

TOWN OF WEAVERVILLE

AGENDA

**Town Hall Council Chambers
30 South Main Street
Weaverville, N.C. 28787**

**August 15, 2016 at 6:00pm
Town Council Monthly Meeting & Public Hearing**

- 1. **Call to Order**.....Mayor Dottie Sherrill
- 2. **Approval/Adjustments to the Agenda**.....Mayor Dottie Sherrill
- 3. **Public Hearing: Rezoning Application for Conditional Zoning District:
New Homes at North Main**Planning & Zoning Officer James Eller
- 4. **Public Comments**
- 5. **Approval of Minutes**
 - A. July 18, 2016 Town Council Meeting
 - B. August 3, 2016 Town Council Special-Called Workshop
- 6. **Employee Recognition**.....Town Manager Selena Coffey
- 7. **Consent Agenda:**
 - A. Board Appointments, Reappointments & Term Adjustments.....Town Manager Selena Coffey
 - B. Amendment to Audit Contract.....Town Manager Selena Coffey
 - C. Schedule Public Hearings on Voluntary Annexation Petition/Initial Zoning Request
for Garrison Reserve Investors LLC.....Town Manager/Clerk Selena Coffey
 - D. Schedule Public Hearings on Voluntary Annexation Petition/Initial Zoning Request
for Serota Mars Hill LLC.....Town Manager/Clerk Selena Coffey
- 8. **Discussion & Action Items:**
 - A. FY 15-16 Tax Collector’s Settlement; Approval of Bond Amount; FY 16-17 Tax Order
for Collection.....Town Manager Selena Coffey
 - B. Proposed Amendments to Zoning Ordinance ref. Unified Housing Developments, Traditional
Neighborhood Developments & Conditional Zoning Districts.....Town Attorney Jennifer Jackson
 - C. Request for Town Council Acceptance and Staff Level Final Approval of Waterline Extension
for Sonic at North Ridge Commons.....Public Works Director Tony Laughter
- 9. **Town Manager’s Report** (No attachment)
- 10. **Closed Session:** N.C.G.S. § 143-318.11.(a)(4)To discuss matters relating to the location or expansion of
industries or other businesses in the area served by the public body, including agreement on a tentative list of
economic development incentives that may be offered by the public body in negotiations,...
- 11. **Adjournment**

Note: Departmental Reports are available to the public at Council Chambers during the meeting.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: August 15, 2016
Subject: Public Hearing on Rezoning Application for
Conditional Zoning District – New Homes at North Main
Presenter: James W. Eller
Attachments: Report of Community Meeting

Description:

The Town has received an application for rezoning submitted by Mountain Housing Opportunities, Inc., which requests that a 7.65-acre tract of land on Critter Trail that is currently zoned C-2 to be rezoned as a Conditional Zoning District for a housing project comprised of 46 single family lots that is to be known as New Homes at North Main. This project has been reviewed by the Planning and Zoning Board and its Statement of Reasonable and Recommendation which was also previously provided to Council. In accordance with the zoning ordinance the applicant held a community involvement meeting on July 21, 2016, and the report of that meeting and its noticing is attached. This information should be added to the application and related materials and the Planning and Zoning Board's statement of reasonableness and recommendation previously distributed to Town Council on July 18, 2016. Copies of everything Staff has related to this project and the application will be available at the Public Hearing.

Action Requested:

Tonight's Public Hearing was scheduled by Town Council in accordance with zoning ordinance requirements in order to receive general public comment on the proposed rezoning to Conditional Zoning District.

Staff requests that Council closely examine the information provided as, if approved, the project will become its own individual zoning district with only the conditions placed upon same to guide the development.

Report of community meeting held by Mountain Housing Opportunites in compliance with the Code of Ordinance Article III-Use Regulations public involvement provision

A public meeting was held on 7/21/2016 from 4:30-6:00 in the Weaverville Public Library

Attachment A

list of property owners within 200 feet of site boundaries

Attachment B

sample letter sent July 8, 2016 advising neighboring property owners of community meeting

Attachment C

sample notice sent to Citizen Times for publication

Attachment D

affidavit from Citizen Times attesting to publication of notice on 7/8 and 7/15

Attachment E

copy of ad

Attachment F

list of attendees along with any written comments

Attachment G

Summary of issues discussed at the meeting

Attachment H

There were no changes made to the rezoning petition as a result of the community meeting

Attachment A

P Andrew Walker
Monticello Development LLC
1300 Tunnel Road
Asheville, NC 28805

TFI Global LLC
1 Monticello Village Drive
Weaverville, NC 28787

P Andrew Walker
Village at Monticello Condo Owners
1300 Tunnel Road
Asheville, NC 28805

Dee Scott Gordon-Valdez
2 Monticello Village Drive Apt. 30
Weaverville, NC 28787

Billy Cox
235 Locust Grove Road
Weaverville, NC 28787

Jack Coleman Hensley, Jr.
PO Box 2166
Weaverville, NC 28787

Debra L. & Gary D. Hensley
PO Box 576
Weaverville, NC 28787

Jonathan Rob Allen
PO Box 100
Weaverville, NC 28787

Sandra Kay Bailey
1005 Sabal Ct
Wilmington, NC 28409

John F. Hencken
Hencken Living Trust
PO Box 2540
Weaverville, NC 28787

Tri City Plaza Inc
PO Box 36
Fountain Inn, SC 29644

Joe Quinlan
64 Clingman Ave. Unit 101
Asheville, NC 28801

Julie Nelson
Julie Nelson Revocable Trust
PO Box 2742
Dunedin, FL 34697

Pamela Abernethy
21 Dula Springs Road
Weaverville, NC 28787

Brittany Shea Whitted
23 Dula Springs Road
Weaverville, NC 28787

Elizabeth & Dennis Parker
257 N Main Street
Weaverville, NC 28787

Mary Ruth Miller
31 Dula Springs Road
Weaverville, NC 28787

Joe D Sellars
39 Dula Springs Road
Weaverville, NC 28787

John & Pansy J Goforth
11 Choo Choo Lane
Asheville, NC 28806

Attachment B

July 8, 2016

Mountain Housing Opportunities
64 Clingman Ave, Suite 101
Asheville, NC 28801

Dear Recipient,

Please be informed that Mountain Housing Opportunities, Inc. will hold a Public Meeting on Thursday, July 21, 2016 from 4:30 p.m. to 6:00 p.m. at the Weaverville Public Library located at 41 North Main Street, Weaverville, NC to discuss the following item: development plans for a 7.71 acre parcel of land, also known as parcel #974332609700000, located on Critter Trail off North Main Street. If you would like additional information related to the meeting you may contact Joe Quinlan at 828-254-4030, ext.118 or joe@mtnhousing.org.

Sincerely,

Joe Quinlan
Mountain Housing Opportunities
64 Clingman Ave, Suite 101
Asheville, NC 28801

Attachment C

PUBLIC NOTICE Public Notice is hereby given that Mountain Housing Opportunities, Inc. will hold a Public Meeting on Thursday, July 21, 2016 from 4:30 p.m. to 6:00 p.m. This meeting will occur at the Weaverville Public Library located at 41 North Main Street, Weaverville, NC to discuss the following item: development plans for a 7.71 acre parcel of land, parcel #974332609700000, located on Critter Trail off North Main Street. If you would like additional information related to the meeting you may contact Joe Quinlan at 828-254-4030, ext.118 or joe@mtnhousing.org.

ASHEVILLE
CITIZEN-TIMES
VOICE OF THE MOUNTAINS • CITIZEN-TIMES.com

JUL 21 2016

MA

AFFIDAVIT OF PUBLICATION

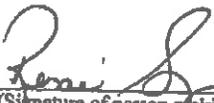
BUNCOMBE COUNTY

SS.
NORTH CAROLINA

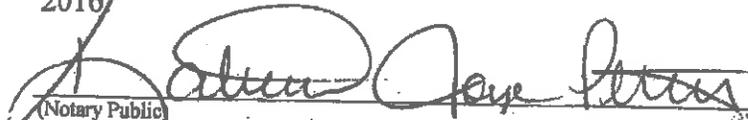
PUBLIC NOTICE Public Notice is hereby given that Mountain Housing Opportunities, Inc. will hold a Public Meeting on Thursday, July 21, 2016 from 4:30 p.m. to 6:00 p.m. This meeting will occur at the Weaverville Public Library located at 41 North Main Street, Weaverville, NC to discuss the following item: development plans for a 7.71 acre parcel of land, parcel #97433260970000, located on Critter Trail off North Main Street. If you would like additional information related to the meeting you may contact Joe Quinlan at 828-254-4030, ext.118 or joe@mhousing.org. July 8, 2016 (7825)

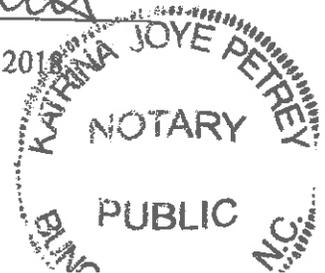
Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared **Rene Simpson**, who, being first duly sworn, deposes and says: that she is the **Regional Accounting Supervisor of The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Asheville Citizen-Times** on the following date: July 8th and 15th 2016. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Signed this 15th day of July, 2016


(Signature of person making affidavit)

Sworn to and subscribed before me the 15th day of July, 2016


(Notary Public)
My Commission expires the 5th day of October, 2016



CareerBuilder.com | cars.com | HomeFinder.com | CITIZEN-TIMES.com | finds

The Carolina Class

CITIZEN-TIMES.com

Call 232-6000 or place your ad online at CITIZEN-TIMES.com
 Sell merchandise priced under \$3,000 online for FREE

0003 Disclaimer

Thank you for reading The Asheville Citizen-Times July 15, 2016. All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. Asheville Citizen-Times reserves the right to edit, refuse, reject, clarify or cancel any ad at any time. Errors must be reported in the first day of publication. Asheville Citizen-Times shall not be liable for any loss or expense that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

1
Announcements and Financial

1001 Legal

ASHEVILLE CITY COUNCIL PUBLIC HEARING
 On July 26, 2016

Notice is hereby given that the City Council of the City of Asheville will hold the following public hearing at 5:00 p.m. on the 26th day of July, 2016, in the Council Chamber on the second floor of the City Hall Building, Asheville, N.C.

I to consider approving a sign package for Ingle's Markets Inc. for the property located at 863 Brevard Road.

Additional information on this public hearing is available in the City's Planning & Urban Design Department located on the fifth floor of the City Hall Building, (828) 253-5830.

All persons with disabilities that need auxiliary aid should contact the ADA Coordinator at 253-5800, TTY number 253-5548, at least 72 hours prior to the public hearing.
 July 15, 22, 2016 (3927)

1001 Legal

NOTICE OF SERVICE BY PUBLICATION (TERMINATION OF PARENTAL RIGHTS)

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT JUVENILE DIVISION FILE NO. 12 JT 30

STATE OF NORTH CAROLINA COUNTY OF MADISON

IN RE: WHITTED, A Minor Juvenile DOB: 3/30/2006

TO: Jeffrey Alvin Whitted 25 Wootton Cove Road Weaverville, NC 28787

TAKE NOTICE that a Petition to terminate your parental rights has been filed in Madison County District Court, Juvenile Division, Madison County, North Carolina. You are hereby directed to answer the Petition within forty (40) days after July 8, 2016, exclusive of such date.

Your parental rights to the juvenile will be terminated upon failure to answer the Petition within the time prescribed above.

You are also hereby notified that you have the right to be represented by a lawyer in this case. If you want a lawyer and cannot afford one, the Court will appoint a lawyer to represent you.

This the 1st day of July, 2016.

LEAKE & STOKES
 /s/ Larry Leake
 Attorney for Petitioner
 501 BB&T Building
 Asheville, NC 28801
 (828) 253-3661
 N. C. Bar No. 6252

July 8, 15, 22, 2016 (3911)

Search thousands of new and used vehicles.

1001 Legal

NOTICE OF SERVICE BY PUBLICATION (TERMINATION OF PARENTAL RIGHTS)

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT JUVENILE DIVISION FILE NO. 12 JT 29

STATE OF NORTH CAROLINA COUNTY OF MADISON

IN RE: WHITTED, A Minor Juvenile DOB: 11/11/2003

TO: Jeffrey Alvin Whitted 25 Wootton Cove Road Weaverville, NC 28787

TAKE NOTICE that a Petition to terminate your parental rights has been filed in Madison County District Court, Juvenile Division, Madison County, North Carolina. You are hereby directed to answer the Petition within forty (40) days after July 8, 2016, exclusive of such date.

Your parental rights to the juvenile will be terminated upon failure to answer the Petition within the time prescribed above.

You are also hereby notified that you have the right to be represented by a lawyer in this case. If you want a lawyer and cannot afford one, the Court will appoint a lawyer to represent you.

This the 1st day of July, 2016.

LEAKE & STOKES
 /s/ Larry Leake
 Attorney for Petitioner
 501 BB&T Building
 Asheville, NC 28801
 (828) 253-3661
 N. C. Bar No. 6252

July 8, 15, 22, 2016 (3911)

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1001 Legal

NOTICE OF SERVICE BY PUBLICATION (TERMINATION OF PARENTAL RIGHTS)

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT JUVENILE DIVISION FILE NO. 12 JT 31

STATE OF NORTH CAROLINA COUNTY OF MADISON

IN RE: WHITTED, A Minor Juvenile DOB: 4/11/2007

TO: Jeffrey Alvin Whitted 25 Wootton Cove Road Weaverville, NC 28787

TAKE NOTICE that a Petition to terminate your parental rights has been filed in Madison County District Court, Juvenile Division, Madison County, North Carolina. You are hereby directed to answer the Petition within forty (40) days after July 8, 2016, exclusive of such date.

Your parental rights to the juvenile will be terminated upon failure to answer the Petition within the time prescribed above.

You are also hereby notified that you have the right to be represented by a lawyer in this case. If you want a lawyer and cannot afford one, the Court will appoint a lawyer to represent you.

This the 1st day of July, 2016.

LEAKE & STOKES
 /s/ Larry Leake
 Attorney for Petitioner
 501 BB&T Building
 Asheville, NC 28801
 (828) 253-3661
 N. C. Bar No. 6252

July 8, 15, 22, 2016 (3912)

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1001 Legal

NOTICE OF SERVICE BY PUBLICATION (TERMINATION OF PARENTAL RIGHTS)

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT JUVENILE DIVISION FILE NO. 12 JT 32

STATE OF NORTH CAROLINA COUNTY OF MADISON

IN RE: WHITTED, A Minor Juvenile DOB: 4/11/2007

TO: Jeffrey Alvin Whitted 25 Wootton Cove Road Weaverville, NC 28787

TAKE NOTICE that a Petition to terminate your parental rights has been filed in Madison County District Court, Juvenile Division, Madison County, North Carolina. You are hereby directed to answer the Petition within forty (40) days after July 8, 2016, exclusive of such date.

Your parental rights to the juvenile will be terminated upon failure to answer the Petition within the time prescribed above.

You are also hereby notified that you have the right to be represented by a lawyer in this case. If you want a lawyer and cannot afford one, the Court will appoint a lawyer to represent you.

This the 1st day of July, 2016.

LEAKE & STOKES
 /s/ Larry Leake
 Attorney for Petitioner
 501 BB&T Building
 Asheville, NC 28801
 (828) 253-3661
 N. C. Bar No. 6252

July 8, 15, 22, 2016 (3913)

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1001 Legal

NOTICE OF SERVICE BY PUBLICATION (TERMINATION OF PARENTAL RIGHTS)

IN THE GENERAL COURT OF JUSTICE DISTRICT COURT JUVENILE DIVISION FILE NO. 12 JT 32

STATE OF NORTH CAROLINA COUNTY OF MADISON

IN RE: WHITTED, A Minor Juvenile DOB: 4/11/2007

TO: Jeffrey Alvin Whitted 25 Wootton Cove Road Weaverville, NC 28787

TAKE NOTICE that a Petition to terminate your parental rights has been filed in Madison County District Court, Juvenile Division, Madison County, North Carolina. You are hereby directed to answer the Petition within forty (40) days after July 8, 2016, exclusive of such date.

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This the 1st day of July, 2016.

LEAKE & STOKES
 /s/ Larry Leake
 Attorney for Petitioner
 501 BB&T Building
 Asheville, NC 28801
 (828) 253-3661
 N. C. Bar No. 6252

July 8, 15, 22, 2016 (3913)

Search thousands of new and used vehicles.

2
Employment and Instruction

4
Merchandise

4055 Estate Sales

11 Kilham Rd Asheville, NC 28801
 Blue Moon Estate Sale
 Sat. 7/16, 8am-2pm
 Sun. 7/17, 12pm-2pm
 Call Keith Mabry (828) 808-5423

4170 Garage/Yard Sale

70 Austin Ave Asheville, NC 28801
 Blue Moon Estate Sale
 Sat. 7/16, 8am-2pm
 Sun. 7/17, 1pm-3pm
 Call Keith Mabry (828) 808-5423

HENDERSONVILLE 2
 Country Rd. 28791
 Sale will be held on back deck look for signs. Very high quality items. Fri. 7/15 Sat. 7/16 8:00-1:30

4210 Miscellaneous

BIKE & BACK like new "Specialized" Hybrid bike \$275. Hitch type tray rack for 2 bikes. Good road \$95
 828-222-2435

EARN \$150-3 A WEEK WORK PART-TIME
 If you like early morning hours and the rest of the day off, become an independent newspaper carrier!
 Call 232-6002

CSR
 CSR for local, family owned company, computer knowledge, customer service experience needed. Excellent benefits. Interviews will be held Thursday and Friday 9a.m - 4p.m
 Freeman Gas
 4848 Asheville Hwy. Hendersonville, NC

SERVICE through

NEED EXTRA

Attachment F

Attendees:

John Goforth
Dula Springs Road

Pansey Goforth
Dula Springs Road

Mary Miller
31 Dula Springs Road

Bill Cox
259 Main Street

Gary Hensley
33 Critter Trail

Jonathan Tetzlaff
41 Pinebrook Club Drive

Harriet Burnette
96 Church Street
Written comment: Project seems well-planned. Houses look nice.

Steve Retaldo
Dula Springs Road
Written comment: Although not required, I'd like to see a natural privacy screen between the development and existing homes.

Paige Peterson
MHO Self Help Program participant

James Eller
Town Planner, Town of Weaverville

Joe Quinlan
Mountain Housing Opportunities
Homeownership Program Manager

Megan Kirby
Mountain Housing Opportunities
Homeownership Program Specialist

Attachment G

Summary of issues:

- **Property values.** A question was asked about the impact to surrounding property values. We discussed the fact that other MHO affordable housing developments have had no negative impact on surrounding properties.
- **Traffic.** A concern was raised about increased traffic on N. Main St. We discussed the fact that our development of 46 single-family homes would add fewer than 100 cars per day on average to the traffic count on N. Main St.
- **Traffic signal at N. Main St. & Critter Trail.** A suggestion was made to install a traffic signal at this location. We agree with this suggestion and would be willing to request such an improvement from whoever has jurisdiction: DOT, the Town of Weaverville.
- **Residents of the new development.** A question was asked about who would live in the affordable houses. We explained that the families on our self-help waiting list for this site include a librarian, a lab tech, an artist who currently works at an art gallery on Main St in Weaverville. One person from our waiting list for this site was present at the meeting, and we introduced her.
- **Mix of affordable and market rate homes.** We also discussed that some of the homes would be sold "market rate," with no restrictions as to the buyers' income. Our plan is to build 18 self-help homes and 14 contractor-built subsidized homes (for a total of 32 affordable homes), and 14 contractor-built market rate homes.
- **Types of homes.** We displayed elevations and photos of 4 home plans that we intend to build at this site. Other plans might also be used. Homes range from 2 bedrooms/1 bath approx. 900 sq. ft. to 4 bedrooms/2.5 baths approx. 1450 sq. ft.
- **Density.** We pointed out that our plan calls for 6 units per acre which matches allowable density for residential developments in Weaverville's ordinances.
- **Type of zoning.** We explained that we are asking for a conditional use permit, which would allow us to create lots that are smaller than is allowed in areas zoned R-1 or R-2 in Weaverville.
- **Road Width & Sidewalks.** A question was asked about the size of the roads in our development and whether there would be sidewalks. We provided information that paved roads would be 22' wide and that sidewalks would be included.
- **Names of roads in the new subdivision.** We asked for input on naming the three roads currently shown on our plan as "Road A," "Road B," and "Road C." We did not receive any suggestions.

Overall, the response of people in attendance was positive. We did not receive any overtly negative comments or outright opposition.

Attachment H

There were no changes made to the rezoning petition as a result of the community meeting.

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING
MONDAY, JULY 18, 2016**

The Town of Weaverville Town Council met on Monday, July 18, 2016 beginning at 6:00pm in Council Chambers within Weaverville Town Hall at 30 South Main Street.

Council Present: Mayor Dottie Sherrill, Council Members Doug Dearth, Patrick Fitzsimmons, Doug Jackson and Andrew Nagle. Absent: Vice-Mayor John Penley

Staff Present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Police Chief Greg Stephens, Public Works Director Tony Laughter, Fire Chief Ted Williams and Town Planner & Code Enforcement Officer James Eller

1. Call to Order

Mayor Sherrill called for the meeting to come to order at 6:00pm.

2. Approval/Adjustments to the Agenda

Mayor Sherrill proposed the addition of a closed session 143-318- "To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege...".

Councilman Nagle requested to pull former consent agenda item B, "Schedule Public Hearing on "New Homes on North Main" for discussion. Councilman Jackson made the motion to approve the agenda with the revisions. Councilman Nagle seconded the motion. All voted in favor

3. Public Hearing: Revision to Code referencing the Conservation Board

Councilman Nagle moved to go into the public hearing. Councilman Fitzsimmons seconded. All in Favor.

Town Planner & Code Enforcement Officer James Eller opened the public hearing with an explanation of the revisions to the Town's parking requirements related to retail and multi-tenant developments establishments. No one spoke during public hearing.

A motion was made to close public hearing by Councilman Nagle. Councilman Fitzsimmons seconded. All in favor.

4. Public Hearing: Town Parking Requirements

Councilman Nagle made a motion to go into the public hearing, followed by a second by Councilman Fitzsimmons. All voted in favor.

Planning & Code Enforcement Officer James Eller opened the public hearing with a description of the proposed revision of Code related to the duties and responsibilities of the Conservation Board. The following spoke during the hearing:

- Laura Ayres: (no address provided) Ms. Ayres spoke asking what other municipalities were compared in Eller's study.

Councilman Nagle made a motion to go out of closed session with Councilman Fitzsimmons seconded. All in favor.

5. Public Comments

Mayor Sherrill announced the opportunity for public comment. The following spoke during public comments:

- Rhonda McKenna: (30 Yost Street) Mrs. McKenna recommended eliminating the Unified Housing Development from the Town's Code of Ordinances.
- Doug Theroux: (73 Hillcrest Drive) Mr. Theroux spoke on his own behalf, not Planning & Zoning Board. He then expressed concern in the timing for scheduling the public hearing on the "New Homes at North Main Street" as included within the agenda.

6. Approval of Minutes

Councilman Nagle made a motion to adopt the minutes as presented for the June 20, 2016 Town Council meeting and the July 12, 2016 Town Council workshop. Councilman Jackson seconded. All voted in favor.

7. Employee Recognition

Town Manager Coffey introduced the Town's new Interim Finance Officer Jim McMillan. She then noted that July has been a deadly month for law enforcement agencies across the country, with over 20 officers reported to have been killed in the line of duty so far for the month of July. Coffey noted officer fatalities in Dallas, Baton Rouge, Wisconsin, Indiana, Missouri, Michigan, Alabama and South Carolina. Coffey then asked that Town Council take the opportunity to not only recognize the Town's officers, but to deeply honor them for putting their lives on the line daily to keep everyone else safe.

8. Consent Agenda:

A. Resolution Adopting Buncombe-Madison Hazard Mitigation Plan

Councilman Jackson made a motion to approve the consent agenda with the removal of the "New Homes on North Main Street" public hearing, but approving the Buncombe-Madison Hazard Mitigation Plan. Councilman Nagle seconded. All voted in favor.

9. Discussion & Action Items:

A. Adoption of Town Parking Requirements

Councilman Fitzsimmons made a motion to adopt the parking requirements as presented. Councilman Dearth seconded. All voted in favor.

B. Adoption of Revision to Code regarding Conservation Board

Councilman Jackson made a motion to adopt the Code revisions regarding the Conservation Board as presented. Councilman Nagle seconded. All voted in favor.

C. Board Appointments

Mayor Sherrill proposed that Council approve Kaita Collier as Chair of the Conservation Board and add Bryan Snyder and Terrance Yeager to the Conservation Board for three year terms. Mayor Sherrill proposed that Council approve Jan Rector as an alternate for Zoning Board of Adjustment for a two year term.

A motion approving these appointments was made by Councilman Jackson. The motion was seconded by Fitzsimmons. All voted in favor.

D. Annexation Petitions & Initial Zoning Requests:

1. Garrison Branch Reserve Investors
2. Serota Mars Hill, LLC

Councilman Jackson made a motion to direct the Town Clerk to investigate the sufficiency of the voluntary annexation petitions and report back to Town Council at the following meeting and to send the applications for zoning map amendments requesting initial zoning on the two parcels to the Planning & Zoning Board for review and recommendation. The motion was seconded by Councilman Nagle. All voted in favor.

E. Schedule Public Hearing on a proposed Conditional Zoning District for the project commonly known as New Homes on North Main for August 15, 2016 at 6pm:

Town Planner James Eller presented Council with a packet of information related to the proposed Conditional Zoning District. Councilman Nagle instructed staff to make the same information available to the public on the Town's website.

Councilman Nagle made a motion to hold the public hearing on "New Homes on Main Street" for August 15, 2016. The motion was seconded by Councilman Jackson. All voted in favor.

10. Town Manager's Report

Town Manager Coffey noted that there is a Zoning Board of Adjustment training session to be facilitated by Town Attorney Jennifer Jackson on Thursday, July 21, 2016 at 7:00pm and the meeting was open to the public.

11. Departmental Reports

Mayor Sherrill noted that departmental reports were available on the table beside the door.

12. Closed Session

Councilman Jackson made the motion to go into closed session under "General Statute § 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, which privilege is hereby acknowledged..." The motion was seconded by Councilman Fitzsimmons. All voted in favor.

[Closed session held]

Councilman Nagle made a motion to enter into open session with a second on the motion by Councilman Jackson. All voted in favor.

[Open Session Resumed]

Town Council scheduled a workshop for 5:30pm on August 3, 2016 to be held at 5:30pm at the Weaverville Fire Department to discuss land use regulations regarding development.

A question was posed by Councilman Nagle about entering back into closed session at 7:55pm.

Councilman Nagle made a motion to go back into closed session under G.S. § 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 (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. The motion was seconded by Councilman Fitzsimmons. All voted in favor.

[Closed session held]

Councilman Jackson made a motion to adjourn to open session and Councilman Dearth seconded. All voted in favor.

13. Adjournment

Councilman Jackson moved to adjourn the meeting and Councilman Dearth again seconded. All voted in favor.

Dottie Sherrill, Mayor
Town of Weaverville

ATTEST:

Selena D. Coffey, MPA, ICMA-CM
Town Manager / Town Clerk

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL SPECIAL-CALLED WORKSHOP
WEDNESDAY, AUGUST 3, 2016**

A special called meeting of the Weaverville Town Council was held on August 3, 2016, at 5:30 pm in the Training Room of the Weaverville Fire Department located at 3 Monticello Road.

Present: Mayor Dottie Sherrill
Council Members: Doug Dearth, Doug Jackson, Patrick Fitzsimmons and Andrew Nagle
Town Attorney Jennifer Jackson and Planner/Zoning Administrator/Deputy Town Clerk James Eller
Absent: Vice Mayor John Penley

Call to Order: Mayor Sherrill called the meeting to order at 5:33pm.

Planning & Zoning Board Chairman, Doug Theroux, was invited to sit at the table in order to better hear the discussion and to provide input where appropriate.

As the purpose of this special called meeting was to review and discuss the Town's land use regulations with a focus on residential development, the Town Attorney and Planner/Zoning Administrator provided Town Council with information concerning the following topics:

General matters such as types of governmental decisions, procedures and general land use regulations;

Roles of Town Council, Zoning Board of Adjustment, Planning & Zoning Board and Planning and Zoning Staff, including specifically the composition and duties of both the Zoning Board of Adjustment and the Planning & Zoning Board;

Regulation of subdivisions within the Town including an overview of North Carolina law and the provisions of the Town's Code, the definition of subdivision and the exceptions to that definition, the definition of minor subdivisions and major subdivision, the procedures for approval set out in the Town Code and the administrative nature of that approval process;

Residential Development permitted in the general use zoning districts with an emphasis on the R-1, R-2, R-3 and R-12 districts;

Traditional Neighborhood Development Districts with an overview, definition and approval process reviewed;

Conditional Zoning Districts with an overview, definition and approval process reviewed;

Unified Housing Developments with an overview, definition and approval process reviewed; and

Review of maps showing the municipal boundaries, current zoning districts specific areas where there is unimproved land.

The Council's discussion included streamlining the approval process for minor subdivisions with the consensus that staff should work on drafting some language that could be reviewed as a Code amendment that would eliminate a concept plan step for minor subdivisions and allow Staff to approve minor subdivisions after review by the Planning & Zoning Board.

Council discussed the Traditional Neighborhood Development District. This district has never been used and the consensus of Council was to eliminate it from the Code. Staff is directed to work on drafting the Code Amendment to eliminate this district and all references to it so that such Code amendment can be considered by Town Council.

Unified Housing Districts were discussed with an emphasis on two options: eliminating them entirely or prohibiting them in R-1 districts. The Council's consensus was to eliminate them completely as they thought that the Conditional Zoning District would provide a similar opportunity for projects that fall outside the subdivision regulations but allow for greater flexibility and control by Town Council on these projects. Staff is directed to work on drafting the Code Amendment to eliminate this district and all references to it so that such Code amendment can be considered by Town Council.

Concerning the Conditional Zoning Districts, the Town Council likes this process and does not see any reason to limit its applicability to the entire municipal area. The consensus was to remove the restrictions found at § 36-84 (o) that prohibit the use of Conditional Use Districts in R-1 Zoning District unless they are contiguous to or have development's only access to Weaver Blvd, Main Street or Merrimon Avenue. Staff is directed to work on drafting the Code Amendment to eliminate this provision so that a Code amendment can be considered by Town Council.

Short-term rentals and regulating that use was discussed. It was noted that the law on hasn't caught up to the increase in the popularity of short-term rentals right now. A study is due out in September from the Asheville Short Term Rental Advocates that is expected to include some suggested recommendations concerning reasonable regulations of this use. The consensus of Council was to pick up this important discussion after that group provides its report.

The Council discussed briefly the composition of the Zoning Board of Adjustment and the Planning & Zoning Board. It was noted that some attention needs to be paid to the staggering of terms on these boards and that there is a critical need for an alternate to serve on the Zoning Board of Adjustment. Upon motion made by Council Member Fitzsimmons and seconded by Council Member Jackson, and all voting in favor, Jan Rector was moved from the Planning & Zoning Board to an alternate seat on the Zoning Board of Adjustment, effective immediately.

Council Member Nagle moved that the meeting be adjourned, Council Member Jackson seconded the motion, and all voted to adjourn the meeting at 7:30pm.

Dottie Sherrill, Mayor
Town of Weaverville

ATTEST:

James Eller
Deputy Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: August 15, 2016
SUBJECT: Board Appointments/Reappointments and Term Adjustments
PRESENTER: Mayor/Town Manager
ATTACHMENTS: Proposed Board Rosters for ABC Board, Planning and Zoning Board and Zoning Board of Adjustment

DESCRIPTION/SUMMARY OF REQUEST:

Mayor Sherrill has worked to provide Town Council with an update and recommendation on the membership and proposed appointments/reappointments to several of the Town's boards with upcoming expiration of terms. Town Council is requested to review the appointments and membership on the ABC Board, Planning and Zoning Board, and the Zoning Board of Adjustment. The ABC Board and the Planning and Zoning Board, in particular, have terms expiring in September and not all of the boards have staggered terms. It is noted that these appointments leave open an alternate spot on both the Planning and Zoning Board and the Zoning Board of Adjustment. The Mayor and Staff encouraged Town Council to solicit applicants for these positions.

The Mayor and Staff will be looking at the composition and terms of the Animal Appeals Board, Conservation Board and Economic Development Advisory Board and will be reporting back to Town Council on these remaining boards when appointment/reappointment is appropriate.

COUNCIL ACTION REQUESTED:

It would be appropriate for Town Council to consider appointing/reappointing the members of these three boards and adjusting terms as recommended.

If the Board is so inclined, the following motion is suggestion:

I move that the members of the Town's ABC Board, Planning and Zoning Board and Zoning Board of Adjustment be appointed/reappointed to the respective terms recommended by the Mayor as reflected on the attached rosters.

**MAYOR'S RECOMMENDED ROSTER WITH
APPOINTMENT/REAPPOINTMENT AND TERM ADJUSTMENT TO STAGGER TERMS**

WEAVERVILLE ALCOHOL BEVERAGE CONTROL (ABC) BOARD			
Meets as needed			
NAME AND POSITION	CONTACT INFORMATION	DATE OF APPOINTMENT	TERM (3 YEARS)
Robert Chason Chairman	1 South College Street Weaverville, NC 28787 645-4191; (cell) 277-8510 homebrew7@charter.net	September 2014	September 2014 - 2017
Roney Hilliard	85 Alexander Road Weaverville, NC 28787 645-0522; (w) 776-2278 roneyhilliard@gmail.com	August 2015	August 2015 - Sept 2018
Warren Alcorn	22 Perrion Avenue Weaverville, NC 28787 658-3510; 713-7634 alcornwd@msn.com	August 2016	September 2016 - 2019

**MAYOR'S RECOMMENDED ROSTER WITH
APPOINTMENT/REAPPOINTMENT AND TERM ADJUSTMENT TO STAGGER TERMS**

WEAVERVILLE PLANNING AND ZONING BOARD			
Regularly meets 1 st Tuesday of the month at 5:45 pm in Town Hall Council Chambers			
NAME AND POSITION	CONTACT INFORMATION	DATE OF APPOINTMENT	TERM (2 YEARS)
Doug Theroux Chairman	73 Hillcrest Drive Weaverville, NC 28787 658-9477 dbtheroux93@gmail.com	September 2015	September 2015 – 2017
Gary Burge Vice Chairman	3 High Bluff Drive Weaverville, NC 28787 (cell) 423-0150 garyburge@garyburge.com	August 2016	September 2016 – 2018
Catherine Cordell Regular Member	13 Hamburg Drive Weaverville, NC 28787 (cell) 776-7380 cat.cordell@live.com	August 2016	September 2016 – 2017
Terry Dawson Regular Member	36 Governor Thomson Terr. Weaverville, NC 28787 645-2512 harrysdawson1@frontier.com	August 2016	September 2016 – 2018
Leslie Osborne Regular Member	9 Reeves Street Weaverville, NC 28787 (cell) 712-3507 lesliesellshomes@charter.net	August 2016	September 2016 – 2018
Alternate Member			

**MAYOR'S RECOMMENDED ROSTER WITH
APPOINTMENT/REAPPOINTMENT AND TERM ADJUSTMENT TO STAGGER TERMS**

WEAVERVILLE ZONING BOARD OF ADJUSTMENT			
Regularly meets 2 nd Monday of the month at 7:00 pm in Town Hall Council Chambers			
NAME AND POSITION	CONTACT INFORMATION	DATE OF APPOINTMENT	TERM (3 YEARS)
Al Root Chairman	27 Valley Drive Weaverville, NC 28787 645-7080 aroot@rootandroot.com	August 2016	September 2016 – 2017
Jeff McKenna Vice-Chairman	30 Yost Street Weaverville, NC 28787 484-9202; (cell) 231-8811 jeffmckenna3@gmail.com	August 2016	September 2016 – 2018
Paul Clauhs Regular Member	P.O. Box 483 74 Hamburg Drive Weaverville, NC 28787 768-6679	August 2016	September 2016 – 2019
John "Tyser" Lewis Regular Member	14 South College Street Weaverville, NC 28787 (cell) 279-4290 tycerrenovations@gmail.com	August 2016	September 2016 – 2017
Cynthia Wright Regular Member	88 Hillcrest Drive Weaverville, NC 28787 658-1579; (cell) 703-862-8428 wright.cindy2011@gmail.com	August 2016	September 2016 – 2018
Jan Rector Alternate Member	17 Partridge Berry Lane Weaverville, NC 28787 712-7437 jrector@charter.net	August 2016	September 2016 – 2019
Alternate Member			

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: August 15, 2016
Subject: Amendment to Audit Contract
Presenter: Selena Coffey, Town Manager
Attachments: Yes: Amendment to Gould Killian CPA Group Contract

Description:

As you may be aware, our former Finance Officer performed much of the work for the Town's audit workpapers. With her resignation and with our Interim Finance Officer's inability to complete these audit workpapers, we find ourselves with the need to have our auditors, Gould Killian CPA Group, to complete this work. This will require an amendment to our audit contract, with an increase in our audit by up to \$8,700 over the previously budgeted audit fee. This contract amendment may require a budget amendment later in the fiscal year, however the Town Manager is hopeful that we will be able to cover the expense within the currently budgeted funds by delaying or cutting other expenses to remain within budget.

My goal in the future is that our new Finance Officer will learn how to complete these audit workpapers and lower this fee. Additionally, we will be putting audit services out to bid for the next fiscal year.

Council Action Requested:

The Town Manager is recommending the approval of the audit amendment and authorization for the Mayor to execute the amended contract.

Suggested Motion:

I move that Town Council approve the audit amendment and authorize the Mayor to execute the amended contract.

Contract to Audit Accounts (cont.) _____
Governmental Unit

_____ Discretely Presented Component Units (DPCU) if applicable

Audit Firm Signature:

Name of Audit Firm

By _____
Authorized Audit firm representative name: Type or print

Signature of authorized audit firm representative

Signature Date _____

Email Address of Audit Firm

By _____
Chair of Audit Committee - Type or print name

**Signature of Audit Committee Chairperson

Signature Date _____

** *If Governmental Unit has no audit committee, mark this section "N/A"*

Governmental Unit Signatures:

Name of Primary Government

By _____
Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Signature Date _____

**Date Primary Government Governing Body Approved
Amended Audit Contract - G.S. 159-34(a)**

Pre-Audit Certificate to be completed if the Primary Government audit fee is changed in the Amended Contract:

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By _____

Primary Governmental Unit Finance Officer:

Type or print name

Primary Government Finance Officer Signature

Date _____

*(Pre-audit Certificate **must be dated.**)*

Email Address of Finance Officer

Contract to Audit Accounts (cont.) _____
Governmental Unit

Discretely Presented Component Units (DPCU) if applicable

**** This page to be completed by Discretely Presented Component Unit named in this Audit contract****

DPCU Governmental Unit Signatures:

Name of Discretely Presented Government

By _____
DPCU Board Chairperson: Type or print name and title

Signature of Chairperson of DPCU governing board

Signature Date _____

By _____
Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson **

Signature Date _____

*** If Discretely Presented Government Unit has no audit committee, mark this section "N/A"*

Date DPCU Governing Body Approved Audit Contract - G.S. 159-34(a)

Pre-Audit Certificate to be completed if the DPCU audit fee is changed in the Amended Contract:

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

By _____
DPCU Finance Officer:
Type or print name

DPCU Finance Officer Signature

Date _____
(Pre-audit Certificate must be dated.)

Email Address of Finance Officer

Steps to Completing the Amended Audit Contract

1. **Complete all parts of the Header Information** – Include the audit firm name, Unit name, Discretely Presented Component Unit (DPCU) name if applicable (indicate N/A if not applicable), original contract date, fiscal year end date, and original audit report due date.
2. **Explanation for Amending Audit contract** - Previously we required a separate letter of explanation to accompany amended audit contracts. The explanation is now to be included in the body of the amended audit contract detailing the reason for the extension of time request and the steps the unit and auditor will take to prevent a recurrence of lateness with subsequent year’s audits.
3. **Signature Area** – The same people that signed the original audit contract must also sign the amended audit contract. If there has been a change in staff of the person(s) who signed the original audit contract, indicate this in the explanation area of the amended contract. Make sure all applicable signatures are evident and properly dated. NOTE - If the original audit contract named and included auditing a DPCU that is a *Public Authority under the Local Government Budget and Fiscal Control Act*, the Board chairperson (and finance officer if there is a fee change) of the DPCU **must also sign** the amended audit contract in the areas indicated on Page 3.
4. **Governing Board Approval** - Amended audit contracts must ALSO be approved by the Unit’s governing board pursuant to G.S. 159-34(a). Indicate this new date on the amended contract under the signatures on Page 2. This includes the date the DPCU governing board approved the amended audit contract (if applicable) on page 3.
5. **Pre-Audit Certificate** is to be completed by the finance officers if there is a change in fee. This should be noted in the explanation.
6. **Reminders:**
 - a. Provide correct email addresses for the audit firm and Unit finance officer as these will be used to communicate official approval of the audit contract.
 - b. Has the name and title of the Mayor or Chairperson of the Unit’s Governing Board and the DPCU’s Chairperson (if applicable) been typed or legibly printed on the contract and has he/she signed in the correct area directly under the Auditor’s signature?
7. **Sending amended audit contract** - After all the signatures have been obtained and the amended audit contract and is complete, please convert the signed contract into PDF form and submit it for LGC approval. Send the amended audit contract using the most current audit contract submission process. The current process will be found at the NC Treasurer’s web site at the following link – <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: August 15, 2016

SUBJECT: Voluntary Annexation Petition and Initial Zoning Request submitted by Garrison Branch Reserve Investors, LLC; PIN 9733-63-2398, 9733-62-6933 and 9733-62-7514

PRESENTER: Town Manager/Clerk

ATTACHMENTS: Certificate of Sufficiency and Voluntary Annexation Petition/Initial Zoning Request for Garrison Branch Reserve Investors, LLC

DESCRIPTION/SUMMARY OF REQUEST:

In July 2016 the Town received a voluntary annexation petition for a property wishing to come into the Town's municipal boundaries. Town Council received that petition and on July 18, 2016 directed the Town Clerk to investigate the sufficiency of the petition. This investigation involves making certain that the petition has been signed by the actual property owner. The Town Clerk has made her investigation and as indicated on the attached Certificate of Sufficiency finds that it is both sufficient and proper for annexation of contiguous property under NCGS 160A-31.

Garrison Branch Reserve Investors, LLC, requested that the property be zoned R-12 if annexed into the Town's municipal boundaries. On July 18, 2016, the Town Council also asked that the Planning and Zoning Board review the initial zoning request and that review is expected to occur on September 6, 2016.

Town Council is now asked to set public hearings for September 19, 2016, in order to receive public comment on the proposed annexation and the zoning request.

COUNCIL ACTION REQUESTED:

If Council would like to proceed with consideration of this annexation petition it would be appropriate to schedule the public hearings on the annexation petition and the zoning request.

If the Board is so inclined, the following motions, which must be made separately, are suggested:

I move that a public hearing be scheduled before Town Council on September 19, 2016 at 6pm for the Voluntary Annexation Petition submitted by Garrison Branch Reserve Investors, LLC.

I move that a public hearing be scheduled before Town Council on September 19, 2016 at 6pm for consideration of Garrison Branch Reserve Investors, LLC, request to zone the property to R-12.

Dottie Sherrill
Mayor

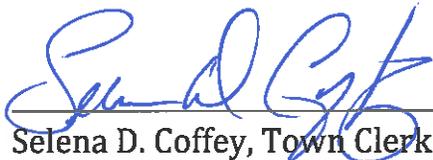
The Town of
Weaverville
NORTH CAROLINA

**CERTIFICATE OF SUFFICIENCY OF
ANNEXATION PETITION**

TO THE WEAVERVILLE TOWN COUNCIL:

I, Selena D. Coffey, Weaverville Town Clerk, do hereby certify that I have investigated the Annexation Petition of Garrison Branch Reserve Investors, LLC, a copy of which is attached hereto, and have found as a fact that said Petition is signed by all the owners of real property lying in the area described therein, in accordance with North Carolina General Statutes § 160A-31, *et seq.* I, therefore, certify that the Petition is sufficient for the voluntary annexation of a contiguous area pursuant to said § 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Weaverville, this the 8th day of August, 2016.


Selena D. Coffey, Town Clerk

Doug Dearth
Council Member

Patrick Fitzsimmons
Council Member

Doug Jackson
Council Member

Andrew Nagle
Council Member

John Penley
Council Member

PETITION FOR VOLUNTARY ANNEXATION APPLICATION

Town of Weaverville, North Carolina

Submittal Date: 7/18/16
Date Fee Paid: 7/18/16
Petition No: 2016-2

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is X contiguous, _____ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. Name of Property Owner(s)/Address	Telephone Number Email Address	Deed Book/Page No PIN# of Property
<u>Garrison Branch</u> <u>Reserve Investors</u>	_____	<u>5389/1960</u> <u>9733632395000000</u>
<u>20 Harrison St</u> <u>Asheville NC 28801-0000</u>	_____	<u>5388/0066</u> <u>9733626933000000</u>
_____	_____	<u>5389/1942</u> <u>9733627514000000</u>

5. Zoning vested rights are not claimed, _____ have been established under G.S. § 160A-385.1 or § 153A-344.1 as follows: _____

Total Acreage to be annexed: +/- 18.85
Existing Housing Units: 2
Population in annexed area: unknown
Proposed Zoning District: R-12
Reason for annexation: X Receive Town Services
_____ Other (please specify) _____

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828) 484-7002 for questions.

If the purpose of the petition is a connection to public water, contact the Public Works Department at (828) 645-0606 to confirm that public water is available to the property and the cost of that connection.

Owner Signature: [Signature] (W. L. D. Anderson)
Mgt for BW Management LLC, Mgt for BRANCO
BRAND Reserve Investors LLC

**PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET**

Town of Weaverville, North Carolina

Date: 8/4/16
Annexation Petition No. 2016-2
Annexation Area Name: Blue Ridge Crossing

Petitioner: Austin Development, LLC
Subject Area Acreage: 18.85 AC
Current Land Use: Vacant

Proposed Land Use or Development (describe): This land shall be used as a Class A living space for members of the community. Blue Ridge Apartments will lease out the 9 unit, multi-family apartments to screened tenants.

Residential (single family): Number of Units: _____ Anticipated build out in _____ years
Average Price: \$ _____ /dwelling unit

Residential (multi-family): Number of Units: 9 Anticipated build out in 1.5 years
Owned: Average Price: \$ _____ /building unit
Rental: Average Price: \$ 1283.33 /month

Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Commercial - Non-Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Other: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Development Scale: Maximum number of proposed stories: 3 stories and 3/4 split buildings

Infrastructure: Linear feet of publicly dedicated roadways proposed: + - 400 feet
Public water proposed (describe): Public water routed through Garrison Branch. Previously approved by council.
Other Public Services Requested (describe): Proposed sewer extension from Moticello Rd up Garrison Branch. MSD allocation letter of approval acquired.

Zoning Vested Rights Claimed (describe and attached documentation): The project is currently going through a Conditional Use Permitting with Buncombe County. The Board of Adjustments meeting is set for 8/10/16. See attached development plans.

[Signature] (Wanda Wolford) Manager (title) Manager of Garrison Branch Reserve Investors LLC
Signature of Owner(s)

GARRISON BRANCH RESERVE INVESTORS, LLC
18.91 ACRES

BEGINNING at a ½" rebar (found) in a fence post hole in concrete, said rebar being the terminus of the 1st call in Deed 1326 at Page 76, and also being the southernmost corner of the property being shown on Plat Book 117 at Page 199, both in the Buncombe County Registry, reference to which is being made for a more particular description; thence from said point of BEGINNING thus established North 54-03-34 West 31.17 feet to an unmarked point in the center line of a branch; thence with the center line of said branch the following courses and distances: North 60-55-13 West 72.50 feet to an unmarked point, North 56-47-06 West 107.05 feet to an unmarked point, North 57-04-59 West 72.65 feet to an unmarked point, North 68-53-42 West 53.05 feet to an unmarked point, North 56-00-49 West 67.09 feet to an unmarked point, North 64-24-47 West 75.54 feet to an unmarked point, North 68-20-59 West 65.51 feet to an unmarked point, South 88-15-58 West 46.95 feet to an unmarked point, South 75-38-13 West 47.45 feet to an unmarked point, South 83-31-10 West 68.63 feet to an unmarked point, North 37-26-45 West 26.46 feet to an unmarked point, North 83-34-13 West 35.05 feet to an unmarked point, South 41-08-49 West 23.47 feet to an unmarked point and South 48-12-25 West 49.02 feet to an unmarked point; thence leaving said branch South 65-59-02 West 37.87 feet to a ½" rebar (set), said rebar being set approximately three feet south of centerline of the branch; thence North 17-18-30 East 107.69 feet to a 5/8" rebar (found) in a fence line; thence with a fence line North 19-59-28 East 170.11 feet to a 5/8" rebar (found) in a fence line; thence with a fence line North 12-33-28 West 204.21 feet to a 5/8" rebar (found) in a fence line; thence North 12-33-28 West 46.07 feet to a 5/8" rebar (found) near a fence line, said rebar being the terminus of the 10th call in Book 5388 at Page 66, Buncombe County Registry, reference to which is being made for a more particular description; thence South 89-48-43 West 120.00 feet to a 5/8" rebar (found) near a fence line; thence North 05-15-52 East 25.50 feet to a 5/8" rebar (found); thence North 05-15-52 East 216.47 feet to a 5/8" rebar (found); thence North 81-47-54 West 88.78 feet to a 5/8" rebar (found); thence North 00-32-46 West 178.75 feet to a 5/8" rebar (found); thence North 00-22-31 West 81.21 feet to a 5/8" rebar (found); thence North 07-28-47 East 94.94 feet to a 5/8" rebar (found); thence North 07-28-47 East 99.70 feet to a 5/8" rebar (found); thence North 12-43-47 East 32.44 feet to a 5/8" rebar (found); thence North 12-43-47 East 20.35 feet to a 5/8" rebar (found); thence North 12-43-47 East 67.37 feet to a 5/8" rebar (found); thence North 13-28-47 East 155.62 feet to a 5/8" rebar (found) in a fence line, said rebar being South 36-56-14 East 104.48 feet from a N.C.D.O.T. concrete R/W monument along US Highway 25-70, and said rebar also being the Beginning corner of the property being describe in Book 5389 at Page 1962, Buncombe County Registry, reference to which is being made for a more particular description; thence with said fence line the following courses and distances: South 36-56-14 East 694.94 feet to a N.C.D.O.T. concrete R/W monument for US Highway 25-70, South 25-43-51 East 282.67 feet to a N.C.D.O.T. concrete R/W monument for US Highway 25-70, South 38-41-53 East 172.93 feet to a N.C.D.O.T. concrete R/W monument for US Highway 25-70, South 46-00-45 East 252.99 feet to a N.C.D.O.T. concrete R/W monument for US Highway 25-70, South 54-34-41 East 148.95 feet to a N.C.D.O.T. concrete R/W monument for US Highway 25-70 and South 57-26-32 East 13.39 feet to a ½" rebar (set); thence South 07-47-51 West 19.39 feet to a ½" rebar (set); thence South 28-12-09 East 67.61 feet to a masonry nail (set) in an asphalt drive; thence South 30-28-39 East 24.61 feet to a masonry nail (set) in an asphalt drive; thence South

30-49-32 East 107.52 feet to an masonry nail (set) in an asphalt drive; thence South 34-19-00 West 18.62 feet to a N.C.D.O.T. concrete R/W monument for US Highway 25-70; thence South 34-19-00 West with a fallen fence 338.80 feet to the point of BEGINNING. Containing 18.91 acres, more or less, according to a survey by Bobby C. McMahan, P.L.S., dated February 15, 2016, entitled Survey for "Garrison Branch Reserve Investors, LLC", and being further identified by Drawing No. 16-3558.

TOGETHER WITH AND SUBJECT TO easements restrictions and rights of way of record.

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002 --- fax (828) 645-4776 --- jeller@weavervillenc.org

OWNER/APPLICANT NAME: *Garrison Branch Reserve Investors LLC* APPLICATION DATE: *1/5/16*

PHONE NUMBER: *828-645-4215 x 313* MAILING ADDRESS: *PO Box 187*

Application is made to the Town Council of Weaverville to amend: *Weaverville NC 28787*

The Zoning Map

The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: *99999, 40, 30 Garrison Branch Rd.*

973363239800000

PIN: *973362693300000*

973362751400000

LOT AREA (acres): *1-18.85 Ac*

CURRENT ZONING DISTRICT:

PROPOSED ZONING DISTRICT: *R-12*

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Natural terrain of 15% or greater grade
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002 -- fax (828) 645-4776 --- jeller@weavervillenc.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

Civil Engineer for Developer

Bob Athy

SIGNATURE OF APPLICANT

*Danny (Watachford) Mgr of WW Management LLC,
Mgr of Carrington Branch Preserve Investors LLC*

7/15/16

DATE

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

FEE: \$ <i>750.00</i>	DATE PAID: <i>7/18/16</i>	<input checked="" type="checkbox"/> CHECK	<input type="checkbox"/> CASH
DATE OF INTIAL COUNCIL MEETING: <i>7/18/16</i>		ACTION TAKEN: <i>Referred to Planning Board</i>	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	

INCUMBENCY CERTIFICATE

GARRISON BRANCH RESERVE INVESTORS, LLC
GARRISON BRANCH RESERVE MANAGEMENT LLC

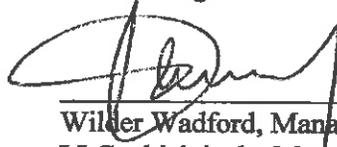
The undersigned, WW Management LLC, Manager of Garrison Branch Reserve Management LLC, which is the Manager of Garrison Branch Reserve Investors LLC, all North Carolina limited liability companies, hereinafter the "Companies", on behalf of the Garrison Branch Reserve Investors LLC, and in connection with the voluntary annexation and zoning applications to the Town of Weaverville for the project known as Blue Ridge Crossing located at 30 and 40 Garrison Branch Road, Weaverville North Carolina ("Applications"), does hereby certify on behalf of Garrison Branch Reserve Investors LLC as follows:

The Companies are currently in existence and in good standing with the Secretary of State of North Carolina.

A controlling majority of the Members and the Manager of the Companies have adopted resolutions with respect to the Applications which resolutions have been duly and validly adopted. The resolutions adopted the Applications and authorized the undersigned Manager to do any and all things to complete the process for the Applications to be approved by the Town of Weaverville. Said resolutions are in full force and effect on the date hereof in the form in which adopted and no other resolutions have been adopted by the Members and Managers of the Companies or any committee thereof relating to the Applications.

IN WITNESS WHEREOF, the Companies, by its Manager, have caused this Certificate to be executed on behalf of the same effective as of August 9, 2016.

WW Management LLC



Willer Wadford, Manager of WW Management LLC which is the Manager of Garrison Branch Reserve Management LLC, which is the Manager of Garrison Branch Reserve Investors LLC

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: August 15, 2016

SUBJECT: Voluntary Annexation Petition and Initial Zoning Request submitted by Serota Mars Hill, LLC; PIN 9733-62-2155

PRESENTER: Town Manager/Clerk

ATTACHMENTS: Certificate of Sufficiency and Voluntary Annexation Petition/Initial Zoning Request for Serota Mars Hill, LLC

DESCRIPTION/SUMMARY OF REQUEST:

In July 2016 the Town received a voluntary annexation petition for a property wishing to come into the Town's municipal boundaries. Town Council received that petition and on July 18, 2016 directed the Town Clerk to investigate the sufficiency of the petition. This investigation involves making certain that the petition has been signed by the actual property owner. The Town Clerk has made her investigation and as indicated on the attached Certificate of Sufficiency finds that it is both sufficient and proper for annexation of contiguous property under NCGS 160A-31.

Serota Mars Hill, LLC, requested that the property be zoned C-2 if annexed into the Town's municipal boundaries. On July 18, 2016, the Town Council also asked that the Planning and Zoning Board review the initial zoning request and that review is expected to occur on September 6, 2016.

Town Council is now asked to set public hearings for September 19, 2016, in order to receive public comment on the proposed annexation and the zoning request.

COUNCIL ACTION REQUESTED:

If Council would like to proceed with consideration of this annexation petition it would be appropriate to schedule the public hearings on the annexation petition and the zoning request.

If the Board is so inclined, the following motions, which must be made separately, are suggested:

I move that a public hearing be scheduled before Town Council on September 19, 2016 at 6pm for the Voluntary Annexation Petition submitted by Serota Mars Hill, LLC.

I move that a public hearing be scheduled before Town Council on September 19, 2016 at 6pm for consideration of Serota Mars Hill, LLC, request to zone the property to C-2.

Dottie Sherrill
Mayor

The Town of
Weaverville
NORTH CAROLINA

Doug Dearth
Council Member

Patrick Fitzsimmons
Council Member

Doug Jackson
Council Member

Andrew Nagle
Council Member

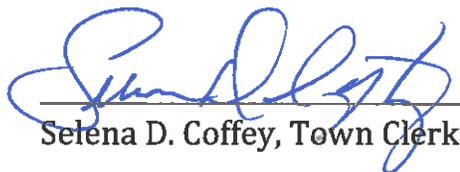
John Penley
Council Member

**CERTIFICATE OF SUFFICIENCY OF
ANNEXATION PETITION**

TO THE WEAVERVILLE TOWN COUNCIL:

I, Selena D. Coffey, Weaverville Town Clerk, do hereby certify that I have investigated the Annexation Petition of Serota Mars Hills, LLC, a copy of which is attached hereto, and have found as a fact that said Petition is signed by all the owners of real property lying in the area described therein, in accordance with North Carolina General Statutes § 160A-31, *et seq.* I, therefore, certify that the Petition is sufficient for the voluntary annexation of a contiguous area pursuant to said § 160A-31 of the North Carolina General Statutes.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of the Town of Weaverville, this the 8th day of August, 2016.


Selena D. Coffey, Town Clerk

PETITION FOR VOLUNTARY ANNEXATION APPLICATION

Town of Weaverville, North Carolina

Submittal Date: 7/12/16
Date Fee Paid: 7/13/16
Petition No: 2016-1

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is contiguous, non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.

4. Name of Property Owner(s)/Address	Telephone Number Email Address	Deed Book/Page No PIN# of Property
<u>Serota Marsh Hill LLC</u> <u>PO Box 187</u> <u>Weaverville NC 28787</u>	<u>c/o atty for Owner</u> <u>Walden Wood Blvd, Albany</u> <u>828-645-4215 x313</u> <u>WWAdford48@gmail.com</u>	<u>54-15/821</u> <u>9733-62-2155-06060</u>
_____	_____	_____
_____	_____	_____

5. Zoning vested rights are not claimed, have been established under G.S. § 160A-385.1 or § 153A-344.1 as follows: _____

Total Acreage to be annexed: 2.83 ACRES
Existing Housing Units: -0-
Population in annexed area: -0-
Proposed Zoning District: C-2
Reason for annexation: Receive Town Services
 Other (please specify) _____

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828) 484-7002 for questions.

If the purpose of the petition is a connection to public water, contact the Public Works Department at (828) 645-0606 to confirm that public water is available to the property and the cost of that connection.

7/12/16 [Signature] Mgr.
Serota Marsh Hill LLC, Manager, Jon Sarver

**PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET**

Town of Weaverville, North Carolina

Date: 8/4/16

Annexation Petition No. _____

Annexation Area Name: Scrota Mares Hill

Petitioner: Scrota Mares Hill LLC

Subject Area Acreage: 2.83 ACRES

Current Land Use: Strip Mall COMMERCIAL RENTAL 2500 sq. ft

Proposed Land Use or Development (describe): Drug Store AND OR Fast Food or
other commercial use permitted by U2 zoning - To be determined
in future

Residential (single family): Number of Units: _____ Anticipated build out in _____ years
Average Price: \$ _____/dwelling unit

Residential (multi-family): Number of Units: _____ Anticipated build out in _____ years
Owned: Average Price: \$ _____/building unit
Rental: Average Price: \$ _____/month

Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Commercial - Non-Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Other: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Development Scale: Maximum number of proposed stories: _____ stories

Infrastructure: Linear feet of publicly dedicated roadways proposed: _____ feet
Public water proposed (describe): _____

Other Public Services Requested (describe): _____

Zoning Vested Rights Claimed (describe and attached documentation): _____

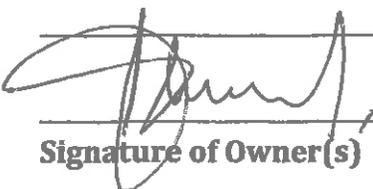
 MANAGER, Scrota Mares Hill LLC
Signature of Owner(s)

EXHIBIT A
SEROTA MARS HILL, LLC

BEGINNING at an unmarked point, said point being beginning corner of Book 1326 at Page 76, Buncombe County Registry, reference to which is being made for a more particular description; thence from said BEGINNING point thus established South 42-30-00 East 117.83 feet to an unmarked point; thence South 49-10-00 East 78.76 feet to a masonry nail set in Garrison Branch Road (NCSR 1791), said nail being North 66-40-45 West 84.58 feet from NC DOT concrete r/w monument set in the northern/eastern margin NC DOT Right of Way, being 60 feet in width and more particularly described in Book 1194 at Page 188, Buncombe County Registry, reference to which is being made for a more particular description; thence South 41-01-00 West 34.29 feet to at ½" rebar with ID cap (set) on the southern/western margin of the aforementioned NC DOT Right of Way; thence with said right of way the following courses and distances: South 48-59-00 East 80.58 feet to a ½" rebar with ID cap (set); and on a curve to the right with a radius of 256.48 feet, an arc length of 249.41 feet, a chord length of 239.70 feet and a chord bearing of South 21-07-31 East to a ½" rebar with ID cap (set) in a fence line, said rebar located North 86-00-00 East 1.80 feet from a 6" PVC pipe filled with concrete; thence with said fence South 86-00-00 West 269.74 feet to a ½" rebar with ID cap (set) in a fence line; thence North 50-04-00 West 256.00 feet to a ½" rebar with ID cap (set) partially in a fence line, said rebar being in a fence post hole in concrete and also being the terminus of the first (1st) call in Book 1326 at Page 76, Buncombe County Registry, reference to which is being made for a more particular description; thence with a fallen fence line North 34-19-00 East 357.42 feet to a NC DOT concrete right of way monument, said monument being located in the southern/western edge of the right of way for Garrison Branch Road (NCSR 1791), said point being more particularly described in Book 1194 at Page 163, Buncombe County Registry, reference to which is being made for a more particular description; thence North 34-19-00 East 18.62 feet to the point and place of BEGINNING. Containing 2.83 acres, more or less, according to a survey by Bobby C. McMahan, P.L.S., dated July 11, 2016, entitled Serota Mars Hill, LLC Job number 12-3334 and being the same property as described in Book 5415 at Page 821 and shown in Plat Book 179 at Page 176, all in the Buncombe County Registry, reference to which is being made for a more particular description, and also being identified by Parcel Identification Number 9733-62-2155-00000, Buncombe County Tax Office.

TOGETHER WITH AND SUBJECT TO easements, restrictions and rights of way of record.



**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002— fax (828) 645-4776 --- jeller@weavervillenc.org

OWNER/APPLICANT NAME: *Serota Mrs Hill, LLC*

APPLICATION DATE: *7/13/16*

PHONE NUMBER: *828 - 645-4216 ext 313*

MAILING ADDRESS: *PO Box 187*

Application is made to the Town Council of Weaverville to amend:

*Weaverville, NC
28787*

The Zoning Map

The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: *10-20 GARRISSA Branch Rd, Weaverville NC 28787*

PIN: *9733-62-2155-00000*

LOT AREA (acres): *2.83*

CURRENT ZONING DISTRICT: *N/A*

PROPOSED ZONING DISTRICT: *C-2*

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Natural terrain of 15% or greater grade
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.


 SIGNATURE OF APPLICANT *Jon Sarvon* / *2/12/16* DATE
2207 Adams Hill LLC Manager - Jon Sarvon

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

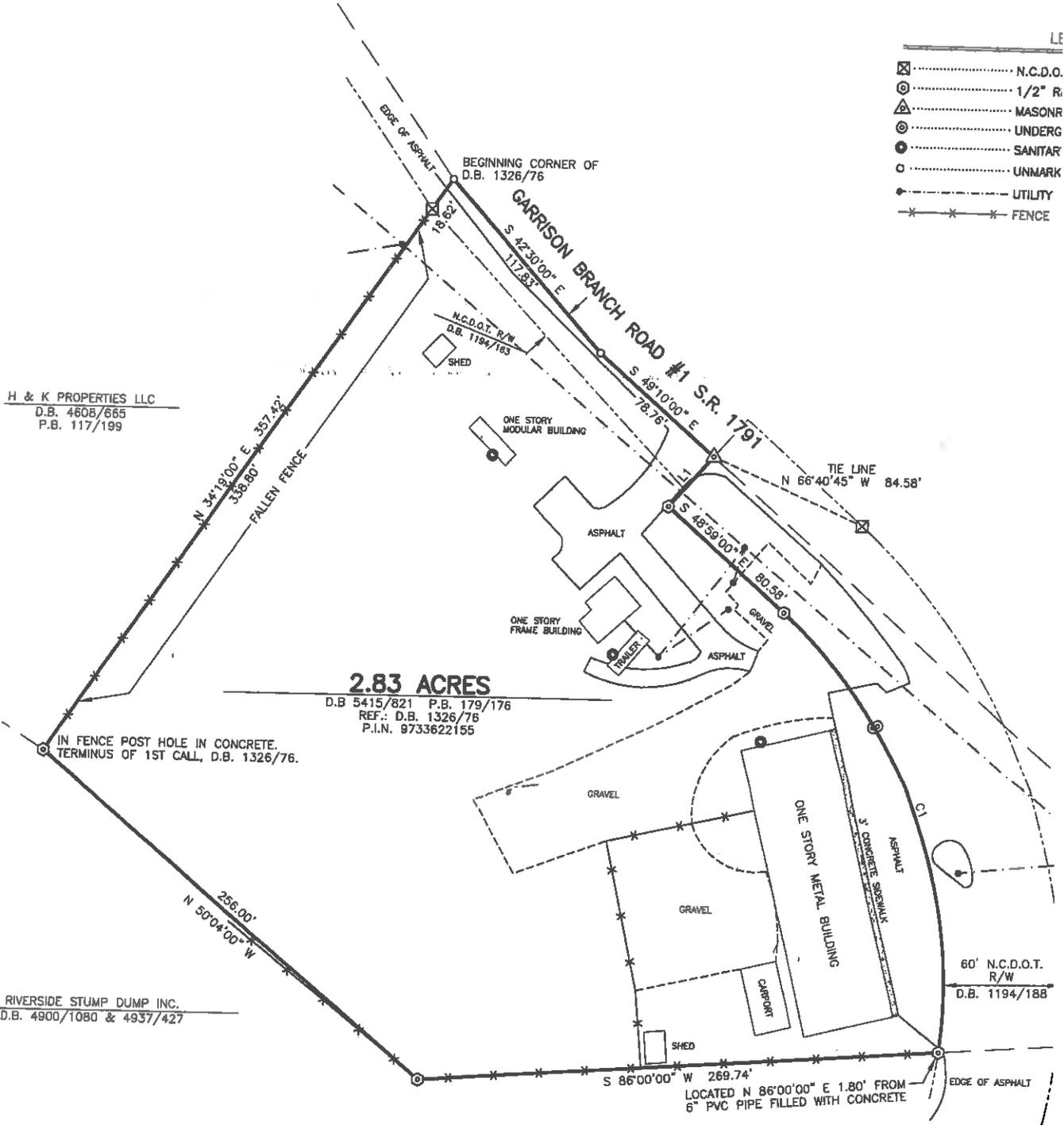
FEE: \$ <i>450.00</i>	DATE PAID: <i>7/13/16</i>	<input checked="" type="checkbox"/> CHECK	<input type="checkbox"/> CASH
DATE OF INTIAL COUNCIL MEETING: <i>7/18/16</i>	ACTION TAKEN: <i>Referred to Planning Board</i>		
DATE OF PLANNING BOARD MEETING:	ACTION TAKEN:		
DATE OF PUBLIC HEARING & COUNCIL DECISION:	FINAL ACTION:		

- ☒ N.C.D.O.
- ⊙ 1/2" R
- △ MASONR
- ⊖ UNDERG
- SANITAR
- UNMARK
- UTILITY
- x—x—x— FENCE

H & K PROPERTIES LLC
 D.B. 4608/665
 P.B. 117/199

2.83 ACRES
 D.B. 5415/821 P.B. 179/176
 REF.: D.B. 1326/76
 P.I.N. 9733622155

RIVERSIDE STUMP DUMP INC.
 D.B. 4900/1080 & 4937/427



SI

FILED FOR REGISTRATION ON THE ____ DAY OF _____, 20 ____
 AT ____ O'CLOCK ____ M., AND RECORDED IN _____
 REGISTER OF DEEDS BUNCOMBE COUNTY
 BY _____ DEPUTY

INCUMBENCY CERTIFICATE

SEROTA MARS HILL, LLC

The undersigned Manager, on behalf of the Serota Mars Hill LLC ("Company"), and in connection with the voluntary annexation and zoning applications to the Town of Weaverville for the project known as Serota Mars Hill located at the intersection of Garrison Branch Road, Monticello Road and US 19-23, Weaverville, North Carolina ("Applications"), does hereby certify as follows:

The Company is currently in existence and in good standing with the Secretary of State of North Carolina.

A controlling majority of the Members and the Managers of the Company have adopted a resolution with respect to the Applications which resolution has been duly and validly adopted. The resolution adopted the Applications and authorized the undersigned Manager to do any and all things to complete the process for the Applications to be approved by the Town of Weaverville. Said resolution is in full force and effect on the date hereof in the form in which adopted and no other resolutions have been adopted by the Members and Manager of the Company or any committee thereof relating to the Applications.

IN WITNESS WHEREOF, the Company, by its Manager, has caused this Certificate to be executed on behalf of the same effective as of August 9, 2016.

Serota Mars Hill LLC



Wilder Wadford, Manager

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: August 15, 2016

SUBJECT: FY 2015-2016 Tax Collector's Settlement; Approval of Bond Amount for Tax Collector; FY 2016-2017 Tax Order for Collection

PRESENTER: Tax Collector/Town Manager

ATTACHMENTS: Tax Settlement
Proposed Resolutions and Order

DESCRIPTION/SUMMARY OF REQUEST:

It is time for the delivery of the tax receipts to the Town of Weaverville Tax Collector (Debbie Bruce); however, before they can be delivered the following must occur to be in compliance with NCGS § 105-352:

- (1) Prepayments - The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Interim Finance Director and demonstrate to the Interim Finance Director's satisfaction that all prepayments received have been deposited.
- (2) Settlement - The Tax Collector must make settlement with the Town Council for all taxes placed in her hands for collection for the past year.
- (3) Bond - The Town Council must approve the bond to be issued for the Tax Collector.
- (4) Order of Collection - An Order of Collection must be adopted at tonight's meeting which will charge the Tax Collector with the collection of FY 2016-2017 taxes, plus all outstanding delinquent taxes.

It should be noted that the Tax Collector's collection percentage for FY 2015-2106 is over 99%.

COUNCIL ACTION REQUESTED:

Approval of the Tax Collector's Settlement for FY 2015-2016 taxes, the Tax Collector's bond and approval of the Order of Collection and Charge for FY 2016-2017.

If the Board is so inclined, the following motion is suggested:

I move that the Town Council approve (1) the Resolution Approving the Tax Collector's Settlement for Fiscal Year 2015-2016, (2) the Resolution Setting the Bond Amount for the Tax Collector, and (3) the Resolution Adopting the Order of Collection for the 2016-2017 Tax Year and Charge to the Tax Collector for the collection of the taxes for Fiscal Year 2016-2017.

**RESOLUTION APPROVING THE SETTLEMENT OF THE TAX COLLECTOR
FOR THE 2015-2016 TAX YEAR**

WHEREAS, NCGS § 105-352 requires that settlement be made with the Tax Collector for the taxes charged to the Tax Collector in the previous tax year prior to delivery of the tax receipts to the Tax Collector for the current tax year, said settlement being conducted in accordance with NCGS § 105-373; and

WHEREAS, NCGS 105-373 requires that settlement be made for both taxes charged to the Tax Collector in the previous tax year, and for all delinquent taxes charged to the Tax Collector, there being a specified format for current year settlements, but not delinquent taxes; and

WHEREAS, the Weaverville Town Council has received a proposed settlement for the 2015-2016 tax year taxes, and all delinquent taxes charged to the Tax Collector for prior tax years;

Now, therefore, **BE IT RESOLVED** as follows:

1. The Settlement for the 2015-2016 taxes charged to the Tax Collector is hereby approved. The Board finds:
 - a. All prepayments received by the Tax Collector were properly deposited;
 - b. The settlement is in proper form; and
 - c. A diligent effort was made to collect from the person who were legally obligated to pay their taxes for the 2015-2016 fiscal year.
2. The Settlement for the delinquent taxes charged to the Tax Collector for the previous fiscal years is hereby approved. The Town Council finds that the settlement for the delinquent taxes is in an appropriate form.

THIS the ____ day of August, 2016.

TOWN OF WEAVERVILLE

Dottie Sherrill, Mayor

ATTESTED BY:

Selena D. Coffey, Town Clerk

**RESOLUTION SETTING THE BOND AMOUNT
FOR THE TAX COLLECTOR**

WHEREAS, NCGS § 105-352 requires that before the tax receipts are delivered to the Tax Collector for collection, the Town Council must approve the bond amount for the Tax Collector; and

WHEREAS, the Weaverville Town Council is desirous of complying with NCGS § 105-352;

Now, therefore, **BE IT RESOLVED** that the Bond amount for the Tax Collector shall be set as \$250,000.00 through June 30, 2017.

THIS the _____ day of August, 2016.

TOWN OF WEAVERVILLE

By: _____
Dottie Sherrill, Mayor

ATTESTED BY:

Selena D. Coffey, Town Clerk

**RESOLUTION ADOPTING THE ORDER OF COLLECTION
FOR THE 2016-2017 TAX YEAR**

WHEREAS, NCGS § 105-352 requires that before the tax receipts for the 2016-2017 tax year may be delivered to the Tax Collector for collection the following must occur: (1) the Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited; (2) the Tax Collector must make settlement with the Town Council for all taxes placed in her hands for collection for the 2015-2016 tax year; and (3) the Town Council must approve the bond proposed for the Tax Collector for collection of all taxes charged for the 2016-2017 tax year and all delinquent taxes; and

WHEREAS, prepayments were received for the 2016 taxes; and

WHEREAS, the Weaverville Town Council has approved the settlement for the taxes charged to the Tax Collector for collection for the 2015-2106 tax year, including the delinquent taxes; and

WHEREAS, the Weaverville Town Council has approved the bond proposed for the Tax Collector;

Now, therefore, **BE IT RESOLVED** that the Order of Collection attached hereto is hereby adopted.

THIS the ____ day of August, 2016.

TOWN OF WEAVERVILLE

By: _____
Dottie Sherrill, Mayor

ATTESTED BY:

Selena D. Coffey, Town Clerk

STATE OF NORTH CAROLINA

ORDER OF COLLECTION

TOWN OF WEAVERVILLE

TO THE TAX COLLECTOR OF THE TOWN OF WEAVERVILLE:

You are hereby authorized, empowered, and commanded to collect the taxes, including current, insolvent and delinquent, set forth in the tax records for the Town of Weaverville and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Weaverville, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law. This order is adopted pursuant to and in accordance with N.C. Gen. Stat. § 105-321.

WITNESS my hand and official seal, this ____ day of August, 2016.

TOWN OF WEAVERVILLE

By: _____
Dottie Sherrill, Mayor

ATTESTED BY:

Selena D. Coffey, Town Clerk

Dottie Sherrill
Mayor

The Town of
Weaverville
NORTH CAROLINA

Doug Dearth
Council Member

Patrick Fitzsimmons
Council Member

Doug Jackson
Council Member

Andrew Nagle
Council Member

John Penley
Council Member

To: Town of Weaverville Town Council
From: Debbie Bruce, Tax Collector
Date: August 10, 2016
Subject: Preliminary Report for the Fiscal Year 2015-2016

In accordance with N.C.G.S. 105-373(a)(1), I respectfully submit the following report:

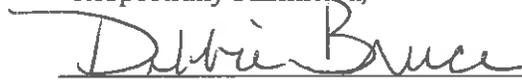
Attached to this report is 1) a list of the persons owing real property whose taxes for the years 2011 - 2015 remain unpaid, along with the principal amount owed by each person; and 2) a list of the persons not owning real property whose personal property taxes for said years remain unpaid, along with the principal amount owed by each person.

In compliance with N.C.G.S. 105-373(a)(3), attached hereto is a report entitled "Year End Settlement Report FY 2015-2016 dated June 30, 2016 setting forth my full settlement for all taxes in my hands for collection for the Fiscal Year 2015-2016.

In addition, I have made the following efforts to collect delinquent prior year taxes via the following methods: 1) Bank Attachments, 2) Wage Garnishments and 3) Payment Plans. We have also foreclosed on one property in collaboration with the Buncombe County Tax Department.

Further, I hereby certify that I have made diligent effort to collect the taxes due from the persons listed in such a manner that is reasonably necessary.

Respectfully Submitted,



Debbie Bruce, Tax Collector
Town of Weaverville

SWORN TO AND SUBSCRIBED BEFORE ME this the 10th day of August, 2016


Notary Public

My Commission expires 10-19-2017

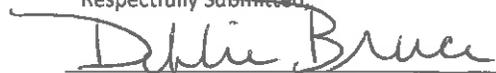
**Town of Weaverville
Year End Settlement Report
FY 2015-2016**

	<u>As of 6/30/2016</u>
Real Property:	541,517,900
Real Property Discoveries:	10,450,500
Total Real Property:	551,968,400
Personal:	84,332,103
Personal Discoveries:	640,565
Total Personal:	91,775,238
Public Utilities:	5,461,243
Exemption:	(8,401,905)
Releases:	(962,381)
Total Tax Value	639,840,595
Tax Levy (\$0.42 per \$100 Valuation):	
Real Property:	2,318,695.00
Personal Property:	388,146.00
Public Utilities:	22,937.00
Less Under \$5 Adjustment	(5.36)
Total Public Utilities:	22,932.00
Exemption:	(35,288.00)
Releases:	(4,042.00)
Total Levy (Total Billed)	2,690,443.00
Total Current Year Collections	2,688,723.00
% Collected	99.94%
Total Left to be Collected:	1,720.00
Prior Years Paid	3721



SWORN TO AND SUBSCRIBED BEFORE ME this the 10th day of August, 2016

My Commission expires 10-19-2017

Respectfully Submitted,


 Debbie Bruce, Tax Collector
 Town of Weaverville


 Notary Public

TOWN OF WEAVERVILLE
 UNPAID BALANCE REPORT BY RECEIPT NUMBER
 TAX YEARS 2015 TO 2015
 UNPAID AS OF 08/09/2016

FY 2016-2017

NAME	REC NO	MAP NUMBER/ID	REAL	PERSONAL	MERCHANT	UTILITIES	TOTAL
EDWARDS, GREGORY J	111	974224321900000	0.02				0.02
JAMES G VAN STORY	196	974228452600000	11.69				11.69
PRICE, VINSON	228	974209068700000	0.01				0.01
BRINSON, FRED E	336	973286831600000	0.06				0.06
COLE, DARRYL D	405	974334403100000	807.19				807.19
MEADOWS, JULIE	459	973270722300000	133.13				133.13
RIDDLE, AGNES M	470	973295567100000	2.85				2.85
ROGERS, TERRY L	604	973169465600000	0.20				0.20
MEREDITH O MCLAUGHLIN	652	973296778000000	0.51				0.51
MOYE, WANDA E	763	974320495800000	558.43				558.43
RAY, PATTYE	789	974236719000000	46.78				46.78
GORE, AMANDA RUTH	1070	974320788100000	876.94				876.94
YANCEY, ZAK	1132	9731179798300000	34.76				34.76
CLINEDINST, NANCY LOU	1163	974223466400000	0.36				0.36
BARBARA L WEIKEL	1223	974279699300000	0.55				0.55
ISABEL M COLE (LE)	1237	974333579900000	442.65				442.65
MANNER, JANE S	1277	973260518000000	0.06				0.06
SOULE, JOHN G	1302	974321610000000	156.20				156.20
CHARLES HARVEY BANKS (LE)	1421	974213769500000	0.05				0.05
MCFARLAND, ANNE L	1422	974207426800000	0.02				0.02
WESSELMAN, JOSEPH C	1427	975238458300000	2.30				2.30



Respectfully Submitted,
Debbie Bruce
 Debbie Bruce, Tax Collector
 Town of Weaverville

SWORN TO AND SUBSCRIBED BEFORE ME this the
10th day of August, 2016
Melinda M. King
 Notary Public
 My Commission expires 10-19-2017

TAX YEARS 2015 TO 2015

<u>NAME</u>	<u>REC NO</u>	<u>MAP NUMBER/ID</u>	<u>REAL</u>	<u>PERSONAL</u>	<u>MERCHANT</u>	<u>UTILITIES</u>	<u>TOTAL</u>
YU CHANG LING REVOCABLE	1466	974284625700000	7.99				7.99
VELTMAN, STEPHEN P	1506	973286596000000	0.77				0.77
DALY, STEVEN	1518	975226334000000	0.11				0.11
BORELL, GARY J	1557	974330909000000	3.04				3.04
JEBSEN, MICHAEL A	1696	975229306300000	0.19				0.19
RS CONSTRUCTION OF	1747	975268170100000	0.43				0.43
REWAK, JOHN	1824	974299080900000	3.89				3.89
COLTUN, EILEEN J	1863	974229008000000	1.11				1.11
COLTUN, EILEEN J	1864	974228180600000	1.07				1.07
COLTUN, EILEEN J	1865	974228082500000	8.02				8.02
WILSON, ANTHONY	1971	974207259000000	2.41				2.41
GREINER, BYRON	2165	973260624900000	0.07				0.07
CBP SOUTH LLC	2215	973280879700000	4.62				4.62
WISE, LEONARD G	2222	975228125400000	0.62				0.62
MICHAEL D METCALF DBA	2349	P799280		156.09			156.09
YOUR STAFF PLUS INC	2362	P798735		0.09			0.09
A P K LLC DBA CORNER	2430	P795809		66.80			66.80
CREPERIE & CAFE OF	2497	P802519		101.57			101.57
AVANT GARDEN INC	2550	P800607		6.63			6.63
SNYDER, MICHAEL JOSEPH	4005	30166042		188.75			188.75
			<u>TAX YEAR: 2015</u>		<u>3,109.10</u>		<u>3,629.03</u>

FY 2016-2017

TOWN OF WEAVERVILLE

UNPAID BALANCE REPORT BY RECEIPT NUMBER

UNPAID AS OF 08/09/2016

TAX YEARS 2014 TO 2014

<u>NAME</u>	<u>REC NO</u>	<u>MAP NUMBER/ID</u>	<u>REAL</u>	<u>PERSONAL</u>	<u>MERCHANT</u>	<u>UTILITIES</u>	<u>TOTAL</u>
COLE, DARRYL D	121	974334403100000	882.81				882.81
JOHNNY ANGEL (LE) ROSA LEE	288	974224229300000	308.83				308.83
COATES, THOMAS EARL	300	974208979100000	0.11				0.11
BALLEW, TONY REED	372	973286034400000	66.65				66.65
SWICEGOOD, J CARR JR	493	974229692000000	1.87				1.87
COLE, JOEL STEPHEN	514	974219015200000	3.73				3.73
JERRY B HOLLADAY ET AL	609	973179812300000	2.42				2.42
GOTHARD, DORIS C	613	973270071500000	0.01				0.01
HUDSON, JOHN E III	770	973270986600000	0.14				0.14
MOYE, WANDA E	775	974320495800000	3.47				3.47
ALEMAN, VINICIO PINEDO	831	973291567300000	0.05				0.05
PAYNE, ROBERT ALAN	932	974219620400000	0.29				0.29
ISABEL M COLE (LE)	1256	974333357990000	724.84				724.84
HMVHN-3VHM LLC	1461	973279635800000	0.32				0.32
OSHIMA, RIKI	1546	975215365900000	5.91				5.91
PATRICK, JOHN	1547	975259585100000	4.65				4.65
PATRICK, JOHN	1548	975259147700000	6.86				6.86
BAGWELL, NELL	1670	974217157900000	5.36				5.36
NELLENE S WEST REVOCABLE	1687	974227422600000	0.93				0.93
NICHOLSON, DONALD P	1810	974225608300000	45.72				45.72
ARROYO, FRANCISCO	1854	974217921900000	3.03				3.03

TAX YEARS 2014 TO 2014

<u>NAME</u>	<u>REC NO</u>	<u>MAP NUMBER/ID</u>	<u>REAL</u>	<u>PERSONAL</u>	<u>MERCHANT</u>	<u>UTILITIES</u>	<u>TOTAL</u>
JOHNSON, BRIAN	1863	974228601300000	1.05				1.05
KINGSTON, REBECCA	2042	975205745000000	3.88				3.88
FAUSTMANN, RICHARD	2077	975330426900000	0.02				0.02
B-LAND 35 LLC	2089	975228805000000	212.30				212.30
JOHNSON, SUSAN	2254	973296158800000	0.24				0.24
MACDONALD, ALAN LOUIS	2285	P690900		12.71			12.71
HOYLE, ROBERT A	2290	P753263		13.56			13.56
ATHENS RESTAURANT LLC	2316	P796193		2.91			2.91
AMERIGAS PROPANE LP DBA	2347	P794892		0.10			0.10
K C B CONSTRUCTION CO INC	2349	P793872		3.18			3.18
ELIZABETH H SEARLE DBA	2408	P800125		0.25			0.25
WEAVERVILLE PUB LLC DBA	2415	P797538		2,017.30			2,017.30
WABASHA LEASING LLC	2418	P793968		0.30			0.30
GTECH CORPORATION	2450	P794662		0.52			0.52
ROBERT MITCHELL DBA ART	2466	P801047		0.48			0.48
CREPERIE & CAFE OF	2733	8025192014		69.95			69.95
AVANT GARDEN INC.	2735	8006072014		6.67			6.67
M G B & ASSOCIATES	2738	7945722014		1.96			1.96
MICHAEL D METCALF	2740	7992802014		456.99			456.99
TAX YEAR: 2014			2,285.49	2,586.88			4,872.37

FY 2016-2017

TOWN OF WEAVERVILLE

UNPAID BALANCE REPORT BY RECEIPT NUMBER

UNPAID AS OF 08/09/2016

TAX YEARS 2013 TO 2013

<u>NAME</u>	<u>REC NO</u>	<u>MAP NUMBER/ID</u>	<u>REAL</u>	<u>PERSONAL</u>	<u>MERCHANT</u>	<u>UTILITIES</u>	<u>TOTAL</u>
ADAMS MICHAEL F	2525	9731786327	43.51				43.51
ADVERTISING STRATEGIES	2526	20138218793M001		10.27			10.27
B-LAND 35 LLC	2527	9752288050	221.21				221.21
BALLEW TONY REED	2528	9732860344	69.46				69.46
BYERS THOMAS W	2530	9742243590	7.73				7.73
COLE DARRYL D	2531	9743344031	39.06				39.06
FEDERAL NATIONAL	2533	9731784745	45.60				45.60
FISHER KATIE	2534	9742268179	7.53				7.53
KEERAN JOHN D	2535	974237052600000	7.78				7.78
LAND JON R	2536	9742483575	16.59				16.59
LAWSON CHRISTOPHER KIRTL	2537	9732712023	23.54				23.54
LEDFOED BILL R	2538	92313		1.32			1.32
LEVI LINDA CANNON	2539	9732985972	35.47				35.47
MACDONALD ALAN LOUIS	2541	092313		13.93			13.93
MEECE JOSHUA HEATH	2543	0092313		58.63			58.63
METCALF MICHAEL D	2544	20138086246rr001		504.04			504.04
NORDLAND MARK W	2545	9742253900	7.97				7.97
NORTHERN LEASING SYSTEMS	2546	923132		0.10			0.10
POPPYS KITCHEN	2549	002496-13-p		102.86			102.86
RIDDLE, CLAYTON	2550	1212135		6.42			6.42
TAX YEAR: 2013			525.45	697.57			1,223.02

FY 2016-2017

TOWN OF WEAVERVILLE

UNPAID BALANCE REPORT BY RECEIPT NUMBER

UNPAID AS OF 08/09/2016

TAX YEARS 2012 TO 2012

<u>NAME</u>	<u>REC NO</u>	<u>MAP NUMBER/ID</u>	<u>REAL</u>	<u>PERSONAL</u>	<u>MERCHANT</u>	<u>UTILITIES</u>	<u>TOTAL</u>
BALLEW, TONY REED	244	9732860344	80.46				80.46
DAVIS HEIRS, JULIA M.	1072	974228404600000	146.28				146.28
MEECE, JOSHUA HEATH	1401	8181636		74.28			74.28
BARBER, LYDIA	1618	8236360		76.41			76.41
ADVERTISING STRATEGIES	2605	20128218793M001		13.14			13.14
AVANT GARDEN	2608	20128167109M001		16.08			16.08
CAROLINA CREEK	2613	20128233848M001		51.99			51.99
GLOBAL CLAIMS SPECIALISTS	2617	20128155291M001		55.69			55.69
LEDFORD, BILL R	2621	20128086120M001		278.22			278.22
METCALF, MICHAEL D	2625	20128086246M001		550.84			550.84
POPPY'S KITCHEN LLC	2630	20128110964M001		111.40			111.40

TAX YEAR: 2012

226.74

1,228.05

1,454.79

GRAND TOTAL:

226.74

1,228.05

1,454.79

TOWN OF WEAVERVILLE
 UNPAID BALANCE REPORT BY RECEIPT NUMBER
 TAX YEARS 2011 TO 2011

FY 2016-2017

UNPAID AS OF 08/09/2016

<u>NAME</u>	<u>REC NO</u>	<u>MAP NUMBER/ID</u>	<u>REAL</u>	<u>PERSONAL</u>	<u>MERCHANT</u>	<u>UTILITIES</u>	<u>TOTAL</u>
BALLEW, TONY REED	954	9732860344	95.60				95.60
BARBER, LYDIA	1124	8236360		96.43			96.43
UNKNOWN OWNER	1307	974228404600000	173.71				173.71
WHEELER, MARIAN	2266	973270507900000	1,020.88				1,020.88
GLOBAL CLAIMS SPECIALISTS	2545	20118155291M001		66.14			66.14
POPPYS KITCHEN LLC	2555	2011811064M001		132.32			132.32
RHODARMER, ALAN W &	2556	20118152868M001		35.27			35.27
THE CARTER COMPANY INC	2560	20118129899M001		147.03			147.03
MCDOWELL, LESTER DAVID	2700	20118250453M001		101.59			101.59
TAX YEAR: 2011			<u>1,290.19</u>	<u>578.78</u>			<u>1,868.97</u>
GRAND TOTAL:			<u>1,290.19</u>	<u>578.78</u>			<u>1,868.97</u>

TOWN OF WEAVERVILLE

FY 2016-2017

DETAIL ACCOUNT INQUIRY BY ACCOUNT NUMBER

07/01/2016 TO 06/30/2017

				BUDGET	YTD AMT	ENC AMT	REM BAL
010-004-300-04010 PRIOR YEAR TAX REVENUE				1,600.00	-500.00	0.00	1,100.00
<u>DATE</u>	<u>MOD</u>	<u>REFERENCE</u>	<u>JE # or VOUCHER#</u>	<u>CHECK#</u>	<u>DEBIT</u>	<u>CREDIT</u>	<u>BALANCE</u>
BALANCE FORWARD							0.00
07/06/2016	CC	PPRY14 PMT PRIOR YR TAX 2014				500.00	-500.00
					0.00	500.00	
					0.00	500.00	

**Interlocal Risk Financing Fund of North Carolina
GOVERNMENT CRIME COVERAGE PART DECLARATIONS**

CRDEC (07/2012)

Policy Number: PL-63140-2016-00

NAMED INSURED & MAILING ADDRESS:

Town of Weaverville
P. O. Box 338
Weaverville, NC 28787

POLICY PERIOD: From: 07/01/2016 To: 07/01/2017
At 12:01 a.m. Standard Time at your mailing address shown above.

Limits of Insurance			
Other Insurance: Coverage Is Written On Excess Basis			
Employee Dishonesty	\$250,000	Limit - per Occurrence	
	\$250	Deductible - per Occurrence	
	\$393.48	Premium	
Forgery Or Alteration	\$250,000	Limit - per Occurrence	
	\$250	Deductible - per Occurrence	
	\$98.37	Premium	
Inside the Premises - Theft of Money and Securities	\$5,000	Limit - per Occurrence	
	\$250	Deductible - per Occurrence	
	\$25.00	Premium	
Outside the Premises	\$5,000	Limit - per Occurrence	
	\$250	Deductible - per Occurrence	
	\$10.00	Premium	

Public Official Scheduled Bond for Definite Term

The information below is for billing purposes only. No Public Official Bond is afforded by IRFFNC. The Public Official Scheduled Bond is issued and insured by Travelers Casualty and Surety Company of America. Refer to the Public Official Bond Verification Certificate and the Public Official Bond for Definite Term Coverage Form for coverage information.

Public Officials Bond			
Position	Limits of Insurance	Deductible	Premium
Finance Officer	\$250,000	\$0	\$1,260.00
Tax Collector	\$250,000	\$0	\$1,260.00

If "Coverage Not Provided" is inserted above opposite any specified Insuring Agreement, such Insuring Agreement and any other reference thereto in this policy is deleted.

Forms and Endorsements:

Refer to "IRFFNC Forms and Endorsements Schedule"

CANCELLATION OF PRIOR INSURANCE ISSUED BY US:

By acceptance of this Coverage Part you give us notice cancelling all prior policies. The cancellation to be effective at the time this Coverage Part becomes effective.

Public Official Bond Verification Certificate

Bond Form: Public Official Scheduled Bond For Definite Term: S – 1561 –C (06-08)

Issued by: Travelers Casualty and Surety Company of America

Obligee: Weaverville

Bond Number: 106546795

Effective Date: 7/1/2016

Expiration Date: 7/1/2017

Description: Public Official

Position / Principal: Tax Collector

Bond Limit: 250000

Public Official Bond Verification Certificate

Bond Form: Public Official Scheduled Bond For Definite Term: S – 1561 –C (06-08)

Issued by: Travelers Casualty and Surety Company of America

Obligee: Weaverville

Bond Number: 106546795

Effective Date: 7/1/2016

Expiration Date: 7/1/2017

Description: Public Official

Position / Principal: Finance Officer

Bond Limit: 250000

Dottie Sherrill
Mayor

The Town of
Weaverville
NORTH CAROLINA

Doug Dearth
Council Member

Patrick Fitzsimmons
Council Member

Doug Jackson
Council Member

Andrew Nagle
Council Member

John Penley
Council Member

OATH OF OFFICE OF TAX COLLECTOR

I, Debbie Bruce, do solemnly swear that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, that I will faithfully discharge the duties of my office as Tax Collector, and that I will not allow my actions as Tax Collector to be influenced by personal or political friendships or obligations, so help me, God.

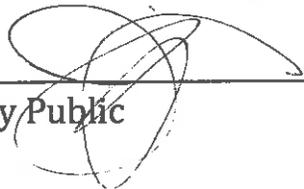


Debbie Bruce

I hereby certify that I, Jennifer O. Jackson, Notary Public, administered the above Oath of Office of Tax Collector to Debbie Bruce, this 8th day of August, 2016.

ATTEST:

Sworn to and subscribed before me
this the 8th day of August, 2016.



Notary Public

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: August 15, 2016

SUBJECT: Proposed Amendments to Zoning Ordinance concerning Unified Housing Developments, Traditional Neighborhood Developments and Conditional Zoning Districts

PRESENTER: Town Attorney/Zoning Administrator

ATTACHMENTS: Proposed Code Amendments

DESCRIPTION/SUMMARY OF REQUEST:

Based on Council's discussion at the Town Council's workshop on August 3, 2016 and Council's consensus concerning certain matters, staff has prepared draft amendments that: (1) eliminate the Unified Housing Development section and all references, (2) eliminate the Traditional Neighborhood Development District section and all references; and (3) eliminate the location restriction of the Conditional Zoning District so that it is available in all districts including all areas within the R-1 district.

COUNCIL ACTION REQUESTED:

If Council would like to proceed with consideration and adoption of these amendment it would be appropriate to (1) send these proposed Code amendments to the Planning and Zoning Board for review and recommendation, and (2) schedule a public hearing on them.

If the Board is so inclined, the following motion is suggested:

I move to send these draft Code amendments to the Planning and Zoning Board for review and recommendation and that a public hearing be scheduled before Town Council on [September 19, 2016 at 6pm].

***PROPOSED CODE AMENDMENTS –
Eliminating Unified Housing Developments, Traditional Neighborhood Developments
and amending Conditional Zoning Districts***

Sec. 25-26. – Subdivision defined.

... but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this chapter:

...

- (5) Unified ~~housing developments and unified~~ business developments as defined in section ~~17-410~~ 36-5 of the zoning ordinance of the town which have been approved in accordance with the provisions of said zoning ordinance.

Sec. 36-5. – Definition of specific words and terms.

...

Development identification sign. A sign bearing the name of a residential or commercial development or subdivision, including an apartment house, unified ~~housing or~~ business district or mobile home park.

...

~~Unified housing development. A development consisting of one or more principal residential structures or buildings and accessory structures or buildings to be constructed on a lot or plot which may or may not be subdivided into the customary streets and lots.~~

Sec. 36-27. – Hillside development standards.

...

~~(k) — [Unified housing developments.] For unified housing developments as defined in section 36-241 of the Weaverville Town Ordinances, road grades shall not exceed ten percent in grade.~~

~~—— Exception: Grades steeper than ten percent as approved by the Weaverville Fire Chief.~~

**PROPOSED CODE AMENDMENTS –
Eliminating Unified Housing Developments, Traditional Neighborhood Developments
and amending Conditional Zoning Districts**

Sec. 36-28. – Adult oriented business.

...

(h) All permitted uses must meet all compliance regulations set forth in the this section.

...

(2) Adult oriented businesses will not be a permitted use in the following residential zones:

Residential-1 (R-1);

Residential-2 (R-2);

Residential-3 (R-3);

~~Traditional neighborhood development (TND).~~

Sec. 36-56. – Use districts.

For the purpose; of this chapter, The Town of Weaverville, North Carolina, is divided into eight use districts designated as follows:

R-1 primary residential

R-2 transition residential

R-3 general residential

C-1 central business

C-2 general business

I-1 light industrial

~~TND traditional neighborhood developments~~

CZD conditional zoning district

Sec. 36-77. – R-1, primary residential district.

...

***PROPOSED CODE AMENDMENTS –
Eliminating Unified Housing Developments, Traditional Neighborhood Developments
and amending Conditional Zoning Districts***

(c) Special use permits.

~~(1) Unified housing developments, provided such developments meet the requirements of section 36-241.~~

[renumber remaining subparagraphs]

Sec. 36-78. – R-2, transition residential district.

(c) Special use permits.

...

~~(2) Unified housing developments; provided such developments meet the requirements of section 36-241.~~

[renumber remaining subparagraphs]

~~Sec. 36-83. – TND, traditional neighborhood development district.~~

~~(a) Intent. The TND, traditional neighborhood development district, is intended to establish land use and design standards to be applied specifically in neighborhoods where a variety of residential uses are permissible. Foremost among these standards is adherence to an approved traditional neighborhood development plan. TND districts are designed to be walkable, pedestrian-oriented communities where mixed residential uses are located to encourage a vibrant community and minimize sprawl. The TND district may include a variety of building types in accordance with the approved traditional neighborhood development plan, including attached and detached single-family and multifamily and recreational uses.~~

~~(b) Uses permitted. Within the TND, traditional neighborhood development district, any of the following uses shall be permitted as set forth in the traditional neighborhood development plan approved by the Weaverville Town Council, upon a recommendation for approval by the Weaverville Planning and Zoning Board.~~

~~(1) All uses permitted in the R-1, primary residential and R-2, transition residential districts.~~

PROPOSED CODE AMENDMENTS –

Eliminating Unified Housing Developments, Traditional Neighborhood Developments and amending Conditional Zoning Districts

~~(2) — Fraternal organizations, clubhouses used for education or recreational purposes, health clubs (including swimming pools, tennis courts, unlit soccer or ball fields, and retail sales related to the health club and contained within the facility) both private and public.~~

~~Lots used for fraternal organizations, clubhouses or health clubs shall be separated from abutting properties in the traditional neighborhood development district by a ten-foot buffer as defined in section 36-5.~~

~~(3) — Schools, both public and private.~~

~~(4) — Government buildings.~~

~~(5) — Buildings used for public utility purposes (water, sewer, natural gas, telephone and cable).~~

~~(6) — Professional offices as defined in section 36-5, and medical offices not uses primarily for the treatment of drug addicts or alcoholics.~~

~~(7) — Day care centers, as defined in section 36-5, operating with more than five children, provided such centers meet the requirements of section 36-117.~~

~~(8) — Commercial development as allowed for in C-1, central business district and a C-2 general business district.~~

~~(c) — Design guidelines for TND districts. The following guidelines must be incorporated into a traditional neighborhood development plan although topography will play a significant role in how these guidelines are applied.~~

~~(1) — No minimum development size shall be required.~~

~~(2) — The maximum permitted density shall not exceed eight dwelling units per acre, which shall be spread over the entire project so that no individual acre shall have more than eight dwelling units. Lot setbacks shall be consistent throughout the traditional neighborhood development and shall be approved as a part of the approval of the traditional development plan submitted for approval.~~

~~(3) — A consistent building line should be maintained at the setback line along a particular street. However, projections of porches, bay windows, stoops, and other minor building masses over the street setbacks are encouraged in order to create an interesting block character. Large street setback lines to accommodate parking lots in front of a building are prohibited.~~

~~(4) — No building or structure shall be erected or structurally altered within the traditional neighborhood development, as approved, which will exceed 35 feet in height.~~

~~(5) — The traditional neighborhood development should have a high proportion of interconnected streets, sidewalks and paths. Streets and rights-of-way are to be shared~~

PROPOSED CODE AMENDMENTS –

Eliminating Unified Housing Developments, Traditional Neighborhood Developments and amending Conditional Zoning Districts

between vehicles (moving and parked), bicycles and pedestrians. The dense network of traditional neighborhood development streets shall be designed in order to function in an interdependent manner, providing continuous routes that enhance nonvehicular travel. Traditional neighborhood development streets are to be designed to minimize through traffic by the design of the street and the location of land uses. Cul-de-sacs or dead-end streets are to be eliminated wherever practical. Streets shall be designed to be only as wide as needed to accommodate the usual vehicular mix for that particular street while providing adequate access for moving vans, garbage trucks, fire engines and school buses.

The traditional neighborhood development should encourage walking and biking, enhance transit service opportunities, and improve traffic safety by promoting low speed, cautious driving while fully accommodation the needs of pedestrians and bicyclists.

(6) — A continuous network of alleys, built to the rear of lots but having access to the front street, is encouraged within the traditional neighborhood development area. Such alleys shall be built to the following specifications:

Right-of-way of alley: 20 feet.

Minimum width of pavement: 12 feet.

No parking shall be allowed within the alleys or their right-of-way. Such alleys will not be accepted into the town's road system for maintenance and must be maintained by individual lot owners or by an appropriate homeowners association.

(7) — Any rear vehicle access to a lot or tract shall be from an alley. Any garage facing a front street shall be located a minimum of ten feet behind the front facade of the principal structure where practical. Freestanding garages and carport structures for multiple-dwelling unit buildings should be designed to be an integral part of the building design or situated so as to avoid long and monotonous rows of garage doors and long monotonous building walls.

(8) — The length of any separate block (from street intersection to street intersection) should not exceed 600 feet, unless constrained by topographical considerations.

(9) — Any traditional neighborhood development must be served by the Town of Weaverville Municipal Water System and by the Metropolitan Sewerage District of Buncombe County and be built in accordance with the construction standards for each of these utility systems.

(10) — All other water lines, where possible, should be constructed within the right-of-way of the street, lane or avenue in front of a lot. Utilities shall be constructed underground and shall be constructed within alleys wherever possible. All utility installations shall be in accordance with the Town of Weaverville utility policy, Metropolitan Sewerage District of

PROPOSED CODE AMENDMENTS –

Eliminating Unified Housing Developments, Traditional Neighborhood Developments and amending Conditional Zoning Districts

Buncombe County policy and the current utility policy of the North Carolina Department of Transportation.

~~(11) Residential roadways within a traditional neighborhood development (excluding alleys) shall be known as lanes or streets and roadways leading from these lanes or streets to main roads outside of the traditional neighborhood development shall be known as avenues or main streets. Within these lanes, streets, avenues, and main streets underground utilities may cross under or run longitudinally with and under the pavement of such roadways, provided future utility stub-outs are installed from these utility lines prior to paving. If properly constructed, such residential roadways may be accepted into the town road system for maintenance.~~

~~(12) Shorter and more frequently placed street lamps are to be preferred to fewer and taller street lamps. High intensity lamps are discouraged. The scale of lighting fixtures and the illumination provided therefrom must be appropriate for both pedestrian and vehicular movements. Street lamps shall be installed on both sides of a street and must be placed 100 feet apart, unless this requirements is specifically varied in a particular neighborhood by the town council. All lighting plans and specifications must be approved by the town council and must be followed.~~

~~(13) Open spaces within a traditional neighborhood development shall be designed in order to provide and emphasize safe and inviting traditional neighborhood areas such as squares, parks, and greenways, and to integrate such areas into the neighborhood pattern for the active and passive enjoyment of neighborhood residents. Such open space should be incorporated into and be a fundamental element of the traditional neighborhood development plan. Traditional neighborhood open space should be planned and improved to be highly accessible and usable by persons living or working nearby. Except for areas designated as natural preserves, such areas should be cleared of underbrush and debris and may contain one or more of the following types of improvements: landscaping, walks, benches, seating areas, fountains, ponds, ball fields and playground equipment. Significant stands of trees, streamside areas, and other valuable topographic features should be preserved within such open space areas.~~

~~(14) All streets (including lanes, streets, avenues or main streets as defined in subsection (11) above) within a traditional neighborhood development shall be designed and constructed, so far as practical, in keeping with the traditional neighborhood development (TND) guidelines published by the North Carolina Department of Transportation.~~

~~(15) Unless impractical, sidewalks should be constructed on both sides of a street. Whenever possible, there should be a continuous pedestrian network of sidewalks adjacent to the streets. Curb cuts should be minimized in order to reduce conflicts with pedestrian traffic. Sidewalks shall be a minimum of five feet wide. Sidewalks may need up to an additional two feet of width where they directly abut fences, walls or buildings. Sidewalks~~

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should be sized and surfaced appropriately for anticipated pedestrian traffic volumes and to meet or exceed the guidelines for the Americans with Disabilities Act.

(16) — Bicyclists. On streets with a lower volume of traffic, bicyclists should be considered a normal part of the vehicle mix on such street. On streets having a higher volume of traffic, bicyclists should be accommodated with six-foot wide bike lanes, but separate routes for less experienced bicyclists may also be considered. Routing bicyclists within and through a traditional neighborhood development may include signage and striping, including changing color for the entire bike lane, as appropriate.

(17) — On-street parking. Parking in unmarked areas on the residential roadways known as streets or lanes shall be allowed and shall be known as informal parking. Parking on collector roadways known as avenues or main streets shall be only in areas designated by signs or other clearly defined markings.

(18) — Planting strips and street trees. Planting strips shall be located between the curb and sidewalk parallel with the street, and shall be six feet or more in width. Care should be used to ensure that larger planting strips do not push pedestrian crossing areas back from intersections by requiring a larger curb radius. On streets with design speeds of 20 mph or less, or on streets with on-street parking, small street trees may be planted within three feet of the back of curb and should generally be planted along the centerline of the planting strip. Street trees shall have a caliper of at least 1½ inches. Section 17-1080 sets forth a list of recommended species of street trees. To maintain sight lines, trees and other objects should be restricted from corners for distances of 30 feet on all sides. Along all planting strips the area between two feet and seven feet above ground shall be maintained as a clear zone to preserve sight lines and accommodate pedestrians.

(19) — Vertical curb and gutter construction shall be preferred throughout an entire traditional neighborhood development. Vertical curb and gutter construction shall be required within the community core, in all areas where densities are six units per acre or greater, and where sidewalks on both sides of the street are proposed. Alternative construction shall be considered in low density areas, where sidewalks only on one side of the street are proposed due to topographical conditions, or within water supply watersheds and similar environmentally sensitive areas, or preserved open space and natural areas.

(20) — Buffering requirements shall be established during the approval of a zoning application. Property located on the perimeter of traditional neighborhood development district shall have setbacks and buffers that are consistent with the setbacks and buffers of the adjoining zoning district or districts.

(21) — All signage in any traditional neighborhood development must be in compliance with article VIII of this zoning ordinance.

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(22) — The Weaverville Town Council shall have the power, at all times, to regulate parking on lanes, streets, avenues, and main streets by appropriate signs, depending upon traffic counts, the need for emergency vehicle access or other appropriate factors. The town council shall also retain the power to enforce such parking requirements.

(d) — Establishment of a traditional neighborhood development plan. Rezoning and site plan approval. In order to receive the traditional neighborhood development district zoning, a developer must file with the town an application to rezone property to such a district in accordance with the provisions of article VIII of this zoning ordinance and must submit a proposed traditional neighborhood development plan for the project site for review by the Weaverville Planning and Zoning Board and for adoption by the town council. The filing of such an application shall be considered as a pronouncement by the applicant of the intent to adhere to higher standard of design and to place a premium upon the long-term livability and attendant value appreciation of the development. The process leading to the zoning map amendment for a traditional neighborhood development district shall include a presubmittal meeting with the zoning administrator, an application for the proposed zoning map amendment, the submission of a complete set of preliminary plans showing areas of the proposed traditional neighborhood development plan elements, review by the Weaverville Planning and Zoning Board, a public hearing on the zoning map amendment and on the particular traditional neighborhood development plan, the adoption of the zoning map amendment and the approval by the town council of the particular traditional neighborhood development plan. The process to be followed by the town council in the approval of a traditional neighborhood development district and the site plan therefore is a legislative determination involving conditional use zoning districts pursuant to G.S. 160A-381 and 160A-382.

The following constitutes an outline of the steps to be followed in the approval process:

(1) — Presubmittal meeting. A presubmittal meeting shall be held between the zoning administrator and the applicant to acquaint the town's staff with the proposed development, provide the applicant with preliminary staff comments, and identify major concerns or the need for additional data.

(2) — Application and contents. A completed application for a zoning map amendment to establish or enlarge a traditional neighborhood development district shall consist of the following elements:

a. — A letter requesting rezoning prepared in accordance with article XVII of this chapter.

b. — A copy of the proposed traditional neighborhood development plan itself. The particular adopted plan shall be specifically referenced in any ordinance granting zoning to the subject tract of land as a TND traditional neighborhood development district, and thenceforth that particular zone is measured.

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(3) — Traditional neighborhood development plan submission elements. The proposed traditional neighborhood development plan shall include a general site plan, drawn neatly and to scale showing the following elements:

- a. — A topographical map of the project site with contours drawn at five-foot intervals;
- b. — A project design showing lots and specific land uses, property lines, street and other right-of-way lines, public utility easements and rights-of-way;
- c. — Project-specific site development standards, including dimensional standards, architectural and design standards, sign requirements, street and alley design standards, parking and sidewalks;
- d. — Location of street, trees and landscape design and the design of public open spaces;
- e. — Location of residential lots, professional offices, instructional, civic buildings and lots;
- f. — Location and amount of land in flood hazard areas and any other lands not suitable for development;
- g. — Preliminary water, sewer and street design and construction plans for the proposed traditional neighborhood development completed by a North Carolina registered engineer which meet town standards;
- h. — All proposed provisions for stormwater collections and disposal, including both natural and manmade featured, and the proposed treatment of ground cover, slopes, banks and ditches;
- i. — Any other information required by the Town of Weaverville Zoning Administrator to demonstrate conformance with the traditional neighborhood development district purposes and standards.

(4) — Zoning as a traditional neighborhood development district and adoption of the traditional neighborhood development plan. After review by the Weaverville Planning and Zoning Board, a public hearing shall be conducted by the town council to review and consider the particular traditional neighborhood development district as an amendment of the town's zoning map and the preliminary adoption of the proposed traditional neighborhood development plan. If the town council desires to zone the area as a traditional neighborhood development district, it shall adopt an ordinance amending the zoning map to reflect the change in the zoning and shall give preliminary approval if the proposed traditional neighborhood development plan.

(5) — Once an area has been rezoned by the town council as a traditional neighborhood development district and a preliminary traditional neighborhood development plan has

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been approved by the town council, the developer must submit the following construction details and design to the town council for approval:

- a. ~~Final construction designs for water, sewer and streets completed by a North Carolina registered engineer and the approval of the town;~~
- b. ~~Final provisions for stormwater collection which and disposal, including both natural and manmade features, and the proposed treatment of ground cover, slopes, banks, and ditches completed by a North Carolina registered engineer; and~~
- c. ~~A statement from the North Carolina Department of Environment, and Natural Resources, approving the traditional neighborhood development site plan erosion control plan.~~

~~The town council shall then take action to give final approval of the traditional neighborhood development plan.~~

~~(e) — Conformance to the adopted traditional neighborhood development plan. Once an area has been rezoned by the town council as a traditional neighborhood development district and a traditional neighborhood development plan has been approved by the town council, minor changes in the location, siting, or use of buildings or deviations from the dimensional standards shown in the plan may be authorized by the zoning administrator if required by engineering or other circumstances not foreseen at the time of the plan adoption. It is to be expected that certain housing types and land uses will sell or be filled faster than others. This normal and usual occurrence shall not justify the removal of housing types and land use types from the neighborhood mix, but it may justify adjustments of the percentages of the neighborhood devoted to various uses.~~

~~(f) — Streets and utilities. Unless the construction of all street and all utilities required by this section has been completed prior to the recording of a final plat, the traditional neighborhood development developer shall make system improvements guarantee as provided in subsection 25-82(b) of the Weaverville subdivision ordinance.~~

~~(g) — Guaranty of defects. Once construction of required or contemplated improvements has been completed, inspected and accepted by the town, the developer shall provide a guaranty of defects as provided for in subsections 25-82(c) and 25-82(d) of the Weaverville subdivision ordinance.~~

~~(h) — Phased development. A traditional neighborhood development to be built in phases shall meet the following requirements:~~

~~(1) — At least 50 percent of the initial phase, as approved, must be substantially completed before the approval of another phase.~~

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~~(2) — Numbering. All phases shall be shown on the adopted traditional neighborhood development plan and numbered in the expected order of development. Changes to the order of development must be approved by the Weaverville Town Council.~~

~~(3) — Final plat prerequisites. No final plat for a phase of a traditional neighborhood development shall be approved unless:~~

~~a. — All common facilities included in previous phases have been completed; and~~

~~b. — There is no violation of the traditional neighborhood development plan in any previous phase.~~

~~{Ord. of 4-15-2002; Ord. of 12-15-2003; Ord. of 9-15-2008, § 1(l) — (r)}~~

Sec. 36-84. – Conditional zoning district.

...

~~(o) — Property in R-1 use district. Due to the distinct nature of the R-1 use district, the only lots in the R-1 district that are eligible for rezoning to a conditional use district are lots contiguous to and have the development's only access to Weaver Blvd., Main St. and Merrimon Ave.~~

Sec. 36-107. – Footnotes for table of dimensional requirements.

See sections: Businesses, subsection 36-81(d)94); cemeteries, subsection 36-77(c)(4); churches, subsection 36-77(b)(3); dwelling setbacks, sections 36-13 to 36-15; automobile service stations and repair garages, section 36-118; general density, section 36-7; industries, subsection 36-82(d)(3); mobile and manufactured homes, subsection 36-79(b)(3); nonconforming lots, section 36-21; right-of-way, section 36-8; unified business development, section 36-240; ~~unified housing development, section 36-241.~~

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Sec. 36-156. – Landscaping guarantees bond or undertaking.

(a) Applicability. The provisions set forth in this section shall apply to all of the following:

...

(2) Unified housing developments as provided for in section 36-241 of this chapter.

(3) All development of land where the total lot area is two acres or more in size.

~~Sec. 36-241. – Unified housing development.~~

~~(a) Intent. To establish additional criteria and guidelines for unified housing developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots, and which may or may not be subdivided or retained in single ownership at a later date.~~

~~(b) Applicability. The following housing developments, except subdivisions, shall be classified as unified housing developments and shall be subject to the provisions set forth herein.~~

~~(1) One or more buildings consisting of a total of 25,000 square feet or more.~~

~~(2) Two or more multifamily buildings.~~

~~(3) Twelve or more dwelling units, some of which may be connected.~~

~~(c) Requirements.~~

~~(1) The yard regulations and height regulations set forth in this chapter may be modified for a unified housing development provided that, for such a development as a whole, excluding driveways and streets, but including parks and other permanent open spaces, densities shall not be greater than eight dwelling units per acres on the proposed site on which such development is to be located.~~

~~(2) Points of ingress and egress shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience, and congestion. Furthermore, each development greater than eight dwelling units shall have a minimum of two such points to ensure the safety of the inhabitants.~~

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a. — Minimum pavement width for two-way streets: 24 feet, or 18 feet provided, usable, all-weather shoulders are provided on each side of the 18-foot pavement to effect an overall usable minimum width of 24 feet.

b. — Minimum pavement width for one-way streets: 12 feet.

c. — Fire apparatus access roads shall not exceed ten percent in grade. Exception: Grades steeper than ten percent as approved by the fire chief.

(3) — The number, width, and location of all curb cuts shall be such as to minimize traffic hazards, inconvenience, and congestion.

(4) — Parking areas and loading spaces shall be provided as required in sections 36-176 and 36-177 of this chapter, and all parking areas and traffic lanes shall be clearly marked.

(5) — Storm drainage and sanitary sewerage shall be provided, as approved by the town engineer or representative, and in accordance with the regulations set forth in this Code or other applicable regulations.

(d) — Multifamily residential buildings. Notwithstanding any other provisions of this chapter where two or more multifamily residential buildings are constructed on parcels under single ownership, whether simultaneously or at different times, the collective parcel of land occupied by such multifamily residential buildings shall be considered one lot, and parking spaces and usable open space will continue to be required in the same proportions as if the buildings were on one lot.

(1) — Dimensional regulations. The following dimensional regulations shall apply to the construction of all multifamily residential buildings:

a. — Minimum horizontal distance between facing walls:

Between two walls, both of which contain a window or windows: 50 feet.

When only one facing wall contains a window: 30 feet.

When neither of the facing walls have a window or windows: 25 feet.

b. — Minimum horizontal distance between any buildings or between any building and any outside lot line (other than a street right-of-way): 25 feet.

(2) — Other requirements. No parking of motor vehicles shall be permitted within any required yard. The space within the required yard may not be used as maneuvering space for vehicles, except that driveways providing ingress and egress to the parking area may be installed across such yard area. (See section 36-177 for loading space requirements.)

(e) — General plan. Each application shall be accompanied by a general site plan, drawn neatly and to scale, showing:

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~~(1) — Property lines, street and other right of way lines, public utility easements and rights-of-way.~~

~~(2) — Topography of the site, showing five-foot contours and elevations.~~

~~(3) — Location and approximate size of all existing and proposed buildings and structures within the site and the ownership of all properties within 500 feet of the site boundaries.~~

~~(4) — All proposed points of ingress and egress together with the proposed pattern of internal traffic circulation and parking areas.~~

~~(5) — All proposed provisions for stormwater collection and disposal, including both natural and manmade features, and the proposed treatment of ground cover, slopes, banks, and ditches.~~

~~(6) — Proposed connections with the town water shall have a commitment letter from the town and sewer systems shall have a sewer system allocation approval from the Metropolitan Sewerage District and proposed locations of trash or garbage bulk containers shall have a sewer system allocation approval from the Metropolitan Sewerage District.~~

~~(7) — An adequate amount of recreational area shall be provided according to the concentration of residential occupancy. Only usable land areas will be considered as recreational areas and such area must be in a safe location. The zoning board of adjustment may require that an area of land, not exceeding ten percent of the total area contained in the special use area, to be dedicated as a public recreation area or to school use.~~

~~(8) — Landscaping shall be provided and must comply with article VI of this chapter. The landscaping plan required by article VI shall be submitted for approval to the zoning board of adjustment, as well as the site plan.~~

~~(9) — Each site plan shall be accompanied by a statement that an erosion control plan has been submitted to the Department of Environment and Natural Resources (DENR) or its successor.~~

~~(10) — The zoning board of adjustment may require other matters to be incorporated into the special use which are considered essential for the protection of the public health, safety, welfare and convenience.~~

~~(f) — Permitted uses. Use regulations within a district may be modified in order to permit uses which are necessary and incidental to the operation of the unified housing development, such as maintenance buildings and management offices. Such structures shall be in character with the general development and surrounding property.~~

~~(g) — Area requirements. The area requirements of the district in which the development is located shall apply, except as otherwise modified or provided herein.~~

~~(h) — Subsequent performance.~~

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(1) — Detailed plans. Within six months of the approval of the application and general plan, the applicant shall file detailed plans for review by the zoning administrator showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change any of the details of the proposed development, further detailed plans shall be filed for review by the zoning administrator. No building permit for the proposed development, or any part thereof, shall be issued until the zoning administrator has determined that the pertinent detailed plans are in accordance with the application and general plans as approved by the zoning board of adjustment.

(2) — Construction. If construction or other improvements to the property have not begun within 12 months of the date of approval of the detailed plans, the special use permit shall become null and void. One six-month extension may be granted by the zoning board of adjustment when reasonable cause is shown but an application for the extension must be filed prior to the end of the initial 12-month period. No building shall be occupied until a detailed report showing the outcome of construction is submitted by the applicant to the zoning administrator and the administrator has certified that all of the requirements of this section have been met.

(3) — [Extended time limit.] Projects that have approved detailed plans as of May 1, 2009, but on which there has not been a start of construction will have an additional 24 months (36 months total) from the date of approval of the detailed plans to the start of construction. If there has not been start of construction prior to the expiration of the approved time period, the special use permit shall become null and void. Developers with approved plans must file a request for the additional extension of time with the Weaverville Zoning Administrator prior to the end of the initial 12-month period.

(i) — Sign requirements. Each unified housing development, or subdivision, shall be allowed one freestanding sign per entrance. Said signs shall be no larger than 50 square feet of surface area per side of sign up to a maximum of 100 square feet of aggregate surface area per sign. Said signs shall not exceed six feet in height.

(Ord. of 6-19-1978, Art. XIII, § 17-1330; Ord. of 9-15-2008, § 1(x) — (aa); Ord. of 4-20-2009, § 2; Ord. of 11-18-2013, § 2)

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: August 15th, 2016

Subject: Request for Council acceptance and staff level final approval of water line extension for SONIC at North Ridge Commons
PIN: 9732-89-2562

Presenter: Tony Laughter, Public Works Director
Jesse Gardner, P.E. (Engineer for the Developer)

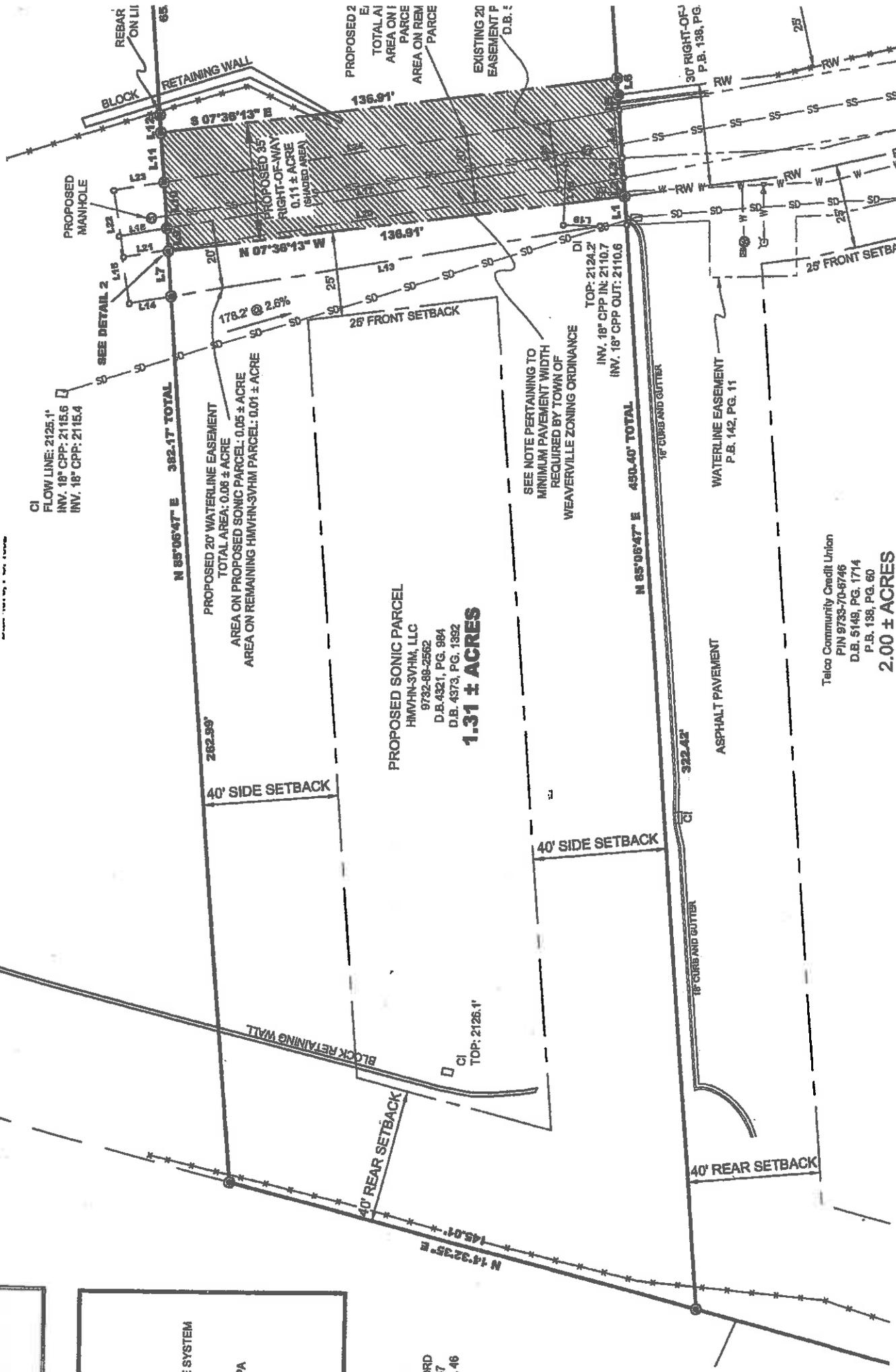
Attachments: Recorded Plat Showing Waterline Easement
Additional Attachments to be Distributed

Description:

1. Manager Selena Coffey, Attorney Jennifer Jackson and I request council to approve the acceptance of the easement and waterline extension pending final approval by staff. The waterline is in and the easement is duly recorded. Jennifer Jackson has reviewed the Title Opinion. Minor details remain that should be completed within two weeks.
2. Final Applicant and Engineer Certifications have been submitted to NCDEQ.
3. Items that remain to be completed before waterline acceptance:
 - a) NCDEQ has to complete the certifications and issue Final Approval.
 - b) Lien Waivers must be completed for all work related to the waterline install.
 - c) Final review of Title by Town's Attorney, Jennifer Jackson.
 - d) Recordation of required documents.

Action Requested:

Town Council discussion and decision to permit (or not permit) staff level final acceptance of the waterline and easement into the Weaverville Water System in accordance with Weaverville Water Policies and Procedures after Items listed in # 3 are completed.



PROPOSED SONIC PARCEL
 HMVHN-3VHMA, LLC
 9732-88-2562
 D.B. 4321, PG. 984
 D.B. 4373, PG. 1392
1.31 ± ACRES

Telco Community Credit Union
 PIN 9733-70-8746
 D.B. 5149, PG. 1714
 P.B. 138, PG. 60
2.00 ± ACRES