

TOWN OF WEAVERVILLE

TOWN COUNCIL

Minutes - November 16, 2015

The regular meeting of the Town Council for the Town of Weaverville was held at 7:00 P.M. on November 16, 2015, in the Council Chambers at 30 South Main Street.

Mayor Sherrill called the meeting to order.

Swearing in New Council Members:

The Oath of Office was given to the newly elected Council Members, Patrick Fitzsimmons and Andrew Nagle, and re-elected John Penley, by the Town Clerk.

Election of Vice Mayor:

The motion was made by Council Member Fitzsimmons to elect Council Member John Penley as Vice Mayor, seconded by Council Member Jackson, and unanimously approved.

Present: Mayor Dottie Sherrill, Vice Mayor John Penley.
Council Members: Doug Dearth, Patrick Fitzsimmons, Doug Jackson, and Andrew Nagle.
Attorney Rebecca Reinhardt, Town Manager Selena Coffey.
Staff: Terry Malone, Greg Stephens, Courtney Banks, Tony Laughter and Shelby Shields.

Visitors: Harriet Burnett, Dwayne Ramsey, Tina Jenkins, Jill Britton, Aileen Fleming, Jamie Penley, Nola Kaufman, Rob Chason, Ron Sussex, Tony Rogers, John Argo, Wick Childrey, Ardell Forehand, Cindy Wright, Doug Theroux, Joyce & Sam Tucker, Carolyn & Harlon Hensley, Phillip & Christy Turbyfield, Mike Morgan, Travis Kevor, Michelle Pugliese, Ray Blackwell, Alan Wyatt, Mark Allison, Robert Shepard, Chris Shepard, Jim McElroy, Jeff & Rhonda McKenna, Rob Mangum, Rebecca Ponder, and several other visitors from the area.

Approval of the Agenda:

The motion was made by Council Member Jackson to approve the Agenda with the addition to 8. Old Business of Discussion of the Eller Cove Watershed Conservation as item A., moving the listed A to item B. Appointments to the Boards and Committees. The motion was seconded by Council Member Dearth to approve the Agenda as amended, and unanimously approved.

Public Comment:

Harriet Burnette, 96 Church Street - Opposed to the 2016 Cycling event that would close a number streets in the Town.

Chris Sheppard, 18 North College - In favor of the 2016 Cycling event.

Ardell Forehand, 18 Penley Park Drive - Requested that the Council discuss the Garden Club's use of the kitchen at their January 2016 Workshop.

Approval of the Minutes:

The motion was made by Vice Mayor Penley to approve the minutes of the Regular meeting on October 19, 2015, seconded by Council Member Jackson, and unanimously approved.

Employee Recognition:

Town Manager Coffey recognized the following employees for their accomplishments: Chief Deputy Mark Allison and Detective Alan Wyatt for their distinguished service; Phillip Turbyfill for his recognition in the Waterworks Association magazine; Battalion Chief Ray Blackwell for completion of the 5-year process to receive his N.C. Fire Investigator certification; and the Police Department for their prompt investigation and arrest of a breaking and entering suspect in Town.

Old Business:

A. Appointments to Boards and Committees:

The following appointments were made:

Weaverville Economic Advisory Board - Council Members Patrick Fitzsimmons and Doug Jackson.

ABC Board Liaison - Vice Mayor John Penley and Council Member Andrew Nagle

Land od Sky Regional Council - Council Member Patrick Fitzsimmons, and Mayor Dottie Sherrill as Alternate.

MSD Representative - Al Root.

MPO - Council Member Dearth.

Patriotic Activities Committee - Mayor Sherrill and Council Member Jackson.

Animal Appeals Committee - Dan Moffitt - one (1) year term. Harold Payne - two (2) year term.

Beth Palien - three (3) year term.

The motion was made by Council Member Nagle to approve the appointments, seconded by Council Member Jackson, and unanimously approved.

B. Eller Cove Conservation Easement:

Ms. Coffey stated that the Clean Water Management Trust Fund has advised the Appalachian Southern Highland Conservancy that the grant is more likely to be approved if the Town agrees to remove the reservoir and dam from the acreage of the Eller Cove Watershed property. In October 2014, the Town Council unanimously voted to more forward with the conservation easement.

Ms. Reinhardt disclosed that her Firm, Roberts and Stevens, represented the Appalachian Southern Highland Conservancy, but she isn't associated in any action that transpires with .

Ms. Michelle Pugliese, Southern Highland Conservancy, stated that the NC Clean Water

Management has requested that the reservoir and dam be removed from the Contract to Purchase that was approved by Town Council in October 2014. The reason for the request is the amount of red-tape that would be required to work with by the State should the Town ever need or wish to remove the dam and reservoir or put back to use. It would be much easier on both parties to exclude that portion of the Watershed. It would also make the application for funding stronger. Ms. Pugliese further stated that it wouldn't really change the ability to do anything with that.

Council Member Dearth stated that he did not have any objections with the removal of two, and asked if it can be done under the time-line. Ms. Pugliese stated that it could be easily done, since at this time all the Clean Water Management is asking for is a verbal response.

Council Member Dearth asked "why would we want to keep this (dam and reservoir) anyway, unless some kind of emergence should arise?" He questioned the possibility of something at the Ivy Treatment Plant arising that would require putting Eller Cove back on line, even though Asheville is the main back-up. Public Works Director Tony Laughter stated that he doesn't see that due to the current State requirements and regulations.

Council Member Dearth asked if there was a potential liability with having the uncontrolled body of water. Ms. Reinhardt stated that she would have to look at the terms of the conservation easement to see what the liability issues would be having the public coming in there. Council Member Dearth stated that he was "prepared to accede to their request and move forward, and in the long run, why do we not get rid of the dam and reservoir, we have no use of for it, it's a potential millstone. If we can negotiate with the State, and just get rid of it, then donate it to the easement. Vice Mayor Penley and Council Member Jackson agreed.

After further discussion, Mr. Dearth clarified his earlier comments and suggested to accede to their request, leave it off, continue with the deal. Then subsequently, get rid of the thing, if we can work with the State to do that, take out the dam, drain the pond, and then since there is no use of the property to us, then give it to them later". Ms. Pugliese stated that they would certainly consider that, she felt it would be more appealing to them without the dam and reservoir, since they would be concerned about the liability also. Council Member Jackson stated that he was in favor of what Mr. Dearth proposed, we now have two new Council Members, but the Council unanimously approved of it before.

New Business:

A. Comprehensive Annual Financial Report:

Travis Keever, Gould Killian CPA Group presented an overview of the Town's 2014-2015 Audit and Comprehensive Annual Financial Report. The Town was issued a clean opinion.

Courtney Banks, Finance Officer, further reviewed and explained sections of the audit.

B. Publix Development:

John Argo, Principal Developer, MAB American Management LLC, stated that his company has

recently purchased the Weaverville Plaza. Mr. Argo gave an overview of the plans for the shopping center. Their current focus is routine, working and getting to know the current tenants, refurbish and lease vacant spaces. There is a long list of improvements that need to be done. They want to bring quality businesses to the Plaza.

Wick Childrey, Architect, gave the Council pictures of the perspective Plaza, and briefly described their plans for the Plaza. He described the materials that they will be using in renovation of the Plaza

Mr. Argo stated that they are projecting that construction will begin early next year on the new Publix building, with the opening by early 2017. The new Publix is replacing the old Roses building. He answered several questions from the audience.

C. ABC Board Audit:

Robert Chason, Chairman of the Weaverville ABC Board, gave an overview of the Store's 2014-2015 Audit. He stated that sales are up over 6% from the prior year. There are four (4) full-time and four (4) part-time employees. They are anticipating providing \$40,000 to the Town in the 2015-2016 budget year.

D. Request for Road Closure: Mountain Housing Opportunities:

Joe Quinlin, MHO, stated that the organization has recently purchased approximately seven (7) acres off North Main Street. There is a un-named road through the shown on a 1927 Plat that has never been opened. MHO is requesting that only the North-South un-named road as shown in Plat Book 14, Page 29, and dated Jul 20, 1927 be closed. The East-West road, Parker Avenue, currently known as Critter Trail is not included in the Resolution of Intent to Close the Un-named road, and will remain open. After a brief discussion, the motion was made by Vice Mayor Penley, seconded by Council Member Fitzsimmons to adopt the Resolution of Intent to Permanently Close an Un-named Street on a Recorded Plat Dated Jul 20, 1927, in the Buncombe County Registry at Book 14, Page 29, and set a date for the Public Hearing to be held at 6:45 P.M., on December 21, 2015, in the Council Chambers at 30 South Main Street. The was unanimously approved.

E. 2016 USA Cycling (USAC) Collegiate Nationals Request:

Jimm McElroy, organizer for the USA Cycling Collegiate National Championships, requested to hold one of the events, the criterium, on Saturday, May 14, 2016. Main Street, along with some of the back streets, will be closed. The organizers have mapped out streets that will be affected, parking areas for residents, spectators, collegiate and course. Golf carts will be provided for residents to be shuttled to their cars, if needed. They will make sure all Residents are notified of the detours. In the past, other agencies outside of the town/city have assisted in traffic control, emergency needs, etc.

Mr. McElroy stated that they have talked with a number of residents and business owners and most are in favor of the event.

Council Member Dearth stated that he talked to six business owners in the first block of Main Street, and not any of them had talked to anyone about the event, they had heard rumors and were concerned with the impact on their business. Council Member Dearth asked for a drop-dead date for an answer from the Town on the event. Mr. McElroy stated December.

Council Member Dearth didn't that feel that adequate work had been done to make this a satisfactory event, and suggested that Council not support this effort.

Council Member Fitzsimmons asked if all the residents in the area that would be affected, know about the impact on them. There was a discussion on who had been notified. Vice-Mayor Penley asked if the owner of the Laundromat and car lot had been contacted. Mr. McElroy stated that he had not, but explained how the organizers planned for that area. Vice Mayor Penley disclosed that his brother owned both the Laundromat and car lot, and suggested that they talk to him.

Council Member Jackson stated that he had been contacted, but was not aware of his neighbors on College Crescent being notified. He stated that he was more concerns with the residents, there are a lot of elderly, he feels that top priority needs to be given to the residents and businesses.

Public comment:

Harriet Burnette stated that she lives on Church Street, and it is a nightmare to get into and out when events are held in Town.

Chris Sheppard, North College Street, having just returned from a cycling event in Richmond, was very much in favor and felt it would benefit the Town by bringing the event to the Town. He encouraged the Council to consider it, whether at this meeting or in December.

Rob Mangum, owner of Mangum Pottery on Main Street, stated that even though there might be some business loss, or there could be some gain, he felt that the long term benefits could out weight the sacrifice of the day. The Business Association has met with the cyclist committee a number of time. He and many in the WBA felt that the benefits would go well beyond the day.

Mayor Sherrill stated that she and the Council definitely needed more time to digest all this information, and to talk to some more of the businesses and neighbors before making a decision.

Council Member Nagle stated that it doesn't appear that there are more than thirty or forty homes on the proposed route that could be canvassed.

Jeff McKenna, Yost Street, urged the Council to look at the big picture, and what it could mean to the future of the Town, not just the day.

Mayor Sherrill stated that there a lot of other things to consider, and the Council needs some time to consider, i.e. Police, Public Works, etc.

Council Member Dearth further stated that with the need of all the additional manpower, closing streets, etc., it just isn't doable.

Connie Moon, organizer of the Marshall event last year, stated that Marshall didn't have the manpower, but they called in help from other agencies, Buncombe County, and a lot of off duty police, Highway Patrol, sheriffs, Mission Hospital emergency personnel, etc.

Council Member Dearth stated that the Town is not staffed to handle this kind of event, and he had rather not have other agencies come in and not be able to have them under the Town's control.

Laurie Ayers stated that she has worked on Main Street during events, July 4th, parades, Art in Autumn, and those establishments have benefitted from them, both days before, and after.

Stephanie Troupe, Church Street, was in favor of the event.

F. Resolution Honoring Thermo Fisher Scientific:

Mayor Sherrill read a Resolution honoring Thermo Fisher Scientific for their outstanding work in environmental stewardship. Asheville Green Works presented this award to Thermo Fisher Scientific November 2015 for their outstanding work in business practices and becoming a "no waste facility". The motion was to adopt the Resolution Honoring Thermo Fisher Scientific for their outstanding work in Environmental Stewardship was made by Council Member Dearth, seconded by Vice Mayor Penley, and unanimously approved.

Manager's Report:

Ms. Coffey reported that the Christmas Parade will be held on December 5, 2015 beginning at 1:00 PM.

The employee Christmas Dinner will be on December 7th, at 6:00 PM in the Community Room.

Ms. Coffey thanked the Public Works Department for fixing the window between the Community Room and kitchen so that it can now be locked. The Public Works is also working on the lighting for the new gateway sign at Lake Louise.

Eight applications have been received for the planning and zoning position, she will start reviewing those after Thanksgiving.

Ms. Coffey also thanked the Department Heads for their work in preparing and maintaining a budget that came in below, and being able to put back the \$198,000 that went back into this year's CAFER. The budget workshop calendar will be forth coming to begin work on the 2015-2016 budget year. She reminded the Council that next year's budget will have the loss of the Privilege Licence revenue, and will need to be considered.

Reports:

Mayor Sherrill stated that the Department Reports are available on the table. She reminded everyone of the Parade and employee dinner, and the Candlelight Walk downtown with the Christmas tree lighting, on December 11, 2015 beginning at 6:00 PM.

Council Member Dearth reported that there was a public hearing on the I-26 Connector held at the same time as this meeting. But earlier in the day he attended an elected officials briefing on this project and has given the Council the documents on the proposals. He will happy to give the Council members the contact information for the DOT officials and the website for further information and/or questions.

There being no further business, the motion was made by Council Member Jackson, seconded by Vice-Mayor Penley, and unanimously approved to adjourn the meeting.

Shelby Shields

Town Clerk