

TOWN OF WEAVERVILLE

TOWN COUNCIL

Minutes – January 25, 2016

The regular meeting of the Town Council for the Town of Weaverville was held on January 25, 2015, at 7:00 PM, in the Council Chambers at 30 South Main Street.

Present: Mayor Dottie Sherrill. Vice Mayor John Penley.
Council Members Doug Dearth, Patrick Fitzsimmons, Doug Jackson and Andrew Nagle.
Attorney Rebecca Reinhardt, Town Manager Selena Coffey.
Staff: Courtney Banks, Terry Malone, Greg Stephens, James Eller and Shelby Shields.

Visitors: David Cheatwood, Cindy Wright, Donna Bollinger, Jamie Penley, Doug Theroux, Gene Knoefel, Chris Day, and several other citizens of the Town.

Call to Order:

Mayor Dottie Sherrill called the meeting to order.

Approval of Agenda:

The motion to approve the Agenda as presented was made by Council Member Fitzsimmons, seconded by Council Member Dearth, and unanimously approved.

Public Comments:

There was no public comment.

Approval of the Minutes:

The motion to approve the minutes of the December 21, 2015 Council Meeting and the January 12, 2016 Council Workshop was made by Council Member Fitzsimmons, seconded by Council Member Nagle, and unanimously approved.

Employee Recognition:

Ms. Coffey introduced James Eller, the Town's new Planner and Code Enforcement Officer.

Ms. Coffey recognized the Public Works Department, Fire Department and Police Department for their outstanding work during the snow storm this past weekend, in keeping the streets clean and safe for the residents.

Old Business:

A. Update on Membership on Economic Development Advisory Board:

Mayor Sherrill reported that she has appointed Council Member Doug Jackson as the Chairman, and Board Members Patrick Fitzsimmons, Beth Magnum, Weaverville Business Association representative, Dale Spivey, Manager at Baldor, Inc., Lou Accornero, and Selena Coffey and James Eller as ex officio members.

There will be a meeting on February 3, 2016 at 4:30 P.M. in the meeting room at the Fire Station, 3 Monticello Road. The Agenda will be posted on the Town's website.

New Business:

A. General Obligation Bonds Refunding Resolution:

Ms. Coffey introduced David Cheatwood, Director of First Tryon Advisors, who is working with the Ms. Banks on refunding the Town's General Obligation Refunding Bonds, Series 2005, which were originally issued on June 28, 2005.

Mr. Cheatwood stated that due to the current interest rate environment, the Town has the opportunity to refinance the Series 2005 Bonds at a lower interest rate and achieve debt service savings. He continued with explaining the process that the Council will need to take in the adoption of the Bond Order and the adoption of the Resolution authorizing the issuance of the General Obligation Bond. The Bond Order authorizes issuance of the Bond in general, and the Resolution sets out details of the issuance of the Bond.

Council Member Dearth felt that it was a good proposal, and he would support it. His only concern is that it is a G.O. Bond on the water treatment facility rather than a conventional loan. The problem with that is given the current legislators and their program of assault on municipalities. They could seize the water plant, and they have a program to do that, and the Town could end up like the City of Asheville, and not be recompensed for the Water plant.

Mr. Cheatwood stated that this debt would be against the asset, which is the Water Treatment Plant.

Council Member Dearth asked Ms. Reinhardt if it is true that the debt obligation is tied to the asset. She responded that a debt service is tied to the asset, but she would look into this matter to be sure. Council Dearth stated that wouldn't be necessary, he didn't want to hold the decision up, just wanted to let the people know there was a risk.

Public Comment:

Gene Knoefel, 10 Highland Pointe Drive, agreed with Council Member Dearth, and felt that it should be checked out thoroughly by legal counsel before making a decision.

Council Member Jackson stated that with interest rates being low, and hints from the Federal Reserve of increasing the rates, he felt this was a good time to move forward.

Mayor Sherrill introduced the BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF TOWH OF WEAVERVILLE AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,550,000.

Upon the motion of Council Member Doug Jackson, seconded by Vice Mayor Penley, the "BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF TOWH OF WEAVERVILLE AN AGGREGATE PRINCIPAL AMOUNT OF UP TO \$2,550,000" was adopted by the following vote:
Ayes: Council Members Dearth, Fitzsimmons, Jackson, Penley, and Nagle.

Mayor Sherrill introduced the RESOLUTION FOR THE SALE OF GENERAL OBLIGATION REFUNDING BONDS IN THE MAXIMUM AMOUNT OF \$2,550,000. Upon the motion of Vice Mayor Penley, seconded by Council Member Fitzsimmons, the motion was unanimously adopted.

Ms. Banks stated that this matter is scheduled to be considered for approval by the NC Local Government Commission on February 2, 2016, with closing by late February 2016.

B. FY 2016 Audit Contract:

Ms. Coffey introduced this agenda item, stating that the Town received bids for audit services last year and signed a 3-year contract with Gould Killian CPA Group, PA. The FY 2016 will be the second year of the 3-year contract. Even though the fee structure and audit services have already been approved and set by the Council, the Local Government Commission requires approval by the Council for the Mayor and Finance Officer to sign the contract. The fees for FY 2016 are \$16,300 as set out in the three-year contract with Gould Killian CPA Group, PA. The motion was made by Council Member Dearth to approve the Mayor and Finance Officer to sign the audit contract with Gould Killian CPA Group, PA for \$16,300 per the Town's 3-year audit services contract. The motion was seconded by Vice Mayor Penley, and unanimously approved.

C. Release of Taxes:

Ms. Coffey introduced this agenda item and recommended the approval of the release of the following taxes. The motion was made by Council Member Dearth, seconded by Council Member Fitzsimmons, and unanimously approved to release the following taxes:

Meadows Julie, 3 Knoll Ridge Drive – Release valuation of \$68,500; Levy - \$287.70 for Old Age Exemption.

Light, Diana L, 131 Church Street – Release valuation of \$99,600; Levy - \$418.32 for OA Exemption.

Gamble, Jaya Devi, 122 Dorothy Lille Lane – Release valuation of \$625,700; Levy \$1,627.94; Penalty released - \$52.82. Outside City Limits, refunded to customer.

D. Buckner/Reems Creek Road – Waterline Extension:

Chris Day, Civil Design Concepts, requested water service to a proposed 72 lot residential subdivision located off Reems Creek Road. Water service is not currently available for this project since it is outside Town Limits.

Council Member Dearth asked Ms. Coffey why this request was rejected.

Ms. Coffey stated that there is an eight (8) inch water line along Reems Creek Road, and there is water availability to this property. The development would require a water line extension, and since it is located outside the Town's limits it must have Council's approval. She quoted the current number of gallons per day that have been committed by the Town of other projects, and with the addition of this requested water service it would be the total of 532 units or 212,800 gallons per day.

Council Member Jackson asked Mr. Day if the developer plans to request annexation. Mr. Day did not know at that point. Mr. Jackson stated that he would be reluctant to grant water service unless he knew that the developer has plans to be annexed by the Town. Mr. Day then promptly corresponded with his developer during the meeting who responded that they would indeed be willing to voluntarily annex into the Town

Mr. Day stated that being in Buncombe County; they are able to build the development as planned. But, if they are annexed, they would be required to do a Unified Housing Development with two entrances, which the developer does not have.

After further discussion, Council Member Dearth asked Ms. Coffey when the Zoning Code would be changed to meet Buncombe County's zoning regulations on density and egress/ingress.

Ms. Coffey stated that a final draft on the density issue is ready to present to the Planning and Zoning Board for their approval at their next meeting. She anticipates that it will be brought up at next month's Council meeting for final approval. She further stated that the ingress/egress matter has not come before the P & Z Board formally yet, but is on the agenda for action at their next meeting. She had hoped that the ingress/egress issue, as well as some other issues that need to be addressed, will be discussed at that same time for action.

Council Member Nagle asked for a clarification on action that could be taken by the Council at this meeting. As he understood, the Council could approve the water service at this meeting, if the developer agree to annex, and (Council) "would look the other way until everything is worked out" .

Council Member Dearth stated that "we could, but let's fix the Code". The reality is that the Legislature has taken away the E.T.J. with the ability to control the environment, and for sensible growth of the Town, amend the Ordinance to be in line with Buncombe County zoning.

Mr. Day stated that he would like to move forward and come back for annexation and get the water service at that time. Which by the time he comes back with the request for annexation and water service that will have given the Town time to move forward. Council Member Jackson made the motion that the "Council moves forward with the conditions of annexation, and put the faith in the Town Manager and Planning & Zoning Board that we would be able to work this out, so we can move forward, and if not, try to handle it as in the past."

Council Member Dearth asked Ms. Coffey if there was a technical reason that the water cannot be approved. Ms. Coffey responded that there was not. She corresponded with Public Works Director Tony Laughter during the meeting who confirmed this.

Council Member Jackson stated that he "was willing to make the motion to move forward with the conditions of annexation, and put the faith in the Town Manager and Planning & Zoning Board that they would be able to work this out with the developer so they can move forward, and if not, try to handle it as in the past" was seconded by Vice Mayor Penley, and unanimously approved.

There was a lengthy discussion on several issues of the Town's Zoning Ordinance and the State Fire Code that would conflict with the approval of Buncombe County's Ordinance. Mr. Theroux, Chairman of the Planning and Zoning Board addressed those issues.

E. Approval of Transfer of Lot:

James Eller, Planner, stated that developer of Greenwood Park, LLC. has request that Lot 101 is transferred to Reems Creek Village, LLC. The Planning and Zoning Board has recommended the approval of the transfer, subject to providing an updated recordable Plat that the developer furnished water and sewer to Lot 101, and amend the Supplemental Declarations of Reems Creek Village, Section I, II, and III.

The water service has been paid and waiting the installation, the sewer connection is in place. The Reems Creek Village Home Owners Association has also requested the transferred of Lot 101 to their subdivision. The motion was made by Vice Mayor Penley to approve the transfer of Lot 101 from Greenwood Park, LLC to Reems Creek Village, LLC, as recommended by the Planning and Zoning Board. The motion was seconded by Council Member Jackson, and unanimously approved.

Manager's Report:

Ms. Coffey reported that the Town's newsletter, 'e-focus', will be sent electronically on February 1, 2016. The residents who wish to receive their newsletter electronically must sign-up online; the information is on the Town website. Those who wish to continue receiving the Focus by mail will need to contact the office.

The February Council Meeting will be held on Monday, February 22, 2016, due to Presidents Day.

February 29, 2019: The Town Council will be meeting with Department Heads at 5:00 PM for the first of its Budget Workshops for the FY 2016-2017 Budget development.

Ms. Coffey reported that a notice has been received that there is groundwater contamination at and around the site at the old Reems Creek Food Mart, 444 Reems Creek Road. This in in Buncombe County, but the surrounding residents may be coming to the Town to request water based on this discovery.

Ms. Coffey has plans to visit the local industries in effort to reach out. This month she visited with Dale Spivey and toured Baldor.

Closed Session:

The motion was made by Vice Mayor Penley to go into Closed Session pursuant to NC Gen. Stat. 143-318.11(a)(5) To establish, or to instruct the public body 's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, or exchange, or lease. The motion was seconded by Council Member Jackson, and unanimously approved.

Upon return to the regular session, the motion was made by Council Member Fitzsimmons, seconded by Council Member Jackson, and unanimously approved to adjourn the meeting.

Shelby Shields

Town Clerk