

TOWN OF WEAVERVILLE

TOWN COUNCIL
Minutes – February 22, 2016

The regular meeting of the Town Council for the Town of Weaverville was held on February 22, 2016, at 7:00PM, in the Council Chambers at 30 South Main Street.

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, Courtney Banks, Greg Stephens and James Eller, and Shelby Shields.

Visitors: Cindy Wright, Doug Theroux, Gary Burge, Donna Bollinger, Lou Sandberg, David Rittenberg, Joe and Ellie Cagnina, Jamie Penley, Aileen Fleming and Jill Britton.

Call to Order:

Mayor Sherrill called the February Council meeting to order.

Approval of Agenda:

The motion to approve the agenda as presented was made by Vice Mayor Penley, seconded by Council Member Jackson, and unanimously approved.

Public Comment:

Doug Theroux, 73 Hillcrest – Mr. Theroux, Chairman of the Planning and Zoning Board, commended the Planning and Zoning Board and the Town Staff on the hard work and time spent on the proposed amendments to the Zoning and Subdivision Ordinances.

Approval of Minutes:

The motion to approve the minutes of January 2016 was made by Council Member Nagle, seconded by Council Member Fitzsimmons, and unanimously approved.

New Business:

A. Tax Releases:

Ms. Coffey stated that the taxes on 6.40 acres on Reems Creek Road, PIN 9752.05-5764 owned by Rabbit Ridge Properties, LLC, will need to be released. The tax levy is \$427.98 on the valuation of \$101,900. The taxes have been released by Buncombe County. The motion to release the taxes for Rabbit Ridge Properties, LLC in the amount of \$437.98 was made by Council Member Nagle, seconded by Vice Mayor Penley, and unanimously approved.

B. Creekside Village Waterline Easement:

Tony Laughter reported that Serrus Creekside LLC has completed Phase II of the waterline installation, and the plat has been completed and recorded. Mr. Laughter asked Ms. Reinhardt if she had received the documentation required for the waterline easement. She stated that she has received the plat, but they have not finished the title work in preparation for preparing the easement documents.

Mr. Laugher further stated that Serrus Creekside is now requesting that the Town Council accept the ownership of the waterline easement for Phase II of the development. He has reviewed the easement plat of the waterlines, and it is ready for Council's approval. He asked that the Council set a defects guarantee of \$5,000 on Creekside Phase II, and give the authority to Town Manager Selena Coffey to accept ownership of the easement and waterline, under the advisement of Attorney Rebecca Reinhardt when all documentation has been completed and is in order and duly recorded. This will prevent any delay in the acceptance by Town Council until the next scheduled meeting.

After a brief discussion, the motion was made by Council Member Dearth to set a defects guarantee of \$5,000 for Creekside Phase II, and grant the authority to Ms. Coffey to accept ownership of the waterline and waterline easement, once advised by Ms. Reinhardt that all documents have been completed and duly recorded. The motion was seconded by Council Member Jackson, and approved by a vote of 5 – 0.

C. Fire Code Resolution:

Ms. Coffey stated that as noted in the proposed fire code resolution, there have been a number of times that the Town has taken up the issue of the Fire Code. The National Fire Protection Association Fire Prevention Code was originally adopted in January 1989. Again in October 1993, the Fire Protection Ordinance was amended to delete Section 16 to comply with the North Carolina State Building Code Ordinance to include the State Building Code. At the same time, Section 12-37 (c) was added to refer to the State Building Code, Volume V Fire Prevention Code, and all the appendixes were adopted. The Town became aware that there were issues with those sections relating to multiple ingress and egress points for construction projects limiting potential residential growth.

Ms. Coffey further stated that the next agenda item, Unified Housing Development ingress/egress, will address that part of the ingress/egress issue. It is important that the Fire Chief and the Fire Marshall go on record stating their feelings regarding the resolution amending the State Fire Code on ingress/egress in Unified Housing Developments.

Fire Chief Terry Malone stated that as far as the Fire Department, there were no problems with amending the sections of the Fire Code related to this matter.

Ms. Coffey clarified that the Planning and Zoning Board has not taken this issue up, it is not a part of what the Council asked them to consider.

The motion to adopt the Resolution Revising the Town of Weaverville Fire Prevention & Protection Code to Remove Requirement for Compliance With Ingress/Egress Guidelines, and set the date of March 21, 2016 at 6:45 for a Public Hearing was made by Council Member Nagle, seconded by Council Member Fitzsimmons, and unanimously approved.

D. Unified Housing Development Ingress/Egress:

Mr. Eller stated that presently the Zoning Ordinance, in section 36-241 Unified Housing Development (c)(2) requires two points of ingress and egress with density over eight per acre. The Planning and Zoning Board has recommended that the Council approve the proposed draft revisions of thirty dwelling units after which a seconded point of ingress and egress is required by the Unified Housing Development Ordinance.

Council Member Dearth stated that he appreciated the work that the Planning and Zoning Board has done in response to some of their earlier concerns on the issue and made the motion that Council approve the draft revisions to Sec. 36-241 Unified Housing Development and schedule a public hearing on this matter on March 12, 2016 at 6:45 PM. The motion was seconded by Council Member Jackson, and unanimously approved.

E. R-12 Zoning District:

Mr. Eller stated that since this information went out to Council, thru a meeting with Councilman Dearth, Councilman Nagle and Mr. Theroux, it was discovered that R-12 and R-2 are remarkably the same. It was determined that due to the similarities in the created R-12 zoning district and present R-2 zoning district, that Council could accomplish the intent of the R-12 district with a revision of the R-2 zoning district. The revision of a footnote within the Table of Dimensional Requirements, Sec. 36-106 of the Zoning Ordinance, would accomplish Council's desire to increase maximum density from eight units per acre to twelve units per acre.

Council Member Dearth stated that, again he would like to commend the Planning and Zoning Board for their hard work in this regard. With further work beyond their deliberations, he felt that they were able to streamline and accomplish what they were trying to do by putting the Town Code in line with that of the County. What this is trying to do is amend R-2 in terms of density, and simply change footnote #3. in Sec. 36-107, Footnotes for table of dimensional requirement.

Mr. Eller stated that #3 footnote would change from 5,000 to 3,280 sq. ft. additional square feet for each additional dwelling unit when public water and/or sewer are available. This reflects the square footage change from eight (8) units to twelve (12) per acre.

Council Member Dearth moved that the Council should accept that portion of the proposed sec.36-241 including twelve (12) units and disregard the remainder of the proposal as provided by the Planning and Zoning Board on the R-12 Zoning District. However, amending Footnote 3 in Sec. 36-106 Table of Dimensional Requirements, in the Ordinance, from 5,000 sq. ft. for each additional dwelling unit when water and/or sewer are available, to 3,280 sq. ft. for each additional dwelling when water and/or sewer are available. He further moved that Council schedule a public hearing on this issue on March 21, 2015 at 6:45 PM. The motion was seconded by Vice-Mayor Penley, and unanimously approved.

Ms. Coffey added that the proposed amendments to the Zoning Ordinance will be available in the Planning Department during regular office hours. Mr. Eller will also be available to answer any questions.

F. Addition of Concept Plan to Subdivision Ordinance:

Mr. Eller stated that the Concept Plan is a proposed addition to the Subdivision Ordinance, Section 25-83, ARTICLE IV. Procedure For Review and Approval of Subdivision Plats and Plans. The proposed concept plan would be an upfront step that is much more rudimentary in the amount of knowledge and information sooner, and to make sure the applicants are moving in the appropriate direction. Basically this allows an applicant to present an idea of what they want and need to accomplish, prior to the moving forward to the preliminary and final plan/plat. The Planning and Zoning Board unanimously recommended the creation of the Concept Plan to the Subdivision Ordinance, Sec. 25-83.

After a brief discussion, the motion was made by Council Member Dearth to accept the draft of the addition of the Concept Plan to Sec. 25-83 of the Subdivision Ordinance, and schedule a public hearing for March 21, 2016 at 6:45 pm on this matter. The motion was seconded by Vice Mayor Penley, and unanimously approved.

G. Facility Use Policy:

Ms. Coffey stated that in preparing this policy, she has read a lot of minutes, comments, and discussions on the rental of the facilities, both the Town Hall Community Room and Lake Louise Community Center. In addition, she has discussed the rental of the facilities with several community groups, individuals, employees, and other managers of municipalities that have facilities, and have experienced like issues. She has also read other municipal policies, both large and small, but has tried to remain with the like size as Weaverville.

Ms. Coffey further stated that the proposed policy only addresses the two facilities. She didn't feel that there was any merit in trying to control the picnic sheds at Lake Louise should remain as a first come-first served basis. She felt that the Nature Park should be excluded, since it would also be difficult to control. She has tried to put together a comprehensive policy that meets the needs of the citizens and that is in the best interest of the Town.

The Facility Use Policy has a section on Equitable Use, which Ms. Coffey stated that she felt very strongly about and put a lot of thought into. The list allowed are committees or boards formed by the Town; organization in which the Town is a member; groups providing a serve for on or behalf of the Town; Town Departments or other governmental agencies. Included in the Policy are the Rules and Regulations, Reservations and Applications, Availability of Facilities, and General Rules of Use. Council Chambers are not to be used under any circumstances.

Council Member Jackson thanked Ms. Coffey for her hard work on the Policy and felt it was a good policy with everything going back to the Town Manager for her interpretation. He further stated that whatever action that the Council takes on this, he hopes that the Council will stick by it, and not changing it or coming back in the next month or two.

Council Member Dearth stated that he appreciated the Manager's and Department heads work on the policy. But, there are some things that were highlighted originally, that he felt are still problems, the police issue and rental fee structure. On the fee structure issue, as before outside Town resident rental fees was double that of inside resident. The outside resident would get an inside resident to front for them in order to reduce their rental fee(s). He felt that the Town would end up with the same problem. With the facilities being available both before and after regular Town business hours, the police will still be required to unlock and lock the doors. This was a problem since the police are not always readily available.

Council Member Fitzsimmons commends Ms. Coffey for her work on this comprehensive policy, and further stated that it is difficult to prepare a document without some loop-holes or problems that may need to be figured out. He feels it is important to make community property open to the public

Vice Mayor Penley expressed his appreciation for the work on the Policy. He stated that it was impossible to write a perfect policy. He likes the provision of the one person to go to, which is the Town Manager, and is happy with what is proposed in the document.

Council Member Nagle stated that he appreciates the work that Ms. Coffey and her staff have done on the document. He is happy with it.

Public Comment:

Lorie Ayers, Lake Louise Dr. – stated that she is often involved with the activities of the Tailgate Market at Lake Louise Community Center, and asked if she had missed a public hearing on this policy.

Mayor Sherrill stated that a public hearing isn't required for a policy, but a copy of the policy will be available for her review.

The motion was made by Vice Mayor Penley to adopt the Facility Use Policy as prepared by Ms. Coffey. The motion was seconded by Council Member Fitzsimmons, and unanimously approved.

Town Manager's Report:

Ms. Coffey stated that the first of the budget workshops for the FY 2016-2017 budget development will be held on Monday, February 29, 2016. The Town Council will be meeting with department heads at 5:00 pm in the Fire Department meeting room at 3 Monticello Road.

GovDeals:

This month a net of \$48,465 in assets was sold through GovDeal,. This includes a 1997 International Fire Truck; 2008 Dodge Charger; 1999 GMC garbage truck; and miscellaneous old computers.

Light at Lake Louise Gateway Sign:

Ms. Coffey thanked the Public Works Department for their work around the Gateway sign at Lake Louise. There is still some finish work to be done, but the light is now functional.

Day of Service:

Ms. Coffey has been contacted about doing an activity for the Town for National Day of Service. She asked if any of Council would like to have input, if so let her know.

RFPs for Legal Service:

Ms. Coffey has received two (2) proposals for legal service. The deadline of submitting proposal is March 9, 2016.

Citizens Academy:

Ms. Coffey stated that she is currently drafting a schedule for the 2016 Citizens Academy. She anticipates classes beginning in mid-April, and invited anyone interested in the Citizens Academy to get an application, and get them back in soon, since the classes would be limited to 15-20 people. The application is available on the Town's website, weavervillenc.org.

Department Reports:

The Department reports are available on the table.

Closed Session:

The motion was made by Council Member Dearth to go into Closed Session pursuant to N.C. Gen. Stat. 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and

other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The motion was seconded by Council Member Nagle, and unanimously approved.

Upon return to open session, 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

