



MINUTES

**Town of Weaverville
State of North Carolina**

**Community Information Meeting/
Town Council Workshop I
Tuesday, July 25, 2017**

The Town Council for the Town of Weaverville met for a Community Information Meeting/ Town Council Workshop on Tuesday, July 25, 2017, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Dottie Sherrill, Vice Mayor/Councilman John Penley, Councilman Doug Jackson, Councilman Doug Dearth and Councilman Andrew Nagle. Councilman Patrick Fitzsimmons was absent.

Staff present were: Town Attorney Jennifer Jackson, Town Manager Selena Coffey, Town Clerk Derek Huninghake, Town Planner James Eller and Public Works Director Tony Laughter.

1. Call to Order

Mayor Dottie Sherrill called the meeting to order at 6:01pm.

2. Approval/Adjustments to the Agenda

Councilman Penley made a motion to approve the agenda as presented. Councilman Jackson seconded and all voted in favor of the motion.

3. Consideration of bids received for 2017 or newer septic tanker truck – Action to award contract to lowest responsible bidder.

Town Attorney Jennifer Jackson mentioned that bids for a septic tanker truck with 4,000 gallon aluminum tank and vacuum pump system were advertised and received. The bids were opened on July 20, 2017 and evaluated. The lowest responsive bid was from Satellite Industries, Inc. with a bid amount of \$140,476.50. Water Treatment Supervisor Trent Duncan asked if a backup camera could be added and the company can do that for \$800.00. Even with the add-on the bid is well under the amount that Town Council approved for the purchase of this equipment. The cost of this equipment puts this within the formal bid range which requires Town Council approval. Public Work's Director Tony Laughter and Town Manager Selena Coffey recommend the award of this purchase contract to Satellite Industries, Inc. Town Attorney Jennifer Jackson asked for a motion to declare Satellite Industries, Inc. the lowest responsive bidder for the septic tanker truck and award the contract to them for a total of \$141,276.50, which includes the cost of the backup camera add-on.

Councilman Penley made a statement before his motion that even though this action item was scheduled in the budget this year, Town Council should refrain from doing any other action items like this in future workshops.

Councilman Penley made a motion to declare Satellite Industries, Inc. the lowest responsive bidder for the septic tanker truck and award the contract to them for a total of \$141,276.50. Councilman Dearth seconded the motion. The motion passed by a unanimous vote of Council.

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4. Discussion and Community Input Related to a Proposed Table of Uses.

a. Review of Concept Documents (if needed)

Town Planner James Eller opened the discussion with an overview of how the Planning and Zoning Board got to this point. In November 2016, Town Council tasked the Planning and Zoning Board and staff with working on the concept of implementing a Table of Uses within the Town's Zoning Code. After 11 meetings, consisting of approximately 18 hours of time spent in session, and many hours of discussion and deliberation. The Town's Attorney has reviewed the documents for consistency and compliance with state statute then submitted them to the Planning and Zoning Board for their consideration. As of June, the Planning and Zoning Board passed along these documents, along with their unanimous decision to Town Council to review for passage. Mr. Eller noted the intent of this document is two-fold. There is language in the ordinance that states if a use isn't specifically set out as permitted in a zoning district then that use shall be prohibited. This is not permissible under North Carolina law as related to land use regulations. The Zoning Administrator is charged with finding the next closest use to the proposal brought forth and applying those regulations to the referred zoning district. These documents increase the number of uses specified by the code from 55 to 78 and will transition the Town away from special use permits, which is a quasi-judicial action, to conditional zoning districts, which is a legislative action. The importance of transitioning to the Table of Use means it will go to the Planning and Zoning Board for review then pass along to Town Council with their recommendation. At this point, Town Council has the capacity to act in any way they see fit. Town Planner James Eller stated that in no way shape or form will this change the current Zoning map. It will simply eliminate the pyramid structure and increase the number of uses permitted with additional standards from 3 to 22.

b. Questions and Comments from the Public

Thomas Veasey, 69 Lakeshore Drive, thanked the Planning and Zoning Board for their hard work in developing these documents and thanked Town Council for finally getting rid of the Unified Housing District.

Bernard Koesters, 37 Lakeshore Drive, thanked the Town Council for allowing him to have some input on this matter and thanked the committee for all their hard work. Mr. Koester wondered how this would currently impact his zoning district, since the document is changing the acreage to two and he only has 1.82 acres and had the right to have animals and fowl on his property. He wanted to know how they came up with two acres.

Town Planner James Eller stated that any non-conforming uses that may arise from this new legislation would be grandfathered in for eternity, providing that you don't cease the use for a period of nine months. As for the reason for choosing two acres is because of the density of the town. It is vastly different now then it was in 1978 when the code was originally created.

c. Questions and Discussion by Council

Councilman Andrew Nagle mentioned that the intention of this transition is not to hurt anybody or devalue anybody's property, but to allow the Planning and Zoning Board more oversight of ordinances allowed in the Town.

Councilman Doug Jackson stated that another intention is to update the Town's zoning code, since some these ordinances have been around for decades and are no longer applicable.

Town Attorney Jennifer Jackson mentioned that a large amount of time has been spent working on these concept documents. These concept documents will be a package that can be given to individuals

showing the definitions; a table of where these defined uses can be placed and the regulations applied to them. The documents will then need to be folded into the ordinances.

Chairman Doug Theroux spoke that this document is going to a major plus for the Town of Weaverville. He complemented staff on all their hard work in putting together these concept documents. Mr. Theroux also discussed the reason for choosing two acres was because you are only allowed one livestock per acre and if someone wants two horses on their property then you would have to change the acreage or the number of livestock per acre.

Councilman Dearth asked if the livestock acreage is considered for one parcel or if you own more than one piece of land or parcel, can you add them together like continuous parcels.

Town Planner James Eller mentioned that they considered it as each individual parcel, but continuous parcels would be like one tract of land and have to use the aggregate acreage.

Al Root pointed out to Town Council that they need to keep an eye on the direction the Town is heading in and it is important for the citizens to watch what Council is doing. The pyramid structure we used was empowering the individual landowner and in theory, the same was for the Zoning Board of Adjustment that the idea was an individual could do what they wanted with their land as long the six or seven standards were met. Planning for a town with a pyramid structure causes great difficulty, but he remembers ten years ago when the Conditional Zoning District was first adopted there was real fear that Town Council might abuse this system.

Thomas Veasey discussed that going forward we need to keep in scope the look of our Town, the construction in our Town and the architectural aspect and landscaping of the area. Developers need to bring in three dimensional plans instead of just boxes on a plat.

Councilman Dearth addressed that the Town does have a landscape element in the zoning regulations and now that we have professional staff to oversee and enforce these standards, he is very confident in this. However, in terms of architectural standards it didn't work and was eliminated with the UDO. The Conditional Zoning District is a way to do this, it will just be one issue at a time.

Board member Catherine Cordell mentioned that everyone on the Planning and Zoning Board lives here in Weaverville and their intentions aren't to hurt the citizens of Weaverville. They collaborated over every definition many times before bringing them to Council. She believes it will never be perfect, but it will be better than the documents originated in 1978.

Councilman Nagle agrees with Mr. Root in thinking about the collective versus the individual. Moving towards the Conditional Zoning District is very important, since the UDO wasn't working.

Alice Aldridge asked Council how the Lake Louise decision would have been handled differently going from a specific use permit versus the conditional use permit.

Town Planner James Eller described that there are two uses outside of the traditional zoning district, the special use permit and conditional zoning district. The special use permit is quasi-judicial and only goes to the Zoning Board of Adjustment for final decision. As for the conditional zoning district, it is legislative and would go before the Planning and Zoning Board and then to Town Council for a final decision.

Councilman Dearth addressed that the key point is that if it is in the legislative track, it is the Town Councils decision and they would be held accountable. If it were a conditional use permit then it

would be the Zoning Board of Adjustments decision and there isn't anything the Town Council can do.

Town Attorney Jennifer Jackson mentioned that a special use permit is treated like a court case decided by a judicial body. If the standards are met then the Zoning Board of Adjustments can approve it. A conditional zoning district is creating a law specifically for that project and Town Council is the only legislative body that can do this. There are two conditional zoning districts approved in the Town of Weaverville and there are special laws that apply to these properties.

Tom Plaut, President of the LLPA, mentioned that this has been a very messy year and there were a lot of misunderstanding. He knows that sometimes democracy is messy but now that it is over and done with, we have to move ahead.

Town Attorney Jennifer Jackson discussed the next steps in this process are taking the concept documents and amendments to the Planning and Zoning Board, who are required by law to review these proposed amendments. Town Manager Selena Coffey is going to ask all department heads to review these documents and see if they have any concerns. There are three meetings coming up in this process: August 8, 2017 at 6pm-Community Input Workshop II, August 15, 2017 at 6pm-Joint Meeting for Town Council and Zoning and Planning Board, and August 21, 2017 at 6pm-Public Hearing on proposed amendments.

Town Manager Selena Coffey mentioned that she is very proud of the Planning and Zoning Board and our staff for being proactive in getting out in the public and meeting with organizations ahead of these meetings. This information has been posted on the website, newspaper, and on signs all around the Town.

d. Direction to Staff/Planning and Zoning Board

Planning and Zoning Board was asked to review the actual ordinance amendments necessary to incorporate the concept documents in the Code at its August 1, 2017. The remaining meeting schedule was reviewed.

5. Adjournment.

Councilman Penley made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council's meeting at 7:10 p.m.



DEREK K. HUNINGHAKE, Town Clerk