

TOWN OF WEAVERVILLE

TOWN COUNCIL

Minutes - January 26, 2015

The regular meeting of the Town Council for the Town of Weaverville was held on January 26, 2015 at 7:00 P.M. in the Council Chambers at 30 South Main Street.

Present: Mayor Dottie Sherrill. Vice Mayor John Penley.
Council Members Walt Currie, Doug Dearth, Doug Jackson, Gene Knoefel.
Attorney Patsy Brison, Interim Town Manager Mike Morgan.
Staff: Courtney Banks, Greg Stephens, Terry Malone, and Shelby Shields.

Visitors: Gary Burge, Catherine Carter, Terry Yeager, Gail Smy, Michelle Pugliese, Jamie Penley, Donna & Bill Bollinger, Woody Bolinger, Joyce & Sam Tucker, Harlan Hensley, Kaylon Volpe, Craig Justice, Marvin Mercer, Jill Britton, Jillian Ballard, Doug Theroux, Terry Dawson, Kathy & Rebecca Ponder, Grace & Bernie Conrad, Elie & Joe Cagnina, Steve Rotundo, Patrick Fitzsimmons, Jeff & Rhonda McKenna, Tom McVey, Megan Taylor, Nancy Donahue, Virginia & Mike Erwin, and David Rittenberg.

Mayor Sherrill called the meeting to order. She introduced Michael Morgan, who will be serving as Interim Town Manager. She thanked Greg Stephens for serving as Acting Town Manager until Mr. Morgan was available. Mayor Sherrill also thanked Michael Boaz for serving as Town Manager for the past four years, and wished him the best of luck in his endeavors.

Approval of Agenda:

The motion was made by Council Member Currie to remove **Item e. under New Business:** The Request for Preliminary Approval on a Major Subdivision for Greenwood Park. The motion was seconded by Council Member Dearth, and unanimously approved.

Public Comment:

Terry Yeager, 107 Elk Lane - Rooster problem, and what has been done on an ordinance to prohibit roosters.

Gail Smy - 88 Governor Thomson Terrace - Questions on The Hamlet, and did or didn't the County make a mistake on plats. Her questions were addressed by Attorney Brison.

Tom McVay, 82 Governor Thomson Terrace - Concerns with Greenwood Park, and character of the neighborhood.

Megan Taylor - 14 Al Dorf Drive - Concerns with the future Greenwood Park development.

Mike Erwin - 97 Governor Thompson Ter. - Concerns with the development of Reems Creek Village.

Virginia Erwin - 97 Erwin Thompson Ter. - Concerns with the Reems Creek Village development.

Nancy Donahue - 18 Al Dorf Drive - Concerns with Greenwood Park and additional traffic, particularly on Al Dorf Drive.

Consent Agenda:

The motion was made Council Member Currie to approve the Consent Agenda, a. Town Council Meeting - Minutes December 15, 2014, seconded by Council Member Dearth, and unanimously approved.

Old Business:

a. Discussion of Option to Purchase Contract with Southern Application Highland Conservancy: Council Member Knoefel asked Mr. Morgan if he had an opportunity to look into this Conservancy. Mr. Morgan stated that he was familiar with the Conservancy, and knew several communities who put their watersheds into a Conservancy. He stated that the important thing is to look at how you can continue to use the property. It is important to have access to the water shed, should the need ever arise, and can it be used for recreational purposes, but the property could not be timbered. He felt the range of \$300,000 to \$550,00 was low, but recommended that the funds from the sale of the easement should go back into the Enterprise Fund. For many years, the Eller Cove Watershed has been classified as an Enterprise Fund Asset. There are many needs in the Enterprise Fund for that money, rather than putting the funds into the General Fund expenditure.

Council Member Currie asked when the draft option needed to be completed.

Michelle Pugliese, Land Protection Director, SAHC, stated that the grant application is due on Monday, February 2, 2015, and they would like to have the signed application by that date, if that is possible, if not, they could send that in at a later date. She further stated that, it would be good to have a motion to sign the option agreement at this meeting. She sent a copy of the Option For The Purchase of Conservation Easement to Ms. Brison for her review. Council Members also have a copy.

Ms. Brison explained the document, Option For The Purchase of Conservation Easement, and stated that the Option includes all of these conditions that were discussed at the Special Meeting on January 8, 2015: the purpose, option period, closing date, purchase price, appraisal, etc. She further stated that she received the Conservation template, Exhibit C, that will address the Weaverville watershed specifically of what would be negotiated later; water rights, recreational uses, etc., after a grant is approved and private donors are secured.

Ms. Pugliese emphasized that the easement would be crafted specifically to meet the Town's requirements. The closing date, if the grants are received, would be set for earlier in 2016.

Donna Bollinger asked who would maintain the easement. Ms. Pugliese stated that the Town will still own the property and would be responsible for the maintenance. The only right the Conservancy has is to make sure there are no violations, and that the terms of the agreement are upheld.

The motion was made by Council Member Jackson to approve the contract with Southern Appalachian Highlands Conservancy and authorize its execution by the Town, seconded by Council Member Dearth, and unanimously approved.

New Business:

a. Appointment of Interim Town Manager Michael J. Morgan as Budget Officer:

Mayor Sherrill stated that Mr. Morgan will need to be appointed to serve as Budget Officer, and be authorized to sign bank documents and/or other financial documents for as long as he serves as Interim Town Manager. Council Member Knoefel made the motion to appoint Michael J. Morgan as Budget Officer, and authorize him to sign bank and other financial documents, for as long as he serves as Interim Town Manager. The motion was seconded by Vice Mayor Penley, and unanimously approved.

b. Request for Release of Letter of Credit Defects Guarantee for Weaver Village:

Mr. Morgan stated that in January 2012, Greg Phillips, Weaverville Partners, placed a \$75,000 letter of credit on the Weaver Village. The Town's engineers recommended \$10,000 of the \$75,000 as a defects guarantee, for a period of three years, on the water line in Weaver Village. The guarantee period has expired, and Mr. Phillips has requested the release of the \$10,000. Phillip Turbyfill, Water Maintenance Supervisor, has inspected the water line and system covered by the guarantee, and found that there are no deficiencies, and recommended that the \$10,000 defects guarantee is released. The motion was made to release the \$10,000 defects guarantee on the water lines at Weaver Village by Council Member Jackson, seconded by Council Member Knoefel, and unanimously approved.

c. Request for Preliminary & Final Minor Subdivision from Gulf Equities, LLC:

Council Member Currie stated that he noted that the plat is in the name of a Florida corporation that is not authorized to do business in North Carolina, and the name on the name in the Florida corporation is different from the name on the Subdivision application. Council Member Currie made the motion to table the Request for Preliminary & Final Minor Subdivision from Gulf Equities, until this is resolved. The motion was seconded by Council Member Knoefel, and unanimously approved.

d. Request for Preliminary Approval on Re-Subdivision for Reems Creek Village known as the Hamlet:

Mr. Doug Theroux, Chairman, Planning & Zoning Board, explained that he did not receive the plat with the revisions made that were requested. Ms. Brison explained the requested revisions. Mr. Craig Justus, Attorney for Reems Creek Village, LLC., stated that they have made all the revisions that were requested. Ms. Brison stated that the Town needed to clarify that the defects guarantee, and not the letter of credit was being released.

After further discussion, the motion was made by Vice Mayor Penley to table the discussion of preliminary approval of the re-subdivision of Reems Creek Village, known as The Hamlet to the February 23, 2015 Council meeting. The motion was seconded by Council Member Dearth, and unanimously approved.

e. The motion was made by Vice Mayor Penley to table the Request for Preliminary Approval of a Major Subdivision for Greenwood Park, that was removed from the agenda earlier, until the February 23, 2015 Council meeting. The motion was seconded by Council Member Jackson, and unanimously approved.

f. Approval of Gas Franchise Ordinance with Public Service Company:

Mr. Morgan stated that the Town has had a franchise with Public Service Company of North Carolina, Inc. for many years to serve the citizens with natural gas. The Franchise Ordinance is

for a term of ten years, and was last approved in 2005. Ms. Brison had reviewed the proposed franchise ordinance, and explained some of the revisions and additions to the document. After a brief discussion, the motion was made by Council Member Dearth to have Ms. Brison go back and work with Public Service Company on the items in question, and bring the franchise ordinance back to the Council for consideration at February's Town Council meeting. The motion was seconded by Vice Mayor Penley, and unanimously approved.

Staff Report:

Manager's Report:

Mr. Morgan reported that, having only been on the job for a couple of days, he did not have anything to report, but he did look forward to helping out anyway that he could until another Town manager is hired.

Department Reports:

All department reports were included in the Agenda package, and were not given verbally by the Department Head. The reports were also available on the table at the meeting.

Closed Session:

The motion was made by Council Member Knoefel to go into Closed Session pursuant to N.C. Gen. Stat. 143-318.11(a)(3) and (6) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body which privilege is hereby acknowledged. and, to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The motion was seconded by Council Member Currie, and unanimously approved.

Upon return to open session, there being no further business, the motion was made by Council Member Currie, seconded by Vice Mayor Penley, and unanimously approved, to adjourn the meeting.

Shelby Shields

Town Clerk