

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

September 18, 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. July 25, 2017 Town Council Workshop Minutes: Table of Uses Community Input #1
 - B. August 8, 2017 Town Council Workshop Minutes: Table of Uses Community Input #2
 - C. August 15, 2017 Joint Meeting of Town Council & Planning and Zoning Board Minutes
- 4. **Employee Recognition**..... Town Manager
- 5. **General Public Comments**
- 6. **Consent Agenda**..... Mayor Sherrill

Motion to approve the consent agenda

 - A. Tax Release
Town Manager recommends approval of the requested tax release.
 - B. Appointment to the French Board River Metropolitan Planning Organization and Transportation Advisory Committee
Mayor recommends appointment of Councilman Fitzsimmons.
 - C. Budget Amendment: Miscellaneous Re-appropriations
Town Manager recommends approval of the budget amendments.
 - D. NC 457 Plan – Deferred Compensation Plan Option
Town Manager recommends adoption of a NC 457 Plan as an additional option for its employees.
- 7. **Discussion & Action Items:**
 - A. Recreation Advisory Board..... Town Manager
 - B. Update to Town Code of Ordinances..... Town Attorney
 - C. Overview of Public Water System Development Fees..... Town Attorney
 - D. Out-of-Town Water Requests – Lifting of Moratorium..... Town Manager
 - E. Danny Joe Brown – Commercial Building Water Meter – 431 Old Mars Hill Highway..... Town Manager
- 8. **Town Manager's Report** Town Manager
- 9. **Adjournment**..... Mayor Sherrill



MINUTES

**Town of Weaverville
State of North Carolina**

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

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

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

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

1. Call to Order

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

2. Approval/Adjustments to the Agenda

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

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

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

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

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

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

a. Review of Concept Documents (if needed)

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

b. Questions and Comments from the Public

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

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

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

c. Questions and Discussion by Council

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

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

Town Attorney Jennifer Jackson mentioned that a large amount of time has been spent working on these concept documents. These concept documents will be a package that can be given to individuals showing the definitions, a table of where these defined uses can be placed and the regulations applied to them. The documents will then need to be folded into the ordinances.

Chairman Doug Theroux spoke that this document is going to a major plus for the Town of Weaverville. He complimented staff on all their hard work in putting together these concept

documents. Mr. Theroux also discussed the reason for choosing two acres was because you are only allowed one livestock per acre and if someone wants two horses on their property then you would have to change the acreage or the number of livestock per acre.

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

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

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

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

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

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

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

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

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

Councilman Dearth addressed that the key point is that if it is in the legislative track, it is the Town Councils decision and they would be held accountable. If it were a conditional use permit then it would be the Zoning Board of Adjustments decision and there isn't anything the Town Council can do.

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

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

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

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

d. Direction to Staff/Planning and Zoning Board

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

5. Adjournment.

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

DEREK K. HUNINGHAKE, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Community Information Meeting/
Town Council Workshop II
Tuesday, August 8, 2017**

The Town Council for the Town of Weaverville met for a Community Information Meeting/ Town Council Workshop on Tuesday, August 8, 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 Clerk Derek Huninghake and Town Planner James Eller.

1. Call to Order

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

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

a. Review of Concept Documents

Town Planner James Eller gave an overview to the citizens of Weaverville who weren't present at the June 25 meeting on how the Planning and Zoning Board has gotten to this point. The documents that Town Council are being asked to consider is the product of 20 hours of deliberation and discussion over the course of 12 meetings. Mr. Eller noted the intent of this document is two-fold, since the language in the ordinance basically states if a specific use isn't set out as permitted in a zoning district then that use shall be prohibited. As related to land use regulations under North Carolina law, this is not permissible and the Zoning Administrator is charged with finding the next closest use to the proposal brought forth and applying those regulations to the referred zoning district. This document does increase the number of uses specified by the code from 55 to 78 and the number of uses permitted with additional standards from 3 to 22. It will allow the governing board to pass down to administrative staff additional conditions they would like to find present, prior to any administrative decisions being made to whether that use can occur on a piece of property. The Town will transition away from special use permits, a quasi-judicial process, to conditional zoning districts, which is a legislative process. The importance of transitioning to the Table of Use means it will go to the Planning and Zoning Board for review then passed along with their recommendation to Town Council for a final decision. Under legislative process, Town Council has the capacity to act in any way they see fit. As for the quasi-judicial process, it goes before the Zoning Board of Adjustments for final decisions. This document eliminates the current pyramid structure, meaning if it is permissible in the R-1 district then it is permissible across the board. Lastly, Mr. Eller stated that

this does not change the current Zoning map in any way, there are no new zoning districts being proposed or new changes of zoning on any individual parcels of land.

b. Questions and Comments from the Public

Earl Valois, 42 Loftin Street, commented that he recently moved to Weaverville in May this year from New Orleans where he was the Fire Chief. Mr. Valois has served on the International Code Council, Fire Code Action Committee and NFPA 72 Correlating Committee, so he knows a lot about model codes. He believes that this process may need to be started over and align with model codes. This way we are up to date and everybody that picks up these documents will be able to understand them. He recommends that the documents be revised and adjusted more towards the model codes.

Town Attorney Jennifer Jackson discussed that the land use regulations in North Carolina are governed by Article 19 G.S 160A and requires all cities and towns to abide by this. All of the Town of Weaverville's land use regulations come from the powers of the G.S. 160A and have attempted to bring this into alignment and make uniform definitions accordingly. There is a difference between building code and fire code. The building codes are enforced through Buncombe County and to the extent that we are consistent with these codes then developers will have some common language. Certainly it is not going to match up perfectly, but we have tried to rely on the statutory definitions that we are required to abide by and used common language where it would be helpful.

Town Planner James Eller mentioned that the fire code and building code of the State of North Carolina are administered within our municipal borders, regardless of what it says on the zoning documents. Town Council is simply passing down to the public within the jurisdiction, what they think a particular property should be used for in a particular zoning district.

Town Attorney Jennifer Jackson also stated that the definitions were looked at with a limited focus of incorporating a table of uses. In addition, any typographical mistakes and incorrect statutory references found along the way have been fixed. However, after this first step we will need to take a more comprehensive and broader look into the definitions and zoning provisions.

Chuck Fink, 85 Church Street, wanted to know if any of this zoning would affect the open hay fields on Church Street. If so, what would they plan to use them for?

Town Planner James Eller commented that the Zoning map is not going to be changed in any way with these amendments and the density standards are going to stay the same as well.

c. Questions and Discussion by Council

Councilman Nagle reiterated that we need to keep in mind that we are changing from the individual to a collective and Town Council will have more responsibility, since legally it is moving away from the quasi-judicial process to a legislative process.

Town Attorney Jennifer Jackson mentioned that the next meeting on this matter will be a Joint Meeting between Town Council and the Planning and Zoning Board on August 15 at 6 p.m. at the Town Hall. This is a working meeting between Town Council and Planning and Zoning Board so it will be up to Council on whether they want to allow public comment at this joint meeting. It is

a public meeting, but was not advertised as a public comment meeting. Up to this point, we have been working off the concept documents and now they are going to be migrated into amendments. So at this meeting, the Planning and Zoning Board will be presenting these amendments to Town Council to make sure that they are accomplishing what the concept documents call for and that the Code of Ordinances are able to accomplish that as well. Any comments that Town Council and the public had for the Planning and Zoning Board will be looked over and added to the documents for review.

d. Direction to Staff/Planning and Zoning Board

Planning and Zoning Board was asked to review the actual ordinance amendments necessary to incorporate the concept documents in the Code for the meeting on August 15, 2017. The remaining meeting schedule was reviewed.

3. Adjournment.

Councilman Dearth made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 6:20 p.m.

DEREK K. HUNINGHAKE, Town Clerk



**Town of Weaverville
MINUTES**

**Joint Meeting of Town Council and Planning and Zoning Board
Tuesday, August 15, 2017 – Town Hall**

The Town Council and Planning and Zoning Board for the Town of Weaverville met for a Joint Meeting on Tuesday, August 15, 2017, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Planning and Zoning Board members present: Chairman Doug Theroux, Vice Chairman Gary Burge and Board Member Catherine Cordell. Board Member Stanz and Osborne and Alternate Board Member Chase were absent.

Staff present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake and Town Planner James Eller.

1. Call to Order

Mayor Sherrill informed the public that this meeting is an information meeting between Town Council and Planning and Zoning Board and was not advertised as a public comment meeting, but Town Council is going to allow three minutes for each public comment.

*Mayor Dottie Sherrill called the meeting to order on behalf of Town Council at 6:00pm.
Chairman Doug Theroux called the meeting to order on behalf of Planning and Zoning Board at 6:00pm.*

Town Manager Selena Coffey commented that the Town has been very careful to make sure all the proposed Table of Uses meetings were advertised well in advance. They have been advertised on the Town's website, newspaper, Town's E-newsletter and on signs all around the Town of Weaverville. The meetings included were two Joint Meetings of Town Council and Planning and Zoning Board on June 27, 2017 and August 15, 2017, two Community Input and Town Council Workshops on July 25, 2017 and August 8, 2017, and a Public Hearing scheduled for August 21, 2017.

2. Questions and Comments from the Public

Earl Valois, 42 Loftin St., commented that he believes the Town of Weaverville should follow the International Zoning Codes and structure the zoning ordinance after it. He believes it would be easier to follow. It is a very comprehensive plan, but can be flexible and used in any jurisdiction. This would help bring the Town up to model codes.

3. Presentation of Ordinance Amendments and Discussion Related to the Proposed Table of Uses

Town Attorney Jennifer Jackson mentioned to Town Council that the Planning and Zoning Board has reviewed the 145 page set of Ordinance Amendments, which folded in the Table of Uses. She and Town Planner James Eller have kept a list of potential changes that have been brought up during the last couple of meetings and would like to review them with Council, then answer any questions or concerns that Town Council has before action can be taken at the Public Hearing. The list of recommended changes to the proposed amendments to the Weaverville Code of Ordinances is attached.

Councilman Dearth noted that if there are significant comments made at the Public Hearing that Town Council not feel obliged to act on this decision immediately, however if there isn't anything controversial than go ahead and move forward. Councilman Dearth also wanted to hear the rationale used by the Planning and Zoning Board again in making the decision for family care homes and child care homes (6 or fewer) in all residential districts except R-12 considering the impact of parking and traffic in this area.

Town Planner James Eller explained that the child care home is the legacy language that carried over from the way the ordinance reads and the reason for the family care homes in R-1 is because they have specific statutory limitations placed upon them and by North Carolina law are required to be treated as single family homes. Councilman Dearth asked the Planning and Zoning Board if they could make child care home permitted with standards with the understanding that parking and off street parking be considered when an application is received. Chairman Theroux said that the board discussed this in their meeting, but didn't see much difference between family care home and child care home. However, he doesn't have a problem with child care homes switching to be permitted with standards.

Councilman Dearth asked if the term "boarding house" on the Table of Uses could be switched to "bed and breakfast" instead. Town Planner James Eller and Town Attorney Jennifer Jackson commented that this was just legacy language, but it can be changed to bed and breakfast including boarding house within the definition. Chairman Theroux said that he doesn't have an issue with changing it from boarding house to bed and breakfast. Board member Catherine Cordell said she didn't have a problem with changing it to bed and breakfast, but it would change the definition a little bit.

Councilman Dearth inquired about mobile food vendors under temporary uses being allowed in C-1. It is permitted with standards, but he doesn't think that it would be a good idea to have a semi-permanent food truck on Main Street considering the limit in size and other food businesses. He would also like to hear from the Weaverville Business Association about this too. Board member Catherine Cordell mentioned that the board spent a lot of time discussing food vendors and with Zebulon brewery and another brewery coming soon; it might be convenient to allow mobile food vendors to setup by them. It wouldn't be semi-permanent, but it would allow them to setup on Saturdays and special events. Board member Gary Burge said that he didn't think it is fair to protect the downtown businesses in C-1 from mobile food vendors, but allow them to setup out on the Weaver Boulevard in C-2 district. Councilman Nagle mentioned that in the additional standards it doesn't say how long mobile food vendors are able to stay and thinks there should be something written in the standards that says no more than three days continuance or no overnight stays. Chairman Theroux said that they could place the time limit under hours of operation in the additional standards. Board member Catherine Cordell commented that if the

time limit doesn't work then maybe it could be allowed for special events. Not just 4th of July or Labor Day, but really think about all the other events that the Town could have.

Town Attorney Jennifer Jackson asked if there was consensus among Town Council to make a change to the standard so that staff could start drafting this for the Public Hearing. It can also be drafted after the Public Hearing if Council would like some more time to think about it.

Councilman Dearth mentioned to change the standard definition for mobile food vendors in only C-1, so that it be limited to special events only.

Town Attorney Jennifer Jackson mentioned that Town Manager Selena Coffey had all the Department Heads review the ordinance to make sure there weren't any issues missed. Most of the revisions were typographical errors, but there were some substantive ones that were briefly covered.

- Public Works Director Tony Laughter questioned whether the acreage requirement under agriculture for both neighborhood and commercial is strictly pasture land or property. Revisions were made to the definition so that the required acreage for livestock is usable land, excluding impervious surfaces.
- The Planning and Zoning Board deleted the section that said, "Tattoo parlors shall be regulated as a personal service". Now they are regulated under C-2 and I-1 in the Table of Uses.
- Under Section 36-12 – Street Access, the sentence was changed to read "any lot in the C-2 general business district used for commercial purposes shall have its primary access upon the street on which it fronts". They changed only access to primary access.
- Public Works Director Tony Laughter commented about run off maintenance for commercial agriculture, so a provision was added to standards requiring management of runoffs.

Chairman Theroux commented about changing the language of the Noxious Uses definition to include "but not limited to" because when you start listing uses, it will leave the door open for other uses. Councilman Dearth and Nagle both agreed that it would be acceptable to change the language of the Noxious Uses definition to reflect this.

Chairman Theroux thanked Town Attorney Jennifer Jackson, Town Planner James Eller and staff for all their time and hard work spent in getting to this point.

4. Direction to Staff/Planning and Zoning Board

Staff was asked to write up the amendments to reflect the discussed changes for the Code of Ordinances and have available for Public Hearing on August 21, 2017.

5. Adjournment.

Councilman Dearth made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 7:00 p.m.

Vice Chairman Burge made the motion to adjourn; Board member Cordell seconded and all voted to adjourn the Council's meeting at 7:00 p.m.

DEREK K. HUNINGHAKE, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 18, 2017
SUBJECT: Tax Release
PRESENTER: Town Finance Director
ATTACHMENTS: No

DESCRIPTION/SUMMARY OF REQUEST:

The Tax Collector has been requested by Buncombe County to release \$10,400 in value from the business personal property listing for Abal LLC d/b/a Citi Stop which is located at 660 Weaverville Highway. This release is due to a listing adjustment and is for Bill #0000795517-2017. As this tax bill has not been paid there is not a corresponding refund.

TOWN COUNCIL ACTION:

Town Council is requested to approve the release as requested This action could be in the form of the following motion:

I move that \$10,400 in valuation be released from the 2017 business personal property of Abal LLC d/b/a Citi Stop, located at 660 Weaverville Highway.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: September 18, 2017

SUBJECT: Appointment to the French Broad River Metropolitan Planning Organization and its Transportation Advisory Committee

PRESENTER: Town Manager

ATTACHMENTS: No

DESCRIPTION:

Councilman Dearth will be vacating his position on the French Broad River Metropolitan Planning Ordinance and its Transportation Advisory Committee and Town Council will need to appoint a new representative for the Town of Weaverville. Councilman Fitzsimmons has asked to be considered for this position.

COUNCIL ACTION REQUESTED:

Should Council wish to appoint Councilman Fitzsimmons the following motion is suggested:

I move that we appoint Councilman Fitzsimmons as the Town of Weaverville representative on the French Broad River Metropolitan Planning Organization and Transportation Advisory Committee.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: September 18 , 2017
Subject: Budget Amendment - Re-appropriations from FY17
Presenter: Town Finance Director
Attachments: Budget Amendment Form

Description:

The 2016-2017 Budget contained several items that were received and/or budgeted in Fiscal Year 2016-2017, but need to carryforward to Fiscal Year 2017-2018. These amounts reverted to General Fund Balance at 6/30/17, and must be re-appropriated in order to be spent in Fiscal Year 2017-2018.

Town Council is asked to approve a budget amendment to add the following expenditure items to the 2017-2018 Budget:

Police Department

010-430-431-26250 (Drug Education & Prevention) \$326.50

010-430-431-26450 (ABC Law Enforcement) \$233.96

010-430-431-26608 (Cops for Kids) \$5,082.62

Fire Department

010-430-434-26600 (Contributory Expense) \$360.15

Administration

010-410-412-19000 (Professional Services) \$30,000

The \$30,000 in Administration was for an IT project upgrade (virtual server set-up and maintenance) that will be completed this fiscal year.

Action Requested:

The Town Council is requested to approve the attached Budget Amendment.

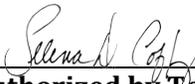
What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-430-431-26250	Drug Education & Prevention	\$326.50
010-430-431-26450	ABC Law Enforcement	\$233.96
010-430-431-26608	Cops for Kids	\$5,082.62
010-430-434-26600	Contributory Expense	\$360.15
010-410-412-19000	Professional Services	\$30,000.00

What expense account(s) are to be decreased or additional revenue expected to offset expense?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-004-300-09028	Cops for Kids	\$5,082.62
010-004-310-09900	Appropriated Fund Balance	\$30,920.61

Justification: Please provide a brief justification for this budget amendment. *See attached.*

	
_____ Authorized by Finance Officer	_____ 9/14/2017 Date
	
_____ Authorized by Town Manager	_____ 9/14/2017 Date
_____ Authorized by Town Council (if applicable)	_____ Date

Budget Ordinance Section 7:

- B. The Budget Officer or his/her designee is hereby authorized to distribute departmental funds based upon the line item budgets and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.
- C. The Budget Officer or his/her designee may authorize transfers between line items, expenditures and revenues, within a department or division without limitation and without a report being required.
- D. The Budget Officer or his/her designee may transfer amounts up to 5%, but not to exceed \$10,000 monthly, between departments, including contingency appropriations, but only within the same fund. The Budget Officer must make an official report on such transfers at a subsequent regular meeting of Town Council.
- E. The Budget Officer or his/her designee may not transfer any amounts between funds, except as approved by Town Council, as a budget amendment.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 18, 2017
SUBJECT: NC 457 Plan – Deferred Compensation Plan Option
PRESENTER: Town Finance Director
ATTACHMENTS: Prudential Information on NC 457 Plans
Comparison between NC 401(k) Plan and NC 457 Plan
Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

Most jurisdictions in North Carolina offer a NC 457 Plan as an option for their employees. Participation in this plan would be at no cost to the Town and, if added, provides the Town’s employees with an option of enrolling in either the 401(k) or 457 plan.

The Town Manager and Finance Director both recommend the Town’s participation in the NC 457 Plan.

TOWN COUNCIL ACTION REQUESTED:

Town Manager recommends adoption of a NC 457 Plan by Town Council through the adoptions of the attached resolution. The following motion could be consider:

I move the adoption of the attached resolution which adopts the North Carolina Public Employee Deferred Compensation Plan (NC 457 Plan) and authorizes the Town Manager and Finance Director to submit the application and related documents to complete the Town’s enrollment said Plan.

**A RESOLUTION ADOPTING THE NORTH CAROLINA
PUBLIC EMPLOYEE DEFERRED COMPENSATION PLAN
UNDER INTERNAL REVENUE CODE § 457(b)**

WHEREAS, as an additional option for deferred compensation, the Town of Weaverville wishes to provide a qualified defined contribution plan to the employees of the Town of Weaverville; and

WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental deferred compensation plan under Internal Revenue Code § 457(b) for public employees of North Carolina;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WEAVERVILLE, NORTH CAROLINA, ACTING THROUGH ITS COUNCIL MEMBERS, that the Town of Weaverville has hereby adopted the North Carolina Public Employee Deferred Compensation Plan, also known as the “NC Deferred Comp” under the terms of the Plan Document and the Third-Party Administrator Agreement, and that all employees shall become eligible to defer compensation immediately.

ADOPTED this 18th day of September, 2017.

Dottie Sherrill, Mayor

ATTEST:

Derek K. Huninghake, Town Clerk

The NC 457 Plan

The NC 457 Plan is a deferred compensation plan available exclusively to those North Carolina public employees whose employers offer the plan. This includes full-time, part-time and temporary employees. The plan is also available to elected and appointed officials, along with rehired retired employees. North Carolina state and local government employers offer this plan to help you reach your retirement savings goals by taking advantage of:

- **Automatic payroll deductions.** Contributions to the NC 457 Plan are made through payroll deduction.
- **You may change or stop your contribution at any time, and no minimum contribution is required.**
- **Contribution limits.** The maximum contribution is \$18,000, unless you are age 50 or older this year. In that case, you could contribute an additional \$6,000, for a total of \$24,000. Employer contributions, if applicable, reduce the annual maximum that you may contribute.
- **100% vesting.** You are fully vested in the plan from your first contribution to your last. To be “vested” means to own, which means the money is always yours.
- **Penalty-free withdrawals.** Withdrawals from your NC 457 Plan account are **never** subject to a 10% federal income tax penalty, regardless of your age at the time of withdrawal.
- **Convenient asset consolidation.** To simplify your financial life, the NC 457 Plan allows for rollovers from other retirement plans you may have from former employers, including 401(k), 401(a), 403(b), governmental 457 and TSP plans, and some IRAs.
- **Online retirement planning tools.** You may access your account 24 hours a day, 7 days a week. You may also access a host of information, interactive calculators and other resources at NCPlans.prudential.com
- **Multiple investment choices.** You can invest in vehicles that range from potentially high growth to highly conservative, so you can make the most appropriate choice to help you meet your savings goals.
- **Simple investing with GoalMaker®.** GoalMaker is an optional, easy-to-use asset allocation program available at no additional cost that automatically offers you an age-appropriate investment mix based on your investor style. Keep in mind that application of asset allocation and diversification concepts does not assure a profit or protect against loss in a declining market. **It is possible to lose money by investing in securities.**
- **Quarterly statements to keep you informed.** Statements are provided after the end of a quarter to help you monitor activity in your account.
- **One-on-one help.** The NC 457 Plan has knowledgeable Retirement Education Counselors* strategically located throughout North Carolina help you to get the most from your participation in the plan**. These representatives are a resource available to plan members by phone, email or in person.

For questions or assistance, you may contact your Retirement Education Counselor:
Deborah Rapetski
(828) 230-3655
Deborah.Rapetski@Prudential.com

* Retirement Education Counselors are registered representatives of Prudential Investment Management Services LLC (PIMS), Newark, NJ. PIMS is a Prudential Financial company.
**Prudential representatives do not provide legal, tax or investment advice for which you should consult a qualified professional.

Flexible ways to contribute – choose one or both of the following contribution options:

Traditional pre-tax contributions

Pre-tax contributions are automatically deducted from your paycheck before any current federal or state income taxes are taken out, therefore, reducing your taxable income. As a result, your take-home pay is not impacted by the full amount of your contribution. Additionally, these contributions grow tax-deferred until withdrawal. At that point, federal and state income taxes will be incurred.

Roth after-tax contributions

Roth contributions are automatically deducted from your paycheck after current taxes are paid and therefore reduce your take-home pay dollar for dollar. Roth contributions and earnings grow tax-deferred and can benefit members who anticipate being in a higher tax bracket while in retirement and would rather pay taxes at today's tax rate. Qualified distributions are federal income tax free.*

You save per month	\$25	\$100	\$200	\$300
10 years	\$4,327	\$17,308	\$34,617	\$51,925
15 years	\$7,924	\$31,696	\$63,392	\$95,089
20 years	\$13,023	\$52,093	\$104,185	\$156,278
30 years	\$30,499	\$121,997	\$243,994	\$365,991

Assumes 7% annual return. Data shown is for illustrative purposes only and is not intended to represent performance of any specific investment, which may fluctuate. **It is possible to lose money by investing in securities.** No taxes are considered in the calculations; generally, withdrawals are taxable at ordinary rates.

Special “One-Time” Contributions

If you wish to defer additional compensation that will be deducted for only one payroll cycle for reasons such as longevity payments, or final payouts of unused/or bonus leave, you may coordinate this deduction with your payroll office. You can obtain a One-Time Contribution form by visiting the Tools and Resources tab at NCPlans.prudential.com. Submit the completed form directly to your payroll office. Total annual contributions may not exceed IRS limits.

Consolidate with Rollovers into the NC 457 Plan

The plan accepts rollovers from other qualified retirement plans you may have from former employers, including 401(k), 401(a), 403(b), governmental 457 plans and TSP Plans, as well as Traditional, Conduit, SIMPLE and SEP IRAs. Under current IRS guidelines, Roth IRAs are not eligible for rollover into the plan. All rollover requests must receive pre-approval from the plan before funds can be received.

Initiating a rollover into your NC 457 Plan is easy, and it offers many benefits, including:

- The simplicity of all your retirement savings reported on one quarterly statement and on the Annual Benefits Statement, making it easier to monitor your accounts and stay on track toward your retirement savings goals
- The potential to save money through reduced plan fees
- The convenience of managing all of your retirement savings through one website, one phone number, and with one point of contact for your retirement account questions
- The ease of asset allocation, since it's simpler to maintain an investment strategy among your various investments when you can see how they work together.

Before rolling over assets from other retirement plans, you should contact the current plan provider to inquire about fees or other surrender charges that may be assessed.

For assistance with a rollover into the NC 457 Plan, contact your Retirement Education Counselor or call **866-NCPlans** (866-627-5267).

* There are two separate sets of rules for taking distributions from your NC 457 Roth account on a tax-free basis. The first NC 457 Plan rule states you can only take a distribution after you: (i) separate from service; or (ii) attain age 70½ while still in service. The second, an IRS rule, defines what is considered a “qualified” distribution from a Roth Account in order to be tax free.** Taken together, this means that you can withdraw money from your NC 457 Roth Account tax free once you meet the following criteria: The first Roth contribution to your account must remain in your account for at least five tax years; AND: a) you have separated from service and are 59½ or older; or b) you have separated from service due to a death or disability retirement; or c) you are still working and are at least age 70½. If your withdrawal does not meet these conditions, then the Roth earnings—but not the Roth contributions—may be subject to state and federal income taxes.

**The criteria outlined by the IRS is for tax-free treatment for federal income tax purposes. Your withdrawal may also be eligible for state tax-free treatment.

Choose from a lineup of investment options or have GoalMaker do it for you!

Investment Options

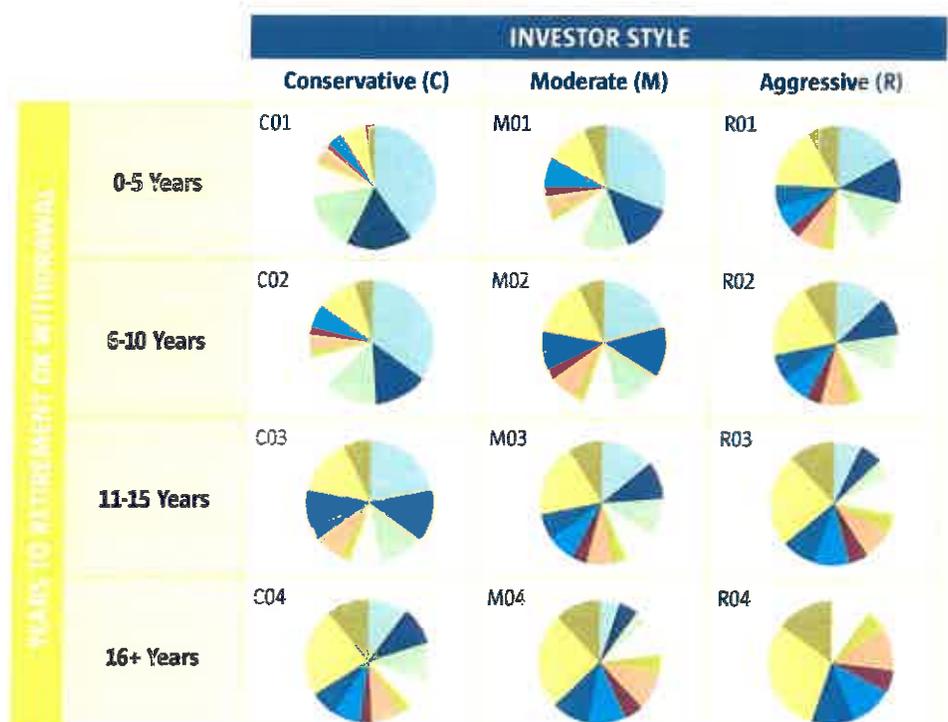
When it comes to making investment decisions, you can take one of two approaches. You can create your own mix of funds or you can elect GoalMaker, an optional, easy-to-use asset allocation program available at no additional cost. Using your years to retirement and your investment risk tolerance, GoalMaker helps guide you to a model portfolio that is right for you

PORTFOLIOS***		C01	C02	C03	C04	M01	M02	M03	M04	R01	R02	R03	R04
		0-5 yrs	6-10 yrs	11-15 yrs	16+ yrs	0-5 yrs	6-10 yrs	11-15 yrs	16+ yrs	0-5 yrs	6-10 yrs	11-15 yrs	16+ yrs
INVESTMENT OPTIONS	NC Stable Value	40%	35%	22%	10%	31%	21%	14%	5%	17%	13%	7%	0%
	NC Fixed Income Index	17%	14%	13%	10%	13%	13%	10%	5%	12%	10%	6%	0%
	NC Fixed Income	16%	14%	12%	10%	13%	12%	10%	4%	12%	10%	5%	0%
	NC Inflation Responsive	8%	8%	8%	8%	9%	9%	9%	9%	10%	10%	10%	10%
	NC Large Cap Index	4%	4%	7%	8%	5%	7%	7%	10%	7%	7%	8%	11%
	NC Large Cap Value	1%	2%	3%	3%	2%	3%	4%	5%	3%	4%	5%	6%
	NC Large Cap Growth	1%	2%	3%	3%	2%	3%	4%	5%	3%	4%	5%	6%
	NC Small Mid Cap Index	This Fund is available as standalone investment option only and is not included within the GoalMaker portfolios.											
	NC Small Mid Cap Value	2%	3%	5%	7%	4%	5%	7%	10%	6%	7%	9%	11%
	NC Small Mid Cap Growth	2%	3%	5%	7%	4%	5%	7%	10%	6%	7%	9%	11%
	NC Global Equity	6%	10%	15%	23%	11%	15%	19%	25%	16%	19%	24%	30%
	NC International Index Fund	This Fund is available as standalone investment option only and is not included within the GoalMaker portfolios.											
	NC International	3%	5%	7%	11%	6%	7%	9%	12%	8%	9%	12%	15%

GoalMaker Portfolios

If you're already in the NC 457 Plan, you can enroll in GoalMaker by calling **866-NCPlans** (866-627-5267), by logging in to your account at **NCPlans.prudential.com** or by working with your Retirement Education Counselor.

***Investment of your account balance according to a GoalMaker portfolio can and will be cancelled at any time if you direct Prudential to invest your account according to an investment allocation of your own design. The GoalMaker portfolios are subject to change as directed by your plan administrator, including, for example, the replacement of investment options and the change of investment options as a percentage of the portfolio. You will be notified in writing in advance of any such changes.



Accessing your money while you are employed

We understand that there may be times when you need to access the funds in your retirement account sooner rather than later. The NC 457 Plan gives you the flexibility to do this through:

- **Loans¹.** Active employees may be eligible to borrow money from their account for any purpose. Loans are repaid through payroll deduction, with the interest paid directly to your account. The minimum loan is \$1,000, and the maximum loan is 50% of your account value, up to \$50,000. You have up to five years to repay a loan. There's also a 15-year repayment allowed for the purchase of a primary residence. You may only have one loan outstanding at any time.
There is a \$60 processing fee for taking out a loan.
- **Low account value/inactive account exception.** You are allowed to withdraw your funds after 24 consecutive months with no contributions and an account value of less than \$5,000 without penalty, but the amount may be subject to ordinary income tax.
- **In-service distributions².** Plan members who are 70½ or older can withdraw or roll over all or part of an account balance to another qualified retirement savings vehicle, like an IRA. In addition, and regardless of age, members may elect to roll over all or a portion of their balance to the North Carolina Retirement Systems to purchase service credits -- this type of distribution is NOT subject to ordinary income tax.
- **Hardship withdrawals.** There are several types of hardship withdrawals available, depending on the circumstances. Qualifying hardship withdrawals include:
 - Medical expenses not covered by insurance for you, your spouse or dependents
 - Payments to prevent eviction from your principal residence, or foreclosure on the mortgage of your principal residence
 - Funeral/burial expenses for a parent, spouse, child or other dependent
 - Certain expenses relating to the repair of damage to your principal residence

When you leave employment, you can choose what to do with your money in the NC 457 Plan

- **Leave your funds in the plan.** Contributions to the plan stop when you leave employment, but the investments in your account remain invested and continue to work for you. Federal rules require that you must begin taking minimum distributions by April 1 in the year following the year that you turn age 70½, provided you are no longer working for the plan sponsor (employer).
- **Take a systematic withdrawal (periodic payments to fit your need).** You can opt to receive monthly, quarterly, semiannual or annual installment payments.
- **Take a full or partial lump-sum withdrawal³.** This option allows you to withdraw all or a portion of your entire account balance on an as-needed basis at your discretion.*
- **Roll over all or a part of your balance to an eligible employer-sponsored retirement plan or to an Individual Retirement Account (IRA)³.** A rollover to a qualified plan is not subject to taxes or penalties, provided the check is made payable to the financial institution receiving the funds.
- **Generate monthly lifetime income.** Transfer all or a portion of your pre-tax account balance to the North Carolina's Teachers' and State Employees' Retirement System (TSERS) or the Local Government Employees' Retirement System (LGERS), where it can be paid as a monthly benefit for your lifetime and/or the lifetime of your designated survivor. At or after retirement with TSERS or LGERS, plan members can select from a variety of income stream options in addition to their monthly pension benefit. This one-time, (irrevocable) transfer is only applicable to pre-tax contributions, including funds rolled into the plan and any employer contributions.

*Please note that if you terminate from service, requests for withdrawals or distributions from your account (not associated with retirement) will not be processed for 60 days.

Questions?

Call 866-NCPlans (866-627-5267) Monday through Friday, 8 a.m. to 9 p.m. ET or visit NCPlans.prudential.com. You may also contact your Retirement Education Counselor, Deborah Rapetski, at (828) 230-3655 or Deborah.Rapetski@Prudential.com.

NC Plans Processing Center • P.O. Box 5340 • Scranton, PA 18505

PRUDENTIAL RETIREMENT[®]

¹If you leave employment with an outstanding loan balance, the entire balance must be paid within 90 days of the date you separate from service. Any balance that remains unpaid after that time will be considered "defaulted" and will be reported to the IRS as taxable income, unless you contact Prudential Retirement to re-amortize the loan for a fee.

²Amounts rolled over to another qualified retirement savings vehicle or used to purchase service credits are not subject to current income tax.

³You can indirectly roll over funds within 60 days of receipt, but the payment made to you will be subject to 20% mandatory federal income tax withholding on the taxable portion of your withdrawal, so you would need to make up that amount from other funds in order to roll over the entire amount and continue to defer taxation.

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The NC 401(k) Plan and the NC 457 Plan: Two great plans to help build retirement savings

Saving for retirement is an important step toward living out a financially secure future. As a public employee in North Carolina, you are fortunate to have the NC 401(k) Plan and the NC 457 Plan available to you. While they are similar in many ways, there are some unique differences between the two Plans, as the chart below illustrates.

Provision	NC 457 Plan		NC 401(k) Plan	
	Traditional Pre-Tax Contributions	Roth After-Tax Contributions	Traditional Pre-Tax Contributions	Roth After-Tax Contributions
Eligibility	<ul style="list-style-type: none"> • Employer offers NC 457 Plan • Full-time, temporary or part-time employees • Elected or appointed officials • Rehired retired employees 		Contributing members to one of the North Carolina public employees Retirement Systems including: <ul style="list-style-type: none"> • Teachers' and State Employees' Retirement System (TSERS) • Local Governmental Employees' Retirement System (LGERS) • Legislative Retirement System • Consolidated Judicial Retirement System 	
Contributions	<ul style="list-style-type: none"> • Pre-tax contributions and/or Roth after-tax contributions • Made by payroll deduction • No minimum • Maximum is \$18,000 in 2016 (amount is not reduced by rollovers into the Plan from other eligible retirement plans) 		<ul style="list-style-type: none"> • Pre-tax contributions and/or Roth after-tax contributions • Made by payroll deduction • No minimum • Maximum is \$18,000 in 2016 (amount is not reduced by rollovers into the Plan from other eligible retirement plans) 	
Age 50+ Catch-Up Contributions	If age 50 or older by December 31, 2016, the member may contribute an additional \$6,000 to the Plan for a total maximum deferral of \$24,000 <i>Cannot be used in conjunction with the three-year catch-up contribution</i>		If age 50 or older by December 31, 2016, the member may contribute an additional \$6,000 to the Plan for a total maximum deferral of \$24,000	
Three-year Catch-Up Contributions	Available to members who are within three years of the taxable year in which normal retirement age is attained and who did not contribute the maximum allowed in prior years. Maximum contribution is \$36,000 in 2016. <i>Cannot be used in conjunction with the Age 50+ catch-up provision</i>		Not available	
Employer Contributions	Employer contributions, if applicable, reduce the annual maximum employee contribution allowance		Employer contributions, if applicable, do not reduce the annual maximum employee contribution allowance	
Savers Tax Credit¹	A nonrefundable tax credit is available to eligible taxpayers who make contributions to qualifying retirement plan(s). Depending on the member's adjusted gross income (AGI), the credit ranges from 10 to 50% of the first \$2,000 in eligible contributions. Generally, this credit would be available to joint filers with an AGI of up to \$61,500, head-of-household filers with an AGI of up to \$46,125, and single filers with an AGI of up to \$30,750.			
Rollovers into the Plan	Pre-tax rollovers are accepted from eligible retirement plans, including 401(k), 401(a), 403(b), governmental 457(b) plans; and many Individual Retirement Accounts (IRAs), including Traditional, Rollover (Conduit), SEP and SIMPLE plans	Roth after-tax rollovers are accepted from eligible retirement plans such as governmental 457(b), 401(k) and 403(b) plans, but not from Roth IRAs	Pre-tax rollovers are accepted from eligible retirement plans, including 401(k), 401(a), 403(b), governmental 457(b) plans; and many Individual Retirement Accounts (IRAs), including Traditional, Rollover (Conduit), SEP and SIMPLE plans	Roth after-tax rollovers are accepted from eligible retirement plans such as 401(k), 403(b) and governmental 457(b) plans, but not from Roth IRAs
Loan Provision	Loans may be taken for any reason, provided funds are available in the member's account, and are repaid with interest through payroll deduction(s). May take up to five years to repay with no prepayment penalty. Only one loan may be outstanding at a time.			
401(k) Plan Hardship Withdrawals and 457 Plan Unforeseen Emergency Withdrawals	Available in the following circumstances: <ul style="list-style-type: none"> • For medical expenses not covered by insurance for the member, spouse or dependents • To prevent eviction or foreclosure on a primary residence • To cover funeral/burial expenses for the member's immediate family member • To repair damage to the member's principal residence that qualifies as a casualty deduction <i>Employer contributions, if applicable, may not be used to fund a hardship withdrawal.</i>		Available in the following circumstances as defined by the IRS: <ul style="list-style-type: none"> • For medical expenses not covered by insurance for the member, spouse or dependents • To provide a down payment on a primary residence • For college tuition, room, board and some related educational expenses for member, spouse or dependents • To prevent eviction or foreclosure on a primary residence • To cover funeral/burial expenses for a member's immediate family member • To repair damage to the member's principal residence that qualifies as a casualty deduction <i>Employer contributions, if applicable, may not be used to fund a hardship withdrawal.</i>	

¹ 2016 AGI amounts, indexed for inflation.

Provision	NC 457 Plan		NC 401(k) Plan	
	Traditional Pre-Tax Contributions	Roth After-Tax Contributions	Traditional Pre-Tax Contributions	Roth After-Tax Contributions
Withdrawals & Rollovers while Employed	<ul style="list-style-type: none"> Available upon reaching age 70½ Transfer to the NC Retirement System to purchase service credit, if eligible for purchase Allowed if the account balance is less than \$5,000 and no contributions have been made for a period of two years 	<ul style="list-style-type: none"> Available upon reaching 70½, and in order to receive favorable tax treatment, the first contribution must be at least five tax-years old Allowed if the balance is less than \$5,000 and no contributions have been made for a period of two years 	<ul style="list-style-type: none"> Available upon reaching age 59½ Transfer to the NC Retirement System to purchase service credit, if eligible for purchase 	<ul style="list-style-type: none"> Available upon reaching age 59½ and in order to receive favorable tax treatment the first contribution must be at least five tax-years old
Options upon Termination or Retirement¹	<ul style="list-style-type: none"> Leave funds in the Plan(s), subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Annuitize all or a portion Roll all or a portion of the balance to another qualified retirement plan or IRA At or after retirement, members may move balance to the NC TSERS or LGERS to increase their monthly benefit 	<ul style="list-style-type: none"> Leave funds in the Plan, subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Roll all or a portion of the balance to another Roth 401(k), Roth 403(b), Roth IRA or Roth 457 	<ul style="list-style-type: none"> Leave funds in the Plan, subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Roll all or a portion to an annuity Roll all or a portion of the balance to another qualified retirement plan or IRA At or after retirement, members may move balance to the NC TSERS or LGERS to increase their monthly benefit 	<ul style="list-style-type: none"> Leave funds in the Plan, subject to federal rules on minimum required distributions Begin making withdrawals (lump sum, partial payments or systematic payout options) Roll all or a portion of the balance to another Roth 401(k), Roth 457, Roth 403(b) or Roth IRA
Tax Considerations	<ul style="list-style-type: none"> Withdrawals of pre-tax funds are subject to federal and state income taxes for the year in which the distribution(s) is/are processed Rollovers to other qualified plans or IRAs are not taxable events 	<p>Withdrawals are NOT subject to federal or state income taxes provided:</p> <ul style="list-style-type: none"> The first Roth contribution has been in the account for at least five tax years The member is 59½ or older, disabled or deceased 	<ul style="list-style-type: none"> Withdrawals of pre-tax funds are subject to federal and state income taxes for the year in which the distribution(s) is/are processed Rollovers to other qualified plans or IRAs are not taxable events 	<p>Withdrawals are NOT subject to federal or state income taxes provided:</p> <ul style="list-style-type: none"> The first Roth contribution has been in the account for at least five tax years The member is 59½ or older, disabled or deceased
Additional Tax Penalties on Withdrawals	Regardless of age at withdrawal, no additional penalties will apply	Regardless of age at withdrawal, no additional penalties will apply	Withdrawals prior to age 59½ may be subject to an additional 10% federal income tax penalty. This penalty can be avoided if the member: <ul style="list-style-type: none"> Separates from service in the calendar year they turn 55, or later Elects to receive substantially equal payments based on life expectancy Is disabled or deceased Are deemed a qualified public safety employee and separate from service in, or after the year, they turn age 50 	Withdrawals prior to age 59½ may be subject to an additional 10% federal income tax penalty. This penalty can be avoided if the member: <ul style="list-style-type: none"> Separates from service in the calendar year they turn 55, or later Elects to receive substantially equal payments based on life expectancy Is disabled or deceased
Required Minimum Distributions	The federal government dictates that minimum withdrawals must begin by age 70½, provided a member is no longer employed by the sponsoring employer. Failure to receive this annual minimum required distribution (MRD) may result in significant tax penalties.			

For questions please refer to NCPlans.prudential.com or call 866-NCPlans (866-627-5267).

^{*}Amounts withdrawn before age 59½ may be subject to a 10% federal income tax penalty, applicable taxes and plan restrictions. Withdrawals are taxed at ordinary income tax rates. Neither Prudential Financial nor any of its representatives are tax or legal advisors and encourage you to consult your individual legal or tax advisor with any specific questions. Rollover assets may be assessed fees or other surrender charges. Please contact the current account provider for this information.

¹Please note that if you terminate from service, requests for withdrawals or distributions from your account (not associated with retirement) will not be processed for 60 days. Prudential Retirement provides the communications and recordkeeping services for the NC Total Retirement Plans 401(k)457. Investments offered to you within the plan(s) are not offered by or affiliated with Prudential Financial or any of its companies or businesses. Prudential Retirement is a Prudential Financial business.

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**TOWN OF WEAVERVILLE TOWN
COUNCIL AGENDA ITEM - REVISED**

DATE OF MEETING: September 18, 2017
SUBJECT: Recreation Advisory Board
PRESENTER: Town Manager
ATTACHMENTS: No

DESCRIPTION:

Town staff has been preparing for applying for the Parks and Recreation Trust Fund (PARTF) grant. One of the elements necessary to gain additional points for the grant is the appointment of a Parks and Recreation Advisory Board. Per the grant application, this Board cannot be an elected Board. Further, we have learned that the ad hoc Lake Louise Community Center committee may not serve this purpose because they have been appointed to the "site specific" Community Center committee and the two committees/boards should be separate. The purpose of this new short-term Board would be to advise the Town on the Town's parks, recreation and greenways. The new Board would not meet often because we do not have a parks and recreation department, but would need to have input and support of the Town's master plan, which we are already working on. The Town Manager recommends that Town Council consider appointing a Recreation Advisory Board for a one year term.

COUNCIL ACTION REQUESTED:

The Town Manager requests discussion concerning creation of a Parks and Recreation Advisory Board with a limited scope, to meet the grant application requirements. Town Council may suggest potential members at this meeting or table the topic until you have had time to come up with some potential members. The Board would not need to exceed 5 - 7 members.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: September 18, 2017
SUBJECT: Update to Town Code of Ordinances
PRESENTER: Town Attorney
ATTACHMENTS: Proposed Ordinance Repealing and Revising Certain Code Provisions

DESCRIPTION:

The Town Attorney has continued efforts in reviewing and identifying provisions of the Town’s Code of Ordinance which are out of date or not in use. There have been several provisions which she has identified for potential repeal and will be at tonight’s meeting to discuss those with Mayor and Council.

Chapter 26	Telecommunications [Cable TV Franchise]	Town’s legal authority for this regulation was repealed by the legislature in 2007
Chapter 34	Vehicles for Hire [Taxicabs]	Hasn’t been used since adopted in 1973
Chapter 12, Article III	Smoke Detectors	This Article does not have any content and smoke detectors are regulated in the Fire Code
Chapter 12, Article IV	Opening Burning	In April 2016 this Article was meant to be moved to Chapter 10, but it was duplicated instead of moved. Note – with the repeal slight revisions to §§ 10-73 and 10-75 are recommended
Chapter 2, Article IV, Division 2	Appearance Commission	This Commission has not been active in many years; committee can be established more informally by majority action of Town Council
Chapter 32, Article II	Tree/Conservation Board	Town Council slated this board for review; Council should discuss whether to continue the tree/conservation board as is or repeal it in favor of a less formally created board; Council could appoint itself as the board Note – Before repealing, there are tree board duties within Article I of Chapter 32 that should be considered, as well as Tree City USA responsibilities.

Amendments to or repeal of the above Code provisions do not require any review by the Planning and Zoning Board or public hearing. Action by Town Council concerning these amendments can be taken tonight.

COUNCIL ACTION REQUESTED: Town Council discussion and consideration of the attached proposed Ordinance.

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

WHEREAS, in its on-going efforts to update the ordinances applicable within the Town of Weaverville, the Town wishes to amend its Code as described herein;

WHEREAS, Chapter 26, entitled "Telecommunications," should be repealed due to legislation passed in 2007 which repealed the Town's authority to franchise cable television;

WHEREAS, when Article IV of Chapter 10, entitled "Open Burning" was enacted in April of 2016, the intention was to remove the substantially identical provisions contained in Article IV of Chapter 12, also entitled "Open Burning," however the provisions were duplicated and not moved and Article IV of Chapter 12 should now be repealed;

WHEREAS, minor amendments to Code Section 10-73 and 10-75 are appropriate;

WHEREAS, Article III of Chapter 12, entitled "Smoke Detectors," contains no content and should be repealed since smoke detectors are fully regulated by the Fire Code which is applicable within the Town of Weaverville;

WHEREAS, Chapter 34, entitled "Vehicles for Hire," was adopted in 1973 and provides for licensing of taxicabs, however these provisions have never been used and should be repealed;

WHEREAS, Division 2 or Article IV of Chapter 2, entitled "Appearance Commission," has not been active in many years and should be repealed since Town Council can create a similar committee by resolution should it desire to do so;

WHEREAS, Article II of Chapter 32, entitled "Tree Board," should be repealed since Town Council can create a similar committee by resolution should it desire to do so;

WHEREAS, neither review by the Planning and Zoning Board nor a public hearing are required on these amendments and adoption of these amendments is in order;

WHEREAS, Town Council finds that these amendments are reasonable and shall serve the public's interest;

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

1. The following divisions, articles and/or chapters of the Town Code are hereby repealed:

- a. Chapter 26, entitled “Telecommunications”
- b. Chapter 34, entitled “Vehicles for Hire”
- c. Article III of Chapter 12, entitled “Smoke Detectors”
- d. Article IV of Chapter 12, entitled “Open Burning”
- e. Division 2 of Article IV of Chapter 2, entitled “Appearance Commission”
- f. Article II of Chapter 32, entitled “Tree Board”

2. For the following amendments to Code, all deleted language is shown with strikethroughs and all added language is shown as underlined:

a. Section 10-73(b) is hereby amended as follows:

Sec. 10-73. - Open burning; purpose; scope.

- (a) *Open burning prohibited.* A person shall not cause, allow, or permit open burning of combustible material except as allowed by section 10-74.
- (b) *Purpose.* The purpose of this section is to control fires and air pollution resulting from the open burning of combustible materials.
- (c) *Scope.* This section applies to all operations involving open burning. This section does not authorize any open burning which is a crime under G.S. 14-136 through G.S. 14-140.1, or affect the authority of the division of forest resources to issue or deny permits for open burning in or adjacent to woodlands as provided in G.S. 113-60.21 through G.S. 113-60.31. This section does not affect the authority of the Western North Carolina Regional Air Quality Agency to regulate open burning through its fire codes or other ordinances. The issuance of any open burning permit by the division of forest resources or any state government does not relieve any person from the necessity of complying with this chapter or any other air quality rule.

([Ord. of 4-18-2016\(2\), § 1](#))

b. Section 10-75 is hereby amended as follows:

Sec. 10-75. - Penalties.

The Town of Weaverville Fire Chief or his approved designee shall cause extinguishment of all open burning that violates this chapter. The Town of Weaverville Fire ~~Marshal~~ Marshal or Police Chief and their approved designees may issue a citation in the amount of \$100.00 per incident. Violation of this article shall constitute a misdemeanor punishable in accordance with G.S. 14-4. In addition to any citation/penalty, the violator may be assessed the cost of extinguishing the fire by the town. These costs are to be calculated using the fees set out in the town’s schedule of fees as adopted by the town council and on file in the office of the town clerk.

([Ord. of 4-18-2016\(2\), § 1](#))

3. 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.
4. These amendments shall be effective immediately upon adoption.

ADOPTED THIS the 18th day of September, 2017, by a vote of ___ in favor and ___ against.

DOTTIE SHERRILL, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

DEREK K. HUNINGHAKE, Town Clerk

JENNIFER O. JACKSON, Town Attorney

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: September 18, 2017
SUBJECT: Public Water System Development Fees
PRESENTER: Town Attorney
ATTACHMENTS: Overview on Public Water System Development Fees

DESCRIPTION:

The Town Attorney wanted to take an opportunity at tonight's meeting to provide Town Council with some information regarding the new laws on water and sewer system development fees. She has prepared an overview, which is attached, and will be reviewing the highlights of this information with Council.

This is provided as information only tonight as background on a future request for authorization to engage a "financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering and planning methodologies to calculate system development fees" to prepare a supporting analysis for out water system fees.

PUBLIC WATER SYSTEM DEVELOPMENT FEES

Article 8 of Chapter 162AA entitled "System Development Fees" was enacted and signed into law on July 20, 2017, with an effective date of October 1, 2017. This new law provides clear authority for municipalities, and others, to charge water/sewer system development fees as long as the numerous procedures and conditions are complied with before July 1, 2018. This law also reduces the legal exposure faced by cities and counties to repay water and sewer growth-related fees by limiting reimbursement for illegal payments to a three-year look back.

WHY WAS THIS LEGISLATION ENACTED?

In 2016 the NC Supreme Court decided a case, *Quality Built Homes Incorporated v. Town of Carthage*, which found no legal authority for municipalities and counties to charge development fees or impact fees – fees which charge developers for future discretionary spending. This ruling had the effect of invalidating many fees that municipalities and counties had charged over the years. This decision requires municipalities and counties to repay fees illegally assessed fees up to 10 years ago (limited to 3 years by new law).

The NC League of Municipalities, with help from its members and grassroots efforts, sought a legislative fix which would provide clear authority to charge water/sewer impact fees and limit the liability and financial exposure for illegally-charged past fees.

HOW IS THE TOWN AFFECTED BY THE COURT CASE?

The Town Attorney and Public Works Director worked closely in October 2016 to research and analyze the Town's water fees in light of the Supreme Court decision in *Quality Built Homes*. The Town charges the following types of fees for water service:

- (1) fees based on *actual water consumption*;
- (2) *application/processing fees* to defray the cost of analyzing water applications;
- (3) *service charges and administrative fees*, like deposits for new accounts, late penalties, reconnect fees, etc.;
- (4) *commitment fees* to reserve for one year a sufficient amount of water capacity to supply a future development so that the water is not sold to someone else
- (5) *connection/tap fees* to cover the materials and labor associated with connecting service to the Town's system and is not charged if the developer makes the connection;
- (6) *capacity depletion fees* which recoup the cost of previously installed or constructed infrastructure from all users of the system by assessing all water customers based on the size of their meters.

In 2008 a "system development charge" was added to Town Code at § 30-81. This system development charge was established to "aid in the financing of new major water facilities and in the replacement or enlargement of existing facilities." However, this charge has not been assessed by the Town, which is good news since this is the type of fee that would be under intense scrutiny based on the *Quality Built Homes* case.

In November of 2016 the Town Attorney provided the Town Manager with an opinion that none of the fees assessed or charged by the Town were for future capital projects and, therefore, the Town has not illegally charged any rate or fee and is not responsible for repaying fees previously assessed.

HOW DOES THE NEW LAW AFFECT THE TOWN?

The Town will have until July 1, 2018, to follow the procedures set out in the new law to establish a *system development fee*, but may continue to charge the legal fees that were in effect on October 1, 2017. The nine-month "bridge" period between October 1, 2017, and July 1, 2018, is necessary as the procedures for adoption will take time for the Town to work through.

WHAT IS A SYSTEM DEVELOPMENT FEE?

Regardless of terminology, any charge or assessment imposed on new development to fund costs of water improvements "necessitated by and attributable to such new development," including fees to pay for costs the Town already incurred for facilities that serve the new development. The new law lists 5 types of fees that are NOT included in the definition:

- Administrative, plan review, or inspection costs associated with permits required for development;
- Tap or hookup charges for the purpose of reimbursing the Town for the actual cost of connecting the service unit to the system;
- Availability charges;
- Dedication of capital improvements on-site, adjacent, or ancillary to a development absent a written agreement providing for credit or reimbursement to the development pursuant to 160A-320, 160A-499, or Part 3D of Article 19 of Ch. 160A; and
- Reimbursement to the Town for its expenses in constructing or providing for water capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses (but owner or developer payments must be credited to any system development charge).

WHAT PROCEDURES MUST BE FOLLOWED TO ESTABLISH A SYSTEM DEVELOPMENT FEE?

There are five steps to the procedure under the new law, all of which are explained in more detail herein:

- Step 1: *Supporting Analysis Preparation*
- Step 2: *Fee Calculation and Application of Credits*
- Step 3: *45-Day Public Comment Period*
- Step 4: *Public Hearing*
- Step 5: *Town Adoption*
- Step 6: *Publication of Adopted Fee*

SUPPORTING ANALYSIS PREPARATION

The supporting analysis may only be prepared by a "financial professional or a licensed professional engineer qualified by experience and training or education to employ generally accepted accounting, engineering, and planning methodologies to calculate system development fees for public water and sewer system." [GS §162A-205(a)] The Town will have to contract with a professional for the development of a supporting analysis which:

- Documents in reasonable detail the facts and data used in the analysis and their sufficiency and reliability [GS §162A-205(2)];
- Employs generally accepted accounting, engineering, and planning methodologies, including one or more of the *buy-in, incremental or marginal cost*, and *combined cost* methods for the service, setting forth appropriate analysis as to the consideration and selection of a method appropriate to the circumstances and adapted as necessary to comply with the new law [GS §162A-205(3)];
- Documents and demonstrates the reliable application of the methodologies to the facts and data, including all reasoning, analysis, and interim calculations underlying each identifiable component of the system development fee and the aggregate thereof [GS §162A-205(4)];
- Identifies all assumptions and limiting conditions affecting the analysis and demonstrates that they do not materially undermine the reliability of conclusions reached [GS §162A-205(5)];
- Calculates a final system development fee per service unit of new development and includes an equivalency or conversion table for use in determining the fees applicable for various categories of demand [GS §162A-205(6)]; and
- Covers a planning horizon of between 10 and 20 years [GS §162A-205(7)].

FEE CALCULATION AND APPLICATION OF CREDITS

There are three noted methods that a professional will use for calculating system development fees, all of which correspond with the American Water Works Association M1 Manual:

- *Buy-in cost method*: Used when a water system has enough existing capacity to serve new development over the applicable planning horizon. Developer's "buy in" to existing infrastructure that has been built and maintained by the existing rate base.
- *Incremental or marginal cost method*: Used when new facilities must be built to serve new development. Revenue credit applies.
- *Combined cost method*: Used when a system foresees a blend of existing and new infrastructure to serve anticipated development over the applicable planning horizon. Revenue credit applies.

If fees are calculated using the incremental or marginal cost method, either alone or in a combined cost method, the Town must apply a "*revenue credit*" to the originally calculated fee [GS §162A-207(b)]. The revenue credit operates as a discount to the increment cost fee to avoid double-billing property owners who would otherwise pay twice for the same improvements [first through the system development fee, then a second time through their monthly service bills which include a portion which pays for debt]. The revenue credit take at least 25% off of the original calculation. The amount of the revenue credit is equal to either the outstanding debt principal or the present

value of the projected revenues and must be at least a 25% deduction off of the original calculation. The revenue credit is calculated and applied before the Town adopts the supporting analysis and system development fee.

Construction or contribution credits are applied after adoption of the fees by Town Council and are designed to account for situations in which a developer "overbuilds," or installs water facilities in excess of the capacity necessitated by the development. This credit is applied when a developer submits an application that triggers system development fees and is "the value of costs in excess of the development's proportionate share of connecting facilities required to be oversized for use of others outside of the development." However, no credit applies for water capital improvements on-site or to connect a new development to water facilities.

The resulting system development fee cannot exceed the amount calculated based on the support analysis; however, it can be set lower than the maximum fee supported by the supporting analysis.

45-DAY PUBLIC COMMENT PERIOD

At least 45 days prior to consideration of the fee analysis, the Town must post the analysis on the Town's website and solicit *Public Comment* for consideration by the preparer of the analysis.

PUBLIC HEARING

After the expiration of the 45-day posting period, the Town must hold a *Public Hearing* prior to considering adoption of the analysis and the resulting fee.

TOWN ADOPTION

At the conclusion of the public hearing, Town Council can adopt the supporting analysis and fee as originally published or as modified by adopting a resolution or ordinance to that effect. Modifications to the supporting analysis and fee can only be made in consultation with the preparer of the supporting analysis as the law requires the Town to base the fee on the supporting analysis. The consultation can happen immediately at the conclusion of the public hearing so that Town Council can take action on the modified supporting analysis and fee at the same meeting in which the public hearing is held.

PUBLICATION OF ADOPTED FEE

After adopting the supporting analysis and fee, the Town must publish the system development fee in its annual budget ordinance and fee schedule.

WHEN IS THE FEE COLLECTED?

The adopted fee is collected either at the time a plat is recorded or when water service is committed. [GS § 162AA-213]

HOW MUST THE SYSTEM DEVELOPMENT FEE REVENUE BE HANDLED?

CAPITAL RESERVE FUND

The Town must establish a capital reserve fund for the accounting of the system development fee revenues. This must be done by resolution or ordinance. [GS §162AA-211(d), §159-18]

USE LIMITATIONS

Revenue from system development fees calculated using the *buy-in method* can be extended for previously completed capital improvements for which capacity exists and for capital rehabilitation projects. [GS §162AA-211(b)]

Revenue from system development fees calculated using the *incremental or marginal cost method*, exclusively or as part of a combined cost method, can only be used to pay:

- (1) Costs of constructing capital improvements including, but not limited to: construction contract prices, surveying and engineering fees, land acquisition costs, principal and interest on bonds, notes or other obligations issued to finance any of those costs;
- (2) Professional fees incurred by the Town for preparation of the system development fee analysis;
- (3) If no capital improvements are planned for construction within 5 years or the foregoing costs are otherwise paid or provided for, then principal and interest on bonds, notes, or other obligations issued by or on behalf of the Town to finance the construction or acquisition of existing capital improvements.

[GS §162AA-211(a)]

WHAT ARE THE TOWN'S NEXT STEPS?

As the Town continues its discussions about expanding the water treatment plant, a conversation about system development fees is timely in that it allows some discussion about how to set up a water fee structure to pass the full cost of capital improvements necessary to provide water on to all users. You should note that the planning horizon contemplated in the new law is between 10 and 20 years, virtually identical to the timeframe that the Town is currently studying.

Regardless of the time table for the water plant expansion, the *first critical step is to contract with a professional qualified to prepare a supporting analysis*. Every jurisdiction in North Carolina has the same time frame to get this analysis done so it will be important to secure a professional quickly. The Town Manager has some ideas on who to contact for this work.

The Town Attorney and the Public Works Director will need to work closely to *review the Town's Code* dealing with utilities in order to align our fees, regulations and practices with the new law and to *assist the contracted professional* with the factual information that is necessary for the proper preparation of a supporting analysis.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: September 18, 2017
SUBJECT: Out-of-Town Water Requests - Lifting of Moratorium
PRESENTER: Town Manager
ATTACHMENTS: Updated Water Commitment Allocations

DESCRIPTION:

In November 2016, upon the recommendation of the Public Works Director, Town Council adopted a resolution expressed an intention to deny water requests submitted for out-of-town properties and which took away staff authority to approve water service, allocation or capacity request for out-of-town properties. This was amended in February to add back authority for Town staff to approve a limited number of single-family residential water requests. This “moratorium” was to be reviewing annually or sooner.

In light of a large residential project that has been withdrawn, the Public Works Director has re-evaluated the Town’s committed water allocations, a copy of which is attached. The Public Works Director believes that there is now some breathing room for water availability and the continuation of the moratorium may have a negative impact on desired economic development within the Town.

The Public Works Director recommends that the moratorium on out-of-town water approvals be lifted. Staff will continue to be committed to maintaining close control over allocations and keeping the Town Manager and Town Council fully informed as to the status of water capacity.

COUNCIL ACTION REQUESTED:

Town Manager and Public Works Director asks Council to take action to rescind the restrictions on out-of-town water requests that were adopted by resolution on November 21, 2016. The following motion can be used:

I move that the Resolution Concerning Out-of-Town Water Requests adopted by Town Council on November 21, 2016, and amended on February 27, 2017, be rescinded so that out-of-town water requests can be handled as set forth in Chapter 30 of the Town Code.

CONFIDENTIAL PROJECT NAMES NOT FOR RELEASE

TOWN OF WEAVERVILLE PUBLIC WORKS DEPARTMENT WATER COMMITMENTS

Prepared by: Tony Laughter, Public Works Director

REVISED 09/15/2017

PROJECT NAME	Address	Description	Number of Units	Gallons per Connections per day	PROJECTED USE
Monticello Apartments	145 Monticello Road	168 Unit Apartment Building	168	250	42,000
Russ Roberson	Village at Fox Ridge	22 Residential	22	250	5,550
Serrus Creekside LLC	Creekside Village	84 3br. Residential Units	84	250	21,000
Drew Norwood Windsor Augtry	Maple Trace Subdivision	145 Residential Lots	145	250	36,250
Serrus Creekside LLC	Creekside Village	38 3 Br. Residential Units	38	250	9,500
Project	Buckner Reens Creek	Residential Units	72	250	18,000
Project	Lakeshore	Residential Units	21	250	5,250
Project	New Homes at North Main	Residential Units	46	250	11,500
North Asheville Baptist Church	90 Griffee Road	Church	1	3000	3,000
ASPCA	Murphy Hill Road	Animal Rescue Center	1	7000	7,000
Greenwood Park Phase 1 & 2	Reems Creek Village	19 Residential Lots	19	250	4,750
SINGLE FAMILY RESIDENTIAL ALOTMENT		(25 remain available)	50	250	12,500
Blue Ridge Crossing	Garrison Branch Road	174 Unit Apartment Project	174	229	39,846
Existing but not active meter sets	off of Weaver Blvd	164 open meter sets	164	250	41,000
Fairfield Inn		108 Rooms	108	125	13,500
Outparcel Resturant	61 Weaverville Blvd.		1	4,000	4,000
Total			1114		274,646

PROJECT FAILED

**Monticello Commons
APARTMENT PROJECT**

**96 - 1 Bed Room Units
132 - 2 Bed Room Units
36 - 3 Bed Room Units**

264 281 74,200

Projected in Town vacant land developemnt use of 158,800 leaves a projected suply balance of **232,740** gallons per day. (931 units)
(I would recommend this as a reserve deduction for the in - fill of inside town limit properties)

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: September 18th, 2017

SUBJECT: Danny Joe Brown single Commercial Building Water Meter
serving 431 Old Mars Hill Highway Weaverville NC

PRESENTER: Public Works Director/Selena Coffey

ATTACHMENTS: Town Managers Commitment Letter Response

DESCRIPTION/SUMMARY OF REQUEST:

Mr. Brown desires to construct a new single commercial building consisting of a shop and restrooms. He is a current out of town water customer. We supply his existing single commercial building in the area of this proposed new building. His request and plumbing load can be supplied by a single residential size meter (5/8" x 3 / 4").

25 of the Weaverville Town Council dedicated 50 Residential Meters, for outside town limits, remain available. Considering the removal of the proposed Monticello Commons 264 unit Apartment complex (74,000 gallons per day) allocation from our committed water totals, I recommend to Council we provide Mr. Brown with the requested service.

ACTION REQUESTED:

Council discussion and action to approve or reject this application for a single residential meter to supply this proposed single commercial building.

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

August 17, 2017

Danny Joe Brown
80 Caster Road
Weaverville NC 28787

Phone: 828-626-2884
Phone: 828-230-2010 cell

Request for Commitment Letter
Project: New Commercial Building
431 Old Mars Hill Highway
Weaverville NC 28787
PIN: 9744-88-3587

Mr. Brown:

Your request to the Weaverville Water Department for water service to the proposed new single commercial building cannot be approved at this time. I understand you have Weaverville water service to your existing building located at or by the same parcel. That service was installed prior to the temporary moratorium on outside town limit services. Council did approve a lot of 50 single family residential meters which can be approved by staff. Commercial applications for residential meters do not qualify for staff approval. Your request could be served by the same residential meter based on your plumbing load from a yard hydrant and restroom in the proposed maintenance shop.

You have the option to carry your request to Weaverville Town Council at the September 18, 2017 regularly scheduled council meeting held at 30 South Main Street Community Room at 6:00 pm. Your request may be placed on that agenda if you contact Tony Laughter, Public Works Director at (828) 484-7021 and make the request official prior to September 4, 2017. Council will consider your request and you will receive an answer that night. Council is under no obligation to approve your request.

Sincerely,



Selena Coffey, MPA, ICMA-CM
Town Manager

cc Tony Laughter, Public Works

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