

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 48
HOUSE BILL 206

AN ACT TO INCORPORATE THE VILLAGE OF FLAT ROCK, SUBJECT TO A
REFERENDUM.

The General Assembly of North Carolina enacts:

Section 1. A charter for the Village of Flat Rock is enacted to read:

"CHARTER OF THE VILLAGE OF FLAT ROCK.

"CHAPTER I.

"INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation and Corporate Powers.** The inhabitants of the Village of Flat Rock are a body corporate and politic under the name 'Village of Flat Rock'. Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER II.

"CORPORATE BOUNDARIES.

"Sec. 2.1. **Village Boundaries.** Until modified in accordance with law, the boundaries of the Village of Flat Rock are as follows:

BEGINNING near Pleasant Hill Church at the point of intersection of the projection in a Northwest direction of a line located 30 feet South of and parallel to the centerline of Little River Road (SR#1123) and a line located 30 feet West of and parallel to the centerline of Kanuga Road (SR # 1127) thence with a line located 30 feet West of and parallel to the centerline of Kanuga Road in a Northeast direction to the intersection of said line with the projection in a Northwest direction of the Southwest boundary of the Kenneth L. Eicholtz property as described in deed recorded in Deed Book 756, Page 372, Henderson County Registry; thence, crossing Kanuga Road in a Southeast direction to the Northwest corner of Eicholtz's property; thence with the Southwest boundary of Kenneth L. Eicholtz property in a Southeast direction to Eicholtz's Southwest corner; thence, with the Eicholtz Southeast boundary in a Northeast direction to the Southwest corner of the Kenneth L. Eicholtz property as described in deed recorded in Deed Book 754, Page 511, Henderson County Registry; thence with the Southeast boundary of the Eicholtz property in a Northeast direction to the Northwest corner of Lot #22, Section Two, Beaumont Estates as described in deed recorded in Plat Book A, Page 152-A, Henderson County Registry; thence with the Northwest boundary of Beaumont Estates in a Northeast direction crossing Beaumont Drive to the intersection of the projection of Beaumont Estates boundary with the Southwest boundary of English Hills Subdivision as described in deed recorded in Plat Book C, Page 262-A, Henderson County Registry; thence, with the projection of the Southwest

boundary of English Hills Subdivision in a Southeast direction to the intersection of the centerline of Mud Creek; thence, downstream in a Northeast direction with the centerline of Mud Creek crossing Erkwood Drive (SR#1164) to the intersection of said centerline with a line located 30 feet North of and parallel with the centerline of Erkwood Drive; thence, with a line located 30 feet North of and parallel to the centerline of Erkwood Drive in a Southeast direction to the intersection of said line with the projection in a Northwest direction of a line located 30 feet North of and parallel to the centerline of Mud Creek Cemetery Road (SR #1165); thence, crossing Erkwood Drive to the intersection of a line located 30 feet South of and parallel to the centerline of Erkwood Drive and a line located 30 feet North of and parallel to the centerline of Mud Creek Cemetery Road; thence with a line located 30 feet North of and parallel to the centerline of Mud Creek Cemetery Road in a Southeast direction to the intersection of a line located 30 feet West of and parallel to the centerline of Rutledge Drive (SR #1166); thence crossing Rutledge Drive to the intersection of the projection in a Southeast direction of a line located 30 feet North of and parallel to the centerline of Mud Creek Cemetery Road and a line located 30 feet East of and parallel to the centerline of Rutledge Drive; thence with a line located 30 feet East of and parallel to the centerline of Rutledge Drive in a Southeast direction to the intersection of the West boundary line of Southern Bell Telephone and Telegraph Company property as described in deed recorded in Deed Book 637, Page 348, Henderson County Registry; thence with the West boundary of said property in a North direction to the Northwest corner of the Southern Bell Telephone and Telegraph Company property; thence, with the North boundary of Southern Bell Telephone and Telegraph Company property in a East direction to the Northeast corner of said property; thence with the East boundary of Southern Bell Telephone and Telegraph Company property in a South direction to the Northwest corner of the Vestry and Wardens of the Church of St. John in the Wilderness property as described in deed recorded in Deed Book 670, Page 641, Henderson County Registry; thence with the North boundary of said property in an East direction to the intersection of a line located 30 feet West of and parallel to the centerline of US 25; thence with a line located 30 feet West of and parallel to the centerline of US 25 in a North direction to the intersection of the projection in a West direction of a line located 30 feet North of and parallel to the centerline of Highland Lake Road (SR #1783); thence crossing US 25 in an East direction to the intersection of a line located 30 feet East of and parallel to the centerline of US 25 and a line located North of and parallel to the centerline of Highland Lake Road; thence, with a line located 30 feet North and parallel to the centerline of Highland Lake Road in an East direction to the intersection of the projection in a Northwest direction of a line located 30 feet East of and parallel to the centerline of Highland Lake Drive (SR #1825); thence crossing Highland Lake Road in a Southeast direction to the intersection of a line located 30 feet South of and parallel to the centerline of Highland Lake Road and a line located 30 feet East of and parallel to the centerline of Highland Lake Drive; thence with a line located 30 feet North and East of and parallel to the centerline of Highland Lake Drive in a Southeast direction to the intersection of a line located 30 feet North of and parallel to the centerline of Blue Ridge Road (SR #1812); thence with a line located

30 feet Northeast of and parallel to the centerline of Blue Ridge Road in a Southeast direction to the projection in a North direction of the seventh course in the description of the property owned by Henderson County Board of Public Education as described in deed recorded in Deed Book 408, Page 481, Henderson County Registry; thence crossing Blue Ridge Road to the North terminus of the seventh course in the description of the boundary of Henderson County Board of Public Education property; thence with the Henderson County Board of Public Education property boundaries in a Southwest, South and East directions to the Eastern terminus of the second course described in the Henderson County Board of Public Education deed; thence in an East direction crossing a private drive to the Southwest corner of Edward C. Jones property as described in deed recorded in Deed Book 769, Page 279, Henderson County Registry; thence in a East direction with the South boundary of Edward C. Jones property to the Southwest corner of the Hannah L. Edwards property as described in deed recorded in Deed Book 555, Page 809, Henderson County Registry; thence in a East direction with Hannah L. Edwards' South boundary to the Southeast corner of the Hannah L. Edwards property; thence, crossing Mine Gap Road in a Due East direction to the intersection of a line located 30 feet East of and parallel to the centerline of Mine Gap Road (SR #1827); thence, with a line located 30 feet East of and parallel to the centerline of Mine Gap Road in a South and Southeast direction to the intersection of said line and the projection in an East direction of the South boundary line of W. Stephen Gilboy property as described in deed recorded in Deed Book 682, Page 355, Henderson County Registry; thence, crossing Mine Gap Road in a South direction to the Southeast corner of W. Stephen Gilboy's property; thence with the South boundary of W. Stephen Gilboy property in a West direction to the Southeast corner of Lot Number 51K, Section Five, King Crest Subdivision as shown on plat thereof recorded in the Henderson County Registry in Slide A, Page 263-A; thence with the South boundary of Lot Number 51K in a West direction to the Southwest corner of Lot Number 51K and the South margin of the right of way of King Crest Drive; thence with the South margin of the right of way of King Crest Drive in a Southwest direction to the Northwest corner of Lot Number 33, Kingwood Subdivision, Addition Number Four, as described in deed recorded in Plat Book A, Page 263, Henderson County Registry; thence with the North boundary of Kingwood Subdivision, Addition Number Four, in an East direction to Northwest corner of Lot Number 31, Addition Number Three, of Kingwood Subdivision as described in deed recorded in Plat Book A, Page 252A, Henderson County Registry; thence, with the North boundary of Addition Number Three in an East direction to the Northwest corner of Lot No. 23, Kingwood Subdivision, Addition Number One, as described in deed recorded in Plat Book A, Page 288, Henderson County Registry; thence, with the North boundary of Addition Number One in an East direction to the Northeast corner of Lot Number 23, Kingwood Subdivision, Addition Number One Revision; thence with the East boundary of Kingwood Subdivision, Addition Number One Revision, in a Southwest direction to the Northeast corner of Lot Number 17, Kingwood Subdivision as described in deed recorded in Deed Book 675, Page 350, Henderson County Registry; thence with the East boundary of Kingwood Subdivision in a Southwest direction to the Southeast corner of Kingwood Subdivision, Lot Number

Twenty Five as described in deed recorded in Deed Book 728, Page 09, Henderson County Register; thence with the South boundary of Lot Number Twenty Five in a West direction to the Southwest corner of Lot Number Twenty Five, Kingwood Subdivision; thence crossing US 25 in a South direction to the intersection of a line running due South from the Southwest corner of Kingwood Subdivision, Lot Number Twenty Five, and a line located 30 feet south of and parallel to the centerline of US 25; thence with a line located 30 feet South of and parallel to the centerline of US 25 in a West direction to the intersection of the Southeast boundary of Alexander Schenck property as described in deed recorded in Deed Book 617, Page 705, Henderson County Registry; thence with the Southeast boundary of Alexander Schenck in a Southwest direction to the Southwest corner of Alexander Schenck property, said point also being a corner of that property owned by Kenmure Properties, Ltd. as described in deed recorded in Deed Book 644, Page 341, Henderson County Registry; thence with the Kenmure Properties, Ltd. property in a Southwest direction to the intersection of Kenmure Properties, Ltd. boundary with a line located 30 feet South of and parallel to the centerline of Pinnacle Mountain Road (SR 1114); thence with a line located 30 feet South of and parallel to the centerline of the Pinnacle Mountain Road in a West direction to the projection in a South direction of the West boundary of Kenmure Properties, Ltd.; thence crossing Pinnacle Mountain Road in a North direction to the intersection of the West boundary of Kenmure Properties, Ltd. and a line located 30 feet North of and parallel to the centerline of Pinnacle Mountain Road; thence with the West boundary line of Kenmure in a North direction to the intersection of the South boundary of the T. D. Hunter, III property as described in deed recorded in Deed Book 463, Page 292, Henderson County Registry; thence with the T. D. Hunter, III property in a West and North direction to the Northeast corner of Lot Six, Ann Wilson Barnette Property as described in deed recorded in Plat Book A, Page 29A, Henderson County Registry; thence with Ann Wilson Barnette property in a West direction to the Southwest corner of Lot Eleven, Stonebridge Subdivision as described in deed recorded in Plat Book A, Page 398A, Henderson County Registry; thence with the West and North boundaries of Stonebridge Subdivision in a North direction to the Northwest corner of Lot Seven, Stonebridge Subdivision, also being the Southeast corner of Paul R. Fitzner property as described in deed recorded in Deed Book 558, Page 880, Henderson County Registry; thence with Paul R. Fitzner property in West and North directions to the Northwest corner of Paul R. Fitzner property also being a point in the South boundary line of John R. VanDine property as described in deed recorded in Deed Book 717, Page 345, Henderson County Registry; thence with the South boundary of Paul R. Fitzner property in a West direction to the Southwest corner of the John R. VanDine property; thence with the West boundary of John R. VanDine property in a North direction to the intersection of a line located 30 feet South of and parallel to the centerline of Little River Road; thence with a line located 30 feet South of and parallel to the centerline of Little River Road in a West direction to the BEGINNING.

"CHAPTER III.

"GOVERNING BODY.

"Sec. 3.1. **Structure of Governing Body; Number of Members.** The governing body of the Village of Flat Rock is the Village Council, which has six members and the Mayor.

"Sec. 3.2. **Manner of Electing Council.** (a) The Village is divided into electoral districts as provided in subsection (c) of this section. Each district shall elect two members, and members shall reside in and represent the districts according to the apportionment plan adopted, but the qualified voters of the entire Village elect the members of the Council.

(b) The Village Council shall, following the 2000 census, revise the electoral districts set forth in subsection (c) of this section in accordance with G.S. 160A-23 so that each district contains the same number of persons as nearly as possible beginning with the election in 2001, provided that changes in electoral district boundaries do not affect the right of any member of the council to finish a term.

(c) The electoral districts are:
District No. 1 is all of that geographical area lying West of U.S. Highway 25 and South of Little River Road. Essentially encompassing the subdivisions of Kenmure, Ravenwood, and Stonebridge.
District No. 2 is all of that geographical area lying East of U.S. Highway 25, and, in addition, that geographical area West of U.S. Highway 25 and North of Little River Road to the point of intersection of Trenholm Road and Little River Road thence following Trenholm Road to its intersection with Rutledge Drive, thence Southeasterly on Rutledge Drive to U.S. Highway 25. Essentially encompassing the subdivisions of Kingwood, Claremont, Pinecrest, Bon Clarcken, Highland Lakes, and Flat Rock Forest.
District No. 3 is all of that geographical area lying North of Little River Road and Northwesterly of Trenholm Road from the point of its intersection with Little River Road, thence along Trenholm Road to its intersection with Rutledge Drive (the Northeasterly boundary of the Village of Flat Rock). Essentially encompassing the subdivisions of Pleasant Hill, Woodhaven, Beaumont Estates, Flat Rock Lakes, Teneriffe, Tranquility, Chanteloupe, and Trenholm Woods.

"Sec. 3.3. **Term of Office of Council Members.** In the 1995 municipal election, two members shall be elected from each electoral district. In each electoral district in 1995, the person receiving the highest number of votes is elected to a four-year term, and the person receiving the next highest number of votes is elected to a two-year term. In 1997 and biennially thereafter, one person is elected from each electoral district for a four-year term.

"Sec. 3.4. **Election of Mayor; Term of Office.** The qualified voters of the entire Village elect the Mayor. A Mayor shall be elected in 1995 and quadrennially thereafter for a four-year term.

"CHAPTER IV.
"ELECTIONS.

"Sec. 4.1. **Conduct of Village Elections.** Village officers shall be elected on a nonpartisan basis and results determined by the primary method as provided in G.S. 163-294.

"Sec. 4.2. Until members of the Village Council are elected in 1995 in accordance with the Village Charter and the law of North Carolina, the following shall serve as members of the Interim Village Council:

Donald R. Brems
Cyrus C. Highlander
John W. Jones

Arthur R. Malowney
Jane C. Mellon
Louis C. Bernst

Mel Mausolf

"Sec. 4.3. Until the Mayor is elected in 1995 in accordance with the Village of Flat Rock Charter and the laws of the State of North Carolina, the Interim Village Council shall select from their number one person to serve as Mayor and one person to serve as Vice Mayor. On the Interim Council the Mayor shall not vote except in case of a tie vote.

"CHAPTER V.
"ADMINISTRATION.

"Sec. 5.1. **Village to Operate Under Mayor-Council Plan.** The Village of Flat Rock operates under the Mayor-Council plan as provided in Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 5.2. **Boards and Commissions.** The Village Council may appoint such boards, commissions, and committees as it deems necessary or advisable in providing local governmental service to the Village.

"Sec. 5.3. **Streets.** The Village Council may contract with the North Carolina Department of Transportation for street maintenance.

"Sec. 5.4. **Police Protection.** The Village of Flat Rock may contract with the Henderson County Board of Commissioners to provide police protection within the village by the County Sheriff's Department.

"CHAPTER VI.
"ORDINANCES AND REGULATIONS.

"Sec. 6.1. **Ordinances.**

(a) This charter does not affect the special fire tax district for Green River Volunteer Fire Department, the Valley Hill Fire and Rescue Department, and the Blue Ridge Volunteer Fire Department, or any contracts of those departments concerning property within the boundary of the Village.

(b) The following ordinances are in effect within the Village, notwithstanding that under G.S. 153A-122 the Village had not permitted the ordinance to be effective within the municipality, except that if under G.S. 153A-122 the ordinance would have been applicable within the Village only if the Village by resolution permitted the ordinance to be applicable, the Village may provide that the ordinance is no longer applicable within the Village by adopting a resolution withdrawing its permission:

ANIMAL CONTROL ORDINANCE

CATV ORDINANCE

COMMERCIAL INCINERATION FACILITIES

201 FACILITIES PLAN

FARMLAND PRESERVATION ORDINANCE

GRANT PROJECT ORDINANCE

INSPECTION ORDINANCE
JUNKYARD ORDINANCE
LAND DEVELOPMENT ORDINANCE
MOTOR VEHICLE ABANDONMENT
MOUNTAIN RIDGE PROTECTION
OUTDOOR ADVERTISING SIGN ORDINANCE
PARKS/RECREATION ORDINANCE
PROPERTY ADDRESS ORDINANCE (E911)
SOLICITATION ORDINANCE
SUBDIVISION REGULATIONS
ZONING ORDINANCE.

"Sec. 6.2. **Covenants.** This charter does not affect any restrictive covenants, restrictions, and regulations regarding structures or uses within subdivisions in existence before incorporation, and the Village may not make lawful under any Village zoning or other ordinance any structure or use forbidden under such covenants, restrictions, and regulations.

"CHAPTER VII.
"FINANCE.

"Sec. 7.1. **Financing Village Operations.** Annually the Mayor and Council shall prepare a budget, setting forth anticipated revenues and expenses as provided by Chapter 159 of the General Statutes. Copies of the budget shall be made available to the public.

"Sec. 7.2. **Expenditures.** The Mayor and Council shall monitor charter expenditures so as to insure that they do not exceed total revenues."

Sec. 2. From and after the effective date of this act, the citizens and property in the Village of Flat Rock shall be subject to municipal taxes levied for the year beginning July 1, 1995, and for that purpose the Village shall obtain from Henderson County a record of property in the area herein incorporated which was listed for taxes as of January 1, 1995. The Village may adopt a budget ordinance for fiscal year 1995-96 without following the timetable in the Local Government Budget and Fiscal Control Act, but shall follow the sequence of actions in the spirit of the act insofar as is practical. For fiscal year 1995-96, ad valorem taxes may be paid at par or face amount within 90 days of adoption of the budget ordinance, and thereafter in accordance with the schedule in G.S. 105-360 as if the taxes had been due and payable on September 1, 1995. The Village of Flat Rock is eligible to receive distributions of State funds during fiscal year 1995-96.

Sec. 3. (a) The Henderson County Board of Elections shall conduct an election on a date set by the Henderson County Board of Elections for the purpose of submission to the qualified voters of the area described in Section 2.1 of the Charter of the Village of Flat Rock, the question of whether or not such area shall be incorporated as the Village of Flat Rock. The date of the election shall be not less than 60 days nor more than 90 days after the date of ratification of this act. Registration for the election shall be conducted in accordance with G.S. 163-288.2.

(b) In the election, the question on the ballot shall be:

"[] FOR [] AGAINST
Incorporation of the Village of Flat Rock".

Sec. 4. In the election, if a majority of the votes are cast "FOR incorporation of the Village of Flat Rock", Sections 1 and 2 of this act become effective on the date of the certification of the results of the election. Otherwise, Sections 1 and 2 of this act have no force and effect.

If the date of certification is after the opening date for candidate filing for the 1995 municipal election under G.S. 163-294.2(c), the Henderson County Board of Elections shall establish a special filing period for the election.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of April, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives