**

Adjourn

Upcoming Events

Agenda Review Meeting June 3, 2024, at 6:00 pm
Regular Meeting June 10, 2024, at 6:00 pm
Special Call Meeting to close out budget year?

"This Institution is an equal opportunity provider."

Town of Fletcher
Town Council Agenda Review Meeting 4-1-24
Minutes
April 1, 2024

Call the meeting to order at: 6:00 PM
Those who were in attendance are as follows:
Mayor Preston Blakely
Mayor-Pro Tem Sheila Franklin
Councilmember Trevor Lance
Councilmember Keith Reed
Councilmember Jim Player
Town Manager Mark Biberdorf

Moment of Silence:

Pledge of Allegiance:

Public Comments:

Brandon Olsen of 33 Stoney Brook Court Fletcher spoke on baseball & softball season opening on Saturday and said that they were having a raffle and asking for donations of items for the food pantry.

He also spoke on the recommended budget amendment to use the excess money in the fund balance to pay off excess debt, stating that given current interest rates, that he did not think it was a good idea at this time that it would be better to keep the money in the bank for now.

Approval of minutes - corrections, additions or deletions

Agenda Review Meeting 3-4-24

Regular Meeting 3-11-24

Pre-Budget Meeting 3-19-24

No comments were made at this time.

Council Updates
Mayor Blakley commented on the Easter Egg Hunt and how Parks & Recreation did a great job and everyone seemed to enjoy themselves.

Consent Agenda

Approval of budget amendment # 4 to the FY 23/24 budget ordinance

Approval of budget amendment #5 to the FY 23/24 Budget Ordinance.

Town Manager Mark Biberdorf mentioned that on budget amendment # 4, this was to cover additional expenses on the current paving project and also to cover the repair of a guard rail off of Old Cane Creek Road.

On budget amendment #5 is for paying down the balance on two of the loans on town hall that Heather talked about last month.

Discussion Items

Discussion of proposal from Retail Strategies for Town Center project - Lacey Bacchus, Senior Director of Community Partnerships

Lacy Bacchus from Retail Strategies gave a PowerPoint presentation on a proposal for the town center project and answered questions that council had for her about the presentation.

Discussion Followed:

The council has agreed to keep this item on the agenda for more discussion next week at the regular meeting.

Presentation on recently completed pay classification study - David Hill, Piedmont Triad Regional Council.

Town Manager Mark Biberdorf stated that Mr. Hill would be here next week to give results from the recent pay study that was conducted and answer questions. He is going towards the recommendation that moves us up in the market area for employees.

Discussion on potential grant resources for cane creek greenway extension - Rebekah Robinson, Conserving Carolina.

Town Manager Mark Biberdorf gave a brief overview of the information that Rebekah Robinsion will be discussing next week about extending the cane creek greenway towards the Meritor property.

Discussion Followed:

Presentation of transit feasibility study for Apple Country Transit - Janna Bianculli, Senior Planner for Henderson County

Town Manager Mark Biberdorf stated that he has had some discussions with Jana Bianculli (senior planner with Henderson county) who will be here next week. They are in charge of the money that comes in for Apple County Transit. She has provided a copy of the study and the recommendations.

Discussion Followed:

Town Manager Report

On the meetings with our legislative delegation, I have reached out to them several times trying to set up meetings and have been unsuccessful. I know that councilmember Trevor Lance saw Senator Balkcom at an event recently, and she has expressed that if we could provide more details of what we are looking for, she would work on it. So I am going to put together a list. I am also working on meetings with our congressional folks from Senator Bud's office and Senator Edwards's office.

We have our Shred Event/ Pill Drop event on April 20 in the south parking lot from 9:00 to noon, and we will get the word out on it. I will do a blackboard call.

The council approved a proclamation last month for the Litter Sweep, and we will get information out on that to see if anyone from the public is interested in participating. We will get a list together of the streets that need pickup and provide the bags. The official Litter sweep is April 13 - April 27.

Thank you for a good budget workshop on March 19. The memo that we received from the league that helps us with a projection of our state shared revenue on sales tax, utilities sales tax and powell bill funds that I have shared with you. The next thing is putting together our general fund revenues, and we will get another set of values from the assesors office this month and that will be used for our preliminary final of values. I will be working on our final expense requests with dept heads. With all this information I will work on our draft balance budget for our workshop on May 9th.

Department Reports

March Reports

Adjourn

Mayor Blakely asked for a motion to adjourn.

Councilmember Keith Reed motioned to adjourn, and it was seconded by Councilmember Trevor Lance.

Motion all in favor.

Adjourned at: 7:21 pm

Closed Session per NCGS 143.318.11 (5) "Contractual Matters"

Upcoming Events

Regular Meeting April 8, 2024, at 6:00 pm
LGCCA Meeting Tuesday, April 16, 2024, at 3:00 pm "Mills River hosting"
Annual Shred/Pill Drop event on Saturday, April 20, 2024, from 9:00 am til noon
Agenda Review Meeting May 6, 2024, at 6:00 pm

Budget Retreat Presentation May 9, 2024, at 9:00 am
Regular Meeting May 13, 2024, at 6:00 pm (Multipurpose Room)

Approved.

_____ _____

Date Signed

Town of Fletcher
Town Council Regular Meeting
Minutes
April 8, 2024

Call the meeting to order at: 6:00 PM

Those who were in attendance are as follows:
Mayor Preston Blakely
Mayor Pro-Tem Sheila Franklin
Councilmember Trevor Lance
Councilmember Keith Reed
Councilmember Jim Player
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:

Brandon Olsen of 33 Stoney Brook Court Fletcher commented on the opening day of baseball and how well it went. They collected 400 lbs of food for the food pantry at Calvary Episcopal Church.

Approval of minutes - corrections, additions or deletions

Agenda Review Meeting 3-4-24

Regular Meeting 3-11-24

Pre-Budget Meeting 3-19-24

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

Councilmember Trevor Lance motioned to approve the minutes, and it was seconded by Councilmember Keith Reed.

Motion all in favor.

Council Updates

Mayor-Pro Tem Sheila Franklin asked if anyone was attending the Partnership for Economic Development update tomorrow at noon.

Town Manager Mark Biberdorf stated that he planned on attending.

Consent Agenda

Approval of budget amendment # 4 to the FY 23/24 budget ordinance

Approval of budget amendment #5 to the FY 23/24 budget ordinance.

Mayor Blakely asked for any comments or suggestions on the consent agenda and, if not, can have a motion to approve the consent agenda.

Councilmember Jim Player motioned to approve the consent agenda, and it was seconded by Mayor Pro-Tem Sheila Franklin.

Motion all in favor.

Discussion Items

Presentation on recently completed pay and classification study - David Hill, Piedmont Triad Regional Council.

Mr. David Hill of Piedmont Triad Regional Council gave a PowerPoint presentation on the pay classification study that he recently completed and answered questions that the council had for him.

Discussion Followed:

Discussion on potential grant resources for cane creek greenway extension - Rebekah Robinson, Conserving Carolina.

Rebekah Robinson of Conserving Carolina gave an update on potential grant funding for greenway trails. She passed out information on the upcoming grants to council. (see attached)

Discussion Followed:

Council agrees to apply for the Connecting Communities to State Trails grant at this time and will revisit the discussion on the Great Trails State grant at a later date.

Presentation of transit feasibility study for Apple Country Transit - Janna Bianculli, Senior Planner for Henderson County

Janna Bianculli from Henderson county gave a PowerPoint presentation on the study they recently completed on the Apple Country Transit and answered questions that the council had for her on the presentation.

Discussion Followed:

Continued discussion and possible approval of a contract with Retail Strategies.

Town Manager Mark Biberdorf gave a brief overview from last week about the presentation from retail strategies and asked the council if they had any questions on the proposed contract.

Discussion Followed:

Mayor Blakely asked for a motion to approve the contact with retail strategies.

Councilmember Jim Player motioned to approve the contract, and it was seconded by Mayor Pro-Tem Sheila Franklin. .

Motion all in favor.

Town Manager Report

I am still trying to set up meetings with our legislators and Councilmember Lance had run into Representative Balkcom, and she had mentioned putting a list together of items that we wanted help with. I put together a chart that you have in front of you (see attached) of these items.

Discussion Followed:

It was suggested to add the license plate readers that the chief was requesting in his upcoming budget.

The Town Manager will update the list to add this item.

The Shred event/pill drop will be in the south side parking lot from 9:00 to noon on Saturday, April 20, 2024.

The Spring Litter Sweep is from April 13 through 27 that DOT promotes and I wil put a call out for people to see if anyone wants to participate we provide the garbage bags and vests.

On the Budget process we are getting closer to finalizing our expenses, estimates, and requests, We are working on revenue estimates right now and the last thing that I am waiting on is the final tax values from the county. I am hoping to have a final draft at the end of this month. My goal is to do this without a rate increase.

The last thing is an update on crown castle and their placement of the small cell wireless faciilites. They have finalized 6 nodes (locations) that would be in town on DOT roads. The

one in Windsor Forrest that has created the most issues has not been specifically decided as of yet that it will be on Fanning Bridge Road somewhere but that have not decided the specific location. I don't have the new map as of yet when I do I will share it with you.

Department Reports

March Reports

Adjourn
Mayor Blakely asked for a motion to enter into Closed Session for "Contractual Matters"

Councilmember Trevor Lance motioned to go into Closed Session, and it was seconded by Councilmember Jim Player. .

Motion all in favor.

Went into the Closed Session at: 7:56 pm
Closed Session per NCGS 143.318.11 (5) "Contractual Matters"
Came out of the Closed Session at: 8:50 pm

Mayor Blakely asked for a motion to adjourn.

Councilmember Keith Reed motioned to adjourn and it was seconded by Mayor Pro-Tem Sheila Franklin.

Motion all in favor.

Adjourned at: 8:51 pm

Upcoming Events

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Approved.

Date

Signed

Grant opportunities to expand Cane Creek Greenway

	Connecting Communities to State Trails Grant	Great Trails State Grant
Application Deadline	May	September
Award Notifications	Fall	Early 2025
Award Amount	Up to $500,000	Between $100,000 and $500,000*
Match Required	1:1 or 50%	1:1 or 50%
Eligible Applicants	Only municipalities < 25,000 pop. Connecting to a state trail (14) within 6 miles	Municipalities, counties, nonprofits, regional council of government
Eligible Projects	Unpaved connections to a state trail (14) within 6 miles (construction)	Any trail (planning, design, land acquisition, construction, trail amenities, maintenance)
Funds Available	$1,930.500	$25,000,000

* $100,000 minimum for planning, design, land acquisition for all trails and for construction of natural surface trails, $250,000 minimum for maintenance of paved trail, and $300,000 minimum for construction of paved trails

Town of Fletcher
Requests for Legislative Assistance

Project Name	Organization	Location	Cost Information	Project Description & Cost Share Opportunities
Cane Creek Greenway Extension	Town of Fletcher	Areas along Cane Creek extending from Bill Moore Community Park in Fletcher toward the French Broad River.	$3,000,000 - $5,600,000	The Town of Fletcher has been working for several years with adjoining property owners and Conserving Carolina to extend the Cane Creek Greenway. This would help to create a new leg of our greenway system that could connect with a larger regional system. Funding from the legislature could be used as a potential grant match along with local funding. The Town is also pursuing federal grants for this project.
Fanning Bridge Road Sewer Extension Project	Town of Fletcher	Westfield Road, North Hudson Lane, and Dogwood Terrace located off of Fanning Bridge Road	$700,000 - $900,000	Certain areas of Fletcher do not have sanitary sewer service but could greatly benefit from this service due to struggling septic systems. One particular area that would benefit from the extension of sewer is a neighborhood located off of Fanning Bridge Road. This neighborhood consists of the properties located on Westfield Road, North Hudson Lane, and Dogwood Terrace. The Town has been in communication with the Metropolitan Sewerage District (MSD) to discuss the logistics for extending sewer service to the Fanning Bridge Road neighborhood.

Town of Fletcher
Town Council Regular Meeting
Minutes
April 8, 2024

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Date

Signed

TOWN OF FLETCHER

Tax Collectors Office
300 Old Cane Creek Road
Fletcher, NC 28732
(828) 687-3985

May 2024 Tax Releases / Refunds

Release Year	Release #	Name	Reason	Amount	Real Value	Personal Value	Parcel/ Roll #	Approvals Hend Co	Approvals Fletcher
2023	**9**	FOGEL, JACQUES J	Personal Property bill voided - Mobile home being taxed as real property and personal property	$55.01	n/a	$17,861	P-0000515989	4/1/2024	
		Total to be released/refunded for May 2024		**$55.01**					

MEMORANDUM

TO:

FROM: Eric Rufa, Planning & Zon Dir

COPY TO:

DATE:

SUBJECT: Set Public Hearing for June 10, 2024 meeting to consider potential amendments to the Fletcher Land Development Code

Background:

Recommendation:

Attachments:
1. LDC Amends Overview Part 1
2. LDC Amends Overview Part 2
3. LDC Amends Overview Part 3

TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER

COUNCIL MEMBERS:
SHEILA FRANKLIN
ROBERT DAVY
TREVOR C. LANCE
KEITH REED

To: **Mayor & Town Council**

Cc: Mark Biberdorf, Town Manager

From: Eric Rufa, Planning Director

Date: April 22, 2024

RE: **Potential LDC Amendments – Request Public Hearing for June**

At their May 19, 2024 meeting, the Fletcher Planning Board unanimously recommended a number of draft amendments to several sections of the Land Development Code, largely related to additional services by the Town's consulting engineer for various plan review and oversight, and also related to street width requirements.

Staff will be present at the May 6, 2024 agenda review meeting to give a brief overview of the draft amendments, and is requesting that an official public hearing be set for June 10, 2024 to official consider approval. A summary of the sections is below, and included in your packets are the relevant pages of the ordinance with the draft amendments highlighted in red text.

- **Article 12** – Includes a number of recommendations to add language which includes assistance by the Town's consulting engineer for technical oversight on matters involving roads, sidewalks, & curbs/gutters, with assistance coming during plan review, inspections during construction, and project close out. Also included are some proposed revisions to the street width category "Minor Street" which would limit this street type in some new developments. Some additional language is proposed for items related to performance guarantees which adds a few specific categories to a potential bond or other guarantee (ie. Adding curbs/gutters).

- **Article 14** – Includes one minor amendment clarifying the makeup of the "Technical Review Committee"

- **Article 15** – Incorporates the potential services of the consulting engineer mentioned in Article 12 into relevant sections and the flow charts/procedures for several development review categories.

- **Article 16** – Some minor revisions are recommended for site plan requirements (clarifying when a plan must be submitted by a NC licensed engineer, and clarifying language on requirements for spot elevations and detailed grading on certain elements of a development—ie. Sidewalks, ramps etc.

Thank you for your consideration of this matter.

"This Institution is an equal opportunity provider"
300 Old Cane Creek Road, Fletcher, NC 28732
(828) 687-3985 (828) 687-7133 fax
www.fletchernc.org

- 2-lot subdivision: access may be provided by:
  - via direct access to a street, or
  - via a shared driveway (see Section 12.3 C above)

- 3- or 4-lot subdivision: access may be provided by:
  - direct access to a street, or
  - via two (2) shared driveways, or
  - via a private Residential Local Road constructed in accordance with the design and construction standards of the most current NCDOT "Subdivision Roads-Minimum Construction Standards" Manual (except that no sidewalk, curbs, gutters, street lights, or landscaping shall be required)

E. In a Major Subdivision or Planned Residential Development, access shall be provided by a street system constructed in accordance with the provisions of Article 12.5

12.4 Street/Driveway Design – General Provisions

The Town views streets as the most important public space and therefore, in an effort to protect this investment, has developed a set of principles which permit this space to be used by both motorized vehicles, non-motorized vehicles (bicycles), and pedestrians.

A. All streets shall be constructed in accordance with the design and construction standards of the most current NCDOT "Subdivision Roads-Minimum Construction Standards" Manual and shall permit public access whether by easement or by public dedication. Alternative street design and construction standards may be submitted to the Administrator for review by the Town's consulting engineer for approval. Such alternative designs are subject to approval by the final approving body.

B. All streets and driveways shall adhere to the most current NCDOT "Policy on Street and Driveway Access to North Carolina Highways" when a proposed street or private driveway connects into the State Highway System or the Town-maintained Road System. Alternatives may be submitted to the Administrator for review by the Town's consulting engineer for approval. Such alternatives are subject to approval by the final approving body.

C. Wherever possible, street locations should account for difficult topographical conditions, paralleling excessive contours to avoid excessive cuts and fills and the destruction of significant trees and vegetation outside of street-rights-of way on adjacent lands.

D. The use of traffic calming devices such as raised intersections, landscaping bulb-outs, and traffic circles are encouraged as alternatives to conventional traffic control measures.

E. All on-street parking provided shall be parallel, unless otherwise approved by the Planning Board.

F. Proposed streets which are obviously in alignment with existing streets shall bear the assigned name of the existing streets. In no case shall the name of the proposed street duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, etc.

G. Streets shall be bordered by sidewalks on both sides, except as permitted in Article 12.6(C.1)

H. Streets shall be landscaped with trees. Commercial streets shall have trees which compliment the face of the buildings which shade the sidewalk. Residential streets shall provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.

12.5 Street Types

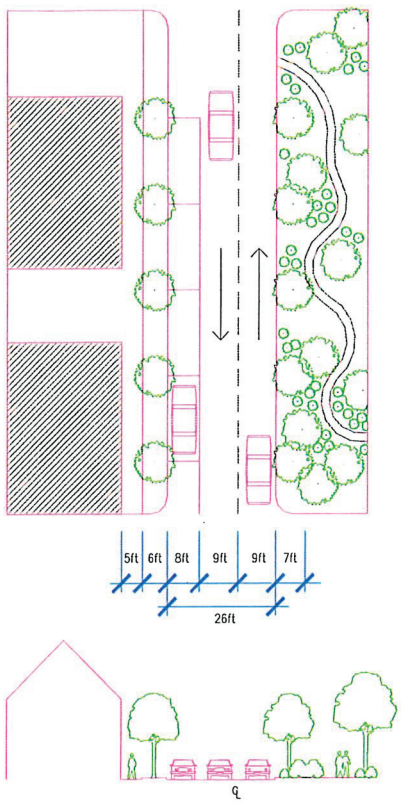
Street designs shall permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the Town's street network.

Minor variations and exceptions to street cross-sections may be permitted with approval by the Administrator or the Planning Board following a review and recommendation from the Town's consulting engineer. Such exceptions include variations to the pavement width, tree planting areas, street grade, and centerline radii in accordance with principles above. Right-of-way widths should be preserved for continuity.

In lieu of using the NCDOT Standards, the Town may permit the use of the following standards in accordance with the street hierarchy detailed as follows:

G. PARKSIDE DRIVE
42-50 ft ROW

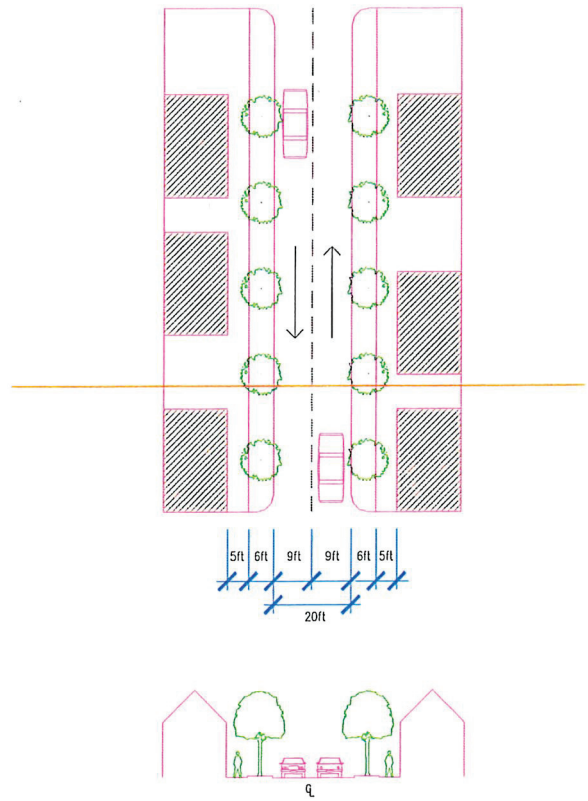
The drive defines the natural edge between an urban and a natural condition, usually along a waterfront, a park, or a greenbelt. One side of the drive has the urban character of a main street with sidewalk, parallel parking, and buildings, while the other has the natural qualities of a rural road with naturalistic plantings and rural detailing.



Design Speed	20 mph
Min. Centerline Radius	50-90 ft
Pavement Width (F-F)	26 ft
ROW Width	42-50 ft
Curb Radius	15 ft
Drainage	Curb & Gutter / Open Swale
On Street Parking	Yes (Expected but not marked)
Street Trees	Yes (One Side)
Sidewalks	Yes (One Side)

H. MINOR STREET **
40-50 ft ROW

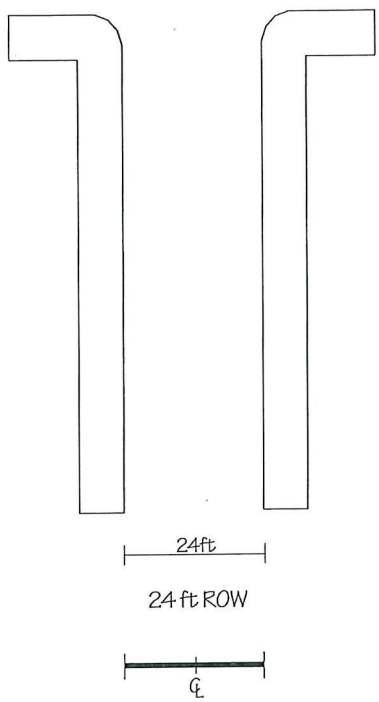
The minor street is a small-scale, low-speed connector. It serves low-density residential buildings which accommodate all parking on-site. A minor street tends to be more rural in character with rolled curbs, open or closed drainage, narrow sidewalks, continuous plantings, and buildings set way back though this condition may also be appropriate for short urban blocks where on-street parking is not expected. ** This street type shall be permitted only in developments consisting of 20 or fewer lots/units and in larger developments where roads are to remain private.



Design Speed	15 mph
Min. Centerline Radius	50-90 ft
Pavement Width (F-F)	18-24 ft
ROW Width	40-50 ft
Curb Radius	15 ft
Drainage	Curb & Gutter / Open Swale
On Street Parking	Yes (One way streets only)
Street Trees	Yes
Sidewalks	Yes

I. PRIVATE REAR ALLEY
24 ft ROW

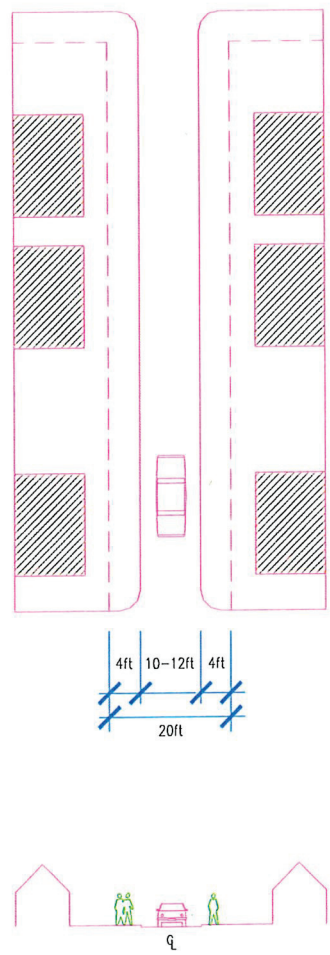
The alley is a narrow access route which services the rear of buildings on a street. Alleys have no sidewalks, landscaping or building setbacks. Alleys are used by trucks and must accommodate dumpsters. They are usually paved to the edges, with center drainage via an inverted crown.



Design Speed	N/A
Min. Centerline Radius	N/A
Pavement Width	24 ft
ROW Width	24 ft
Curb Radius	5 ft
Drainage	Curb & Gutter
On Street Parking	Yes
Street Trees	No
Sidewalks	No

J. PRIVATE REAR LANE
20 ft ROW

The rear lane is a narrow access route behind neighborhood streets. Lanes generally have a narrow strip of paving in the center and serve as areas for underground utilities.



Design Speed	N/A
Min. Centerline Radius	N/A
Pavement Width	10-12 ft
ROW Width	20 ft
Curb Radius	20 ft
Drainage	Open Swale / Closed Inverts
On Street Parking	N/A
Street Trees	No
Sidewalks	No

12.6 Specific Development Standards

A. Trees

All street trees shall be installed in accordance American Association of Nurseryman standards. Large canopy trees shall be planted in a planting strip at a minimum average distance of 40 feet on-center.

B. Street Markers and Traffic Control Signs

All street markers and traffic control signs posted in accordance with the Manual of Uniform Traffic Control Devices shall be installed by the developer prior to the issuance of any certificates of occupancy for any building on that street.

C. Sidewalks & Greenways

The purpose of the sidewalk regulation is to create attractive neighborhoods that are safe for pedestrians and to facilitate pedestrian connections that link neighborhoods to the Town's Transportation Plan and Greenway Master Plan.

1. The developer of any new construction with new or existing street frontage shall provide a network of sidewalk or greenway trails to serve all lots associated with the development. The total length of these facilities shall be equal or greater to the linear roadway frontage for all such lots abutting a roadway (new or existing). These sidewalks or greenway trails shall be constructed to the minimum specifications of this section.

2. In cases where required sidewalk is potentially unsafe or impractical, the developer may request consideration from the Town for approval of payment of the financial equivalent (or "fee-in-lieu-of") for the required sidewalks.

    a. Upon such approval by the Planning Board, the developer would then be required to pay the financial equivalent to the Town in order to develop sidewalks along other streets with pedestrian needs (as identified in the Town's Transportation Plan where possible) or greenways in accordance with the Town's Greenway Master Plan (subject to availability of easements for such trails).

    b. The estimated costs of these sidewalks shall be provided by the project engineer and must include an itemized list (signed and sealed) outlaying project costs that include design, staging, mobilization, labor, and materials. This list will then be reviewed by ~~a Town-contracted~~ the Town's consulting engineer, after which, the item will be placed on the next Planning Board agenda. The developer shall be responsible for the cost of review by the Town-contracted engineer.

    c. The financial sum paid to the Town shall be placed in a restricted fund that will be reserved for construction of sidewalks and/or greenways.

    d. If approved, the fee would be paid prior to issuance of the Certificate of Occupancy (C/O) for the development.

e. If approved, the developer will also ensure that adequate right of way is provided ensuring that a sidewalk could be installed in the future.

f. No variances to this section shall be permitted.

3. **Design Standards**

a. The location and specifications of sidewalks shall be shown on site development and grading plans for a new structure under consideration by the building official for issuance of a building permit, and the same shall be approved by the Administrator prior to issuance of a building permit.

b. Whenever practical, the construction of a sidewalk shall be on a line parallel with the edge of the public right-of-way of a street, highway or road, and that the edge of a sidewalk will be separated from the curb or street edge by a planting strip in accordance with E below.

c. Sidewalks shall be constructed ~~of four (4) inch thick, three thousand (3,000) pound per square inch Portland cement concrete poured on a compacted base~~ in accordance with NCDOT standards. Sidewalks shall be a minimum of four (4) feet in width within subdivisions, a minimum of five (5) feet in width on adjacent or arterial roads, and a minimum of ten (10) feet where a proposed sidewalk adjacent to a road overlaps the Town's approved Greenway Master Plan. Alternative sidewalk design and construction standards may be submitted to the Administrator for review by the Town's consulting engineer for approval. Such alternative designs are subject to approval by the final approving body.

d. Sidewalks shall be installed with a maximum cross slope of 2% toward the center of the right-of-way and constructed to the grades specified by ~~an~~ the project engineer. The project engineer shall provide the Administrator a detailed grading plan with an appropriate level of spot elevations to demonstrate the proposed sidewalk, handicap ramps, and cross walks follow the most recent Americans with Disabilities Act standards at the time of design. This shall be reviewed and approved by the Town's consulting engineer. Portions of sidewalks crossed by driveways shall be a minimum of six (6) inches in thickness. Contraction joints shall be spaced every five (5) feet and expansion joints shall be spaced every forty (40) feet. One-half inch thick, six (6) inch wide expansion joints shall be constructed where a sidewalk touches a street.

e. Minor sidewalk repairs which do not exceed one square foot in any single place or ten (10) square feet in total combined area adjacent to a lot or premises may be performed by the Town of Fletcher, the property owner or his contractor without the necessity of obtaining a permit.

f. Where a driveway crosses a sidewalk, appropriate ramps and flares shall be installed to avoid changes in cross slope on the sidewalk. Wheelchair users and pedestrians are more prone to stumble or fall on surfaces with

5. Proper sight lines shall be maintained at all intersections of streets to permit adequate sight distance. See Section 4.5 for sight distance requirements.

6. Bulb-outs are discouraged on narrow streets (less than 30 feet face-of-curb to face-of-curb) but encouraged on wider streets.

7. Where a street intersects a state highway, the design standards of the State Department of Transportation shall apply.

H. Curb Radii

Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 feet except along NCDOT-maintained roads.

I. Utility Location

Underground utilities should be located in alleys and lanes. If no alley or lane is provided, then a 5-foot (minimum) utility easement shall be provided behind the sidewalk located within either the right-of-way or a public utility easement.

J. Easements

Utility and other easements shall be provided as follows:

1. Utility easements, as necessary, shall be determined by the developer or utility provider.

2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as may be adequate for the purpose of drainage.

3. Lakes, ponds, creeks, and similar areas within a subdivision will not be accepted for maintenance by the Town Council.

K. Curbs and Drainage

Curbs shall be constructed in accordance with the following standards:

1. All curbs shall be constructed in accordance with the design and construction standards of the most current NCDOT "Subdivision Roads-Minimum Construction Standards" Manual. Alternative curb & gutter design and construction standards may be submitted to the Administrator for review by the Town's consulting engineer for approval. Such alternative designs are subject to approval by the final approving body.

2. Drainage shall be provided using curb and gutter piped systems along all streets unless specific approval for use of open swales is granted by the appropriate review board.

3. All drainage grates must be safe for bicyclists, with slots running perpendicular or diagonal to the direction of travel. Bicycle-safe drainage grates are Types E, F, and G as approved by the NCDOT.

L. Centerline Radius

A 90 foot minimum centerline radius between reverse curves shall be used for Local Streets, Parkside Drives, and Minor Streets though they may be reduced to 45 feet for design speeds less than 20 mph. All other streets shall be in accordance with AASHTO standards.

M. Street Lights

Street lights shall be installed by the developer on all streets in accordance with Article 10.

12.7 Storm Water Drainage

A. Each proposed development shall meet the storm water criteria of Sections 6.4 (Stormwater Runoff) and 6.5 (Water Quality Protection.

B. All developments and subdivision projects must comply with the North Carolina Sedimentation Pollution Control Act and all attendant regulations.

12.8 Water and Sewer Systems

A. The preliminary subdivision plat must be accompanied by satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal. Connections to public water and sewer systems within 500 feet (if there are existing lines for new subdivisions) is mandatory. Where feasible, connections shall be made to the water system owned by the City of Hendersonville and the sewer system owned by the ~~Cane Creek Sanitary District~~ Metropolitan Sewage District of Buncombe County. The installation and closeout of all said systems except wells or septic tanks serving only one connection shall be required prior to final plat approval. Said systems may be owned and operated by a public or private entity. Any well or septic tank serving only one connection shall be approved by the Henderson County Health Department. For all new systems or expansion of existing systems serving two or more connections, approval shall be according to state statutes.

B. The preliminary plat shall be accompanied by written assurance from the developer that plans for said new or expansion of existing systems will be submitted to the appropriate state and/or local agencies. The final plat shall be accompanied by written approval of the installation of said systems by the appropriate state and/or local agencies.

12.9 Improvement Guarantees

Upon approval of the preliminary plat by the Planning Board, or of the Planned Residential Development by the Town Council, the developer may proceed with preparation of the final plat and the installation of roads, utilities, and other improvements as specified in the approved preliminary plat or site plan.

A. **Agreement and Security Required:** Prior to the filing of an application for final plat approval, the developer shall have installed all of the improvements as shown on the approved preliminary plat; except that, the Town may enter into an agreement whereby the developer shall agree to complete all required improvements, including, but not limited to, the pavement surface course, sidewalks, handicap ramps, curb and gutter, and ~~shade trees~~ and all landscaping as specified on the approved preliminary plat, for that portion of the development to be shown on the final plat, within a reasonable time to be determined in said agreement. Once said agreement is signed by both parties and security herein is provided, and all other improvements have been installed and approved, the final plat may be approved as provided herein.

To secure this agreement, the developer shall provide, subject to the approval of the Town Council (following a review by the Town's consulting engineer) either one or a combination of the following guarantees not exceeding ~~1.5~~ 1.25 times the entire cost of the unfinished work, as well as costs for the repair of previously bonded infrastructure in earlier phases of the development, and including costs for surveying, construction materials testing, and engineering services required to assist the Town in completing the project as provided herein:

1. **Surety Performance Bond(s):** The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be made payable to the Town of Fletcher and shall be in an amount 1.25 times the entire cost as estimated by the Administrator of installing all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The duration of the bond(s) shall be until such time as the improvements are approved by the Town Council. The Town Council shall not give said approval until it has been satisfied that all required improvements have been installed.

2. **Cash or Equivalent Security:** The developer shall deposit cash or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an officially depository of the Town. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the Administrator, of installing all required improvements as specified by the preliminary plat for that portion of the subdivision to be shown on the final plat.

   If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Town Council an arrangement between the financial institution and himself guaranteeing the following that:

   a. Said escrow shall be held in trust until released by the Town Council and may not be used or pledged by the developer in any other matter during the term of the escrow; and,

   b. In the case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Town Council and submission by the Town Council to the financial institution of the Administrator's estimate the amount needed to complete the improvements, either pay to the Town the funds estimated

as needed to complete the improvements immediately up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

3. **Letter of Credit:** A satisfactory, irrevocable letter of credit as approved by the Town Attorney and Town Council and deposited with the Town Clerk shall be submitted. When a letter of credit is submitted, the following information shall be contained in said letter:

   a. Shall be entitled "Irrevocable Letter of Credit"

   b. Shall indicate the Town of Fletcher as the sole beneficiary

   c. The amount of the letter of credit (1.25 times the estimated cost) as approved by the Town

   d. Account number and/or credit number that drafts may be drawn on

   e. List of improvements that shall be built that the letter is guaranteeing

   f. Terms in which the Town of Fletcher may make drafts on the account

   g. Expiration date of the letter

B. **Default:** Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as spelled out in the agreement in Section 12.8.A, then the surety, or the financial institution holding the escrow account shall, if requested by the Town Council, pay all or any portion of the bond or escrow fund to the Town of Fletcher up to the amount needed to complete the improvements based on the Administrator's estimate. Upon payment, the Town Council in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return the surety or escrow account any funds not spent in completing the improvements. **The developer shall also be responsible for any associated legal or attorney fees incurred by the Town**

C. **Release of Guarantee Security:** The Town Council may release a portion of any security posted as the improvements are completed and recommended for approval by the Administrator. Before recommending such release, the Administrator shall consult with the Public Works Director and/or the Town's consulting engineer in order to confirm that all design and construction standards have been met. One or more site inspections shall be conducted by the Town's consulting engineer to verify compliance, and/or the engineer may request documentation of construction materials testing. The developer shall be responsible for the cost of review by the Town-contracted engineer. At such time as the Town Council approves all improvements placed in the subdivision as recommended by the Administrator, all security posted shall be immediately released.

12.10 Acceptance of Infrastructure

A. Upon request by the developer, the Town Council may, by resolution, accept all or part of the completed public streets, public rights-of-way, sidewalks, curbs and gutters, street lights, open space and landscaping.

The request shall include the following:

- Written request from the developer;
- As-Built plans showing all infrastructure to be dedicated;
- Engineer's certification that all infrastructure has been installed in accordance with all applicable Codes and Standards;
- Final Plat showing the rights-of-way and/or easements to be dedicated.

The request shall be reviewed by the Administrator, who shall consult with the Public Works Director and/or the Town's consulting engineer in order to confirm that all design and construction standards have been met. One or more site inspections shall be conducted by the Town's consulting engineer to verify compliance, and/or the engineer may request documentation of construction materials testing. The developer shall be responsible for the cost of review by the Town-contracted engineer.

B. If requested by the developer and at the option of the Town Council, infrastructure may be accepted by the Town for ownership and maintenance in stages as planned by the developer.

C. In accordance with G.S. 160D-806, approval of a final plat shall not be deemed to constitute or effect the acceptance by the Town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

D. In those instances where a private street is proposed and approved, a written maintenance agreement with acceptable provisions for on-going street maintenance and repair shall be included with the Final Plat for approval.

12.11 Nonconforming Infrastructure

A. If there is a change of use or an expansion to the heated square footage, or to the parking area or loading areas which increase the total area more than 40 percent, of an existing non-residential or multi-family use, the lot shall fully comply with all street improvement requirements of this Chapter along the fronting public streets including, but not limited to turning and traffic storage lanes, sidewalks, bike lanes, and curb and gutter.

B. New developments shall be required to comply with all street improvement requirements of this Chapter along the fronting public streets for the length of their frontage including, but not limited to turning and storage lanes, access management, sidewalks, bikeways, and curb and gutter.

d. To change the use of or expand certain nonconformities.

2. **Membership and Terms of Office**

e. The Zoning Board of Adjustment shall consist of a total of eight (8) members with four (4) members appointed by Council District, one (1) member appointed at-large, and one (1) member residing in the ETJ. In accordance with G.S. 160D-302, the total membership of the Zoning Board of Adjustment shall be proportional to the population of residents of the Town and residents in the ETJ area. Two (2) of the ZBA members shall be designated as alternates that will participate only as needed in instances where a quorum, is not reached by the other six members.

f. Representatives from within the corporate limits shall be appointed by the Fletcher Town Council. Representatives from the ETJ area shall be appointed by the Henderson County Board of Commissioners.

g. The term of office shall be three years, although initial appointments shall be made for one, two and three years so the terms may be staggered. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

h. The Zoning Board of Adjustment shall elect the chair and vice-chair from among its members. They shall each serve a one-year term.

C. Technical Review Committee

The Technical Review Committee (TRC) is an informal committee that shall meet as needed to determine technical compliance with the provisions of this Code. Membership shall be comprised of the Planning Director or designee, the Zoning Administrator or designee, and ~~one volunteer resident, preferably with an engineering, architectural, or similar land use background.~~the Town's consulting engineer. The TRC will consult with the Public Works, Police, or other departments as necessary. TRC review will be primarily oriented toward review of projects where the potential for Town takeover of public streets and infrastructure, as well as in ~~C-1 and~~ "Heart of Fletcher" Overlay/CBD zoning district. This review shall not negate other applicable reviews or approvals required within this code.

14.2 Meetings and General Procedures

All Boards and Commission meeting and hearings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedures adopted by the Planning Board and Zoning Board of Adjustments. Such rules of procedure may be approved by the Town Council.

14.3 Staff

15.5 Major Subdivisions

A. **Applicability:** A Major Subdivision, as defined per Article 18, shall be reviewed and approved (or denied) by the Administrator upon review and approval by the Planning Board.

B. **Procedure:**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Sketch Plan (16.2)	Administrator/TRC	Review for Completeness & Code Compliance	n/a
Preliminary Plat (16.3)	Planning Board	Review for Completeness & Code Compliance *(with notification to affected and abutting property owners)*	n/a
Preliminary Plat (16.3)	Planning Board	Approved Preliminary Plat- **or-** Denial and Request for Resubmission	n/a
Final Plat (16.4)	Administrator/TRC	Approved Final Plat	n /a

No grading or infrastructure construction work may commence prior to approval of a Preliminary Plat.

Following approval of the Preliminary Plat, a pre-construction meeting with the Administrator (or designee) and the Town's Consulting Engineer is required prior to the start of construction.

15.6 Additional Procedures for Minor & Major Subdivisions & Planned Residential Developments (PRD's)

A. Preliminary Plats

1. **Notice to Proceed with Construction Activity:** Only after receiving Preliminary Plat approval for a Minor or Major Subdivision or Planned Residential Development (PRD) as prescribed by this Article and other written approval and necessary permits from the appropriate regulating agencies, shall the developer begin grading, soil erosion, and infrastructure construction for the development. For major subdivisions, following approval of the Preliminary Plat, a pre-construction meeting with the Administrator (or designee) and the Town's Consulting Engineer is required prior to the start of construction.

2. **Approval Duration:** Approved Preliminary Plats are valid for one (1) year from the date of approval by the Town of Fletcher. Reasonable and necessary extensions may be granted at the Administrator's sole discretion if a written request by the developer is made to the Administrator forty-five (45) days prior to the one (1) year anniversary of Preliminary Plat approval. Upon expiration of approval prior to final plat approval and recordation, a new application for subdivision will be required in accordance with the process before development can recommence.

3. **Multiple Phases Not Approved:** Approval of a preliminary plat constituting an individual phase of a multi-phase project, which has not been entirely approved, does not constitute approval by the Town of any remaining phases. For approved Preliminary Plats consisting of multiple phases, only the phase that is to be developed for sale immediately shall be submitted for Final Plat approval.

4. **Infrastructure Required within One Year:** All required infrastructure improvements for the preliminary plat shall be in place within 1 year of approval of the preliminary plat unless the improvement has been guaranteed in accordance with Section 12.8. If circumstances beyond the control of the developer do not allow for the commencement of the required work within the 1 year period or the size of the phase is such that one (1) year is insufficient time to commence all required work, then the developer may file a written request for an extension with Administrator no later than forty-five (45) days prior to the one (1) year anniversary of zoning permit approval by the Town as provided above. If infrastructure work is not commenced within one (1) year and/or no extension request is filed with Administrator and approved, zoning permit approval becomes null and void on the day of the one (1) year anniversary and a new application will be required.

B. Final Plats

1. **Review Period:** The developer shall initiate the final subdivision plat approval process by submitting the Final Plat and copies of any required surety or improvement guarantees (as specified in Section 12.8) to the Administrator or other departments as required. The Administrator or designee will then have forty-five (45) calendar days to approve or deny the Final Plat. During the review period, the Administrator will confirm the accuracy of the Final Plat. If

15.8 Conditional Zoning

A. **Purpose:** The purpose of the Conditional Zoning is to provide a procedure for the rezoning of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. The Conditional Zoning process allows certain uses to be established in accordance with specific standards, assuring the compatibility of the use with the surrounding properties and the area in general, for each proposed conditionally zoned property. This process affords a degree of certainty in land use decisions not possible when rezoning to a general category allowing many different uses.

B. **General Requirements**

1. Conditional Zoning classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A Conditional Zoning may not be initiated by the Town Council, the Planning Board, or Town staff.

2. All standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards. The Town Council may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice. The Master Plan, a site specific Conditional Zoning Plan, is itself a condition of the Conditional Zoning.

3. Within an approved Conditional Zoning, no use shall be permitted except pursuant to the conditions imposed on the plan submitted for approval.

C. **Procedures**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Conditional Zoning Application with Sketch Plan (16.2)	Administrator (& TRC for projects involving potential public infrastructure)	Review submittal procedures and requirements Review for completeness & code compliance. Issue Staff Report	n/a
	Planning Board	Review and recommendation of Conditional Zoning application *(with notification to affected and abutting property owners)*	n/a
	Town Council	Public hearing	n/a
	Town Council	Grant Conditional Zoning – or - Denial and Request for Rehearing	Superior Court
Site Plan/Preliminary Plat (16.3)	Administrator (& TRC for projects involving potential public infrastructure)	Review for Completeness & Code Compliance	n/a

1. The processing of a Conditional Zoning shall follow the procedures described in Section 15.7 concerning Rezonings.

2. In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional Zoning. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional Zoning is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional Zoning.

3. The Planning Board may recommend and the Town Council may attach reasonable and appropriate conditions including but not limited to the location, nature, hours of operation and extent of the proposed use. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Town Council prior to final action. The Planning Board recommendation shall include comment on whether the proposed change is consistent with the Land Use Plan.

4. Decisions by the Town Council shall be by majority vote. The Town Council decision shall include comment on whether the proposed change is consistent with the Land Use Plan.

5. An Applicant shall submit a Conditional Zoning Application and a Sketch Plan containing all details as outlined in Section 16.2.

   Upon approval by the Town Council, the applicant will then submit a Site Plan/Preliminary Plat containing all details as outlined in Section 16.3 for review and final approval by the administrator prior to commencement of any grading or infrastructure work. The applicant/land owner must submit written consent to conditions related to a conditional zoning approval to ensure enforceability. A pre-construction meeting with the Administrator (or designee) and the Town's Consulting Engineer shall be required prior to the start of construction

D. **Substantial Changes:** Any substantial change to a Site Specific Plan shall be reviewed by the Planning Board and approved or denied by the Town Council as an amended Conditional Zoning.

E. **Rescission of Conditional Zoning**

1. The applicant must secure a valid building or construction permit(s) within a twelve (12) month period from date of approval of the Conditional Zoning unless otherwise specified.

2. If such project is not complete and a valid building or construction permit is not in place at the end of the twelve (12) month period, the Administrator shall notify the applicant of either such finding. Within sixty (60) days of notification, the Administrator shall make a recommendation concerning the rescission of the conditional district to the Town Council. The Town Council may then rescind the Conditional Zoning, or extend the life of the Conditional Zoning for a specified period of time.

15.10 Special Use Permits

G. **Purpose:** Upon application, The Town Council (with recommendation from the Planning Board) may grant in particular cases and subject to appropriate conditions and safeguards, permits for special uses as authorized by this ordinance and set forth as special uses under the various use districts.

B. **General Requirements:** A special use permit may be granted by the Fletcher Town Council only after making the following findings:

1. An application for the special use has been submitted as prescribed by this Code.

2. Approval may be granted if the Town Council finds that, in the particular case in question, the use for which the special use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. In granting such approval, the Town Council may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of the Code.

3. Before any special use permit is issued, the Town Council shall make written findings certifying compliance with the specific rules governing the individual special use (Article 3), and that satisfactory provision and arrangement has been made for at least the following where applicable:

   a. Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control.
   b. Provision of off-street parking and loading areas where required, with particular attention to the items listed above, and the economic, noise, glare and odor effects of the special use on adjoining properties in the area.
   c. Adequate and proper utilities, with reference to locations, availability, and compatibility.
   d. Buffering, with reference to type, location, and dimensions.
   e. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmonies with properties in the district.
   f. Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways, with reference to location, size, and suitability.
   g. Buildings and structures, with reference to location, size, and use.
   h. Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.
   i. A site plan/preliminary plat has been submitted, as required in Article 16.3.

4. The applicant/land owner shall submit written consent to conditions related to the Special Use Permit to ensure enforceability. A pre-construction meeting with the Administrator (or designee) and the Town's Consulting Engineer shall be

required prior to the start of construction. The Administrator shall make periodic inspections during construction as well as final inspection after construction is complete to determine whether the conditions imposed and agreements made in the issuance of the permit have been met as well as whether all other requirements of this Code have been met. If at any time a special use permit has been issued and the Town Council determines that the conditions imposed and agreements have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the operation of such use discontinued. If a special use permit is terminated for any reason, it may be reinstated only after reapplying for a special use permit.

C. Procedures

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Special Use Permit Application with Sketch Plan (16.2)	Administrator (& TRC for projects involving potential public infrastructure)	Review submittal procedures and requirements Review for completeness & code compliance. Issue Staff Report	n/a
	Planning Board	Review and recommendation of Special Use Permit application *(with notification to affected and abutting property owners)*	n/a
	Town Council	Public hearing	n/a
	Town Council	Grant Special Use Permit – or - Denial and Request for Rehearing	Superior Court
Site Plan/Preliminary Plat (16.3)	Administrator (& TRC for projects involving potential public infrastructure)	Review for Completeness & Code Compliance	n/a

D. Public Notification

The Administrator shall give notice of all public hearings. Public notice shall become a part of the record of the proceedings of the Fletcher Town Council. Notice shall be given in the following manner:

a. Notice shall be sent by the Town by first class mail to the applicant at least ten (10) days prior to the public hearing.

b. Notice shall also be posted by the Administrator in a conspicuous location in the Town Hall at least ten (10) days prior to the public hearing. Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.

c. A notice shall be posted by the Administrator in a conspicuous location on the property at least ten (10) days prior to the public hearing. This

watercourses; delineated flood plains, wetlands, steep slopes, and previously documented endangered species habitats. The use of digital geographic data obtained from the Town of Fletcher or Henderson County is deemed to be sufficient for the Sketch Plan phase of submittal requirements.

C. The size and number of completed applications shall be set by the Administrator.

16.3 Site Plan/Preliminary Plat Requirements

A. All applications for ~~Site Plans~~ Conditional ~~Districts~~ Zoning requests, Vested Rights, Special Use Permits, Planned Residential Developments and Major Subdivisions shall be submitted in accordance with the specifications of this Section by a North Carolina Professional Engineer except where specifically noted or as determined by the Administrator.

B. No processing or review of an application will proceed without submission of plans depicting all of the following information, as appropriate:

1. The proposed names of the Development and streets, the owner's name and address, signature of the owner or owner's duly authorized agent, the surveyor's name, the names of existing and proposed adjoining subdivisions or property owners, the names of the township, county, and state in which the development is located, the date of preparation, and the zoning classification of the tract to be developed and of adjoining properties.

2. Boundaries of tract shown with bearings, distances, and closures and the location within the area, or contiguous to it, of any existing streets, railroad lines, water courses, wetlands, easements, bridges, or other significant features of the tract.

3. Scale in feet denoted both graphically and numerically with north arrow and declination.

4. A sketch vicinity map at a scale no smaller than 1 inch equals 1,200 feet showing the relationship between the proposed subdivision and surrounding area.

5. Existing topography and finish grading with contours drawn at two (2) foot intervals. This requirement may be waived for developments smaller than one acre or where insufficient topographic changes warrant such information. Detailed grading shall be provided with adequate spot elevations to properly demonstrate ADA compliance for proposed sidewalks, handicap ramps, accessible routes, as well as proper slopes for proposed streets.

6. Corporate limits and extra-territorial jurisdiction boundaries (where applicable).

7. The location of proposed buildings, parking and loading areas, streets, alleys, lots, parks or other open spaces, reservations (i.e. school sites), property lines and building setback lines with street dimensions, tentative lot dimensions, and the location of any building restriction areas (i.e. flood hazard areas, watershed protection districts, and/or jurisdictional wetlands.

MEMORANDUM

TO: Mayor & Town Council

FROM: Eric Rufa, Planning & Zon Dir

COPY TO: Mark Biberdorf, Town Manager

DATE: 4/26/2024

SUBJECT: Approval of Bond for Phase II Infrastructure in The Authors on Rutledge Road

Background:
The Town has received a request from Windsor Built Homes, via their engineering firm, WGLA Associates for approval of a performance bond for Phase 2 of The Authors Subdivision on Rutledge Road. This request is permitted under Section 12.9 of the Town's Land Development Code (LDC), but requires approval by the Town Council.

The bond amount would be $178,425.00 which is 1.25 times the entire cost of the final paving, sidewalks with handicap ramps, and street trees, plus costs for surveying and engineering services. McGill Associates has reviewed the request and indicated that the cost estimates are acceptable. Attached, please find the estimate provided by WGLA Associates, as well as a site sketch illustrating Phase 2 of the development. Below, I have included an excerpt from the Land Development Code that shows the specifics of the relevant ordinance section:

1. **Surety Performance Bond(s):** *The developer shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be made payable to the Town of Fletcher and shall be in an amount 1.25 times the entire cost as estimated by the Administrator of installing all required improvements as specified on the approved preliminary plat for that portion of the subdivision to be shown on the final plat. The duration of the bond(s) shall be until such time as the improvements are approved by the Town Council. The Town Council shall not give said approval until it has been satisfied that all required improvements have been installed.*

Recommendation:
Recommending that the bond be for a duration of 24 months. If the improvements are not completed within 24 months, the developer may request a bond reduction and an extension that would have to be approved by Council. Thank you for your consideration of this matter.

Attachments:
1. Authors Ph2 bond est

WGLA Engineering

WGLA ENGINEERING, PLLC
724 6th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

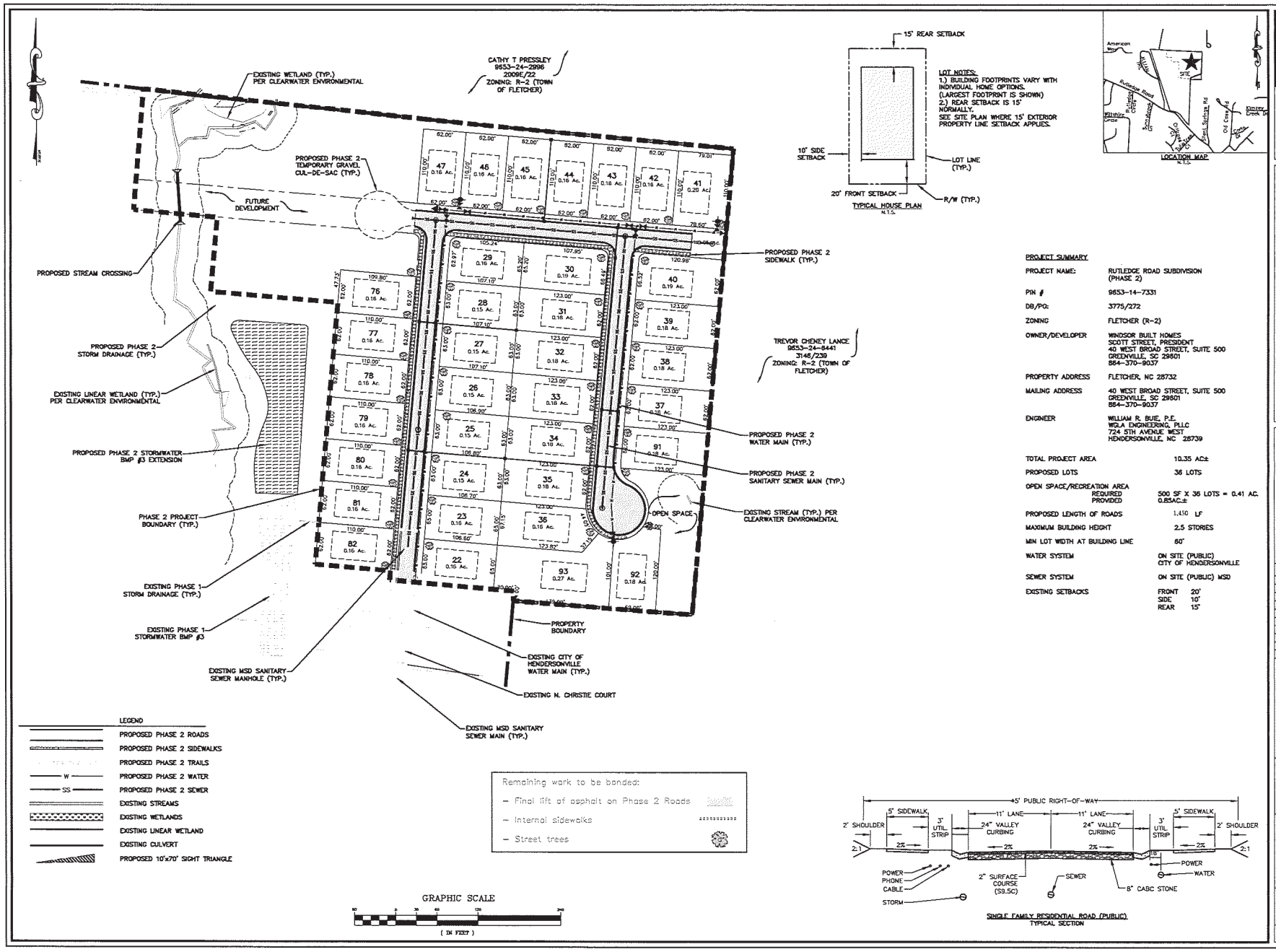
WGLA Engineering, PLLC
Consulting Engineers and Land Planners

DRAFT

Preliminary Cost Estimate
Windsor Built Homes - Rutledge Road
Estimate to Complete Infrastrucutre - Phase 2

Date: 04/23/24 **Project #: 23112**

Item	Quan.	Unit	Unit Price	Total Price
Final Asphalt Paving	3,750	SY	$18.00	$67,500.00
Internal 5' Wide Concrete Sidewalks	720	SY	$62.00	$44,640.00
Handicap Ramps with Warning Domes	4	EA	$1,750.00	$7,000.00
Street Trees (1,750 LF of Roads)	44	EA	$275.00	$12,100.00
			SUBTOTAL	$131,240.00
Surveying (Layout of Sidewalk Only)				$1,500.00
Construction Materials Testing				$2,500.00
Engineering Services (Coordination with Contractor and Town)				$7,500.00
TOTAL ESTIMATED CONSTRUCTION COST				**$142,740.00**
PERFORMANCE GUARANTEE AMOUNT (125%)				**$178,425.00**



WGLA Engineering

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Windsor Built Homes
Rutledge Road
Phase 2

Town of Fletcher
Henderson County
North Carolina

DRAFT

REVISIONS	
DATE	DESCRIPTION
8-16-23	SITE REVISION

Know what's below. Call before you dig.

PROJECT NUMBER: 23112
DATE: 4/23
DRAWN BY: KHC
CHECKED BY: WRB

Preliminary Subdivision Plan Phase 2

C-201

SCALE: 1"=60'

MEMORANDUM

TO: Mayor & Council

FROM:

COPY TO: Heather Taylor, Assistant Town Manager

DATE: 5/1/2024

SUBJECT: Update on requests for legislative assistance.

Background:
Town staff has created a project list that has been presented to our legislative delegation for assistance. This project list was previously presented to Council but has been modified slightly to include automated license plate readers for the Police Department. Staff will provide additional background on this item at the Agenda Review meeting.

Recommendation:
No action is needed by Council at this time.

Attachments:
1. Requests for Legislative Assistance - Fletcher Project List

Town of Fletcher
Requests for Legislative Assistance

Project Name	Organization	Location	Cost Information	Project Description & Cost Share Opportunities
Cane Creek Greenway Extension	Town of Fletcher	Areas along Cane Creek extending from Bill Moore Community Park in Fletcher toward the French Broad River.	$3,000,000 - $5,600,000	The Town of Fletcher has been working for several years with adjoining property owners and Conserving Carolina to extend the Cane Creek Greenway. This would help to create a new leg of our greenway system that could connect with a larger regional system. Funding from the legislature could be used as a potential grant match along with local funding. The Town is also pursuing federal grants for this project.
Fanning Bridge Road Sewer Extension Project	Town of Fletcher	Westfield Road, North Hudson Lane, and Dogwood Terrace located off of Fanning Bridge Road	$700,000 - $900,000	Certain areas of Fletcher do not have sanitary sewer service but could greatly benefit from this service due to struggling septic systems. One particular area that would benefit from the extension of sewer is a neighborhood located off of Fanning Bridge Road. This neighborhood consists of the properties located on Westfield Road, North Hudson Lane, and Dogwood Terrace. The Town has been in communication with the Metropolitan Sewerage District (MSD) to discuss the logistics for extending sewer service to the Fanning Bridge Road neighborhood.
Automated License Plate Reader (ALPR) Implementation	Town of Fletcher Police Dept.	Various intersection locations across the Town of Fletcher	$15,000	The use of ALPR cameras is an emerging technology that has been in place for several years now as a crime fighting tool. The video that is captured of passing vehicles is used to search for suspect vehicles that have been involved in, or tied back to, a crime. The Fletcher Police Department would like to purchase four cameras to start utilizing this technology to help solve crimes in our area.

Monthly Update— April, 2024
Planning & Zoning

Planning Board/ZBA – The Board did not meet in April as no items were submitted that required review.

- 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.

- Participated in discussions with Town Manager and Conserving Carolina on potential grant opportunities related to greenway expansion. There will be a discussion item on April agenda to discuss further with Council and determine if CC will pursue grants on our behalf for Cane Creek Greenway expansion.

- Participated in meeting with Town Manager and McGill to discuss potential for some additional planning related to the Town owned property. It may be beneficial to have McGill drafting a conceptual plan for the Town property beyond the railroad tracks that factors in wetlands, floodplain, etc. and identifies strategically areas that would be best suited for residential, commercial, and potential Town facilities such as an amphitheater and stormwater control measures that have long been a part of the concept plan.

- Working with BSC Holdings, the company that will be doing the residential development at 150 Cane Creek Road. Their flood permit for fill work is now issued and they are awaiting approval of their grading permit from Henderson County. They have experienced continued delays due to wetland issues and had other issues arise as it relates to a gas line easement on the property, but we should see work commence on the site soon. This development was for approximately 300 apartment, townhome, and SF residences. They will be at June Council to request an extension of CZ approval since infrastructure is not in yet.

Fletcher Parks & Recreation Department

April 2024 report

Fletcher youth baseball/softball has 30 teams playing this spring.
Ball games will continue nightly until Friday, May 31st at the Park.
They plan to have their end of season FUN day on Saturday, June 1st.

The 22nd Robert G. Parrish, sr memorial golf tournament will be held
on Friday, May 17th at Cummings Cove Golf club with an 11am Tee time.
We have 17 teams registered to play currently, and McGill Associates
is the Title sponsor for this year's golf tournament.

Empire lacrosse had its first Match date on Saturday, April 27th at the Park.
We had 14 teams from 7 different cities come in to play lacrosse games.
The final lacrosse Match date is on Saturday, May 11th, 10am-4pm for
the 14 U Boys division in a 3 team round robin tournament .

Summer Day Camp staff will begin training May 21st to prepare for Day Camp.
Camp will begin on Monday, June 3rd and run for nine weeks until August 2nd.
We will have 60 campers in session each week for youth and middle school .
Day Camp will operate daily 7:30am -5:30pm , Monday thru Friday at the Park.

We hosted the WNC MS walk at the Park on Sunday , April 21st from 1pm-5pm.
In spite of a cold rain, over 100+ walkers came out to walk 1 mile to support
the MS society in western North Carolina.

Greg Walker, Director

Administration Monthly Report
Heather Taylor, Assistant Town Manager

April 2024

Assistant Town Manager:

- **Website/Facebook-** continuing to work on updating the Town's website with current Town information. Also trying to post to the Town's Facebook account a couple times a week.
- **Body Worn Camera Grant-** Captain Gutierrez submitted our quarterly grant report in early April, and this grant has been officially closed by the state.
- **ARPA Funding-** submitted our third Project Expenditure report to the US Treasury in advance of the 4/30 deadline.

Finance:

- **Taxes for 2023-** we have collected approximately 99.12% of taxes levied for 2023 as of the end of April. Susan prepared and issued a few bank garnishments in late April to collect outstanding taxes.
- **Business Registration Revenue-** Susan has collected 100% of business registrations, and she also prepared to issue beer/wine permits the first of May.
- **Budgets for 24/25-** During the month of April, Mark & I worked on finalizing the budget requests. But work still continues on the budget process in preparation of our budget workshop on 5/9.
- **Fund Balance Recommendation-** the excess unassigned fund balance amount as presented and approved at the March meeting was applied towards two of our loans (USDA and Truist) during April.

Human Resource:

- **Employment-**

  Full-Time:
  - Park Maintenance Supervisor- Mitch Stamey is retiring from the Town on May 24, and this position was advertised during April with a closing date on 5/3.

  Part-Time/Seasonal:
  - P/T Summer Day Camp Counselors- Hired our summer day camp and middle school day camp staff including site director, and counselors.

- **Wellness-**
  - Employee Gym- over 67 hours were spent in the employee wellness gym during April.
  - Blood Pressure Screenings- Offered a blood pressure screening for employees on April 8 and we had seven employees take advantage of this wellness activity.

- **Pay and Classification Study -** David Hill with Piedmont Triangle Regional Council made a presentation on the study at the April Council meeting.

- **Insurance-** Heather has been working with our health insurance broker on renewal rates for medical and dental insurance for our next renewal date for June 2024-May 2025.

FLETCHER POLICE DEPARTMENT
TEAMWORK - PROFESSIONALISM - DEDICATION

DANIEL D. TERRY
CHIEF

MEMORANDUM

To: Mark Biberdorf, Town Manager

From: Chief D. Terry

Date: May 1, 2024

Re: April 2024 Monthly Report

Training & Professional Development:

- Detective Beauchamp and Officer Gibbard attended a forty hour Officer Safety and Readiness course. This course emphasizes police tactics and officer safety.
- Sergeant Diaz attended the one-day joint crisis negotiators training with Henderson County Sheriff's Office.
- Sergeant Judd attended the 32-hour Standard Field Sobriety Testing course which enables him to appropriately perform roadside tests on those suspected of driving impaired.
- Sergeant Beddingfield attended the 80-hour Traffic Reconstructionist course.
- Sergeant Kilby assisted Weaverville Police Department with an Assessment Center for the position of sergeant.
- Captain Fulmer, Sergeant Judd and Kilby, attended a one-day Domestic Violence training hosted by the District Attorney's Association.
- Captain Gutierrez, and Sergeant Beddingfield attended the four-day Traffic Safety Conference hosted by the Governors Highway Safety Program.
- Chief Terry and Captain Gutierrez attended the North Carolina Association of Chiefs of Police one day regional training.
- Chief Terry and Captains Fulmer and Gutierrez attended a 40-hour Strategic Management class through Southern Police Institute (SPI) from University of Louisville. This is one of four SPI classes hosted by Fletcher this year, which allows for three free seats to the Town of Fletcher.

We had a total of 516 calls for service for the month of April. This does not include 1124 extra security checks. Sixty-one incident reports were filed. Thirteen of these incidents required some type of investigative follow-up to be conducted. Sixty-six citations were issued for a total of 83 charges. Twenty-four auto accidents were reported and 19 arrests made.

300 OLD CANE CREEK ROAD, FLETCHER NC 28732
PHONE (828) 687-7922 – FAX (828) 654-8046
Email: d.terry@fletchernc.org

Activities of interest for the month of April include:

- The department held its annual pill drop that runs concurrent with the annual shred event. Ten and a half pounds of medications was collected equaling approximately 7,875 pills.

- The department hosted a multi-jurisdictional saturation patrol and checkpoint. This event included 17 officers from Fletcher Police Department, Columbus Police Department, Biltmore Forest Police Department, Weaverville Police Department, Buncombe County Sheriff's Officer, and the Henderson County Sheriff's Office. Fifty-eight charges were made, included three drug related charges, two alcohol related charges, and two handguns confiscated.

- Officers responded to a suspicious person using a fraudulent ID and attempting to withdraw funds from the Mountain Credit Union located on Hendersonville Road. Officers located the subject resulting in a foot chase, which led to the discovery of additional suspects waiting in a nearby vehicle. All three were arrested and charged with multiple felony offenses. They were found to be residents of, and traveling from, the state of New York. The U.S. Attorney's Office is participating in the investigation, as it is expected this group may be responsible for similar crimes across the nation.

- After a breaking and entering to a motor vehicle at a local hotel, officers observed a vehicle matching the description of the suspect vehicle two days after the theft. A traffic stop was made. Based upon unique characteristics of the vehicle it was determined to be the vehicle used in the prior theft. Methamphetamine and drug paraphernalia was located within the vehicle. The suspect was arrested and transported to jail. The investigation into the breaking and entering at the hotel continues.

- Officers responded to Ingles for three shoplifters. One suspect was found inside the store and the other two had previously left. Officers decided to release the suspect found inside the store, but then to follow her. She walked away but eventually met up with the other two suspects. Officers confronted them, recovered stolen items, and one suspect was wanted on a warrant. All three suspects were charged accordingly.

- Community engagement activities this month consisted of donating the hosting site for training for TIP (Trauma Intervention Program), attending the Interpersonal Violence and Abuse Task Force Meeting, the Multi-jurisdictional Human Trafficking Task Force meeting, Pardee Hospital's Dialogue Meeting, and Safelight's Humanitarian Awards Ceremony. The department also hosted their annual pill drop and a tour and question and answer session for BSA Troop 61 from Fletcher Episcopal Church.

Respectfully Submitted,

Chief Dan Terry

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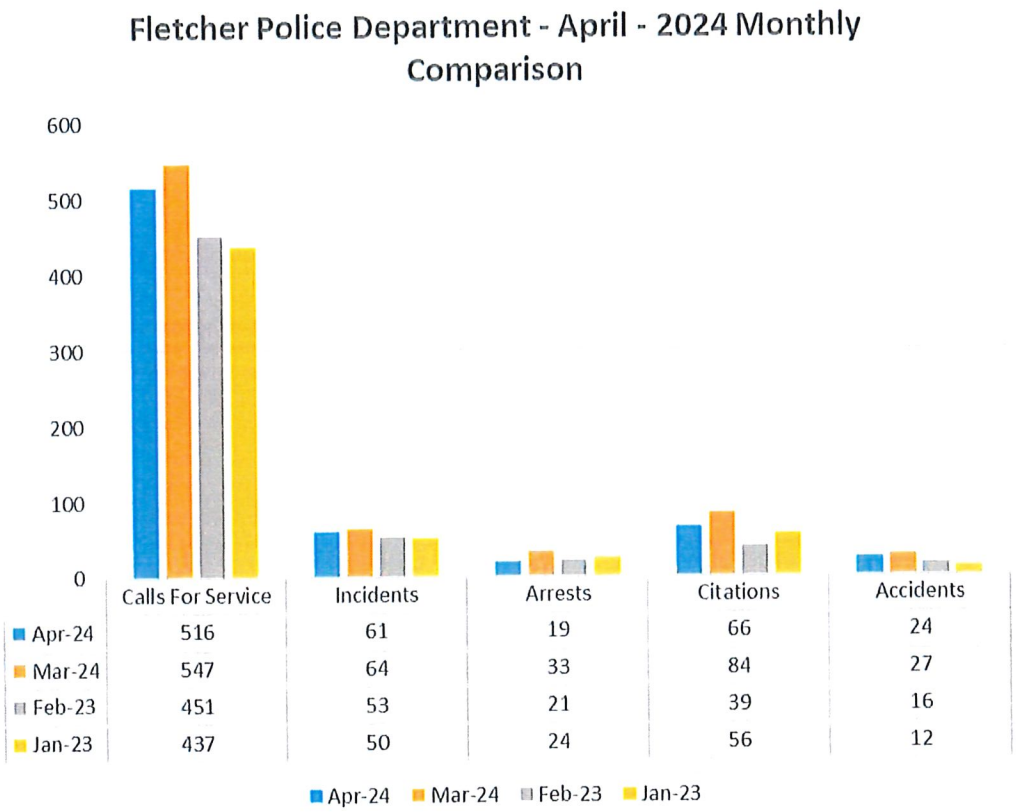

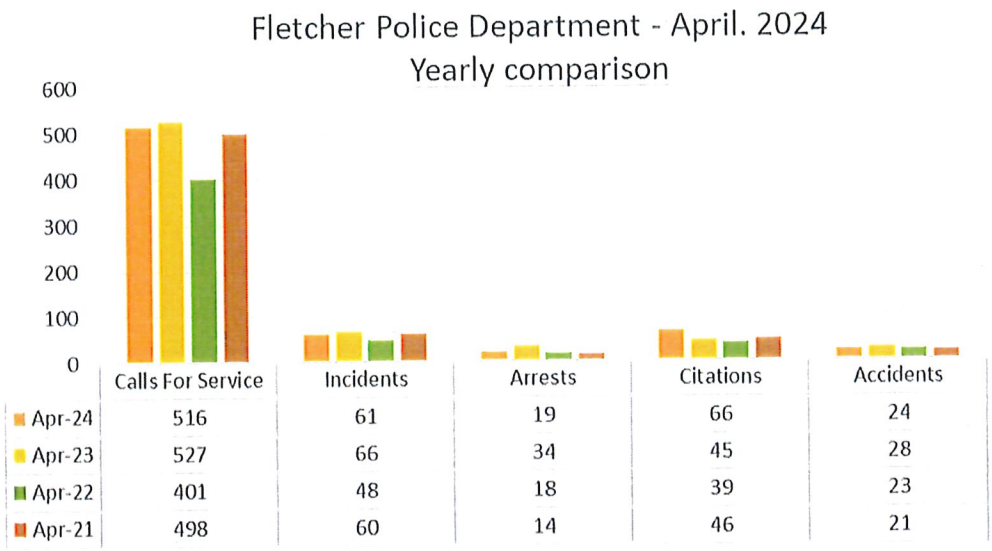

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FLETCHER POLICE DEPARTMENT
CRIMINAL INV DIVISION
APRIL 2024 STATISTICS

OFFENSE	MONTHLY ACTIVITY 2024						CUMULATIVE 2024				
	ASSIGNED	CLEARED w/ ARREST	EXCEPTIONALLY CLEARED	ADMINISTRATIVELY CLEARED	UNFOUNDED		OPEN PENDING	CLEARED BY ARREST	EXCEPTIONALLY CLEARED	ADMINISTRATIVELY CLOSED	UNFOUNDED
ARSON											
ASSAULT/BATTERY										1	
B&E (COMMERCIAL)			1					1	1		
B&E (RESIDENTIAL)							1				
B&E (TO MOTOR VEHICLE)	2						3				
CHILD ABUSE (PHYSICAL/NEGLECT)											
CRIMINAL DAMAGE										1	
CRIMINAL TRESPASS											
DEATH INVESTIGATIONS	1				1		1				3
DOMESTIC VIOLENCE											
DRUG INVESTIGATIONS	2	2						3			
ELDER ABUSE-FINANCIAL											
ELDER ABUSE-PHYSICAL					1						2
FINANCIAL CRIMES/ID THEFT	3		1				2		2	3	
HARASSMENT/INTIMIDATION											
HOMICIDE											
LARCENY			1				1	2	1		
MISSING PERSON (ADULT)											
MISSING PERSON (JUVENILE)											
MOTOR VEHICLE THEFT/UUMV							1				
ROBBERY							1				
SEX OFFENSE							1	1	1		
SUICIDE/ATTEMPTED											
OTHER	1	1					1	2		1	
TOTAL	9	3	3	0	2		12	9	5	6	5
LAST MONTH	8	2	1	3	1						
YEAR-TO-DATE											

Department of Social Services		2024 YTD
TOTAL CASES REVIEWED	2	6
TOTAL CASES ASSIGNED	0	1

CITIZEN ASSIGNMENT LETTERS SENT 7 27

100 % Clearance rate for April 2024

76% Year-To-Date Clearance

SATURAION PATROL/CHECKPOINT
04/27/2024

On Saturday, April 27th, 2024, the Fletcher Police Department hosted a Multi-Agency Saturation patrol and checkpoint. The saturation patrol was conducted on US 25 between Old Airport Road and Rockwell Drive from 7pm to 9pm and the checkpoint at the intersection of US 25 and Howard Gap from 10pm to 12am.

The agencies that assisted are as follows: Fletcher Police Department (9), Henderson County Sheriff's Office (3), Columbus Police Department (1), Weaverville Police Department (1), Biltmore Forest Police Department (2), Buncombe County DWI Task Force (1)

The purpose of the multi-agency operation for compliance with Chapter 20 violations.

At the conclusion of the operation, there was a total of 58 charges issued. The following charges were issued:

SPEEDING – 3

NOL – 22

DWLR – 3

EXPIRED REGISTRATION – 11

REVOKED REGISTRATION – 3

FICTITIOUS REGISTRATION – 1

FAIL TO REGISTER VEHICLE – 1

INSPECTION VIOLATION - 1

NO INSURANCE – 3

CARRYING CONCEALED WEAPON – 2

TINT VIOLATION -1

OPEN CONTAINER – 2

UNDERAGE DWI - 1

FRAUDULENT ID – 1

POSS. MARIJUANA – 1

POSS. MARIJUANA PARAPHERNALIA – 2

No injuries were reported during this multi-agency saturation patrol and no significant incidents occurred from the event.

Public Works Department
Monthly Report
April 2024

Brush Pick Up

Public Works picked up 333 brush orders for a weekly average of 67. This produced 247 Cyds of brush which is now being dumped at the Henderson County Landfill at a cost of $48 per ton.

Public Works collected 44 leaf orders that produced 21 Cyds of leaves.

Public Works sponsored a mulch giveaway on April 20th. 29 loads of mulch were loaded that day and we are completely out of mulch.

Vehicles

Service was performed on 7 police cars and 5 Public Works vehicles.

Sanitation

Public Works collected 152.39 tons of garbage for a daily average of 9.53 tons. Public Works collected 8 white goods.

Town Hall

Carolina Mtn. Lock and Key has finished installing all of the securing locking mechanisms in the areas addressed by the League. Also, Britt & Tilson has installed the bullet proof glass in the administration area. They are just waiting on one piece of trim to be shipped.

Streets

Paving is complete on Snowball Lane and Continuum Drive.