

TOWN OF WEAVERVILLE

TOWN COUNCIL

Minutes - March 23, 2015

The regular meeting of the Town Council for the Town of Weaverville was held on March 23, 2015, in the Council Chambers, at 30 South Main Street.

**Present:** Mayor Dottie Sherrill, Vice Mayor John Penley.  
Council Members Walt Currie, Doug Dearth, and Doug Jackson.  
Attorney Rebecca Reinhardt, Interim Town Manager Mike Morgan.  
Staff: Terry Malone, Tony Laughter, Courtney Banks, Greg Stephens, and Shelby Shields.

**Absent:** Council Member Gene Knoefel.

**Visitors:** Jill Britton, Tina Jenkins, Donna & Bill Bollinger, Doug Theroux, Rhonda & Jeff McKenna, Gary Burge, Ellie & Jo Cagnina, Jim Lark, Norm Kennedy, David Rittenberg, Janet Buckner, Terry & Barbara Dawson, and several other citizens of the community.

Mayor Sherrill called the meeting to order.

**Approval of the Agenda:**

The motion was made by Council Member Currie to amend the Agenda by adding item **b.** to **V. Old Business**, Consideration of the November 17 and December 18, 2014 Council action regarding the Maple Trace Subdivision, and, adding a **Closed Session** following the Staff Reports. The motion was seconded by Council Member Jackson, and approved by a vote of 4 - 0.

**Public Comment:** There was no public comment.

**Consent Agenda:**

- a. Regular Town Council Meeting Minutes of February 23, 2015.
- b. Town Council Workshop - February 5, 2015.

The motion was made by Council Member Dearth to approve the February Workshop and Town Council minutes, seconded by Council Member Jackson, and unanimously approved.

**Old Business:**

**a. Ordinance Combining Duties and Membership of the Tree Board, the Main Street Nature Park Advisory Committee, and the Community Wildlife Habitat Team:**

Mayor Sherrill stated that since all three of the Boards/Committees work toward the conservation

of the Town's trees and parks, the ordinance will establish a Conservation Board consisting of five members, appointed by the Mayor, with the approval of the Town Council, and serve as an advisory board to the Town Council. SECTION ONE in the ordinance states that Article II of Chapter 32 of the Town Code is deleted in its entirety, and a new Article II of Chapter 32 will be adopted. The ordinance also includes the terms of office, the duties and responsibilities of the Board members, including performing the duties of the Tree Board, in accordance with the requirements of the Tree City, USA program.

Mr. Morgan stated that the third WHEREAS should be corrected to state that the Town participates in the *National Federation Wildlife Habitat*.

Donna Bollinger asked who would be appointing the chairman of the Conservation Board. Mayor Sherrill responded that she would be making the appointments.

The motion to adopt the Ordinance Combining Duties and Membership of the Tree Board, the Main Street Nature Park Advisory Committee, and the Community Wildlife Habitat Team was made by Council Member Jackson, seconded by Council Member Dearth, and unanimously approved.

**b. Consideration of the November 17 and December 18, 2014 Council action regarding the Maple Trace Subdivision:**

Mr. Morgan stated that he is looking for guidance and direction from the Council. He was not working at the Town in November and December when the Council took action as to whether or not to provide water to the Maple Trace project located off Reems Creek Road. Also, he wasn't here when Council made a decision on providing the water or making annexation a requirement for the availability of water to the project. Mr. Morgan had spoken with Ms. Brison, who wasn't present at this meeting, and she indicated that she wasn't clear on the actions at the December meeting, when the issue of the second entrance came up, and the developer was asking the Town to pay for the second entrance into the development, A seconded entrance is required in the Town's Zoning Ordinance. The Maple Trace subdivision was approved with only one ingress/egress by Buncombe County Planning & Zoning Department, since it is currently located outside the Town limits.

Council Member Jackson asked for clarification on the difference between the Town and County Zoning requirements and the numbers, that were given back at the November meeting, by the previous Town Manager.

Doug Theroux, Chairman of the Town's Planning & Zoning Board, stated that he had not seen the plans until recently, and explained that the plans are not even close to meeting the Town's subdivision and zoning requirements. His first concern is that the roads will not be built to the Town's standards of 8" base and 2" pavement, compared to DOT's requirement of 6" base and 1 ½ " pavement, and this can make a big difference particularly with large trucks during new construction. Another concern is a safety issue, homes will be built on 15' setbacks from the

street, the Town's Ordinance requires a setback of 30' from the street.

Mr. Theroux continued, if the Town annexes the development, would it be zoned R-1, R-2, or R-3? The lot sizes and setbacks meet the County zoning, and does not meet any of the Town's zoning requirements. He felt this could be a real problem for future developers wanting to build without meeting the Town Ordinance requirements. Also, the approach road(s) easements to the subdivision property will not be annexed by the Town, who will be responsible for the easement(s)?

Council Member Death asked if that was not in the agreement when discussed a few months ago when Council agreed to the provision of water in exchange for voluntary annexation.

Mr. Theroux stated that it was discussed, but there is no signed agreement. There was further discussion on the agreement.

Council Member Currie asked Mr. Morgan if there is a signed proposed annexation agreement between the Town and Windsor Aughtry on the Maple Trace development. Mr. Morgan stated that there is not a signed agreement.

Council Member Currie stated and asked for conformation, as he understands, the Town does not have any jurisdiction on the subdivision plat, but it would be under the jurisdiction of Buncombe County. Mr. Morgan confirmed his statement, and stated that, the plat has already been approved by Buncombe County Planning and Commissioners.

Council Member Currie asked Mr. Morgan if he had an analysis on the Town's cost of services to the development.

Mr. Morgan gave an overview of preliminary/estimated cost of services vs the revenues once the development is built out. Using the current water rates, receipts from water usage at outside Town rates are estimated to be \$66,000, if annexed the receipts for water would be about half of \$66,000.

He gave an estimated figure for tax receipts, once built out, and the estimated cost to the Town to provide additional services of police, garbage, brush, streets, and fire. Currently, the 3-day garbage collection is almost maxed out, and could require an additional day and labor. The development is in the Reems Creek Fire District, and that contract would have to be considered. Mr. Morgan further stated that he had not taken into consideration any cost to street conditions after all the heavy trucks and construction work has completed.

In further discussion, Mr. Laughter stated that the Town has already given a letter of intent to furnish water.

Council Member Currie stated, " based on the information received at this meeting tonight, I

make the motion to rescind the previous action approving the voluntary annexation of Maple Trace Subdivision”. The motion was seconded by Vice Mayor Penley, and unanimously approved.

Council Member Currie made the second motion, “to issue a Letter of Commitment to provide water at the out of Town water rates to the Maple Tract Subdivision”. The motion was seconded by Vice Mayor Penley, and unanimously approved.

**Staff Reports:**

**Manager’s Report:**

Mr. Morgan reported that, a request for an auditor has been sent to four firms, and the responses will be back by April 3, 2015 for Council’s approval at the April Council meeting.

Recently, Mr. Morgan, along with Council Members Walt Currie and Gene Knoefel attended the NC League of Municipalities’ Town Hall Day in Raleigh. They met with several of the Legislators, and discussed issues that are important to the Town.

Mr. Currie added that, he also attended the meeting of the Board of Directors of the League of Municipalities, and felt it was a positive meeting.

Mr. Morgan recognized and congratulated Police Chief Greg Stephens for his service to the Police Department for the past 25 years, the last 17 of the those years as Police Chief.

**Department Reports:**

All Department reports were included in the Agenda Package, and were not given verbally by the Department Heads. The reports were available on the table at the meeting, and on the Town’s website.

**Closed Session:**

The motion was made by Council Member Jackson, seconded by Vice Mayor Penley, and unanimously approved to go into Closed Session pursuant to N.C. Gen. Stat. 143-318.11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the Attorney and public body which privilege is hereby acknowledged.

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.

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Shelby Shields, Town Clerk