

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

November 21, 2016 at 6:00pm
Town Council Monthly Meeting & Public Hearing

- 1. **Call to Order**..... Mayor Sherrill
- 2. **Approval / Adjustments to the Agenda**..... Mayor Sherrill
- 3. **Approval of Minutes**..... Mayor Sherrill
 - A. October 17, 2016 Town Council Minutes
 - B. November 1, 2016 Special-Called Meeting Minutes
 - C. November 8, 2016 Workshop Minutes
- 4. **Employee Recognition** (none this agenda)..... Town Manager
- 5. **General Public Comments**
- 6. **Consent Agenda**..... Mayor Sherrill

Items included for a motion to approve the consent agenda unless an item is pulled for discussion.

 - A. Arbor Day Proclamation
This proclamation ratifies November 19, 2016 as the Town’s Arbor Day observance.
 - B. Christmas Parade Road Closure Ordinance
This ordinance establishes road closures for the annual Christmas Parade on December 3, 2016.
 - C. Proclamation Honoring the Civil Air Patrol
This proclamation declares Thursday, December 1, 2016 as Civil Air Patrol Day.
 - D. Proclamation Celebrating the 100th Anniversary of the Weaverville Fire Department.
This proclamation recognizes 2016 as the 100th anniversary of the Town’s Fire Department.
 - E. Reems Creek Village Concept Plan
This concept plan creates one additional lot within the previously approved subdivision.
 - F. Tax Release and Tax Collector’s Report
This releases \$268.48 based on Buncombe Co. recommendation and reports current collection.
- 7. **Discussion & Action Items:**
Actions may be taken on these items.
 - A. Board Appointment..... Mayor Sherrill
 - B. Bidding of Purchase of Self-Contained Breathing Apparatus..... Town Attorney
 - C. Out-of-Town Water Requests..... Public Works Dir.
 - D. Voluntary Annexation Petition/Initial Zoning Request: 145 Monticello Road..... Town Attorney
(Weaverville Apartments, LLC)
 - E. Resolution Against Discrimination..... Town Manager
- 8. **Public Hearing and Council Action: Code Amendments**..... Town Planner
Town Council may take action after this public hearing if so desired. Town Attorney
- 9. **Town Manager’s Report**..... Town Manager
- 10. **Closed Session**..... Town Attorney
N.C.G.S. 143-318.11(a)(3): To consult with the Town Attorney
- 11. **Adjournment**..... Mayor Sherrill

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING
MONDAY, OCTOBER 17, 2016**

The Town of Weaverville Town Council met on Monday, October 17, 2016 beginning at 6:00pm in Council Chambers within Weaverville Town Hall at 30 South Main Street.

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

Staff Present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Police Sergeant Brandon Parris, Public Works Director Tony Laughter, Fire Chief Ted Williams and Town Planner James Eller.

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Councilman Jackson motioned to approve the agenda as presented. Councilman Nagle seconded and all voted unanimously.

3. Approval of the Minutes

Minutes to be approved are from the September 19, 2016 Town Council meeting.

Vice-Mayor Penley motioned to approve the minutes as amended by Ms. Coffey. Councilman Nagle seconded and all voted unanimously.

4. Employee Recognition

Town Manager Coffey introduced Fire Marshall Kile Davis to Town Council, acknowledged the time and energy of the Planning and Zoning Board and the Zoning Board of Adjustment along with Town Attorney Jennifer Jackson and Town Planner James Eller, and Public Works Director Tony Laughter for the implementation of the recovery design system for the water system.

5. General Public Comment

Public comment closed with no comment being made.

6. Consent Agenda

- A. Set date for a Public Hearing on proposed Code Amendments based on Staff Recommended Technical Changes for November 21, 2016 at 6:00.
- B. Approval of a Gateway Sign Easement Agreement from SunTrust Bank.

C. Adoption of Records Detention and Disposition Schedule.

Councilman Jackson motioned to approve the consent agenda. Vice-Mayor Penley seconded and all voted unanimously.

7. Discussion and Action Items

A. Weaverville Business Association Event Proposal.

Cynthia Ward, Director of the Weaverville Business Association, spoke to Council regarding their proposal to organize an outdoor concert to be held on Main Street on Friday, June 23, 2017. The plan calls for the stage to be placed on Main Street in front of Town Hall and would create the necessity of a road closure from the intersection of Main and Brown to the intersection of Main and Merrimon. Ms. Ward noted that the event would not sell food but would like to sell beer and that those responsible for distributing same would be properly trained.

Ms. Coffey noted that the Town would incur a cost of approximately \$2,000 to accommodate the additional personnel necessary to staff the event with members of the Fire, Police and Public Work Departments. Ms. Coffey asked if alcohol would be permitted within the entire enclosure and Ms. Ward affirmed. Ms. Coffey asked if the vendor would sell beer and Ms. Ward noted that volunteers would be in charge of sales and would be properly trained. Ms. Coffey asked if there would be a limit on the number of drinks one is allowed to consume and Ms. Ward stated that those responsible for the sale of alcohol would have the right to refuse service for anyone who appeared to be intoxicated. Ms. Coffey asked if portable toilets would be used and Ms. Ward confirmed.

Ms. Jackson noted that there is a Town Ordinance which prohibits the consumption of alcohol on Municipal property with some inconsistencies to be addressed. Also there would be some legalities to be addressed related to Main Street being an NCDOT road.

Councilman Nagle asked about any liability the Town would incur and Ms. Jackson replied that it would be wise for the Town to enter into an indemnification agreement. Councilman Jackson suggested that a punch card be used to limit the number of beverages consumed by any individual, that parking may be an issue due to the attendance desired and also the closure of Main Street creates a choke point due to the access points of surrounding roads.

Councilman Jackson suggested that some of the aforementioned issues be investigated and for staff to proceed with working forward with the proposal. Ms. Coffey asked for consensus of Council and it was granted with the request that this matter be brought back to Council when more details have been worked out.

B. Weaverville ABC Audit Presentation.

Mr. Chason, Chairman of the ABC Board, presented Council with the audit of the ABC system from the previous fiscal year. Mr. Chason noted that the ABC system was in good financial standing and the budget for the present fiscal year calls for a \$55,000 disbursement to the Town.

Mr. Jackson inquired as to how the store was performing in comparison with neighboring stores. Mr. Chason responded that sales were up statewide and the Weaverville system was keeping pace

and exceeding growth experienced. Mr. Chason also noted that the store was keeping a working capital of approximately \$350,000.

C. Update on Water Capacity.

Mr. Laughter spoke to Council regarding the capacity of the municipal water system. Of note was that with the approval of the two projects before council tonight the system would be operating at approximately 75%.

Councilman Jackson noted that previously the threshold of 75% was established as a point of concern. Mr. Laughter responded that with planning and consideration the Town had the ability to purchase from the City of Asheville. Councilman Jackson asked if the Town could still provide water to Mars Hill and Mr. Laughter confirmed. Councilman Nagle mentioned his concern over the pace of development and noted that the last time Council attempted an overhaul of the Zoning Ordinance the community rejected the proposal.

Mr. Laughter stated that he would be updating the Council on possible options for expanding the water capacity.

D. Water Allocation & Meter Request for Monticello Commons.

Mr. Laughter noted that the project called for 264 units, is located on Monticello Commons behind Tractor Supply and the Post Office and is presently within municipal limits. Councilman Jackson noted his concern over the number of units being proposed and supplied for. Chris Day of Civil Design Concepts spoke to Council on behalf of the applicant and noted that the project would be eligible for review by the Planning and Zoning Board and Town Council.

There was Council discussion about the water commitment not being an approval of the development and it was agreed that staff would add language to the commitment letter to advise owners/developers on that issue.

Councilman Jackson motioned to approve the water allocation. Councilman Fitzsimmons seconded and all voted unanimously.

E. Water Allocation Request for an Outparcel Restaurant at 61 Weaver Boulevard.

Mr. Laughter noted that the project call for a restaurant within Weaverville Crossings. Marty Kocot of Landworks Engineering spoke to Council on behalf of the applicant.

Councilman Nagle motioned to approve the water allocation. Vice-Mayor Penley seconded and all vote unanimously.

F. Annexation Petition & Initial Zoning for Monticello Apartments.

Ms. Jackson described to Council that the proposed annexation is being done in conjunction with a water allocation granted in August, 2015.

Councilman Dearth motioned to adopt the resolution which directs the Town Clerk to investigate the sufficiency of the annexation petition and directs the Town Planner to place the application

for initial zoning on the agenda of the next Planning and Zoning Board Meeting. Councilman Jackson seconded and all voted unanimously.

8. Public Hearing and Council Action: Proposed Subdivision Ordinance Amendments to Revise Requirements & Procedure for Minor Subdivisions

Vice-Mayor Penley motioned to open the Public Hearing. Councilman Fitzsimmons seconded and all voted unanimously.

Mr. Eller spoke to Council regarding the proposed change to the subdivision ordinance which called for the transfer of approval of minor subdivisions from Town Council to the Town Planner after review by the Planning and Zoning Board and erasing the necessity of a concept plan for minor subdivisions.

Councilman Dearth motioned to close the Public Hearing. Vice-Mayor Penley seconded and all voted unanimously.

Councilman Dearth motioned to adopt the changes as proposed. Councilman Nagle seconded and all voted unanimously.

9. Town Manager's Report

Ms. Coffey noted that the next Council Workshop is scheduled for November 8th and will be on land use regulations related to businesses, work continues on website redevelopment, the Cops for Kids raised \$7,862, and the Citizens Academy had 13 graduates.

10. Adjournment

Councilman Dearth motioned to adjourn. Vice-Mayor Penley seconded and all voted unanimously.

James W. Eller, Deputy Town Clerk

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 1, 2016**

The Town of Weaverville Town Council held a specially called joint meeting with the Weaverville Planning and Zoning Board on Tuesday, November, 2016, beginning at approximately 6:00 pm in the Training Room of the Fire Department at 3 Monticello Road.

Council Present: Mayor Dottie Sherrill, Council Members Doug Dearth, Patrick Fitzsimmons, Doug Jackson and Andrew Nagle.

Staff Present: Town Attorney Jennifer Jackson and Town Planner James Eller.

Call to Order - *Mayor Sherrill called the meeting to order at approximately 6:15pm.*

Discussion Items -

Water Allocation / Annexation:

Councilman Nagle suggested that the water allocation should come after a voluntary annexation for the purpose of ensuring that municipal ordinances are enforced. Chairman Theroux consented and stated that putting the process in this order gave the Town the ability to address development concerns rather than accepting projects approved by the County.

Councilman Dearth expressed a concern over using the municipal water system as a tool to shape growth and noted the state may take away systems used in this manner.

Mr. Burge noted that placing water allocations after annexation would effectively remove vested rights the Town is required to uphold on projects approved by the County.

R-12 Zoning District Building Height / Building Height Measurement

Councilman Dearth suggested that the height be limited by stories of the building rather than feet. Councilman Jackson read from the Comprehensive Land Use Plan a passage which called for preserving existing character of development to represent a limit on height.

Ms. Cordell motioned to make a recommendation to Town Council to adjust the building height within the R-12 Zoning District to forty-five feet or three stories and to have building height with measurement of maximum height to be measured at the front of the building from finished grade to peak height. Mr. Burge seconded and all voted unanimously.

Pyramid of Uses / Table of Uses

Ms. Jackson described that the present structure of uses in the Zoning Code was a pyramid with R-1 being the most restrictive and I-1 being the least. Additionally, anything allowed at the top of the pyramid was allowed in all other zoning districts with only a few exceptions.

Councilman Jackson expressed a concern that single family residences are allowable by right in commercial and industrial zones. Councilman Nagle suggested that I-1 properties still be allowed a wide range of uses. Councilman Fitzsimmons suggested that the present structure of the I-1 Zoning District is effectively no zoning.

By consensus Council instructed staff to begin work on transitioning the structure of the Zoning Ordinance from its present pyramid to a Table of Uses. There was recognition by Council that this would be a very involved project for both staff and the Planning and Zoning Board.

It was noted that the Council's workshop scheduled for November 8, 2016, at 5:30pm would pick some of these issues up for more discussion.

Adjournment

Councilman Nagle motioned to adjourn the meeting of Town Council. Councilman Jackson seconded and all voted unanimously.

James W. Eller, Deputy Town Clerk

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL WORKSHOP
MONDAY, NOVEMBER 8, 2016**

The Town of Weaverville Town Council met on Monday, November 8, 2016 beginning at 5:30pm in the Training Room within the Weaverville Fire Department at 3 Monticello Road.

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

Staff Present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson and Town Planner James Eller.

1. Call to Order

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

2. Open Discussion Related to Land Use Regulations

Table of Uses

Mr. Eller presented Council with a shell version of a Table of Uses and described the possibility of multiple ways that particular uses could be approved. Uses allowable by right, allowable with additional standards, allowable by conditional zoning and uses not permitted were discussed as possible entries into the Table of Uses matrix. Consensus was granted by Council to use these four methods when crafting the Table of Uses.

Ms. Jackson noted that the implementation of a Table of Uses would cause change to other sections of the Code such as the definitions and descriptions of the zoning districts. A timeframe for creation and implementation was also suggested. It was agreed that this project is likely to take 6 months and Council indicated that they would like it to be implemented before July 1, 2017.

Unified Business Development

Councilman Nagle suggested that the square footage threshold for a unified business development was too low at 10,000 square feet. Councilman Dearth noted that the object of the changes should be to drive more applicants to Conditional Zoning Districts.

Staff was also directed to research municipalities of similar size and prepare language related to changing the square footage threshold to trigger Board involvement and present to the Planning and Zoning Board.

There was Council consensus as to these directives.

Ghost Roads

Councilman Nagle expressed a concern over ghost roads due to comments made at a recent meeting of the Zoning Board of Adjustment. Ms. Jackson noted that these roads are a dedicated road right-of-

way on a subdivision plat and that they cannot be erased without all abutters agreeing to the abandonment.

3. Adjournment

Councilman Fitzsimmons motioned to adjourn at approximately 6:30pm. Councilman Jackson seconded and all voted unanimously.

James W. Eller, Deputy Town Clerk

DRAFT

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: November 21, 2016
Subject: Arbor Day Proclamation
Presenter: Selena Coffey, Town Manager
Attachments: Proclamation

Description:

Attached please find a Proclamation designating November 19, 2016 as the Town of Weaverville's Arbor Day Celebration.

Action Requested:

The Town Manager recommends ratification of this proclamation by Town Council during this meeting.



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, _____, Mayor of the City of
_____, do hereby proclaim
_____ as

Arbor Day

In the City of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____
Mayor _____

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: November 21, 2016
Subject: Road Closure Ordinance for Weaverville Christmas Parade
Presenter: Selena Coffey, Town Manager
Attachments: Road Closure Ordinance for Weaverville Christmas Parade

Description:

Attached please find a Road Closure Ordinance for the annual Weaverville Christmas Parade.

Action Requested:

The Town Manager recommends adoption of this Ordinance by Town Council during this meeting.

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 3, 2016

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.

Adopted this 21st day of November, 2016, by Town Council, Town of Weaverville, North Carolina.

Dottie Sherrill, Mayor

Attest:

Selena D. Coffey, Town Manager / Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: November 21, 2016
Subject: Proclamation Honoring Civil Air Patrol
Presenter: Mayor Dottie Sherrill
Attachments: Proclamation

Description:

A Proclamation honoring the Civil Air Patrol is attached for Town Council's review and approval.

Council Action Requested:

The Town Manager recommends that Town Council approve the attached Proclamation and direct Mayor Sherrill to execute the Proclamation on behalf of Town Council and the Town of Weaverville.

**TOWN OF WEAVERVILLE
PROCLAMATION HONORING THE CIVIL AIR PATROL**

WHEREAS, the Civil Air Patrol (CAP) is a congressionally chartered, federally supported non-profit corporation that serves as the official civilian auxiliary of the United States Air Force (USAF); and

WHEREAS, the Civil Air Patrol performs three congressionally assigned key missions: emergency services, which includes search and rescue (by air and ground) and disaster relief operations; aerospace education for youth and the general public; and cadet programs for teenage youth; and

WHEREAS, Civil Air Patrol has also been tasked with homeland security and courier service missions; and

WHEREAS, Civil Air Patrol also performs non-auxiliary missions for various governmental and private agencies, such as local law enforcement and the American Red Cross.

WHEREAS, the Civil Air Patrol operates a fleet of 550 aircraft and performs about 90 percent of continental U.S. inland search and rescue missions as tasked by the Air Force Rescue Coordination Center (AFRCC) and is credited by the AFRCC with saving an average of 78 lives annually; and

WHEREAS, the Civil Air Patrol received the Congressional Gold Medal in 2014 in honor of the heroic efforts of its World War II veterans.

WHEREAS, the Asheville Composite Squadron of the Civil Air Patrol has been operating continuously since 1942.

WHEREAS, on December 1, 2016 the Civil Air Patrol will celebrate its 75th anniversary of conducting missions for America

NOW THEREFORE, I, Dorothea Sherrill, Mayor of the Town of Weaverville, NC, and on behalf of the entire Town Council, do hereby proclaim **Thursday, December 1, 2016:**

CIVIL AIR PATROL DAY

In the Town of Weaverville, NC, and encourage the citizens of Weaverville to express their appreciation to the local Asheville Composite Squadron of the Civil Air Patrol for their diligence service to the community, state and nation for the past 75 years.

PROCLAIMED this the **21st** day of **November, 2016.**

[SEAL]

Dottie Sherrill, Mayor
Town of Weaverville

ATTEST: _____
Selena D. Coffey, Town Manager / Town Clerk
Town of Weaverville

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: November 21, 2016
Subject: Proclamation Celebrating the 100th Anniversary of the Weaverville Fire Department
Presenter: Mayor Dottie Sherrill
Attachments: Proclamation

Description:

A Proclamation celebrating the 100th Anniversary of the Weaverville Fire Department is attached for Town Council's review and approval.

Council Action Requested:

The Town Manager recommends that Town Council approve the attached Proclamation and direct Mayor Sherrill to execute the Proclamation on behalf of Town Council and the Town of Weaverville.



**WEAVERVILLE FIRE DEPARTMENT
100th ANNIVERSARY PROCLAMATION**



WHEREAS, the Town of Weaverville wishes to acknowledge the dedication and service to the community by the Weaverville Fire Department on its 100th Anniversary; and

WHEREAS, the Weaverville Fire Department serves the 3,800 residents of the Town of Weaverville and over 20,000 residents of the North Buncombe Fire District; and

WHEREAS, in, 1916, the Weaverville Fire Department was officially recognized as a chartered fire department through the State of North Carolina Insurance Department with 13 members and led by first Fire Chief Jim E. Murdock and the West and Penley families as multi-generational in their leadership within the department; and

WHEREAS, Weaverville Fire Department has had 13 fire chiefs over its 100 years, with Fire Chief Ted Williams fulfilling the office currently; and

WHEREAS, the Weaverville Fire Department has maintained an Insurance Service Office (ISO) rating of 4 inside Town limits and a rating of 5 in the North Buncombe Fire District; and

WHEREAS, today the Weaverville Fire Department now resides at its station at 3 Monticello Road, Weaverville, North Carolina with a fleet of two engines, two tankers, two brush trucks, one aerial ladder, one heavy rescue, one utility task vehicle (UTV) and one command vehicle and provides both fire protection and emergency medical services in conjunction with Buncombe County Emergency Medical Services; and

WHEREAS, the Weaverville Fire Department has entered into mutual aid agreements with Buncombe County and the Reems Creek Fire Department; and

WHEREAS, the Weaverville Fire Department currently handles approximately 1,800 calls per year; and

AND NOW, THEREFORE, BE IT RESOLVED that Town Council for the Town of Weaverville, North Carolina, do hereby proclaim the year 2016 as the

Official 100th Anniversary of the Weaverville Fire Department

Adopted the 21st day of November 2016.

Dottie Sherrill, Mayor
Town of Weaverville, North Carolina

Selena D. Coffey
Town Manager / Town Clerk
Town of Weaverville, North Carolina

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, November 21, 2016
Subject: Major Subdivision Concept Plan – Reems Creek Villages
Presenter: Town Planner
Attachments: Planning and Zoning Board Recommendation, Concept Plan

Description:

Attached you will find a major subdivision concept plan for the property commonly known as Reems Creek Villages and a statement from the Planning and Zoning Board regarding same.

Action Requested:

Staff recommends the approval of the major subdivision concept plan for the property commonly known as Reems Creek Villages



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, November 1, 2016 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached concept plan for Reems Creek Village. It is noted that this is a re-subdivision of a previously approved lot and it is expected that the preliminary plan will be submitted to show the entire subdivision with this amendment.

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



3
Rabbit Ridge Properties, LLC
 D.B. 3247, Pg. 144
 P.B. 142, Pg. 102
 PIN 9742 86 6439
 R-2 Zoning

Lot 54
Rabbit Ridge Properties, LLC
 D.B. 3247, Pg. 144
 P.B. 110, Pg. 161
 PIN 9742 86 8105
 R-2 Zoning

Lot 55b
 0.524 Acres
 22,808 Sq.Ft.

Lot 55a
 0.524 Acres
 22,808 Sq.Ft.

Governor Thomson Terrace
 45' Private R/W per P.B. 110, Pg. 161
 Existing Width of R/W

- GENERAL NOTES:**
1. This plat is subject to all easements, rights-of-way and restrictions of record.
 2. Lines not surveyed are shown as broken lines from information referenced on the face of this plat.
 3. The area shown herein was computed using the coordinate computation method.
 4. Subject property is not located within a flood zone. The Flood Hazard Boundary Map (FHM) for the area is located on the map of the State of North Carolina, dated 1974, with a scale of 1:250,000.
 5. Location of utility, water, sewer, gas, electric, and other lines is shown as indicated on this plat.
 6. All distances are horizontal ground measured in US Feet.
 7. This plat has been prepared without the benefit of a survey of the adjacent lands. The plat is a conveyance of interest in land and does not constitute a warranty of title. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate License Act and the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.
 8. This map does not transfer to anyone other than the person named herein. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.
 9. R-2 Zoning Subarea per P.B. 110, Pg. 161
 10. Subdivision Data per P.B. 110, Pg. 161
 Total Number of Lots - 2
 11. Dated 07/20/11
 Robert K. Brock, P.L.S., P.E., S.D.
 Lead Surveyor
 Address - 11 Rabbit Ridge Drive
 Asheville, NC 28814
 Phone - 828-252-1341
 12. This plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.
 13. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.
 14. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.

9. R-2 Zoning Subarea
 per P.B. 110, Pg. 161
 Corner, Size 30'

10. Subdivision Data
 per P.B. 110, Pg. 161
 Total Number of Lots - 2

11. Dated 07/20/11
 Robert K. Brock, P.L.S., P.E., S.D.
 Lead Surveyor
 Address - 11 Rabbit Ridge Drive
 Asheville, NC 28814
 Phone - 828-252-1341

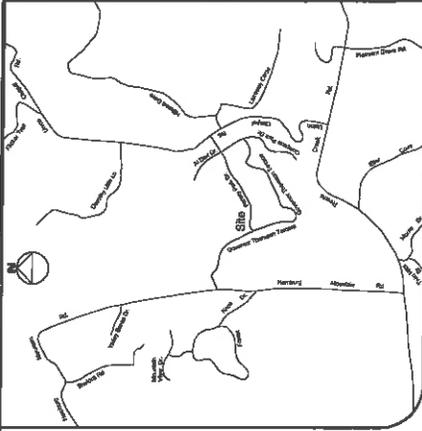
12. This plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.

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19. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.
20. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission. The plat is a preliminary plat and is subject to the provisions of the North Carolina Real Estate Commission.

Preliminary Plat
 Not for Recordation, Conveyance, or Sale



VICINITY MAP (1" = 500')

Concept Re-Subdivision Plan for
Lot 55 of P.B. 110, Pg. 161
Reem's Creek Village

Town of Weaenaville, Reem's Creek Township, Buncombe County, North Carolina	Current Owner: Rabbit Ridge Properties, LLC	Address: 108 Governor Thomson Tr., Weaenaville, NC 28787
TIN: 9742 86 7122	P.B. Pg.: P.B. 110, Pg. 161	Zoning: R-2
D.B. Pg.: P.B. 142, Pg. 102	Plan Number: 110-24-2	Drilling Date: 09/17/2016
SA Number: 110-24-2	Director: RKS	P.L.S., Robert K. Brock, P.E., S.D.
Surveyed by: RB		

LEGEND

- D.B. - Deed Book
- Pg. - Page
- P.B. - Plat Book
- PH - Parcel Identification
- Number - Number of Lots
- Size - Size of Lot
- St. Ft. - Square Feet
- Classified Point - * - Classified Point

GRAPHIC SCALE
 1" = 30'

BLACKROCK SURVEYING & LAND DESIGN, P.C.
 PO Box 8291
 Asheville, North Carolina 28814
 Phone: 828-252-1341
 www.blackrocksurveying.com

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: November 21, 2016
SUBJECT: Tax Release and Report
PRESENTER: Town Manager
ATTACHMENTS: Tax Release and Report

DESCRIPTION/SUMMARY OF REQUEST:

Town Council is requested to approve the attached tax release based on recommendation from Buncombe County.

Also attached for the Council's information is the monthly tax collection report which shows that 1/3 of the Town's taxes have been collected through November 16, 2016. This collection rate is typical for this time of year as most of the taxes are collected at the end of the calendar year.

COUNCIL ACTION REQUESTED:

A motion to approve the attached tax release is requested and would be appropriate at tonight's meeting.

TOWN OF WEAVERVILLE

RELEASES

NOVEMBER 21ST, 2016

Ray, John T. & Geraldine

Amount to be released: \$268.48

Reason for release: Penalty/late listing assessed and then released by Buncombe County for prior year discovery bills.

**Town of Weaverville
Monthly Tax Report
FY 2016-2017**

	<u>As of 11/16/16</u>
Real Property:	558,183,409
Real Property Discoveries:	
Total Real Property:	558,183,409
Personal:	84,943,075
Personal Discoveries:	
Total Personal:	84,943,075
Public Utilities:	5,244,545
Exemption:	(6,925,227)
Releases:	(91,136)
Total Tax Value	641,354,666
Tax Levy (\$0.44 per \$100 Valuation):	
Real Property:	2,456,007.00
Personal Property:	373,618.00
Public Utilities:	23,076.00
Less Under \$5 Adjustment	(44.00)
Total Public Utilities:	23,032.00
Exemption:	(30,471.00)
Releases:	(401.00)
Total Levy (Total Billed)	2,832,043.00
Total Current Year Collections	943,067.00
% Collected	33.30%
Total Left to be Collected:	1,888,976.00
Prior Years Paid	3419

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: November 21, 2016
SUBJECT: Board Appointments
PRESENTER: Mayor Sherrill
ATTACHMENTS: Animal Control Appeals Board Roster

DESCRIPTION/SUMMARY OF REQUEST:

The Mayor has a board appointment to the Animal Control Appeals Board that she would like for Council to consider approving at tonight's meeting.

The Animal Control Appeals Board hears and determines all appeals from determinations made by the Town's animal control officer. Town Code § 4-86 sets the board at three members who are appointed by the Mayor, with approval by Town Council, for three year terms. Dan Moffitt has agreed to continue to sit on this board for another term. The Mayor recommends the approval of the appointment of Mr. Moffitt to the Animal Control Appeals Board for a term to expire November 2019. A current roster of the Animal Control Appeals Board is attached and reflects Mr. Moffitt's appointment as requested by the Mayor.

There is also open alternate seat on the Planning and Zoning Board. Mayor Sherrill has been working to finding willing and qualified candidates to sit on this Board and hopes to be asking for Council approval on a candidate for this position at Town Council's December meeting.

COUNCIL ACTION REQUESTED:

A motion to approve the appointment of Dan Moffitt to the Animal Control Appeals Board for a term to expire in November 2019.

**WEAVERVILLE
ANIMAL CONTROL APPEALS BOARD**

Meets on an as-needed basis pursuant to Town Code § 4-86

NAME AND POSITION	CONTACT INFORMATION	DATE OF APPOINTMENT	TERM (3 YEARS)
Dan Moffitt	9 Crescent Court (RCG) Weaverville, NC 28787 645-0517	November 2016	November 2016 - 2019
Harold Payne	PO Box 865 20 Sunset Drive Weaverville, NC 28787	November 2015	November 2015 - 2017
Beth Palien	4 Chestnut Street Weaverville, NC 28787 828-231-5941	November 2015	November 2015 - 2018

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: November 21, 2016
SUBJECT: Bidding of Purchase of Self-Contained Breathing Apparatus (SCBA)
PRESENTER: Fire Chief/Town Attorney
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

The town has been awarded a grant from the federal Assistance to Firefighters Grant (AFG) for the purchase of Self-Contained Breathing Apparatus (SCBA) for the fire department. SCBA units are the “air tanks” that firefighters wear when fighting structural fires, conducting fire related training or other situations they encounter where a hazardous atmosphere exists. The grant award is for \$204,800 which breaks down to \$186,182 of federal funding and \$18,618 in matching funds from the town and will allow for the purchase of thirty-one units to include the frame, two cylinders, a face piece, and voice amplifier per unit.

NCGS 143-129 requires formal bidding of equipment purchases over \$90,000.00. An invitation to bid must be advertised and the bid submissions must be publicly opened and then awarded by Town Council.

Staff would like to advertise the bid invitation and have the bids publicly opened in advance of Town Council’s December 19th meeting so that Council can consider the bids and award the purchase contract on that date.

COUNCIL ACTION REQUESTED:

Authorization to proceed to advertise the attached bid invitation and publicly open bids that are timely received is requested.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: November 21, 2016
SUBJECT: Out-of-Town Water Requests
PRESENTER: Public Works Director
ATTACHMENTS: Draft Resolution

DESCRIPTION/SUMMARY OF REQUEST:

During its November 1, 2016, joint meeting with the Planning & Zoning Board, Town Council indicated its desire to reserve its remaining water capacity for in town water use. The Public Works Director has indicated that water capacity has reached a point where more caution should be exercised in approving water allocations. There are options available to the Town to increase water capacity and Mr. Laughter hopes to update the Mayor and Council on this important issue at its workshop in January 2017.

Until that time Mr. Laughter supports limiting approval of water allocations to only properties within the Town's municipal limits. Section 30-80(5) provides that "town council may extend its system to serve properties outside the town when it determines that it is in the best interests of the town to do so." Given Mr. Laughter's concern about the Town's remaining water capacity it would be appropriate to rely on the "best interests of the town" language in denying future out-of-town water requests and/or to adopt a resolution to that effect like the one attached.

COUNCIL ACTION REQUESTED:

Council discussion on this issue and (1) direction to staff that Town Council will continue processing out-of-town water requests on a case-by-case, or (2) Town Council's adoption of a resolution stating that, at this time, Council believes that it is not in the best interest of the Town to entertain out-of-town water requests.

**RESOLUTION CONCERNING
OUT-OF-TOWN WATER REQUESTS**

WHEREAS, Town Code Section 30-80(5) provides that Town Council may extend its water system to serve properties outside the Town when it determines that it is in the best interest of the Town to do so; and

WHEREAS, the Town's Public Works Director has indicated that the allocated water capacity is now exceeding 75% of the Town's available water supply and believes that caution should now be exercised in all allocations of the Town's water supply;

WHEREAS, alternatives exist to increase available water capacity within the Town and those discussions are ongoing but no decisions have been made yet;

WHEREAS, the Town has a responsibility to use its best efforts to maintain an adequate water supply for its residents and businesses operating within the Town's municipal boundaries;

WHEREAS, until a plan is in place to increase the Town's available water capacity Town Council believes it to be prudent and in the best interest of the Town to limit its approval of water requests to properties located within the Town's municipal boundaries;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that Town Council intends for the time being to deny water requests submitted for properties lying outside of the Town's municipal boundaries but will revisit its position on an annual basis or sooner should Town Council wish.

THIS the 21st day of November, 2016.

DOTTIE SHERRIL, Mayor

ATTESTED BY:

SELENA D. COFFEY, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: November 21, 2016

SUBJECT: Set Public Hearing on Voluntary Annexation Petition and Initial Zoning Request submitted by Weaverville Apartments, LLC, for 145 Monticello Road; PIN 9733-81-5444

PRESENTER: Town Manager/Clerk

ATTACHMENTS: Certificate of Sufficiency and Voluntary Annexation Petition/Initial Zoning Request for Weaverville Apartments, LLC

DESCRIPTION/SUMMARY OF REQUEST:

On October 6, 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 October 17, 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 and, as this is a satellite annexation request, making sure that the property qualifies for consideration under the annexation statutes. 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-58.1, *et seq.*

Weaverville Apartments, LLC, requested that the property be zoned R-12 if annexed into the Town's municipal boundaries and has requested recognition of a vested right to proceed with its 168-unit apartment project that was granted approval by a Conditional Use Permit issued by Buncombe County in November of 2015. The Planning and Zoning Board reviewed the requested R-12 zoning designation on November 1, 2016, and will be presenting its recommendation as part of the public hearing.

COUNCIL ACTION REQUESTED:

Town Council is now asked to set public hearing on December 19, 2016 at 6 pm, on the annexation and the proposed initial zoning of R-12 for the property should it be annexed. This public hearing will allow Town Council to receive public comment on the proposed annexation and the zoning request.

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

I move that a public hearing be scheduled before Town Council on December 19, 2016 at 6pm for the Voluntary Annexation Petition submitted by Weaverville Apartments, LLC, and its request to be zoned as R-12.

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
NON-CONTIGUOUS ANNEXATION PETITION**

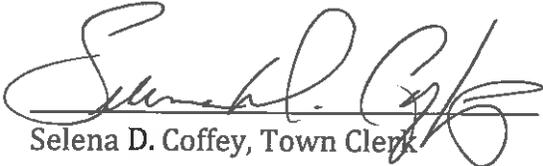
TO THE WEAVERVILLE TOWN COUNCIL:

I, Selena D. Coffey, Weaverville Town Clerk, do hereby certify that I have investigated the Annexation Petition of Weaverville Apartments, LLC, and have found as a fact:

1. That said Petition is signed by all the owners of real property lying in the area described therein;
2. That the nearest point on the proposed satellite corporate limits is not more than 3 miles from the Town's primary corporate limits;
3. That no point on the proposed satellite corporate limits is closer to the primary corporate limits of any other city than to the primary corporate limits of the Town;
4. That the area is situated so that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits;
5. That the area is not a subdivision; and
6. That the area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the Town, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town.

Therefore, in accordance with North Carolina General Statutes § 160A-58.2, I certify that the Petition is valid and sufficient for the voluntary annexation of a non-contiguous area pursuant to said § 160A-58.1 *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 8th day of November, 2016.


Selena D. Coffey, Town Clerk

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

Submittal Date: 10/6/16
 Date Fee Paid: 10/16/16
 Petition No: 2016-3

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
Weaverville Apartments, LLC Attn: Phil Payonk 806 Green Valley Rd. Ste 211 Greensboro NC 27408	336-553-1700 ppayonk@hrpliving.com	DB: 5384 P1210 PIN: 9733-81.5444	Phil P. Payonk

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]:
See enclosed Site Plan + Survey

Total Acreage to be annexed: 14.00
 Population in annexed area: 168 units
 Proposed Zoning District:
 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: 10/6/16
Petition No. 2016-3
Annexation Area Name: Monticello Road

Petitioner: Weaverville Apartments, LLC
Subject Area Acreage: 14.00
Current Land Use: EMP - Burcombe County
Proposed Land Use or Development (describe): R-12

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

Residential (multi-family): Number of Units: 168 Anticipated build out in 1 years
Owned: Average Sales Price: \$ _____ /building unit
Rental: Average Rental Amt: \$ 1,000 /month

Retail: Square footage: _____ Anticipated build out in 1 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 50'; max number of stories of 3

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

Other Public Services Requested (describe): POLICE SERVICES

Zoning Vested Rights Claimed (describe and attach documentation): SBS ENCLOSED SITS PLAN

Mal P. [Signature]
Signature of Owner(s)



MARTIN ELLIOTT
 186 ST CLAIR RD
 Land Use/Zone: 4023 / 4023
 Parcel ID: 1386-17
 ZONED: R-3

BIRNBERG GROUP GROUP INC
 13000 ACRES
 Land Use/Zone: 4023 / 4023
 Parcel ID: 1386-17
 ZONED: C-1 (INDUSTRIAL)

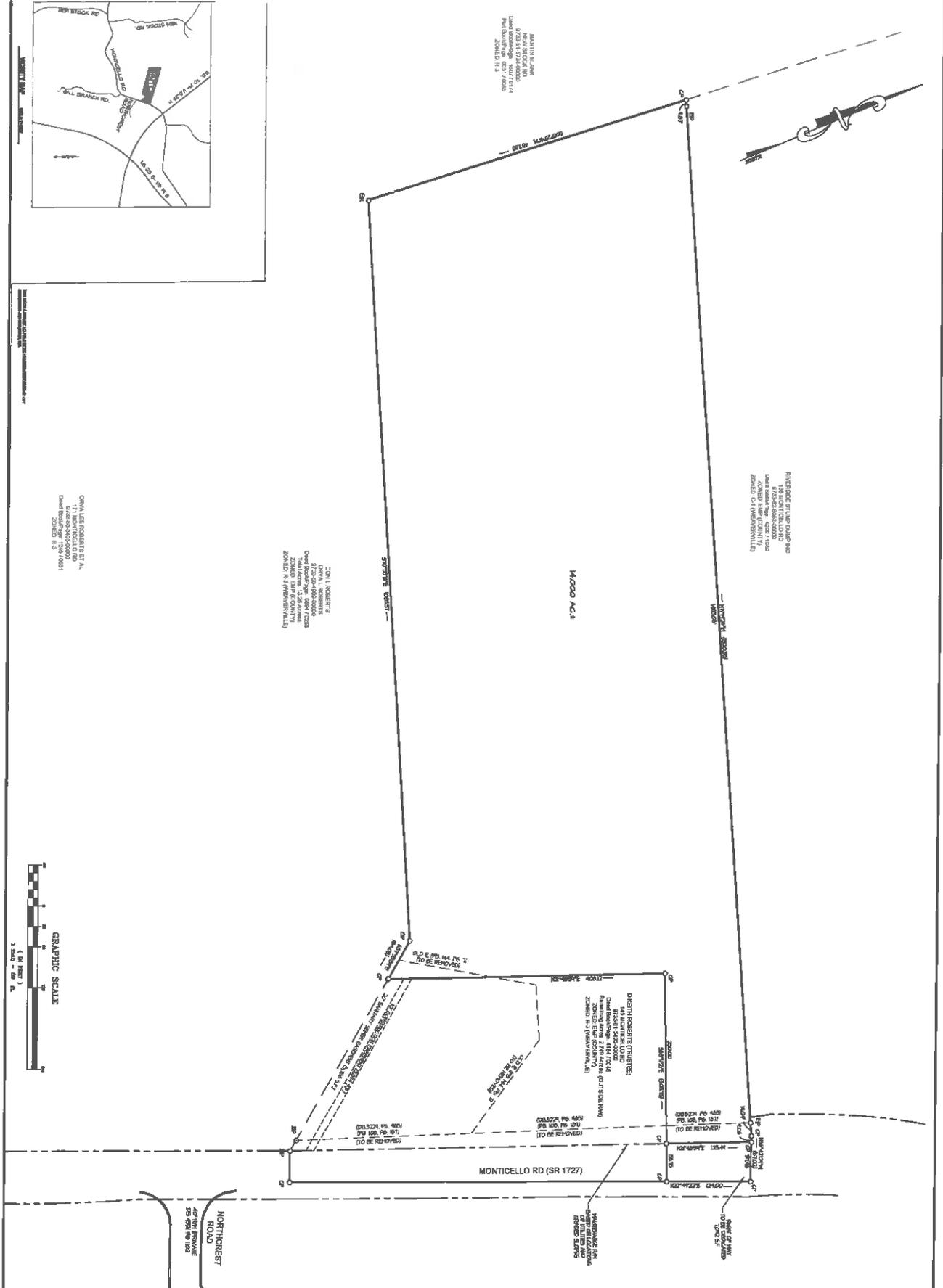
OWEN LEE ROBERTS ET AL
 111 MONTICELLO RD
 Land Use/Zone: 4023 / 4023
 Parcel ID: 1386-17
 ZONED: R-3

OWEN LEE ROBERTS
 111 MONTICELLO RD
 Land Use/Zone: 4023 / 4023
 Parcel ID: 1386-17
 ZONED: R-3 (INDUSTRIAL)

11,000 AC'S



GRAPHIC SCALE
 1 inch = 40 ft.



<p>SCALE: 1" = 60' DATE: 02/03/15 PROJECT: 1386-17 DRAWING BY: TOL, TH</p>	<p>PROPERTY EXHIBIT 145 MONTICELLO ROAD TOWN OF WEAVERVILLE, ETJ BUNCOMBE COUNTY - NORTH CAROLINA</p>	<p>PRELIMINARY</p>	<p>ENGINEERING AND SURVEYING, INC. LAND DEVELOPMENT CONSULTING CORPORATE LICENSE NUMBER C-875 1400 TYRRELL STREET HIGH POINT, NORTH CAROLINA 27605 PHONE: (866) 613-8000 FAX: (866) 241-8180</p>	<p>REVISIONS</p>
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Exhibit A

Legal Description

BEING A PORTION OF PARCEL 2 OF PLAT BOOK 144 PAGE 7 OF THE BUNCOMBE COUNTY REGISTER OF DEEDS (PIN NUMBER 9733614469 OF THE BUNCOMBE COUNTY TAX MAPPING DEPARTMENT), PARCEL 1 OF PLAT BOOK 144 PAGE 7 (PIN NUMBER 9733710005), AND THAT PROPERTY SHOWN ON PLAT BOOK 108 PAGE 187 (PIN NUMBER 9733712215), MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron rod set on the proposed future dedicated right of way line of Monticello Road (S.R. 1727), THENCE, on a new line, N68°11'21"W, 250.00 feet (crossing the eastern line of Parcel 2 OF Plat Book 144 Page 7, said line shown on said plat as the "Right of Way Line and W'LY Line of D.B. 5229 p.965) to an iron rod set, a new corner; THENCE, on a new line, S21°48'39"W, 253.36 feet to a point on the western line of Parcel 1, Plat Book 144 Page 7; THENCE, continuing on a new line, S21°48'39"W, 152.76 feet to an iron rod set, a new corner in the northern line of Don L. & Orva L. Roberts, as described in Deed Book 894 Page 268; THENCE, with Roberts, the N37°55'59"W, 31.34 feet to an existing iron rod, an old corner of Parcel 1 & Parcel 2 of Plat Book 144 Page 7 in the line of Roberts; THENCE, with Roberts, N37°55'59"W, 32.69 feet to an existing iron pipe; THENCE, with Roberts, N70°53'16"W, 1085.57 feet to an existing iron rod, a corner with Roberts in the eastern line of Martin Blank, Deed Book 1607 Page 174; THENCE, with Blank, N05°25'41"E, 487.33 feet to an iron rod set, a corner in the line of Blank with Riverside Stump Dump, Inc, Deed Book 4900, Page 1080; THENCE, with Riverside Stump Dump, S71°19'26"E, 9.87 feet to an existing iron pipe; THENCE, continuing with Stump Dump, S71°19'26"E, 1491.44 feet to an existing iron pipe, a common corner with Riverside Stump Dump, HMVHN-3VHM LLC as shown on Plat Book 110 Page 23, and the aforementioned Property shown on Plat Book 108 Page 187; THENCE, with HMVHN-3VHM LLC, S71°19'26"E, 19.04 feet to an iron rod set; THENCE, with HMVHN-3VHM LLC, S66°42'09"E, 9.06 feet to an iron rod set in the proposed future dedicated right of way line of Monticello Road (S.R. 1727); THENCE, with HMVHN-3VHM LLC, S66°42'09"E, 57.96 feet to a point in the current right of way of Monticello Road; THENCE, S22°49'22"W, 124.00 feet to point in the current right of way of Monticello Road; THENCE, on a new line, N68°11'21"W, 55.75 feet to an iron rod set, the Place and POINT OF BEGINNING, having a gross area of 14.163 acres, more or less (0.163 acres in proposed future right of way dedication).

Together with Seller's right, title and interest in and to any and all easements related to or affecting the property described above.

**PETITION FOR VOLUNTARY ANNEXATION
 CERTIFICATE OF AUTHORITY FOR LIMITED LIABILITY COMPANY
 Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected, qualified and active member / manager of WEAVERVILLE APARTMENTS, LLC, a limited liability company organized and existing in the State of North Carolina (hereinafter "Company"), does hereby certify that:

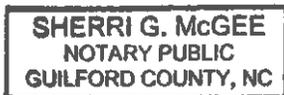
1. That the Company currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of the members and the manager of the Company have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly 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 Company 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>MARK P. REYNOLDS</u>	<u>MEMBER</u>	<u>Mark P. Reynolds</u>
_____	_____	_____
_____	_____	_____

THIS the 4 day of October, 2016.

STATE OF NORTH CAROLINA
 COUNTY OF Guilford

I, Sherril G. McGee, a Notary Public, certify that Mark P. Reynolds personally came before me this day and acknowledged that he/she is the Member of Weaverville Apartments, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the Company, the foregoing Certificate of Authority was signed by him/her on behalf of the Company. Witness my hand and seal this the 4th day of October, 2016.



Sherril G. McGee
 Notary Public

My Commission Expires: 2/12/2017

Dottie Sherrill
Mayor

The Town of
Weaverville
NORTH CAROLINA

Walter Currie
Council Member

Doug Dearth
Council Member

Gene Knoefel
Council Member

John Penley
Council Member

Doug Jackson
Council Member

August 25, 2015

Ward and Smith, P.A.
82 Patton Avenue, Suite 300
Asheville, NC 28801

Re: 145 Monticello Road; Request for water services and fire protection

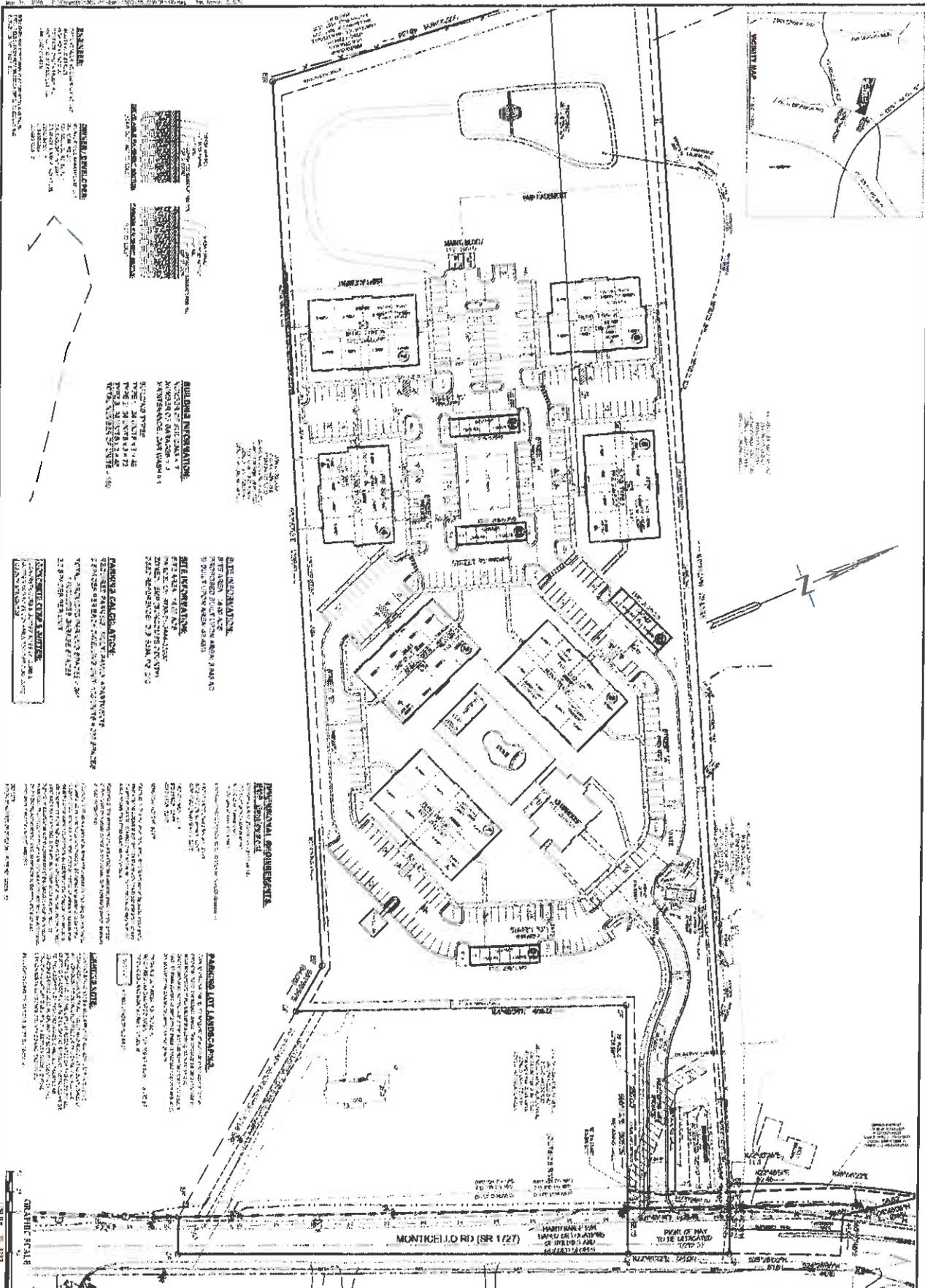
Dear Mr. Allen:

At our Town Council meeting held on August 17, 2015, Weaverville Town Council ("Town Council") voted to approve your request for water services and fire protection serving the proposed 168 unit apartment project named "Hawthorne at Weaverville" located off Monticello Road, Weaverville, NC.

Your client, Petitioner Berkley Hall has agreed to provide the Town of Weaverville with a Petition for Voluntary Annexation. However, Town Council confirms that the Project will be implemented pursuant to the Buncombe County Development Ordinances. In addition, to make development standards clear, the Annexation Petition shall attach the Application for a Conditional Use Permit pursuant to Buncombe County Development Ordinances as evidence of Petitioner's established vested rights. If the Town decides to annex the site at all, it will wait to do so until after such time as development has begun pursuant to the Buncombe County Development Ordinances.

Sincerely,


Selena Coffey
Weaverville Town Manager



NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION AND SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS THROUGHOUT THE CONSTRUCTION PERIOD.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
8. THE CONTRACTOR SHALL MAINTAIN THE EXISTING DRIVEWAYS AND PAVEMENT THROUGHOUT THE CONSTRUCTION PERIOD.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE.
10. THE CONTRACTOR SHALL MAINTAIN THE EXISTING FENCE THROUGHOUT THE CONSTRUCTION PERIOD.

BUILDING INFORMATION:

ARCHITECT: J. W. HARRIS & ASSOCIATES, INC.
 ADDRESS: 145 MONTICELLO ROAD
 BUNCOMBE COUNTY, NORTH CAROLINA 28705
 PHONE: (704) 293-1234
 FAX: (704) 293-5678

GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION AND SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS THROUGHOUT THE CONSTRUCTION PERIOD.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.

8. THE CONTRACTOR SHALL MAINTAIN THE EXISTING DRIVEWAYS AND PAVEMENT THROUGHOUT THE CONSTRUCTION PERIOD.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SIGNAGE.

10. THE CONTRACTOR SHALL MAINTAIN THE EXISTING FENCE THROUGHOUT THE CONSTRUCTION PERIOD.

PERSONAL INFORMATION:

DATE: 10/15/2003
 DRAWN BY: J. W. HARRIS
 CHECKED BY: J. W. HARRIS
 APPROVED BY: J. W. HARRIS

PLANNING LOT LAYOUT:

1. THE PLANNING LOT LAYOUT IS SHOWN ON THIS PLAN.

2. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF THE APPROPRIATE AGENCIES.

3. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF THE ADJACENT PROPERTY OWNERS.

4. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT.

5. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF THE STATE GOVERNMENT.

6. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF THE FEDERAL GOVERNMENT.

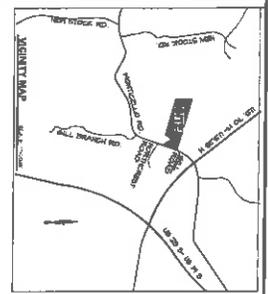
7. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF ALL APPLICABLE AGENCIES.

8. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF ALL APPLICABLE ORDINANCES.

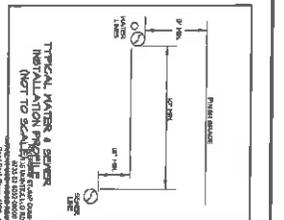
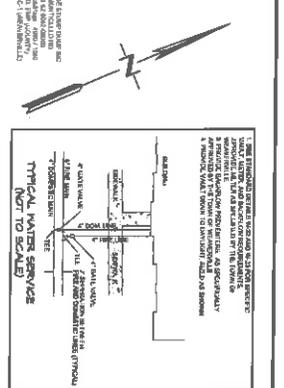
9. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF ALL APPLICABLE REGULATIONS.

10. THE PLANNING LOT LAYOUT IS SUBJECT TO THE APPROVAL OF ALL APPLICABLE LAWS.

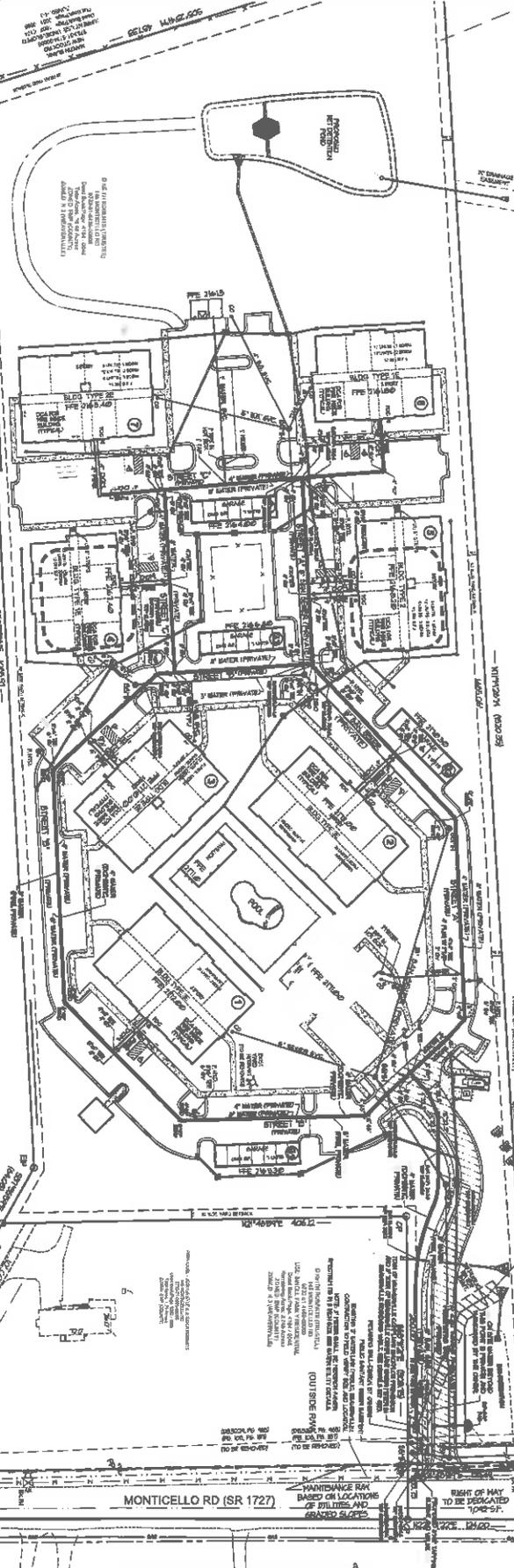
<p>PROJECT:</p> <p>SITE PLAN</p> <p>SCALE: 1" = 50'</p> <p>DATE: 10/15/2003</p> <p>DRAWN BY: J. W. HARRIS</p> <p>CHECKED BY: J. W. HARRIS</p> <p>APPROVED BY: J. W. HARRIS</p> <p>PROJECT NO.: 03-001</p> <p>OWNER: J. W. HARRIS & ASSOCIATES, INC.</p> <p>ADDRESS: 145 MONTICELLO ROAD, BUNCOMBE COUNTY, NC 28705</p> <p>PHONE: (704) 293-1234</p> <p>FAX: (704) 293-5678</p> <p>EMAIL: JWHARRIS@JWHARRIS.COM</p> <p>WEBSITE: WWW.JWHARRIS.COM</p>	<p>CITE PLAN</p> <p>MONTICELLO APARTMENTS</p> <p>145 MONTICELLO ROAD BUNCOMBE COUNTY ~ NORTH CAROLINA</p>	<p>ENGINEERING AND SURVEYING, INC.</p> <p>1400 20th STREET SUITE 100 RAYLE, NORTH CAROLINA 27705</p> <p>PHONE: (919) 812-8800 FAX: (919) 812-8700</p>	<p>REVISIONS:</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION												
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- PRIVATE WATER MAINS:**
1. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE BUNCOME COUNTY WATER MAIN SPECIFICATIONS AND REGULATIONS.
 2. ALL WATER MAINS, INCLUDING ANY BRANCHES, SHALL BE INSTALLED IN ACCORDANCE WITH THE BUNCOME COUNTY WATER MAIN SPECIFICATIONS AND REGULATIONS.
 3. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE BUNCOME COUNTY WATER MAIN SPECIFICATIONS AND REGULATIONS.
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SITE INFORMATION:
 PROJECT NO: 9133-61-468-0000; 9133-1-0000-0000;
 9133-7-2015-0000
 ZONE: BWP BUNCOME COUNTY
 SHEET NO: 4.1 OF 4.1
 DATE: 05/14/16



ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BUNCOME COUNTY WATER MAIN SPECIFICATIONS AND REGULATIONS.

CONTACT ONE-CALL CENTER:
 1-800-487-4949

WATER MAIN GENERAL NOTES:

1. ALL WATER MAINS SHALL BE INSTALLED IN ACCORDANCE WITH THE BUNCOME COUNTY WATER MAIN SPECIFICATIONS AND REGULATIONS.
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SEWER MAIN GENERAL NOTES:

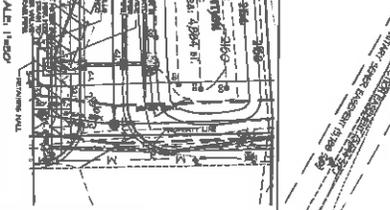
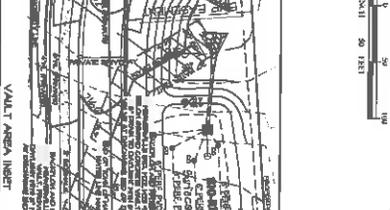
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SEWER MAIN GENERAL NOTES (continued):

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SEWER MAIN GENERAL NOTES (continued):

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UTILITIES PLAN
MONTICELLO APARTMENTS
 145 MONTICELLO ROAD
 BUNCOME COUNTY ~ NORTH CAROLINA

ENGINEERING AND SURVEYING, INC.
 LAND SURVEYOR GENERAL THE
 COMPANY LICENSE NUMBER C-1275
 4400 THYNG STREET
 HIGH POINT, NORTH CAROLINA 27255
 PHONE: (336) 812-8800 ~ FAX: (336) 812-8780

REVISIONS

NO.	DATE	DESCRIPTION
1	05/14/16	ISSUED FOR PERMITS
2	05/14/16	ISSUED FOR PERMITS
3	05/14/16	ISSUED FOR PERMITS
4	05/14/16	ISSUED FOR PERMITS
5	05/14/16	ISSUED FOR PERMITS
6	05/14/16	ISSUED FOR PERMITS
7	05/14/16	ISSUED FOR PERMITS
8	05/14/16	ISSUED FOR PERMITS
9	05/14/16	ISSUED FOR PERMITS
10	05/14/16	ISSUED FOR PERMITS

SCALE: 1" = 50'
DATE: 05/14/16
PROJECT: 160-0-15
DRAWN BY: J.B.

SHEET 4.1

**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@weaverville.org

OWNER/APPLICANT NAME:

WEAVERVILLE APARTMENTS, LLC

APPLICATION DATE:

10/5/16

PHONE NUMBER: 336-553-1700

MAILING ADDRESS: STS 311

806 GREEN VALLEY RD

GREENSBORO, NC
27408

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: 145 MONTICELLO RD
WEAVERVILLE, NC

PIN: 9733-61-5444

LOT AREA (acres):

CURRENT ZONING DISTRICT: EMP (Buncombe Co) PROPOSED ZONING DISTRICT: RM-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 --- jellen@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.

Mark P. [Signature] 10/6/16
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>750⁰⁰</u>	DATE PAID: <u>10/6/16</u>	<input checked="" type="checkbox"/> CHECK	<input type="checkbox"/> CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: November 21, 2016
SUBJECT: Resolution Against Discrimination, Harassment and Intimidation
PRESENTER: Town Manager
ATTACHMENTS: Draft Resolution

DESCRIPTION/SUMMARY OF REQUEST:

In light of some recent events involving some discriminatory harassment within the Town, the Town Manager urges Town Council to consider taking a position on the matter in order to maintain the welcoming and diverse community that exists within its boundaries.

A resolution has been drafted for Council's consideration which, if adopted, could assure all of the Town's citizens that discrimination, harassment and intimidation will not be tolerated within our community.

COUNCIL ACTION REQUESTED:

Discussion of this matter is requested and, if Town Council is so inclined, adoption of the proposed resolution would be appropriate at tonight's meeting.

**RESOLUTION AGAINST
DISCRIMINATION, HARASSMENT AND INTIMIDATION**

WHEREAS, the Town of Weaverville takes great pride in being a welcoming and diverse community where all citizens can live and work without fear of physical violence, threats, harassment, or intimidation; and

WHEREAS, the Town of Weaverville believes that promoting diversity and inclusion in public policy impacts our community and its citizens in positive ways while the opposite puts the Town and its citizens at risk;

WHEREAS, there have been recent disgraceful incidents involving hate speech, harassment and intimidation within the Town;

WHEREAS, the Town is committed to treating every citizen equally and without regard to race, color, religion, ethnicity, national origin, place of birth, ancestry, native language or accent, citizenship, immigrant status, gender, sex, gender identity, sexual orientation, age, familial status, physical or mental disability;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that we are dedicated to ensuring that the Town of Weaverville maintains its welcoming and diverse community where everyone is treated equally and with respect, and to that end state that:

1. Hate crimes, threats, harassment or intimidation of any kind or manner will not be tolerated within the Town of Weaverville; and
2. Every citizen of this great Town of Weaverville is called upon to demonstrate that intolerance and hatred will not be accepted within our community; and
3. Anyone who feels that they are being or have been discriminated against, harassed or intimidated should make note of any information that may be helpful in identifying the perpetrator(s) of the discriminatory actions and contact the Weaverville Police Department; and
4. Anyone who witnesses an act of physical violence, harassment or intimidation is encouraged to report the incident to the Weaverville Police Department.

THIS the 21st day of November, 2016.

DOTTIE SHERRIL, Mayor

ATTESTED BY:

SELENA D. COFFEY, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: November 21, 2016

SUBJECT: Public Hearing and Action on Proposed Code Amendments to remove ETJ language, remove application costs, change contour line intervals, change building height regulations in the R-12 district and define how building height is measured

PRESENTER: Town Planner

ATTACHMENTS: Notice of Public Hearing
Planning and Zoning Board Recommendations
Proposed Ordinance Amending Code Provisions

DESCRIPTION/SUMMARY OF REQUEST:

Town Council has scheduled a public hearing for tonight in order to solicit the public's input on certain proposed amendments to the Town's Code. The Planning and Zoning Board has reviewed all of the proposed changes, has determined that they are consistent with the Comprehensive Land Use Plan and in the public's interest and presents a unanimous favorable recommendation as to all of the proposed changes.

COUNCIL ACTION REQUESTED:

At the conclusion of the public hearing it would be appropriate for Town Council to take action on these proposed amendments.

A draft ordinance is attached for Town Council's consideration and can be adopted by motion if Council is so inclined.

PUBLIC NOTICE

Public Notice is hereby given that the **Town of Weaverville Town Council** will hold a Public Hearing on **Monday, November 21, 2016 at 6:00p.m.** or at such time as Council reaches the matter. This meeting will occur within Council Chambers at Town Hall located at 30 South Main Street, Weaverville, NC to consider the following item:

Amendments of Code to: remove language related to extraterritorial jurisdiction, remove application costs from the code, change contour line intervals, change building height regulation in the R-12 Zoning District and define how building height is measured.

If you would like additional information or to review the content related to the Public Hearing you may contact Town Planner James Eller at 828-484-7002 or jeller@weavervillenc.org.



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, September 6th, 2016 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached technical revisions of Code recommended by staff.

It has been found that the revisions would not conflict with the Town's Comprehensive Plan or Zoning Code. The Planning and Zoning Board considers approval both reasonable and in the public interest to eliminate any discrepancies and provide clarity within the code.

A handwritten signature in cursive script, reading "Doug Theroux", is written over a horizontal line.

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



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, November 1, 2016, the Planning and Zoning Board reviewed and unanimously recommended to Town Council that Town Code be amended as follows:

- (1) Section 36-85(d)(2) of Town Code be amended to increase the maximum building height within the Town's R-12 zoning district to 45 feet and no more than 3 stories; and**
- (2) Town Code be amended to provide for the measurement of building height at the center of the front of a building at finished grade to the actual peak of the roof.**

It has been found that these revisions would not conflict with the Town's Comprehensive Plan or Zoning Code. The Planning and Zoning Board considers approval both reasonable and in the public interest to facilitate planning and development within the Town.

A handwritten signature in black ink, which appears to read "Doug Theroux", is written over a horizontal line.

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

**ORDINANCE AMENDING SECTIONS
OF THE TOWN OF WEAVERVILLE'S CODE OF ORDINANCES**

WHEREAS, the Town wishes to amend its Code provisions setting a maximum building height within its R-12 zoning district and to amend how building height is measured;

WHEREAS, the Town of Weaverville also wishes to amend several provisions of its Zoning Ordinance in order to: (1) remove application costs from the Code as those costs are adopted by Town Council each year with its adoption of fees, (2) amend the contour line interval requirements from 4 feet to 5 feet so as to be consistent with contour lines that can be found on the Buncombe County GIS maps, and (3) remove language regarding extraterritorial jurisdiction since the Town is not exercising, nor can it exercise planning authority within the extraterritorial jurisdiction;

WHEREAS, said amendments have been reviewed by the Town's Planning and Zoning Board which found that the amendments are consistent with the Town's Comprehensive Land Use Plan and Zoning Code and in the public's interest and recommended their adoption by Town Council;

WHEREAS, Town Council held a public hearing on these amendments on November 21, 2016, after proper notice of same, and the adoption of these amendments is in order;

WHEREAS, Town Council finds that these amendments are consistent with the Town's Comprehensive Land Use Plan, are reasonable and shall serve the public's interest in that out-of-date language and cost figures are being removed from the Code, contour lines are changed in order to be consistent with what is available on the Buncombe County GIS, and to bring the building height restrictions within the R-12 district more in line with the development that is most likely to occur in that district;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Weaverville, North Carolina, as follows:

1. For all amendments to Code adopted herein, all deleted language is shown with strikethroughs and all added language is shown as underlined.
2. The definition of "building, height of" contained in Section 36-5 is amended as follows:

Building, height of. The vertical distance measured from the front ground floor level of the structure at finished grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or

to the ~~mean height level between the eaves and~~ highest ridge of a gable, hip, or gambrel roof. Height limitations shall not apply to chimneys, steeples, communication antennas, spires, and other similar objects.

3. Section 36-85 (d)(2) is amended as follows:

Section 36-85. R-12, multi-unit residential district.

(d) *Further restrictions within the R-12 multi-unit residential district.*

...

(2) Height. In the R-12 multi-family residential district, no building or structure shall hereafter be erected or structurally altered to exceed ~~35~~ 45 feet in height ~~or more than 3 stories.~~

4. Section 36-206(a) is amended as follows:

Sec. 36-206. - Sign permit required.

(a) All signs placed or erected within the town shall require a sign permit issued by the zoning administrator. Failure to secure a permit, when required, shall constitute a violation of this article. A sign permit fee shall be charged for each sign placed or erected after the effective date of the ordinance from which this chapter derives. Fees shall be charged ~~as follows:~~ in accordance with the schedule of fees established by Town Council.

~~Type of Sign — Fee Charged~~

~~Single, freestanding commercial or industrial signs\$ 50.00~~

~~All other single, commercial or industrial signs25.00~~

~~Freestanding identification signs with nameplate signs attached100.00*~~

~~* For the identification sign and an additional \$25.00 per nameplate sign.~~

5. Section 36-239(b) is amended as follows:

Sec. 36-239. - Application procedure.

...

(b) Application form for special use permits. A special use permit application form shall be obtained from the zoning administrator. Completed forms, including any attached exhibits, must contain information showing: (a) the location and intended use of the site, and (b) the names of all property owners and existing land uses within 200 feet of the property boundaries. The completed form may contain other pertinent information which will aid the zoning board of adjustment in making a decision and shall be filed with the zoning administrator who shall forward all information to the zoning board of adjustment. An application fee ~~of \$100.00 shall accompany each application~~ shall be charged in accordance with the schedule of fees established by Town Council. This fee shall be non-refundable.

6. Section 36-84(d) is amended as follows:

Sec. 36-84. - Conditional zoning district.

...

(d) Petition of request. Property may be rezoned to a conditional zoning district only in response to and consistent with a petition of the owners, or agents of the owners of all of the property to be included in the district and shall be accompanied by an official petition, a statement analyzing the reasonableness of the proposed rezoning request by the petitioner, the established fee, and documentation as required by the following:

...

(3) Existing topography on the site and within 300 feet of the boundary of the site, and the general nature of the proposed topography ~~at four-foot~~ contours shown at a maximum of five feet;

7. Section 2-155 is amended as follows:

Sec. 2-155 - Powers and duties.

The town council confers upon the appearance commission the following powers and duties:

(6)

To participate, in any way deemed appropriate by the town council and specified in this division establishing the commission in the implementation of its plans. To this end, the town council includes the following powers and duties in this division:

a.

To formulate and recommend to the town council the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the town and its surrounding areas.

b.

To direct the attention of town ~~or county officials~~ to needed enforcement of any ordinance that may in any way affect the appearance of the town ~~or its extraterritorial jurisdiction~~.

c.

To seek voluntary adherence to the standards and policies of its plans.

d.

To enter, in the performance of its official duties and at reasonable times, upon private lands and make recommendations or surveys.

e.

To promote public interest in and an understanding of its recommendations, studies and plans and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the commission, advance the cause of improved town ~~or extraterritorial~~ appearance.

f.

To conduct public meetings, giving reasonable notice to the public of such meetings. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings and official actions.

8. Section 13-51 is amended as follows:

Sec. 13-51. - Lands to which this chapter applies.

This chapter shall apply to all special flood hazard areas within the corporate limits ~~and extraterritorial jurisdiction~~ of the town.

9. Section 20-2 entitled "Extraterritorial jurisdiction boundaries" is deleted in its entirety.

10. Section 20-36 is amended as follows:

Sec. 20-36. - Established; members.

Pursuant to the authority granted in G.S. 160A-361, the town council establishes a planning and zoning board of the town, which board shall consist of five members. ~~Four members~~ Each member shall be appointed by the mayor with the approval of the town council and shall be residents of the corporate limits of the town. ~~The fifth member shall be a resident of the area outside of the corporate limits within which area the town has elected to exercise its extraterritorial zoning and subdivision control jurisdiction at the time of the appointment of such member. The fifth member shall be appointed by the board of county commissioners pursuant to the provisions of G.S. 160A-362, or such fifth member shall be appointed by the mayor with the approval of the town council if the board of county commissioners fails to appoint such member within the time frame set forth in G.S. 160A-362. The town council shall, when a vacancy occurs on the planning and zoning board which should be filled by a person from outside of the corporate limits of the town, pass a resolution requesting that the board of county commissioners appoint such member, which resolution may also recommend one or more names for possible appointment by the board of county commissioners.~~

11. Section 20-37 is amended as follows:

Sec. 20-37. - Alternate members.

The mayor, with the approval of the town council, may appoint one alternate member to serve on the planning and zoning board in the absence of a regular member, which alternate shall be a resident of the corporate limits of the town. The board of county commissioners may appoint one alternate member of the planning and zoning board from the extraterritorial zoning and subdivision jurisdiction area of the town. Any alternate member so appointed may serve in the absence of any regular member of the planning and zoning board, and it shall not be necessary that an absent member of the board be temporarily replaced by a person residing in the same jurisdiction as the absent person.

12. Section 20-38 is amended as follows:

Sec. 20-38. - Terms of members.

The term of office of each member and alternate member of the planning and zoning board shall be for two years; except that the mayor, in making the initial appointments to the board, shall appoint two members and an alternate member for two-year terms and two members for three-year terms. ~~The~~

~~initial appointment by the board of county commissioners of a member from the extraterritorial jurisdiction area of the town and the initial appointment of an alternate member from such area shall be for a period of one year.~~

13. Section 25-1 is amended as follows:

Sec. 25-1. - Title.

This chapter shall be known and may be cited as the subdivision regulations of the Town of Weaverville, North Carolina, ~~and for its extraterritorial jurisdiction~~, and shall be referred to as the "subdivision ordinance."

14. Section 25-2 is amended as follows:

Sec. 25-2. - Purpose.

The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the corporate limits of the town ~~and within its extraterritorial zoning jurisdiction area~~. It is further designed to provide for the orderly growth, development and subdivision of land (residential, commercial and industrial) within the town and its extraterritorial zoning jurisdiction area; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This chapter is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

15. Section 25-4 is amended as follows:

Sec. 25-4. - Jurisdiction.

The regulations contained herein, as provided in G.S. ch. 160A, art. 19, shall govern each and every subdivision within the corporate limits of the town ~~and within its extraterritorial zoning jurisdiction area as shown on the official extraterritorial zoning boundary map~~.

16. Section 25-108 is amended as follows:

Sec. 25-108. - Name duplication.

The name of the subdivision shall not duplicate, nor closely approximate, the name of an existing subdivision within Buncombe County or within the corporate limits ~~and extraterritorial zoning jurisdiction~~ of the town, and subdivision names may be adopted only with the approval of the planning and zoning board of the town.

17. Section 25-112 is amended as follows:

Sec. 25-112. - Utilities.

(a) Water and sanitary sewer systems. Each lot in all subdivisions within the corporate limits of the town shall be provided, at the subdivider's expense, with an extension of the municipal water and sanitary sewer systems.

~~Each subdivision in the extraterritorial area of the town may be connected, at the subdivider's expense, to the municipal water and sewer systems if approved by the town council.~~

18. Section 36-3 is amended as follows:

Sec. 36-3. - Jurisdiction.

The provisions of this chapter shall apply within the corporate limits ~~and extraterritorial jurisdiction~~ of the Town of Weaverville as heretofore established and as shown on the map entitled "Official Zoning Map of the Town of Weaverville, North Carolina," revised December, 1988 by the town council. Said map and all explanatory matters thereon accompanies and is hereby made a part of this chapter; it shall be on file in the office of the town clerk and in the Office of the Register of Deeds for Buncombe County. The town is exempt from the provisions and requirements of this chapter.

19. Section 36-12 is amended as follows:

Sec. 36-12. - Street access.

No building shall be erected, structurally altered, moved to, or relocated on any lot which does not abut at least 35 feet on a publicly dedicated or maintained street or on a private street which meets the standards of the North Carolina Department of Transportation as to maintenance, disclosure and construction. The right-of-way of any dedicated public or private street shall not be considered in computing any required square footage of a lot necessary to meet the other requirements of this chapter.

Provided, however, that in areas outside of the town limits but within the extraterritorial zoning jurisdictional area of the town and in areas zoned other than R-1, a building may be erected, structurally altered, moved to or relocated on a lot abutting at least 35 feet on a private street not necessarily built to the same specifications as public streets but only if the following conditions are met:

(1) The private street must have a right-of-way of at least 15 feet dedicated by the developer to the owners of lots served by said street;

(2) There must be a maintenance agreement with reference to such private street duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina providing for the continuing maintenance of such "private" street in all weather conditions.

(3) There must be subdivision disclosure statements with reference to such "private street" in accordance with G.S. 136-102.6, as amended.

(4) Such private street may serve only six or less individual lots in different ownership.

20. Section 36-28(a) and (b) are amended:

Sec. 36-28. - Adult oriented business.

(a) Authority and jurisdiction. The provisions of this article are adopted by the town council under the authority granted by the state general assembly. From and after the effective date hereof, this article shall apply to every building, lot tract, or parcel of land within the town ~~and its extraterritorial jurisdiction.~~

(b) Purpose. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of the town, this section is adopted by the town council to regulate adult and sexually oriented businesses, as hereby defined, located in the town ~~and its extraterritorial jurisdiction.~~ Further the regulations of this section have been made with reasonable consideration among other things, as to the character of the town and its areas.

21. Section 36-326 is amended as follows:

Sec. 36-326. - Establishment.

A zoning board of adjustment is hereby established to consist of five regular members and two alternate members. These members shall be appointed by the Town Council ~~and the Board of Commissioners of Buncombe County, North Carolina, pursuant to the provisions of G.S. § 160A-362. The town council shall, from time to time when a vacancy occurs on the zoning board of adjustment which should be filled by a person from the extraterritorial area, pass a resolution requesting that the Board of Commissioners of Buncombe County appoint such member, which resolution may also recommend one or more names for possible appointment by said board of commissioners.~~

Any alternate member may serve in the absence of any regular member of the zoning board of adjustment and it shall not be necessary that an absent member of the board be temporarily replaced by a person residing in the same jurisdiction as said absent member.

The term of office of each member and alternate member of the zoning board of adjustment shall be for three years. Vacancies occurring on said board shall be filled for the unexpired term only. Any member who is absent without good cause from three consecutive meetings shall be removed from the board. The members of the board shall receive no compensation for their services.

22. Section 36-356 is amended as follows:

Sec. 36-356. - Initiation of amendments.

Proposed changes or amendments to the text of this chapter may be initiated by the town council, the planning board, the board of adjustment, any owner of a legal or equitable interest in land located in the town ~~or its extraterritorial jurisdiction,~~ or any resident of the town ~~or its extraterritorial jurisdiction.~~ Except for petitions for a conditional zoning district, which must follow the procedure set forth in section 36-84, proposed zoning map amendments may be initiated by the town council, the planning board, the board of adjustment, or any owner of a legal or equitable interest in the property for which the map amendment is requested.

23. Section 36-402(h) is amended as follows:

Sec. 36-402. - General application requirements.

(h) Tower approval standards. Any proposed tower shall provide a needed service and/or benefit to the residents of the Town of Weaverville ~~and residents of the extraterritorial zoning jurisdiction.~~

24. It is the intention of Town Council that the sections and paragraphs of this Ordinance are severable and if any section or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining paragraphs or sections of this Ordinance, since they would have been enacted by Town Council without the incorporation in this Ordinance of any such unconstitutional or invalid section or paragraph.

25. These amendments shall be effective immediately upon adoption.

ADOPTED THIS the 21st day of November, 2016 by a vote of ____ in favor and ____ against.

DOTTIE SHERRILL, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

SELENA D. COFFEY, Town Clerk

JENNIFER O. JACKSON, Town Attorney