

TOWN OF WEAVERVILLE

TOWN COUNCIL

Minutes - June 15, 2015

The regular meeting of the Town Council for the Town of Weaverville was held on June 15, 2015 at 7:00 P.M., in the Council Chambers, at 30 South Main Street.

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

Absent: Mayor Dottie Sherrill.

Visitors: Tina Jenkins, Jill Britton, Donna Bollinger, Peggy & Eddie Wheeler, Steve Rotundo, Cindy Wright, Joe & Ellie Cagnina, Doug Theroux Aileen Fleming, Jamie Penley, Russ Roberson, Colin VanEtten, Rhonda & Jeff McKenna, Jillian Ballard, and several other citizens.

Vice Mayor John Penley called the meeting to order.

Approval of the Agenda:

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

Public Comment:

Doug Theroux, 73 Hillcrest Drive - Stated that he felt that the Town doesn't need to use a 'Consent Agenda', particularly budget items that should be transparent.

Consent Agenda:

- a. Minutes - Regular Town Council Meeting, May 18, 2015.
- b. Minutes - Special Meeting - May 27, 2015.
- c. Minutes - Public Hearing - June 9, 2015.

Council Member Knoefel asked that it be known and added to the June Minutes that "he was ignored at the May Council meeting, after requesting that Mr. Morgan, at the proper time, comment on Budget Amendment # 7, when the motion of the Consent Agenda was approved at the May 18, 2015 Council Meeting." The motion to approve the Consent Agenda, with his remarks added, was made by Council Member Knoefel, seconded by Council Member Currie, and unanimously approved.

New Business:

- a. Budget Amendments # 8 and # 9.

Mr. Morgan explained that Budget Amendment #8 is in the General Fund to clean-up the budget process. The Town Council approved \$220,000 for the payment to purchase a fire truck bought in 2014, but the transfer of the payment, from Appropriated Fund Balance to Debt Service was not posted.

Mr. Morgan explained that Budget Amendment # 9 is also in the General Fund: \$76,000 from Contingency to increase under budgeted items in Administration for Capital Equipment; Police and Fire Departments for Salaries and Insurance, in the amount of \$76,000.

In the Water Fund, from Appropriated Fund Balance, \$53,200, to increase under budgets salaries in Water Administration, Water Production and Water Maintenance. The motion was made by Council Member Currie to approve Budget Amendment #8, and Budget Amendment # 9, including both General Fund and Water Fund. The motion was approved by Council Member Dearth, and unanimously approved.

b. Capital Improvement Budget for Water Treatment Plant Improvements:

Mr. Morgan stated that after eighteen (18) years of being in service, it is time to start replacing some of the equipment at the Water Treatment Plant. The amount of \$325,834.61 will need to be approved in the Capital Improvement Budget for the Water Treatment Plant improvements, in accordance with the Local Government Budget and Fiscal Control Act. An access road to the clearwell was included in the bid amount, but due to the cost, the road was eliminated. After a brief discussion, the motion was made by Council Member Jackson to adopt the Budget for the Water Treatment Plan Improvements, seconded by Council Member Knoefel, and unanimously approved.

c. Resolution Authorizing the Interim Town Manager to Enter Into a Contract with Carolina Specialties Construction for Improvements at the L.T. Sprinkle Water Treat Plant:

Mr. Morgan explained that the Resolution authorized the Town Manager to enter into contract for the improvements to the Water Treatment Plant. The bids on the project were opened on May 28, 2015, and the low bidder was Carolina Specialties, in the amount of \$278,334.61, which includes upgrades to the chemical feed system, including replacement of the bulk and day storage tanks, replacement of the chemical transfer and feed pumps, with associated piping replacement, and installation of a recycle water pump system. The motion was made by Council Member Jackson to approve the Resolution Authorizing the Interim Town Manager to Enter into a Contact with Carolina Specialities Construction, for Improvements, at the Water Treatment Plant. The motion was seconded by Council Member Currie, and unanimously approved.

d. Budget Ordinance - Fiscal Year 2015-2016:

Vice Mayor Penley stated that a Pubic Hearing was held on June 9, on the 2015-2016 Budget, 2015, and there was no comment from those present. Vice Mayor Penley made the motion to adopt the 2015-2016 Budget Ordinance, as presented. The motion was seconded by Council Member Knoefel, and unanimously approved. Vice-Mayor Penley thanks Mr. Morgan and the Department Heads for their hard work on preparing the Ordinance.

Mr. Morgan added, for those not present at the Budget Hearing, that this Budget is a decrease of over \$982,000 from last year's. If the fire truck amendment is added, than it is 1.2 million less

than last year. While there is no cut in services to the citizens, the Departments have cut capital equipment purchases. The Town has taken a significant cut in revenues through State actions. Mr. Morgan clarified that most of the decrease was in capital equipment. The fire truck and garbage truck were purchased in last year's Budget, and are not recurring expenses.

e. Water Rate Ordinance:

Mr. Morgan stated that the Water Rate Ordinance includes a 3% rate increase, that was recommended in the long-range plan by McGill and Associates, in the water study, to keep the Water Fund solid for the future. The water usage has decreased, which in turn decreases the revenue. The motion was made to adopt the Water Rate Ordinance by Council Member Knoefel, seconded by Council Member Jackson, and unanimously approved.

f. Discussion of a Request from Russ Roberson for Water Service at 'Village at Fox Ridge', located on Reems Creek Road:

Mr. Morgan stated that Mr. Roberson is requesting water service for an eight (8) acres track of land located on Reems Creek Road. The property is adjacent to the Town Limits. He is willing to request annexation, and follow all the Town's requirements for either a subdivision or unified housing development.

Marvin Mercer, MDG, gave a brief overview of the proposed project. The NC DOT has given approval for one road cut, and the lots would be served by MSD. After a brief discussion, the motion was made by Council Member Knoefel to approve the water service request, subject to meeting all of the Town's requirements, including the approval of the Planning and/or Zoning Board of Adjustment. Council Member Dearth asked for a clarification on a possible request for a variance on front set-backs for the lots. Mr. Mercer responded that some of the lots might need a variance on set-backs requirements, but they would not be asking for a variance on all the lots. The motion was seconded by Council Member Jackson, and unanimously approved.

g. Surplus Equipment:

Vice Mayor Penley explained that the Town has an old fire truck and a Public Work's vehicle that need to be disposed. There is a possibility that the vehicles could bring more than \$5,000, which requires the Town Council to authorize the Town Manager to dispose of as surplus property.

Mr. Morgan stated that he felt the best source for disposal was through 'GovDeals', which would have the best exposure and bring best prices. The motion, Authoring the Town Manager to Dispose of Surplus Personal Property, was made by Council Member Currie, seconded by Council Member Knoefel, and unanimously approved.

Old Business:

a. Discussion of Concealed Weapon Ordinance:

Vice Mayor Penley stated that at last month's meeting, the discussion of the Concealed Weapon Ordinance was delayed until Council had an opportunity to study and discuss the matter. Vice Mayor Penley asked Ms. Reinhardt for her comments.

Ms. Reinhardt stated that the way the General Statutes and the current Town Ordinance are

written, it is quite possible that someone could challenge it in court, if it isn't changed. She recommended that it is discussed in Closed Session.

Vice Mayor Penley stated that one of the Council Members wished to discuss the matter, and made the motion 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 the public body. The motion was seconded by Council Member Currie, and unanimously approved.

Upon return to open session, Vice Mayor Penley recognized Colin L. Van Etten, who had requested to speak on Sec. 16.-1 Handgun regulations.

Mr. Van Etten presented each Council Member with a copy of a letter, addressed to the Town Council members, dated June 15, 2015, and read the letter which stated in part that, he approached the Council on April 20th in reference to the Town Code, Handgun Ordinance, Chapter 16, Sec. 16.1. being out of compliance with N. C. Gen. Stat. 14-415.23. The Council had two months lead time to develop and incorporate changes to the Town Ordinance, but chose not to act. He urged the Town Council to make the necessary changes to the Ordinance and signage to conform with the State law immediately. (The complete letter and attachment are made a part of the June 20, 2015 minutes.)

Mr. Morgan stated that the current ordinance is made up of four (4) parts; (a) Prohibition of handguns., (b) Posting of signs., (c) Location of Signs., and (d) Recreational facilities identified. After meeting with Legal Counsel and discussing the Ordinance, the Council does not believe that the Town has any recreational acres that meets the definition of a recreational facility, as defined by the new NC General Statutes. The Ordinance would be amended to eliminate all recreational facilities as defined. But, will have a list of all the Town Buildings defined, to clarify which buildings and surrounding area, parking lots, etc., along the appropriate signage for those buildings. Also, eliminate any signs at Lake Louise Park, the Main Street Nature Park, and Lake Louise Community Center since they do not meet the definition. An amendment to Sec. 16 of the Town Code will be prepared for next month's Council meeting.

Staff Reports:

There was no Manager's Report.

Department Reports were not given verbally; they were available at the meeting.

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

Shelby Shields,

Town Clerk