

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

July 17, 2017 at 6:00pm
Town Council Monthly Meeting

- 1. **Call to Order**..... Mayor Sherrill
- 2. **Approval / Adjustments to the Agenda**..... Mayor Sherrill
- 3. **Approval of Minutes**..... Mayor Sherrill
 - A. June 1, 2017 Town Council Budget Workshop Minutes
 - B. June 19, 2017 Town Council Regular Meeting Minutes
- 4. **Employee Recognition**..... Town Manager
- 4. **General Public Comments**
- 5. **Consent Agenda**..... Mayor Sherrill

Motion to approve the consent agenda

 - A. Road Closure Ordinances for: Art in Autumn, North Buncombe Homecoming Parade and Christmas Parade
Town Manager recommends approval of these road closure ordinances.
 - B. Quarterly Departmental Reports
Quarterly reports are for information only.
 - C. Amended Tax Release and Refund
Tax Collector recommends approval of an amendment to the tax release and refund approved June 2017
 - D. Receipt of Certificate of Sufficiency of Shakamar Investment Group, LLC, Annexation Petition & Setting Public Hearing on Annexation and Initial Zoning Request of R-2
Town Manager recommends scheduling a public hearing for August 21, 2017 at 6pm.
- 6. **Discussion & Action Items:**
 - A. NCLM Report on Comprehensive Review of Weaverville Police Department..... Tom Anderson
 - B. Ordinance Authorized by the ‘Brunch Bill’..... Town Manager
 - C. Monticello Commons CZD Application..... Town Planner
 - D. Set Public Hearing and Announce Community Info/Workshop Dates for Table of Uses..... Town Planner
 - E. Eller Cove Watershed Conservation Easement Transfer..... Town Manager
- 7. **Town Manager's Report** Town Manager
- 8. **Closed Session**
 - N.C. Gen. Stat. § 143-318.11(a)(3) to consult with the Town's attorney;
 - N.C. Gen. Stat. § 143-318.11(a)(5) to establish or instruct Town staff concerning the position to be taken by the Town on the acquisition of real property and the amount of compensation and other material terms of an employment contract or proposed contract;
 - N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of employment of public officer or employee.
- 9. **Adjournment**..... Mayor Sherrill

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL WORKSHOP
THURSDAY, JUNE 1, 2017**

The Town Council for the Town of Weaverville met on Thursday, June 1, 2017, at 5:30 p.m. in the Training Room within Weaverville Fire Department at 3 Monticello Road, Weaverville, North Carolina.

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

Staff present were: Town Attorney Jennifer Jackson, Town Manager Selena Coffey, Town Clerk Derek Huninghake, Police Chief Greg Stephens, Fire Chief Ted Williams, Finance Officer Tonya Dozier, Town Planner James Eller and Public Works Director Tony Laughter.

1. Call to Order

Mayor Sherrill called the meeting to order at 5:30 p.m.

2. Action Items

Town Manager requests a vote to approve the following items as they are necessary for approval within the FY 2017-2018 Budget.

- **Resolution Abolishing the Town's Capital Reserve Fund**
- **Resolution Concerning Eller Cove Property**
- **Legal Services Contract**
- **Revisions to Personnel Policy regarding Retiree Medical Insurance & Domestic Partnership Insurance**

Councilman Penley moved for the approval of the following items within the FY 2017-2018 Budget. Councilman Jackson seconded the motion and all voted unanimously to approve all action items requested.

3. Overview of Budget Revisions

- **Review of Power Point on Revised Budget**

Town Manager Selena Coffey gave a brief review of the revisions applied on the new Revised Budget. She mentioned that under the Revised Budget the new tax rate would be 0.3840 cents and the General Fund operational budget will increase \$154,670 over the original proposed budget. Coffey reiterated that the budget process is a 'moving target', a dynamic process. Therefore some figures have changed due to her having received additional or updated information. Some revisions that increased the General Fund operational budget were additions to expenses for personnel health insurance, election fees, utility franchise tax, and website and technology. The revisions that lowered the budget were decreases in tax and sales tax revenue, cut cost to a Public Works vehicle, revised legal services expenses and cut the manager proposed Council workshop stipend. Town Manager Selena Coffey noted that these revisions culminated in the appropriation of Fund Balance in the amount of \$323,600. The Appropriated Fund Balance will primarily be used to catch up on previously

postponed equipment such as replacement vehicles for the Fire, Police, and Public Works Departments, a previously postponed brush chipper, safety padding for outdoor exercise equipment at Lake Louise, contingency funding for Lake Louise Community Center improvements, Greenways match funding and acoustic panels for community room at Town Hall. The PowerPoint from June 1, 2017 Budget Workshop is attached.

- **Capital Improvement Program Thresholds**

Town Manager Selena Coffey discussed the proposed Capital Improvements Plan. She mentioned that the purpose of the Town of Weaverville CIP is to forecast and match projected revenues and capital needs over a three-year period. This is critical for the Town to identify major needs, project subsequent revenue and financial capacity, establish priorities and develop project schedules to better serve the Town's residents. The Town of Weaverville defines capital as any expenditure of significant value that recurs irregularly and results in the acquisition of a fixed asset. With this basis established, the Town has adopted the following capital thresholds: Assets with a useful life greater than two years and assets with a cost of \$5,000 or greater. The Town established the following categories for planning for the purchase of capital equipment or making capital improvements given the aforementioned thresholds: Vehicles, Capital Outlay, Street Maintenance and Capital Improvements. The proposed Capital Improvements Plan from the June 1, 2017 Budget Workshop is attached.

- **Question and Answer regarding Revisions**

Town Manager Selena Coffey answered questions Town Council had about the new revisions to the budget.

Councilman Jackson asked why sales tax revenue was decreasing by \$52,643. Ms. Coffey stated that the Senate Bill 126 is the reason for this decrease, it is the adjustment of funds by the counties to the municipalities. Overall the state is allocating more money to poorer counties.

Councilman Fitzsimmons asked if we were cutting the part time firefighters down to 3 since on the last budget we had planned for 6 part time firefighters. Town Manager Selena Coffey said that the proposed did not include the 3 firefighters, but in anticipation of the grant award, she had included those 3 positions. She noted that, if we receive the grant then we will do a budget amendment so the Town's portion will decrease. After the amendment, the money will go back into the fund balance at the end of the year.

Councilman Dearth asked if the relief pay for 3 firefighters was going to come out of Fund balance and if the \$107,468 would be lowered if we receive the grant? Ms. Coffey stated that this expense will be coming out of the operating budget and the balance will be lower if we receive the grant.

4. Overview of Fee Schedule

Town Manager Selena Coffey gave an overview of the proposed Fee Schedule. She stated that the group of fees highlighted in yellow have historically been charged, but haven't been included in the fee schedule before. These fees are for online water and property tax payments. The next group of fees highlighted in green are new fees to be approved by Town Council. These fees are for Zoning Permits, Beer and wine privilege licenses, and miscellaneous Planning and Coding Enforcement fees for the Planning and Zoning Department. As well as public records requests copying charges and electronic and online payments. As of now, staff is currently developing a method for encouraging more online payments and a method for passing along surcharges on electronic payments received in Town Hall. This would mean adding 2.75% for all water or property bills paid electronically in person. The last group of fees highlighted in blue are changes to the current fees. These fees will include a 2% increase in water rates as suggested by the McGill study, sign permits, and water tap and fire line connection charges. Town Manager Selena Coffey noted that this Fee Schedule is mainly administrative,

water, and planning and zoning fees. This Fee Schedule is a very important document that by law, will have to be published and posted online. She recommends adopting this Fee Schedule when the Budget Ordinance is adopted. The proposed Fee Schedule from June 1, 2017 Budget Workshop is attached.

The motion was made by Councilman Penley to direct the Town Manager to proceed with preparation of the Budget Ordinance, which incorporates the Fee Schedule and the revisions to the proposed budget as presented during the meeting. Councilman Jackson seconded the motion and all unanimously approved.

5. Adjournment

Councilman Dearth made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 6:10 p.m.

DEREK K. HUNINGHAKE, Town Clerk

MINUTES

TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA

TOWN COUNCIL REGULAR MEETING
MONDAY, JUNE 19, 2017

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, June 19, 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, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present were: Town Attorney Jennifer Jackson, Town Manager Selena Coffey, Town Clerk Derek Huninghake, Police Chief Greg Stephens, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Tony Laughter.

1. Call to Order

Mayor Sherrill called the meeting to order at 6:00 p.m.

2. Approval/Adjustments to the Agenda

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

3. Approval of Minutes

Councilman Penley made the motion to approve the minutes from May 9, 2017 Town Council Budget Workshop and May 15, 2017 Town Council Meeting as presented. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Public comments were received as follows:

Donna Bollinger commented on the delivery of the Town of Weaverville Focus electronic newsletter not being mailed out in a timely fashion, noting that she missed the scheduled Budget Workshop on June 1 because she didn't receive her mailed hard copy of the electronic newsletter until June 9. She recommends that the Town of Weaverville make this more of a priority by trying to mail the newsletter out earlier and inform USPS that it is for a Weaverville address so it doesn't get distributed through Greenville.

Jan Lawrence, member of the Dry Ridge Museum board, commented on the letter the Dry Ridge Museum received from Buncombe County stating they needed to depart their space at the library as of December 31, 2017. She handed out a booklet on the History of the Dry Ridge Museum to the members of Town Council, which showed that the museum began its formation in 1981 and officially opened in December of 1983. She noted that the museum was operated solely by the Board members and with grants they received. They never asked for help but did receive \$300 from Town Council in 1988. She is asking the Town of Weaverville to help with obtaining a space and utilities to keep the museum in. They have received offers from other Towns but want to stay in Weaverville.

Louis Accornero, 50 Highland Pointe Drive, thanked the Town Council for the tough decisions they have to make, even when they are unpleasant. He considers it a privilege to play a part in the development of Weaverville and is excited to see how Weaverville works. He says that from the book, Images of American Weaverville, it reads that Mark Weaver donated the land that is Weaverville. He is asking Town Council to consider giving back so that the museum can stay in Weaverville.

5. Consent Agenda

Motion to approve the consent agenda.

A. Monthly Tax Report

Town Manager recommends approval of report.

B. Tax Releases and Refunds

Town Tax Collector request approval of these tax releases and refunds.

C. Set Filing Fee for Municipal Elections

Approval of resolution setting municipal election filing fee is requested.

D. Budget Amendment

Approval of a budget amendment to move \$32,000 from Recreation to Sanitation is requested

E. Annexation Petition/Initial Zoning-Shakamar Investment Group-8 Acres on Reems Creek Rd

Adoption of the attached resolution with direction to Town Clerk and Planning & Zoning is requested

F. Request to Declare Surplus Property and Approval Disposition Methods – Fire Department

Town Manager recommends disposition of surplus personal property as indicted

Councilman Dearth moved for the approval of the consent agenda. Councilman Penley seconded the motion and all voted unanimously to approve all action requested in the consent agenda.

6. Discussion and Action Items

A. Adoption of FY2017-2018 Budget Ordinance and Fee Schedule

Mayor Dottie Sherrill commented that Town Council had several Budget Workshops from February through June for the Fiscal Year 2017-2018 Budget and the Public Hearing was held on May 15, 2017.

The Fiscal Year 2017-2017 Budget Ordinance and Fee schedule are attached.

Councilman Jackson made a motion to adopt the FY 2017-2018 Budget Ordinance and Fee Schedule. Councilman Penley seconded the motion. The motion passed by a majority vote of Council. Councilman Nagle voted against the motion. Motion carries 4-1.

B. ASPCA Waterline Extension Acceptance and Staff Level Approval

Public Works Director Tony Laughter mentioned that the American Society for the Prevention of Cruelty to Animals (ASPCA) project has progressed such that the Town acceptance criteria for the waterline, vault and vault drain will be completed within the next few weeks. Therefore, he is requesting that Town Council go ahead and accept the waterline extension and related improvements into the Town's water system subject to staff level approval by the Public Works Director, Town Manager, and Town Attorney. Also, the Public Works Director urges Town Council to set an improvement defects guaranty at \$8,000 to cover any defects that might be discovered within three years of our acceptance.

Councilman Penley made a motion to pass the waterline extension and related improvements into the Town's water system subject to staff level approval, and set an improvement defects guaranty amount at \$8,000. Councilman Dearth seconded the motion. The motion passed by a unanimous vote of Council.

C. Creekside Phase III Waterline Extension Acceptance and Staff Level Approval

Public Works Director Tony Laughter discussed that the Creekside Phase III has progressed such that the Town acceptance criteria for the waterline will be completed within the next few weeks. Therefore, he is requesting that Town Council go ahead and accept the waterline extension and related improvements into the Town's water system subject to staff level approval by the Public Works Director, Town Manager, and Town Attorney. Also, the Public Works Director urges Town Council to set an improvement defects guaranty at \$4,000 to cover any defects that might be discovered within three years of our acceptance.

Councilman Jackson made a motion to pass the waterline extension and related improvements into the Town's water system subject to staff level approval, and set an improvement defects guaranty amount at \$4,000. Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.

D. Board Appointments – Zoning Board of Adjustments

Mayor Dottie Sherrill recommends that Roger Parkin be appointed to the unexpired term for the regular seat previously held by Al Root. Mr. Parkin has been an active member of the Board even though he is currently serving as an alternate member, has requested to be considered for a regular seat.

Councilman Dearth made a motion to appoint Roger Parkin to the Zoning Board of Adjustment as a regular member for the unexpired term of the seat previously held by Al Root. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

E. 44 Central Avenue – Subdivision – Approval of Concept and Preliminary Plan

Town Planner James Eller discussed that the Fire Marshall, Public Works Director and him have reviewed the Major Subdivision Application, Preliminary Plat, and Plans for 44 Central Avenue and have been found to comply with the Town's subdivision ordinance as it relates to a major subdivisions and other sections of code which are applicable. The Planning and Zoning Board have reviewed the same documents and unanimously recommended for your consideration.

Councilman Penley made a motion to approve the aforementioned Major Subdivision commonly known as 44 Central Avenue. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

F. Update on Table of Uses

Town Planner James Eller mentioned that on November 1, 2016, Town Council made the decision for staff of the Planning and Zoning Board to work on the Table of Uses be implemented into the zoning code. After approximately 18 hours and 11 meetings, the Planning and Zoning Board has an updated Table of Uses that they would like to present to Town Council. As a reminder, Town Council has scheduled a special called meeting with the Planning and Zoning Board for Tuesday, June 27, 2017 at 6pm at the Fire Department Training Room, to begin discussions of the substance of the proposed Table of Uses.

7. Employee Recognition and Town Manager’s Report

Town Manager Selena Coffey recognized James Eller on finishing his Zoning Administrator Certification process at the School of Government and Trent Duncan and his department for being awarded an Area Wide Optimization Award.

Town Manager Selena Coffey presented her Manager’s Report to Council including the Citizens Academy Graduation is next month on July 20, 2017, Ms. Coffey will be at a Managers Conference in Concord, NC from June 21-23, 2017, plans for the July 4th event are finished and will go along as scheduled, and she has spoken with County Manager Wanda Greene and asked her not to have the Dry Ridge Museum move, but if we have to move out of the library, please give us more time. Town Manager Selena Coffey reminded Town Council that the Weaverville Business Association will have their Music on Main event this Friday, June 23, 2017 and the roads will begin to close around 1pm. She asked Town Council if they would like to keep the Town Hall open or close it, since the road will be closed and the parking lot will not be accessible.

8. Closed Session

Councilman Penley made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney, N.C. Gen. Stat. § 143-318.11(a)(5) to establish or instruct staff concerning the position to be taken on the acquisition of real property and the amount of compensation and other material terms of an employment contract, and N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance. Councilman Dearth seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

Councilman Dearth made the motion to exit closed session. Councilman Fitzsimmons seconded and all voted unanimously to exit closed session and re-enter open session.

9. Adjournment

Councilman Dearth made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council’s meeting at 7:50 p.m.

DEREK K. HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 17, 2017
Subject: Road Closure Ordinances:
Presenter: Selena D. Coffey, Town Manager
Attachments: Road Closure Ordinances

- North Buncombe High School Parade
- Art in Autumn
- Christmas Parade

Description:

Attached please find the Ordinances for the road closures for each respective event.

Council Action Requested:

The Town Manager recommends approval of all three ordinances.

Suggested Motion:

I move to approve the road closure ordinances for the North Buncombe High School Parade, Art in Autumn, and the Christmas Parade.

Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE NORTH BUNCOMBE HOMECOMING PARADE

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual North Buncombe Homecoming Parade, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing the North Buncombe Homecoming Parade for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges the North Buncombe Homecoming Parade celebration requires approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc.

NO THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

North Buncombe Homecoming Parade

Date: October 06, 2017
Time: 4:30 pm until 5:30 pm
Road Closure: North Buncombe School Road
North Main Street
South Main Street

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

Adopted this _____ day of _____,

Dottie Sherrill, Mayor

Attest:

Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE Weaverville Art in Autumn Festival

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual Weaverville Art in Autumn Festival, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing the Weaverville Art in Autumn Festival for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges the Weaverville Art in Autumn requires approximately two (2) hours to install signage, and also requires approximately one (1) hour for removing signage, litter, etc.

WHEREAS, The Town Council of Weaverville recognizes that the detour route will be appropriately marked with signage and personnel at various locations to ensure the motoring public travels safely and without unnecessary delay.

NO THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Weaverville Art in Autumn

Date: September 16, 2017

Time: 5:00 am until 8:00 pm

Road Closure: The portion of Main Street between Church Street and Brown Street will be closed and all traffic safely detoured around this area.

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

Adopted this _____ day of _____, 2017

Dottie Sherrill, Mayor

Attest:

Town Clerk

Town of Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE WEAVERVILLE CHRISTMAS PARADE

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual Weaverville Christmas Parade, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing the Weaverville Christmas Parade for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges the Weaverville Christmas Parade celebration requires approximately one half hour to install signage, approximately one hour fifteen minutes for parade event, and also requires approximately one half hour for removing signage, litter, etc.

NO THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Weaverville Christmas Parade

Date: December 2, 2017

Begin time: 1:00 pm

End time: 3:15pm

Description of closure: 1.91 miles along SR2207, US 19 Bus, and SR2127 Main Street from North Buncombe Middle School to Weaverville Elementary School / Yost Street

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes and the implementation of adequate traffic control.

Dottie Sherrill, Mayor

Attest:

Selena D. Coffey, Town Manager

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 17, 2017
Subject: Quarterly Reports
Presenter: Selena D. Coffey, Town Manager
Attachments: Departmental Reports:

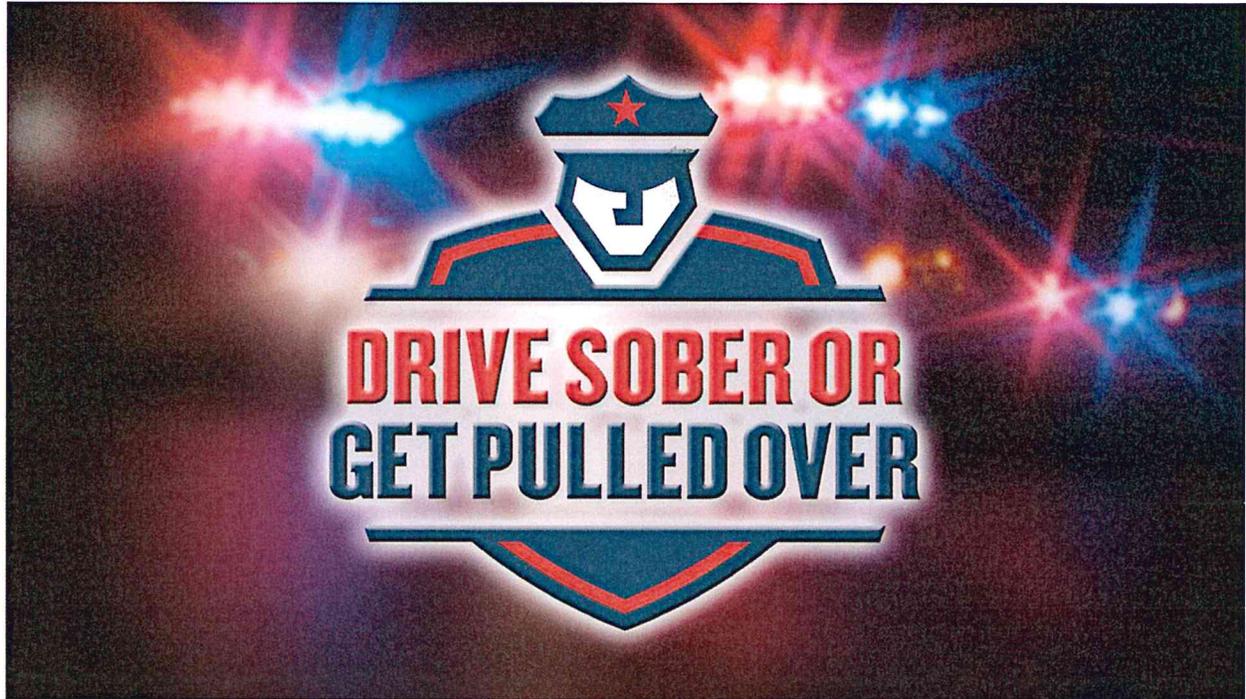
- Police Department
- Fire Department
- Public Works
- Zoning
- Finance – Not yet available due to auditors

Description:
Attached please find departmental quarterly reports.

Council Action Requested:
No action required.



Weaverville Police Department



Drunk driving is a deadly epidemic that takes the lives of more than 10,000 people each year, on average.

April, May & June Quarterly Report 2017

WEAVERVILLE POLICE DEPARTMENT



Quarterly Report

<u>Activities</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>Total</u>
Vehicle crashes	18	17	23	58
Parking Citations	9	5	6	20
Written Warnings	17	13	37	67
Verbal Warnings	4	7	7	18
Misdemeanor Charges	24	21	35	80
Felony Charges	8	11	37	56
Officer Assist	84	73	115	272
Alarm Response	31	28	23	82
Disturbances	41	44	49	134
Escorts / Deliveries	60	60	71	191
Business Checks	4,495	4,742	4,632	13,869
Residential Checks	222	201	275	698
Unsecured Buildings	17	27	35	79
Pedestrian Assist	49	56	27	132
Citizen Checks	95	88	77	260
Assist Motorist	11	14	6	31
Suspicious Person/Vehicle	56	36	51	143
Traffic Safety	47	54	171	272
Citations Issued	13	12	33	58
Drug Charges	8	8	9	25
D.W.I. Charges	0	1	2	3
Reports Taken	47	46	53	146
Court Appearance	5	7	3	15
Investigation Follow-up	49	53	102	204
Vehicle Stop	23	25	56	104
C.O.P.P.S. Activities	269	259	268	796
Total Calls for Service	5,702	5,908	6,203	17,813
Total Miles Patrolled	8,795	8,864	10,539	28,198

Weaverville Fire Department First Quarter 2017 Activites

Fire	Inside City	Property Loss	Outside City	Property Loss
Brush / Woods	3	0	5	0
Vehicle	2	1,400	1	0
Structure	2	15,000	5	40,300
Investigation	14	0	27	0
Haz-mat Incident	1	0	4	0
Mutual Aid	0	0	50	0
Fire Alarm Activation	16	0	9	0
Public Assistance	7	0	12	0
TOTAL (Fire)	45	16,400	113	40,300
Rescue				
MVA \ MCA	13	0	25	0
EMS \ FR \ Rescue	122	0	133	0
Mutual Aid	0	0	2	0
Search	0	0	0	0
TOTAL (Rescue)	135	0	160	0
TOTAL Fire & Rescue	180	16,400	273	40,300

Remarks: Total Fire\Rescue Alarms: 453
 Total Fire Loss: \$56,700 Total Saved: 384,400
 Total Inspections: 57

Date:7/10/2017 TW

TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET
2nd Quarter 2017

WATER MAINTENANCE:

Water Leaks Repaired	<u>7</u>	
New Water Taps	<u>27</u>	
Water Quality Complaints	<u>2</u>	
Meter Re-Read Service Calls	<u>95</u>	
General Service Calls	<u>228</u>	
Water Door Tags Delivered	<u>65</u>	
Water Line Locate Utility Service Calls	<u>447</u>	
Water Meter Change Outs to Radio Read	<u>45</u>	
Reservoir-Pump Station Site Checks	<u>455</u>	
Water Line Construction Site Supervision/Inspections:		Creekside Village Maple Trace Monticello Apartments ASPCA North Asheville Baptist

12 of the 50 OUTSIDE RESIDENTIAL METER TAPS HAVE BEEN APPROVED

WEAVERVILLE WATER PRODUCTION:

1. Water Treatment Plant	<u>50,508,000</u>	GALLONS
2. Water Purchased from Asheville	<u>0</u>	GALLONS
A. TOTAL WATER PRODUCTION (1+2)	<u>50,508,000</u>	GALLONS
B. TOTAL METERED FOR BILLING	<u>38,691,500</u>	GALLONS
C. Metered and Non-Metered/Non-Billed Use	<u>8,663,000</u>	GALLONS
D. Total Accounted For Water (B+C)	<u>47,354,500</u>	GALLONS
E. TOTAL UNACCOUNTED (A-D)	<u>3,153,500</u>	GALLONS

WEAVERVILLE WATER DEPARTMENT CAPACITY VS PRODUCTION:

WATER PLANT DESIGN CAPACITY:	1,500,000	GALLONS PER DAY
NET SALABLE PRODUCTION CAPACITY:	1,300,000	GALLONS PER DAY
NET SALABLE PRODUCTION CAPACITY:	1,300,000	GALLONS PER DAY
QUARTERLY AVG DAILY PRODUCTION:	555,068	GALLONS PER DAY
AVERAGE USE AS A PERCENTAGE OF CAPACITY	<u>42.7</u>	%

UNACCOUNTED FOR RUNNING ANNUAL AVERAGE:

1. Finished Water Pumped to System	<u>198,347,000</u>	GALLONS
2. Unaccounted for Water	<u>17,050,357</u>	GALLONS
3. Unaccounted for Water as a Percentage	<u>8.6</u>	%

STREET MAINTENANCE:

Street Work Orders Completed	<u>6</u>
Paving Projects postponed until spring of 2017 due to the timing of revised contract.	

SANITATION Garbage Collection Points:

Residential Collections Points	<u>22,319</u>
Business Pick Ups	<u>711</u>
Residential Set-Outs	<u>642</u>
TOTAL	23,672
Total Tons to Landfill	<u>347.44</u>
Average Pounds Per Collection Point	<u>29.36</u>
Cubic Yards - Yard Debris	<u>92</u>
Cubic Yards - Brush Chipped	<u>530</u>
Cubic Yards - Leaf Collection	<u>54</u>

PARKS AND RECREATION FACILITY MAINTENANCE DEPARTMENT:

P&R Projects/Repairs Completed

6



Planning Department Report – Q2, 2017

Total Zoning Permits Issued: 25

Residential:

Single family dwellings: 9

Internal upfit or auxiliary structure: 8

Commercial:

New Commercial: 1 (Hardees)

Internal upfit: 6

Telecommunication Tower Collocation: 1

Sign Permits: 3

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 17, 2017
SUBJECT: Tax Releases and Refunds - Amended
PRESENTER: Town Finance Director
ATTACHMENTS: Buncombe County Letter dated July 13, 2017

DESCRIPTION/SUMMARY OF REQUEST:

Last month the Tax Collector reported that Buncombe County has just settled an appeal from Lowes Home Centers, Inc., for its property at 24 Northridge Commons Parkway (PIN 9733-80-6106). This appeal settlement has resulted in a lowering of Lowes' property valuation for 2015 and 2016 and Buncombe County has processed appropriate tax releases and refunds and Town Council approved corresponding tax releases and refunds as follows: (a) release of \$462,900 from the valuation of PIN 9733-80-6106 for 2015 and 2016; and (b) refunds of \$1,944.18 for 2015 and \$2,036.76 for 2016, totaling \$3,980.94.

Buncombe County failed to fully report the released amount to the Tax Collector. The attached letter from Buncombe County indicates that the amount of the release on the above-mentioned parcel is actually \$873,600, not \$462,900 as previously reported. The corresponding refund of Town taxes based on that adjustment to valuation is \$3,669.12 for 2015 and \$3,843.84 for 2016 (refund totaling \$7,512.96).

TOWN COUNCIL ACTION:

Town Council is requested to amend the tax release and refund on the Lowes Home Centers, Inc. parcel based on the corrected release information received from Buncombe County. This action could be in the form of the following motion:

I move that the tax release and refund approved at Town Council's June 19, 2017, meeting be amended such that \$873,600 in valuation be released from PIN 9733-80-6106 for 2015 and 2016 and that a total of \$7,512.96 be refunded to Lowes Home Centers, Inc.



County of Buncombe

Tax Department

Robert May
Real Property Appraiser II
Phone (828) 250-4948

94 Coxe Avenue, Suite 200
Asheville, NC 28801

July 13, 2017

Debbie Bruce
Tax Collector
Weaverville Town Hall
30 South Main Street
P.O. Box 338
Weaverville, NC 28787

Dear Ms. Bruce,

Due to an appeal decision rendered at the North Carolina Property Tax Commission filed by Lowe's Home Centers Inc., the valuation on the appellants property located at Northridge Commons (PIN 9733-80-6106-00000), has been corrected. The valuation correction is retroactive from the current tax year back to tax year 2015. The 2015-2017 assessed value of \$10,140,600 has been reduced to \$9,264,300, a difference of \$873,600.

Sincerely,

Robert H. May

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 17, 2017

SUBJECT: Receipt of Certificate of Sufficiency on Voluntary Annexation Petition submitted by Shakamar Investment Group, LLC, and R-2 Zoning Request and Setting Public Hearing for August 21, 2017 at 6pm

PRESENTER: Town Manager/Clerk

ATTACHMENTS: Certificate of Sufficiency and Voluntary Annexation Petition for Shakamar Investment Group, LLC, and Initial Zoning Request of R-2

DESCRIPTION/SUMMARY OF REQUEST:

In May 2017 the Town received a voluntary annexation petition for a +/-8 acre parcel of land under single ownership wishing to come into the Town's municipal boundaries. Town Council received this petition and on June 19, 2017, 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 his investigation and as indicated on the attached Certificates of Sufficiency finds that it is both sufficient and proper for annexation of contiguous property under NCGS 160A-31. The Town Council also asked that the Planning and Zoning Board review the initial zoning request and that review was conducted on July 6, 2017. The favorable recommendation concerning the request R-2 zoning will be available for consideration at the public hearing that is to be set on the matter.

Town Council is now asked to set a public hearing for August 21, 2017, in order to receive public comment on the proposed annexation and initial zoning request.

COUNCIL ACTION REQUESTED:

If Council would like to proceed with consideration of the annexation petition it would be appropriate to schedule the public hearing on the annexation and the initial R-2 zoning.

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

I move that a public hearing be scheduled before Town Council on August 21, 2017 at 6pm for the Voluntary Annexation Petition submitted by Shakamar Investment Group, LLC, and the application for an initial zoning designation for the property to R-2.

**CERTIFICATE OF SUFFICIENCY OF
CONTIGUOUS VOLUNTARY ANNEXATION PETITION**

TO THE WEAVERVILLE TOWN COUNCIL:

I, Derek Huninghake, Weaverville Town Clerk, do hereby certify that I have investigated the Voluntary Annexation Petition of Shakamar Investment Group, LLC, (Petition No. 2017-1) and have found as a fact that the Petition is signed by all the owners of real property lying in the area described therein and that the area to be annexed is contiguous to the Town's primary boundary.

Therefore, in accordance with North Carolina General Statutes § 160A-31, *et seq.*, I certify that the Petition is valid and sufficient for the voluntary annexation of a contiguous area pursuant to said § 160A-31 *et seq.*, 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 12th day of July, 2017.


Derek Huninghake, Town Clerk

PETITION FOR VOLUNTARY ANNEXATION
PETITION/APPLICATION
Town of Weaverville, North Carolina

Submittal Date: 5/25/17
 Date Fee Paid: 5/25/17
 Petition No: 2017-1

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. The property and property owner information is as follows:

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference & Property PIN	Property Owner Signature
Shakamar Investment Group, LLC	828-273-1185 timbrigman@gmail.com	5550/1307 9742-94-9526	<i>William S. ...</i>

5. Zoning vested rights are not claimed, have been established under G.S. § 153A-344.1 or § 160A-385.1 as follows [describe and attach the order and approved site plan]:

Total Acreage to be annexed: 8.0
 Population in annexed area: _____
 Proposed Zoning District: R-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 Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.

**PETITION FOR VOLUNTARY ANNEXATION
DATA SHEET**

Town of Weaverville, North Carolina

Submittal Date: 5/25/17

Petition No. 2017-1

Annexation Area Name: Reems Creek Road

Petitioner: Shakamar Investment Group, LLC

Subject Area Acreage: 8.0 acres

Current Land Use: undeveloped

Proposed Land Use or Development (describe): 22 unit single family home
residential subdivision

Residential (single family): Number of Units: 22 Anticipated build out in 3 years
Average Sales Price: \$ 300,000 /dwelling unit

Residential (multi-family): Number of Units: _____ Anticipated build out in _____ years
Owned: Average Sales Price: \$ _____ /building unit
Rental: Average Rental Amt: \$ _____ /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: Max building height of _____; max number of stories of _____

Infrastructure: Linear feet of publicly dedicated roadways proposed: 1,372 feet
Public water proposed (describe): Town of Weaverville Public
Water Extension, see Attached Plan
Other Public Services Requested (describe): Sanitary Sewer via MSD
of Buncombe County, see Attached Plan

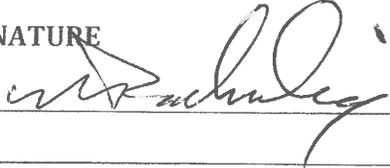
Zoning Vested Rights Claimed (describe and attach documentation): _____

Signature of Owner(s)

**PETITION FOR VOLUNTARY ANNEXATION
 CERTIFICATE OF AUTHORITY FOR CORPORATION
 Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected officer of Shakamar Investment Group, LLC, a corporation organized and existing in the State of North Carolina (hereinafter "Corporation"), does hereby certify that:

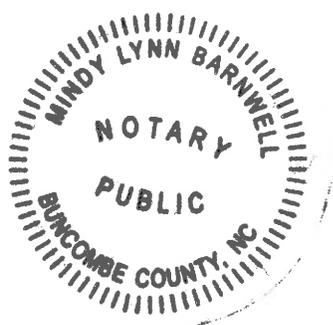
1. That the Corporation currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of shareholders of the Corporation have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Corporation to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	OFFICE HELD	SIGNATURE
<u>WILLIAM PARKER KING</u>	<u>MEMBER / MANAGER</u>	
_____	_____	_____
_____	_____	_____

THIS the 25th day of May, 2017.

STATE OF NORTH CAROLINA
 COUNTY OF Buncombe

I, Mindy Lynn Barnwell, a Notary Public, certify that William Parker King personally came before me this day and acknowledged that he/she is the Member / Manager of Shakamar Investment Group, a North Carolina corporation, and that by authority duly given and as the act of the Corporation, the foregoing Certificate of Authority was signed by him/her on behalf of the Corporation. Witness my hand and seal this the 25th day of May, 2017.



Mindy Lynn Barnwell
 Notary Public
 My Commission Expires: 11-11-2020



Doc ID: 031141060006 Type: CRP
Recorded: 05/18/2017 at 01:40:14 PM
Fee Amt: \$336.00 Page 1 of 6
Revenue Tax: \$310.00
Workflow# 0000413044-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 5550 PG 1307-1312

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax \$ 310.00

Parcel Identifier No. 9742-94-9526

Mail after recording to GOOSMAN, ROSE, COLVARD & CRAMER (Box # 81)

This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (LPT)

Brief description for the Index: approximately 8 acres on Reems Creek Road

THIS DEED made this 18th day of May, 2017, by and between:

GRANTOR	GRANTEE
David R. Roberson and John G. Kelso, Co-Trustees of the Paul B. Roberson Insurance Trust dated November 1, 1993	Shakamar Investment Group, LLC, a Delaware limited liability company
294 Reems Creek Road, Weaverville, NC 28787	71 Cleveland Rd. Wellesley, MA 02481
See Exhibit B for Certificate of Trust	

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in Weaverville Township, Buncombe County, North Carolina, and more particularly described as follows (the "Property"):

SEE EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

This instrument prepared by: Lindsay P. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney, John Rose, to the county tax collector upon disbursement of closing proceeds.

**NO TITLE EXAMINATION WAS PERFORMED BY THE PREPARER OF THIS DEED.
THIS PROPERTY DOES NOT INCLUDE THE GRANTOR'S PRINCIPAL RESIDENCE.**

The Property was acquired by Grantor by instrument recorded in Deed Book 1015, Page 397, Book 1015, Page 414, Book 5055, Page 117.

A map showing the Property is recorded in Plat Book ____, Page ____.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, and under or through Grantor, except for the exceptions hereinafter stated.

Title to the Property is subject to the following exceptions:

Utilities physically located on the Property, ad valorem taxes for the current year and subsequent years, easements and restrictions of record, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, Grantor has hereunto set their hands and seals the day and year first above written.

PAUL B. ROBERSON INSURANCE TRUST DATED NOVEMBER 1, 1993

By: David R. Roberson (SEAL)
David R. Roberson, Co-Trustee

By: John G. Kelso (SEAL)
John G. Kelso, Co-Trustee

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: David R. Roberson and John G. Kelso

Date: 5-17-17

Lindsay P. Thompson
Notary Public
Lindsay P. Thompson
(Printed Name of Notary)
My Commission Expires: 10-10-18

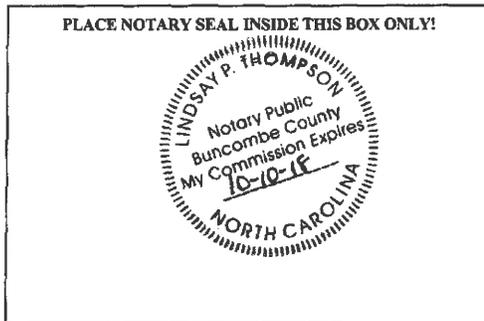
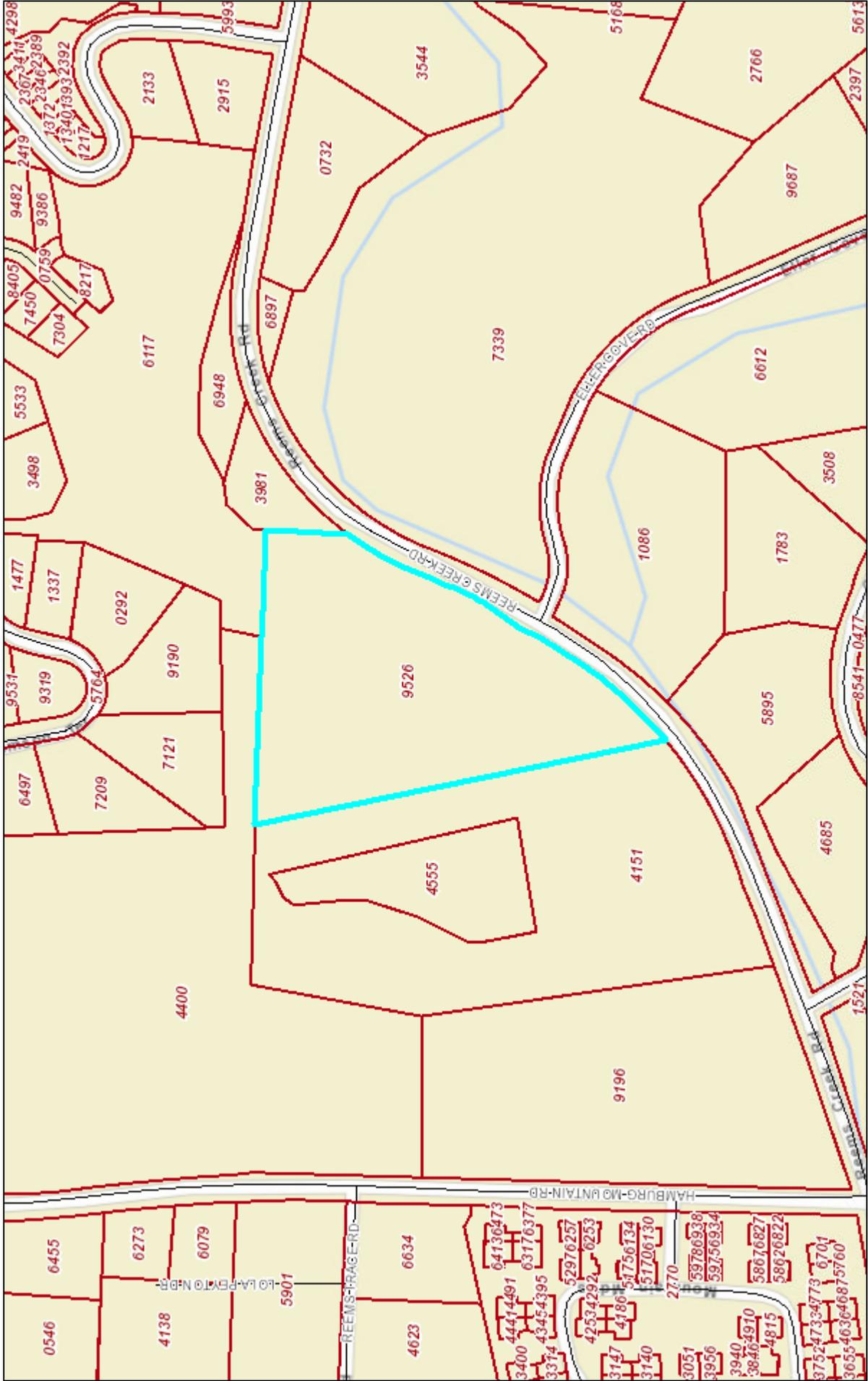


Exhibit A

Beginning on a walnut tree in the north margin of Reems Creek Road, and runs North 13° West 54 Poles to a stake; thence South 87° 35' East 42 poles to a stake on the margin of Reems Creek Road; thence with the margin of said Road, as follows: South 10° West 10 poles; South 14° West 12 poles; South 34° West 26 poles; South 48° West 12.4 poles to the Beginning, containing 8 acres, more or less.

The above-described property is all of that property conveyed in those deeds recorded in Record Book 1015, at Page 397, in Record Book 1015, at Page 414, and in Record Book 5055, at Page 117 of the Buncombe County, NC Register's Office.

Shakamar Annexation Area



June 13, 2017

1:4,514

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

**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: *Shokumar Inverdrut LLC* APPLICATION DATE: *6/11/7*

PHONE NUMBER: *828-273-1185* MAILING ADDRESS:

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

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

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: *unaddressed Reemo Creek rd*

PIN: *9742-94-9526*

LOT AREA (acres): *8*

CURRENT ZONING DISTRICT: *None*

PROPOSED ZONING DISTRICT: *R-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
 NA 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

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

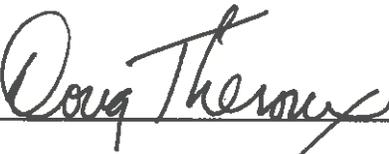
FEE: \$ <u>550</u>	DATE PAID: <u>6.13.17</u>	CHECK <input checked="" type="checkbox"/>	CASH <input type="checkbox"/>
DATE OF INTIAL COUNCIL MEETING: <u>6.19.17</u>	ACTION TAKEN:		
DATE OF PLANNING BOARD MEETING: <u>7.6.17</u>	ACTION TAKEN:		
DATE OF PUBLIC HEARING & COUNCIL DECISION:	FINAL ACTION:		



**Town of Weaverville
Planning and Zoning Board**

On Thursday, July 6, 2017 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached proposed initial zoning of an unaddressed parcel of land on Reems Creek Road.

It has been found that the proposed rezoning is consistent with the Town's Comprehensive Plan and Chapter 36 – Zoning. The Planning and Zoning Board considers approval both reasonable and in the public interest due to uses present within the zoning district and on adjacent properties.



**Doug Theroux
Chairman, Planning and Zoning Board**

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 17, 2017
Subject: NCLM Report Regarding Police Department Review
Presenter: Tom Anderson, NCLM
Attachments: None

Description:

In 2013, the North Carolina League of Municipalities Risk Management Services formed a Chiefs' Advisory Committee that includes police chiefs from agencies across N.C. The committee members worked to analyze insurance and liability concerns impacting North Carolina law enforcement agencies who participate in our insurance pools. In response to these liability concerns, the chiefs developed a risk management review to assist in the identification and mitigation of high liability activities found in police operations.

The purpose for this instrument is to assess an agency's adherence to best practices, court decisions, and policies and procedures related to high liability activities in law enforcement. The goal is to mitigate liability exposures, enhance officer safety, and validate that training and operating procedures are meeting industry standards. The risk management review was designed and peer-reviewed by a panel of police chiefs representing a cross section of N.C. law enforcement agencies and is available to those agencies who participate in the League's property and liability insurance pool.

The Weaverville Police just finished the risk review process which began several months ago at the request of Police Chief Greg Stephens.

Tom Anderson, North Carolina League of Municipalities, will be present to discuss his recent review regarding the Weaverville Police Department audit.

Council Action Request:

No action necessary.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: July 17, 2017
SUBJECT: Ordinance Authorized by the Brunch Bill
PRESENTER: Town Manager
ATTACHMENTS: Proposed Ordinance

DESCRIPTION:

The North Carolina Legislature has recently amended North Carolina law by enacting N.C. Gen. Stat. § 160A-205.3, which permits a municipality to adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under N.C.G.S. § 18B-1001. This legislation has been commonly referred to as the Brunch Bill.

The proposed Ordinance, if adopted by Town Council, would allow malt beverages, unfortified wine, fortified wine and mixed beverages to be sold at properly permitted premises within the Town of Weaverville on Sundays beginning at 10 a.m.

This Ordinance could be effective immediately upon adoption tonight with at least a 2/3 affirmative vote.

COUNCIL ACTION REQUESTED:

Town Council could take action to adopt the proposed ordinance.

**TOWN OF WEAVERVILLE
ORDINANCE CONCERNING HOURS OF CERTAIN SUNDAY ALCOHOL SALES**

WHEREAS, the General Assembly has pursuant to N.C.G.S. § 18B-1004(c) made it unlawful to sell or consume alcoholic beverages on any licensed premises from the time at which sale or consumption must cease on Sunday morning until 12:00 noon on that day; and

WHEREAS, the General Assembly has, since the adoption of the aforementioned prohibition, enacted N.C.G.S. § 160A-205.3, permitting a municipality to adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under N.C.G.S. § 18B-1001; and,

WHEREAS, the Town Council considers it to be in the best interest of the health, safety and welfare of the Town's residents, businesses and visitors to allow licensed premises to sell malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 a.m. on Sunday,

NOW, THEREFORE, be it ordained by the Town Council of the Town of Weaverville:

SECTION 1. The following language shall be added as § 16-7 to Town Code: **ALCOHOLIC BEVERAGE RETAIL SALES ON SUNDAY – HOURS.** In accordance with the authority granted under N.C.G.S. § 160A-205.3, the Weaverville Town Council hereby declares that sale of malt beverages, unfortified wine, fortified wine, and mixed beverages shall be allowed on licensed premises within the Town beginning at 10:00 a.m. on Sunday pursuant to the licensed premises' permit issued under N.C.G.S. § 18B-1001.

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

ADOPTED this the 17th day of July 2017 by a vote of ___ in favor and ___ against.

DOTTIE SHERRILL, Mayor

ATTESTED BY:

DEREK HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, July 17, 2017

Subject: Monticello Commons Apartments Conditional Zoning District
Planning and Zoning Board Recommendation

Presenter: Planning Director

Attachments: Monticello Commons Apartments Conditional Zoning District
Planning and Zoning Board Recommendation

Description:

On Thursday, July 6th the Planning and Zoning Board established a unanimous negative recommendation related to the proposed conditional zoning district at Monticello Commons. As per 36-359(c), the applicant must submit in writing to the Town Clerk a request for a public hearing before Town Council within thirty days of being notified of the negative recommendation. To date, no such request has been received. Should the thirty days elapse, the denial shall be considered affirmed by Town Council and the application denied.

Action Requested:

No action needed.



**Town of Weaverville
Planning and Zoning Board**

On Thursday, July 6, 2017 the Planning and Zoning Board reviewed the proposed conditional zoning district for a 264 dwelling unit apartment complex at Monticello Commons and submits to Town Council a unanimous negative recommendation on this application.

The Planning and Zoning Board considers the application not reasonable or in the public interest based upon the following factors:

- **The Town's adopted Comprehensive Land Use Plan (CLUP) and the current C2 Zoning District calls for commercial uses on the property. The application calls for a residential use of the property, thus creating a clear conflict with the aforementioned CLUP.**
- **The Board finds the applicants proposed density of 15.3 dwelling units per acre unreasonable as the Town's R-12 multi-unit residential district allows a density of not more than 12 units per acre.**
- **The Board considers the highest and best use of the property to be commercial as called for by the CLUP. Additionally the Board recognizes that uses allowed within the C2 Zoning District are still needed in Town and this property constitutes one of the last sizeable commercially zoned properties within municipal borders.**
- **The Board finds that the applicant should be requesting a zoning map amendment from C2 to R-12, and a corresponding amendment to the CLUP, and then adhering to the parameters established by the R-12 Zoning District.**

**Doug Theroux
Chairman, Planning and Zoning Board**

CONDITIONAL ZONING DISTRICT APPLICATION

Planning and Zoning Department
30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7013--- fax (828) 645-4776 --- tgupton@weavervilleenc.org
\$350.00 Application Fee



Conditional Zoning Districts address situations in which a particular use, properly planned, may be appropriate for a specific site but, the existing zoning district of the site has insufficient standards to mitigate the site-specific impact on the surrounding area.

Uses which may be considered for a Conditional Zoning District shall be established on a case-by-case basis at the request of the property owner. Conditional Zoning Districts are not intended for securing early or speculative reclassification of a property.

A Conditional Zoning District shall be defined as a zoning district in which the development and use of the property included in the district are subject to predetermined ordinance standards, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. If the use of an approved Conditional Zoning District ever changes, a new proposed use and plan must be submitted for review by the Town Council.

***In the R-1 district, the only lots eligible for rezoning to a conditional use are lots which are contiguous to and are only accessed via Weaver Boulevard, Main Street, or Merrimon Avenue.**

A fee of \$350.00 shall be paid to the Town of Weaverville for each Conditional Zoning District or rezoning request. During review of the request, all additional costs incurred by the Town above the initial fee of \$350.00 shall be the responsibility of the applicant.

OWNER/APPLICANT NAME: Azalea Management
and Leasing - Andy Walker

APPLICATION DATE: February 20, 2017

BRIEFLY DESCRIBE THE PROJECT: The project consist of 260 multi-family unit complex consisting of 9 buildings with a clubhouse and 6 separate garage buildings. Public sewer and public water service will be provided.

PHONE NUMBER: (828) 298-3406 x 144

PROPERTY ADDRESS: Monticello Commons
Drive, Weaverville, NC
28787

PIN: 9746-22-2440, 9743-12-9158, 9743-11-7924,
9743-21-1887, 9743-22-3100

DEED BOOK/PAGE: 5441/1421, 5441/1468,
4350/0796

LOT AREA (acres): 12.46 acres

ZONING DISTRICT: Existing - C-2
Proposed - R-12 (CZD)

CONDITIONAL ZONING DISTRICT APPLICATION

Planning and Zoning Department
 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
 (828) 484-7013--- fax (828) 645-4776 --- tgupton@weavervillenc.org
\$350.00 Application Fee



A petition for a Conditional Zoning District must include a site plan and supporting information that specifies the intended uses for property. A complete site plan will include the following:

<input checked="" type="checkbox"/>	Title block containing:
<input checked="" type="checkbox"/>	Name of owner & applicant
<input checked="" type="checkbox"/>	Property address
<input checked="" type="checkbox"/>	Buncombe County PIN
<input checked="" type="checkbox"/>	Date or dates survey was conducted or plan prepared
<input checked="" type="checkbox"/>	Scale of the drawing in feet per inch
<input checked="" type="checkbox"/>	Deed book and page reference of the deed
<input checked="" type="checkbox"/>	Zoning designation of property
<input checked="" type="checkbox"/>	Sketch vicinity map depicting the relationship between the proposed subdivision and the surrounding area
<input checked="" type="checkbox"/>	North Arrow and orientation
<input checked="" type="checkbox"/>	Lot area in acres and square feet
<input checked="" type="checkbox"/>	Existing topography of the site and within 300 feet of the site boundary in four (4) foot contours
n/a	Delineation of areas within the floodplain.
<input checked="" type="checkbox"/>	Names of owners of adjoining properties, Buncombe County PIN, and zoning designation
<input checked="" type="checkbox"/>	Minimum building setback lines applicable to the lot, including drainage or utility easements
<input checked="" type="checkbox"/>	Proposed number and location of signs
<input checked="" type="checkbox"/>	Exact dimensions, location, height, and exterior features of proposed buildings and structures
<input checked="" type="checkbox"/>	Scale of all buildings relative to adjoining properties, including sight lines
<input checked="" type="checkbox"/>	Utility easements
<input checked="" type="checkbox"/>	Existing and proposed sanitary sewer system layout and a letter of commitment
<input checked="" type="checkbox"/>	Existing and proposed water distribution system layout and a letter of commitment
<input checked="" type="checkbox"/>	Existing and proposed stormwater system layout. Include copy of application for Buncombe County stormwater permit
n/a	Plans for individual water supply and sewerage/septic disposal system, if any
<input checked="" type="checkbox"/>	A statement as to whether or not natural gas, telephone, electric, and cable lines are to be installed, and whether they will be above or below ground
<input checked="" type="checkbox"/>	Exact dimension and location of all traffic, parking, and circulation plans showing the proposed location and arrangement of parking spaces.
<input checked="" type="checkbox"/>	Existing and proposed roads, driveways, ingress/egress, easements, and rights-of-way both private and public.
<input checked="" type="checkbox"/>	Include NCDOT driveway permit, if required.
<input checked="" type="checkbox"/>	Existing and proposed encroachments into setbacks, rights-of-way, and/or easements, if any
<input checked="" type="checkbox"/>	Location of significant trees on the property
<input checked="" type="checkbox"/>	Proposed phasing, if any, and expected completion date of the project.

Upon reviewing the application, site plan, and supporting documents, the Planning and Zoning Board will issue statement of reasonableness of the proposed Conditional Zoning District.

Before a public hearing may be held by the Town Council, the petitioner must file in the Office of the Town Clerk, a written report of at least one community meeting held by the petitioner. The report shall include a list of those persons and organization notified of the meeting detailing the method and date of contact' the date, time, and location of the meeting; a roster of persons in attendance, a summary of issues discussed, and a description of any changes to the petition as a result of the meeting. In the event the petitioner has not held at least one meeting, the petitioner shall file a report documenting efforts that were made and the reasons such a meeting was not held.

CONDITIONAL ZONING DISTRICT APPLICATION

Planning and Zoning Department

30 South Main Street, P.O. Box 338, Weaverville, NC 28787

(828) 484-7013--- fax (828) 645-4776 --- tgupton@weavervillenc.org

\$350.00 Application Fee



At the discretion of the Town Council, it may be required of the property owner to guarantee performance or completion of conditions included in the Conditional Zoning Plan. Such guarantee may take the form of: (1) a surety performance bond made by a company licensed and authorized in North Carolina, (2) a bond of a developer with an assignment to the Town of a certificate of deposit, (3) a bond of developer secured by an official bank check drawn in favor of the Town and deposited with the Town Clerk, (4) cash or an irrevocable letter of credit, (5) a bank escrow account whereby the developer deposits cash, a note, or a bond with a federally insured financial institution into an account payable to the Town. The amount of the guarantee shall be determined by Town Council.



CDC
 Civil Design
 180 MATTHEW AVENUE
 SUITE 200
 GADSDEN, AL 36033
 (205) 544-1111
 www.cdcivil.com



REDEVELOPMENT DATA

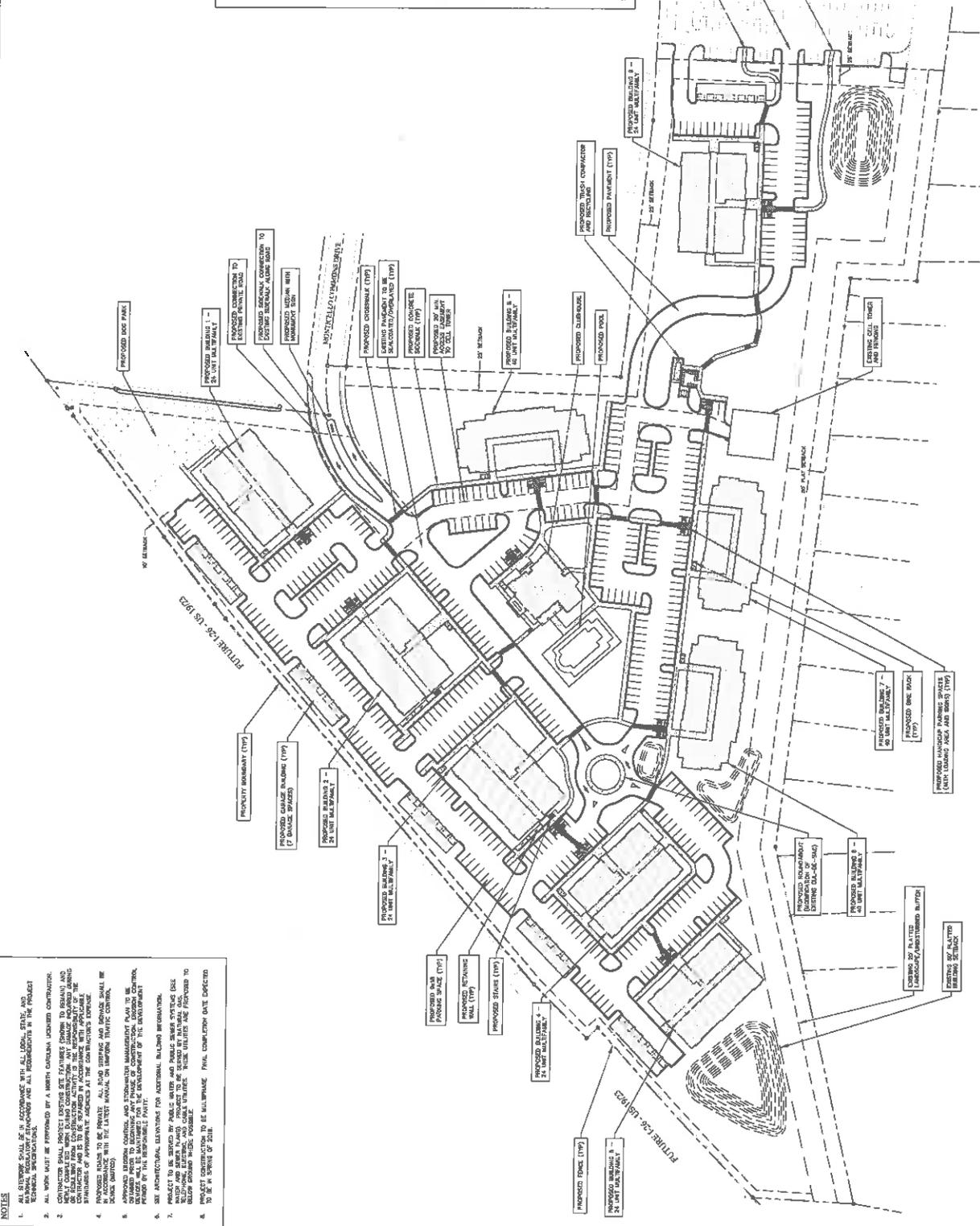
OWNER/CLIENT:
 GAYL M. WILSON
 1200 WILLOW, SUITE 200
 GADSDEN, AL 36033
 (205) 544-1111

CONTRACTOR:
 M.C. WILSON CONSTRUCTION, P.A.
 1200 WILLOW, SUITE 200
 GADSDEN, AL 36033
 (205) 544-1111

ARCHITECT:
 J. WILSON ARCHITECTS, P.A.
 1200 WILLOW, SUITE 200
 GADSDEN, AL 36033
 (205) 544-1111

PROJECT DATA

PERMITS:
 15-06-AC
 15-06-0001
 15-06-0002
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 15-06-0099
 15-06-0100



- NOTES**
1. ALL SITEWORK SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND ALL REQUIREMENTS IN THE PROJECT CONTRACT DOCUMENTS.
 2. ALL WORK MUST BE APPROVED BY A MEMPHIS-CARROLL JUNCTION CONTRACTOR.
 3. CONTRACTOR SHALL PROTECT EXISTING SITE FEATURES FROM TO REMAIN AND SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND ALL REQUIREMENTS IN THE PROJECT CONTRACT DOCUMENTS AND TO BE OBTAINED BY ACCORDANCE WITH APPLICABLE REGULATIONS.
 4. PROPOSED DRIVEWAYS TO BE PROVIDED AS SHOWN ON DRAWINGS SHALL BE IN ACCORDANCE WITH THE LATEST MANUAL ON HIGHWAY TRAFFIC CONTROL.
 5. APPROVED EROSION CONTROL AND STABILIZATION MEASURES SHALL BE OBTAINED PRIOR TO BEGINNING ANY PHASE OF CONSTRUCTION. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE DEVELOPMENT OF THE DEVELOPMENT BY THE RESPONSIBLE PARTY.
 6. SEE ARCHITECTURAL ELEVATIONS FOR ADDITIONAL BUILDING INFORMATION.
 7. PROJECT TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS (SEE EXISTING UTILITIES AND LOCAL UTILITIES). THESE UTILITIES ARE ASSUMED TO BE AVAILABLE AND SHALL BE MAINTAINED THROUGHOUT THE DEVELOPMENT.
 8. PROJECT TO BE IN SERVICE BY 2018. SEE BUILDING PERMITS FOR COMPLETE DATE EXPECTED.



NO.	DATE	DESCRIPTION
1	02/24/11	CONDITIONAL ZONING SUBMITTAL
2		
3		
4		
5		

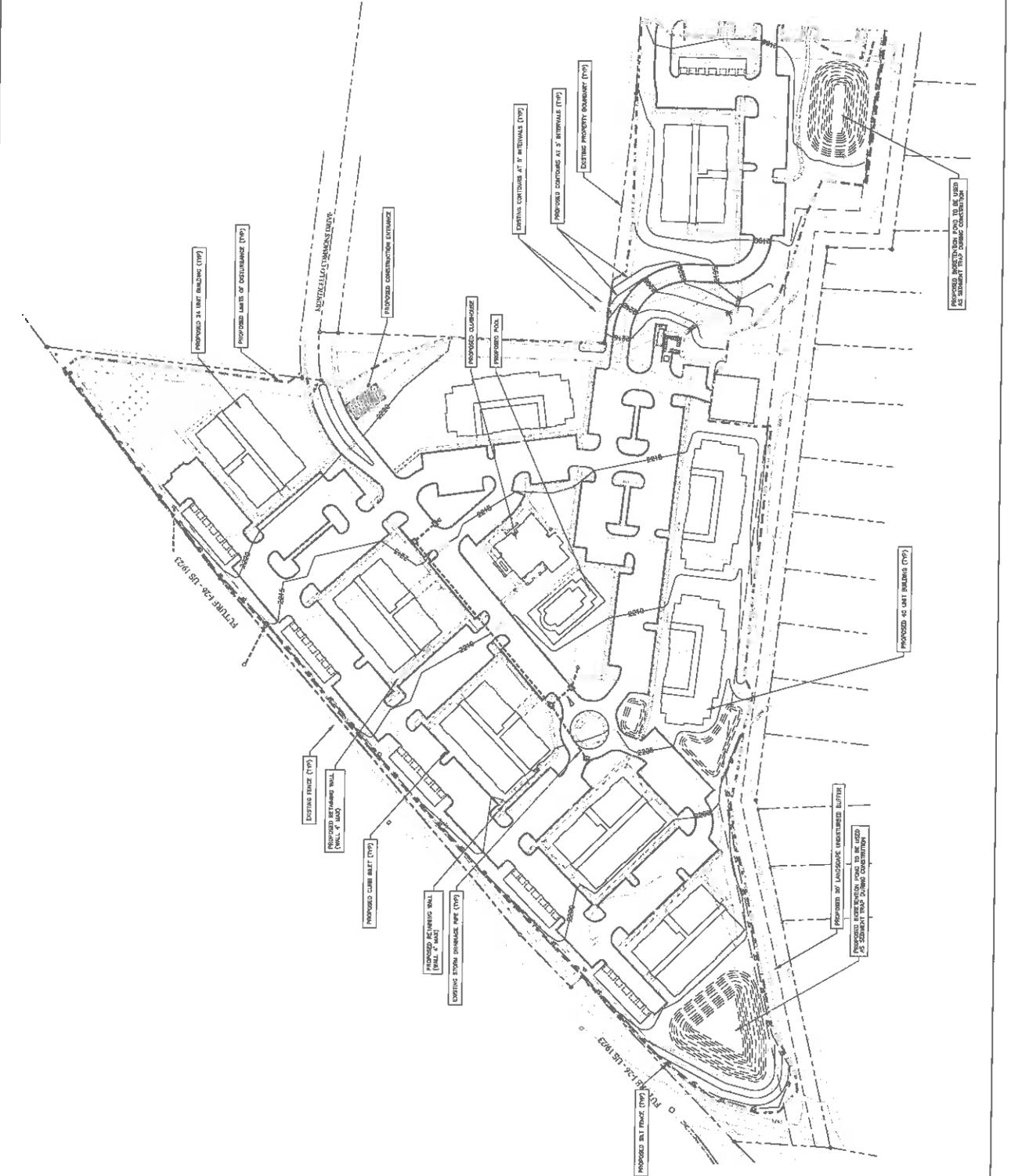
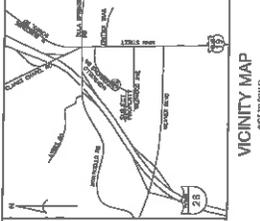
CDC
 Design
 Concept
 www.cdcconcept.com
 180 W. 7TH STREET, SUITE 200
 WASHINGTON, NC 27578
 PHONE: 919.486.8888
 FAX: 919.486.8888



ROUGH GRADING &
 EROSION CONTROL PLAN

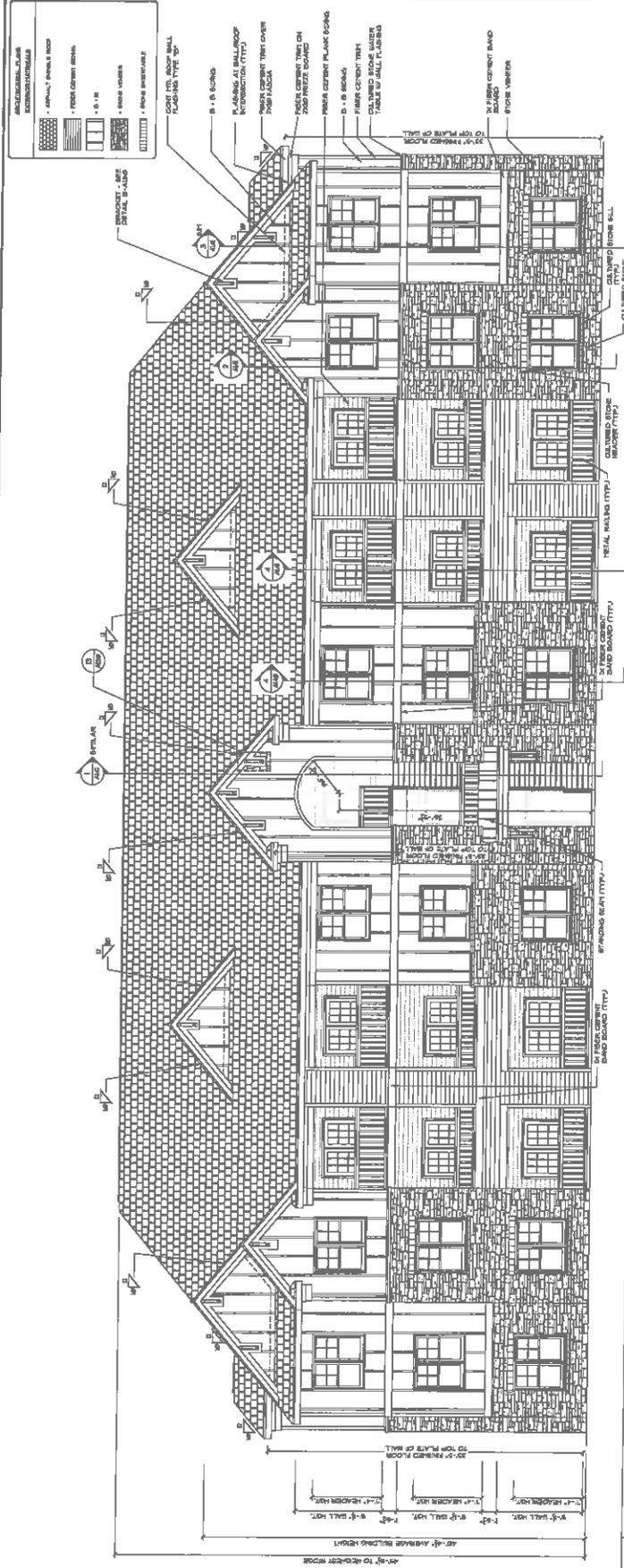
DEVELOPMENT DATA
 OWNER/DEVELOPER: [Name]
 CONTRACT: [Number]
 DATE: [Date]
 SURVEYOR: [Name]
 ARCHITECT: [Name]
 CONTRACT: [Number]

PROJECT DATA
 PLOT: [Number]
 ADDRESS: [Address]
 ZONING: [Code]
 DISTRICT: [Code]
 LOTS: [Number]
 ACRES: [Area]
 PERMITTED: [Status]

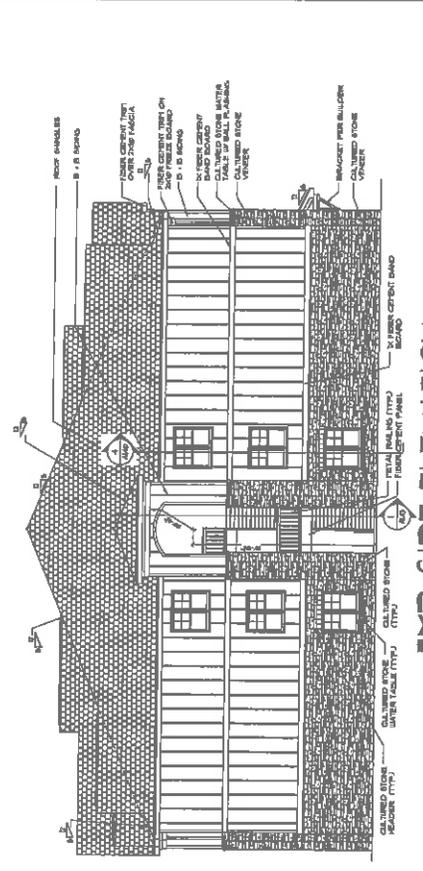




PROJECT NO.	010015
DATE	12/11/17
DESCRIPTION	REVISIONS
ISSUE DATE	DATE
PROJECT DATE	DATE
PROJECT NO.	010015
DATE	12/11/17
DESCRIPTION	REVISIONS
ISSUE DATE	DATE
PROJECT DATE	DATE



1 BUILDING TYPE I FRONT ELEVATION
 Scale: 3/16" = 1'-0"



2 TYP. SIDE ELEVATION (LEFT SIDE SHOWN)
 Scale: 1/8" = 1'-0"

Planworx Architecture, P.A. is not responsible for a contractor's failure to follow the drawings or specifications. The contractor shall be responsible for obtaining all necessary permits and for the accuracy of the information provided. The contractor shall be responsible for the accuracy of the information provided. The contractor shall be responsible for the accuracy of the information provided. The contractor shall be responsible for the accuracy of the information provided.

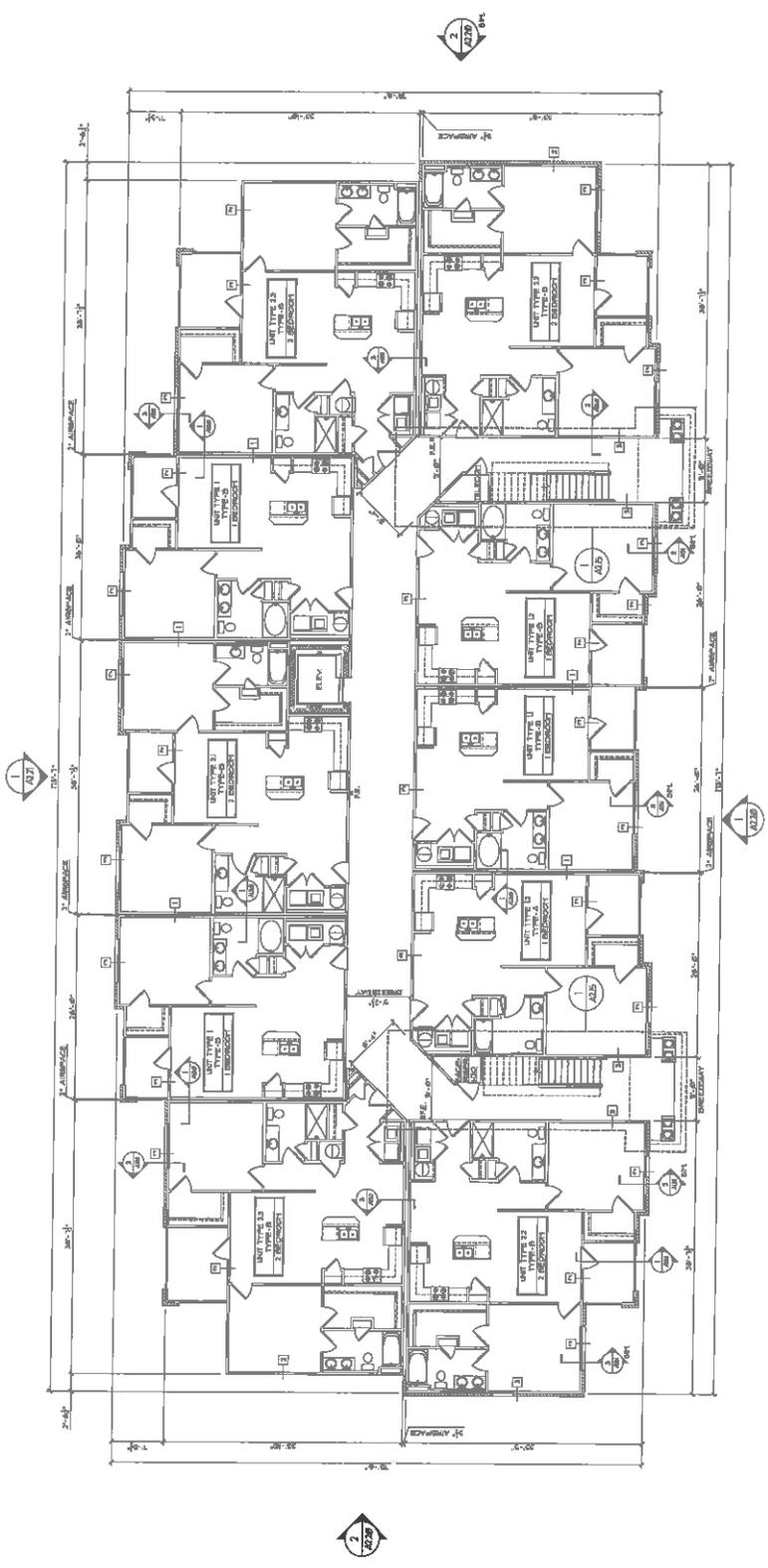


Monticello Commons
Initial Planning & Zoning Submittal

NO.	DATE	DESCRIPTION
1	02.20.17	ISSUED DATE
2		REVISIONS
3		REVISIONS
4		REVISIONS
5		REVISIONS
6		REVISIONS
7		REVISIONS
8		REVISIONS
9		REVISIONS
10		REVISIONS

PROJECT NO: 010015
DATE: 02/20/17
SUBMITTABLE

Typical Floor Plan-BT
2
A2.10



1 BUILDING TYPE 2 FIRST FLOOR PLAN
Scale: 1/8" = 1'-0"

1. All dimensions are in feet and inches. Dimensions are given in feet and inches, rounded to the nearest 1/8".
2. All dimensions are given in feet and inches, rounded to the nearest 1/8".
3. All dimensions are given in feet and inches, rounded to the nearest 1/8".
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10. All dimensions are given in feet and inches, rounded to the nearest 1/8".

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, July 17, 2017

Subject: Set a Public Hearing on the Proposed Table of Uses and Announce Community Information Meetings and Town Council Workshops

Presenter: Planning Director

Attachments: Meeting Schedule for the Proposed Table of Uses

Description:

As Council is aware, we are entering into a stretch of meetings related to the proposed table of uses. Those meetings are reflected in the attachment which follows.

Action Requested:

Staff is seeking the scheduling of a Public Hearing on Monday, August 21st at 6pm related to the proposed table of uses within the zoning ordinance. Additionally, staff will be announcing the meeting schedule for the proposed table of uses.



Meeting Schedule for the Proposed Table of Uses

***Monday, July 17:** Town Council Sets a Public Hearing on the Proposed Table of Uses for Monday, August 21; Announcement of Community Information Meetings / Town Council Workshops

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

Tuesday, August 8: Community Information Meeting II / Town Council Workshop

Tuesday August 15: Joint Meeting of Town Council and the Planning and Zoning Board; Presentation and Discussion Related the Proposed Table of Uses

***Monday August 21:** Public Hearing Related to the Proposed Table of Uses (Public Hearing may be Continued in Order to Address Comments from the Public)

* Regularly scheduled meeting of Town Council

** Each meeting is scheduled for 6pm within Council Chambers at Town Hall

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: July 17, 2017
SUBJECT: Eller Cove Watershed Conservation Easement Transfer
PRESENTER: Town Manager
ATTACHMENTS: None

DESCRIPTION:

The Eller Cove Watershed project came to a long-awaited conclusion on Thursday, July 13, 2017, with the Town's transfer of the Eller Cove Watershed conservation area. The Town received \$550,000 on July 13th for conveying the conservation easement which will ensure the preservation of over 300 acres for hiking, biking and wildlife viewing. This could not have happened without grants from the North Carolina Clean Water Management Trust Fund and the Southern Appalachian Highlands Conservancy. That generosity in protecting this area is greatly appreciated as it will benefit the Town and this region for many years to come.

COUNCIL ACTION REQUESTED:

The \$550,000 received by the Town as sale proceeds will be reflected as revenue in this year's budget. Town Council is asked to discuss and given direction to the Town Manager on any desired use of these funds so the appropriate budget amendment can be prepared for Council's consideration.