

TOWN OF WEAVERVILLE

TOWN COUNCIL Minutes - May 18, 2015

The regular meeting of the Town Council for the Town of Weaverville was held on May 18, 2015 at 7:00 P.M., in the Council Chambers, at 30 South Main Street.

Present: Mayor Dottie Sherrill, Vice Mayor John Penley.
Council Members Walt Currie, Doug Dearth, Doug Jackson, and Gene Knoefel.
Attorney Rebecca Reinhardt, Interim Town Manager Mike Morgan.
Staff - Terry Malone, Greg Stephens, Courtney Banks, and Shelby Shields.

Visitors: Joyce & Sam Tucker, Robert Sheppard, Tina Jenkins, Jill Britton, Rhonda McKenna, Steve Rotundo, Joe and Ellie Cagnina, David Rittenberg, Jim Lark, Barbara & Terry Dawson, Aileen Fleming, Jamie and Jordan Penley Read.

Mayor Sherrill called the meeting to order.

Approval of the Agenda:

The motion was made to approve the Agenda by Council Member Dearth, seconded by Vice Mayor Penley, and unanimously approved. Council Member Knoefel requested that, at the proper time, have Mr. Morgan comment on Item **c. Budget Amendment - 7**.

Public Comment:

Sam Tucker, 22 Alexander Road - Requested that the Town improve the current streets and sidewalks. Some of the streets need to be widened.

Robert Sheppard, 120 North Main Street- stated that he is back, and would like to reserve his time for later.

Pat Hilgendorf, 109 Dula Springs Road - Representing Land-of Sky Regional Council, Aging Program, stated that May is Older American Month, and that Land of Sky has numerous programs for the older citizens of the area. She left several brochures of the various programs.

Consent Agenda:

- a. Minutes of the April 16, 2015 Budget Workshop.
- b. Minutes of the April 20, 2015 Regular Meeting.
- c. 2014-2015 Budget Amendment - 7.

The motion to approve the Consent Agenda was made by Council Member Dearth, seconded by Vice Mayor Penley, and approved.

Old Business: There was no old business to come before Council.

New Business:

a. Swearing in Town Attorney:

Rebecca Reinhardt was sworn in as Town Attorney by the Town Clerk. Ms. Reinhardt is replacing Ms. Patsy Brison, who is retiring.

b. Resolution Authorizing the Interim Town Manager to Enter Into a Contract with Huntley Construction Co. for Waterline Replacement:

Mr. Morgan stated that the construction bids were opened earlier, and Huntley Construction Co. had the low bid of \$187,714.40 for the replacement of approximately 1,100 feet of 6 inch waterline along South College Street. Council Member Currie moved the adoption of the Resolution Authorizing the Interim Town Manager to Enter Into Contract with Huntley Construction, Co. for Waterline Replacement. The motion was seconded by Vice Mayor Penley and unanimously approved.

c. Ordinance for the Budget for South College Street Waterline Replacement Project:

Mr. Morgan stated that the Ordinance establishes the Budget for the capital project. The motion was made by Council Member Currie to approve the Resolution Authorizing the Weaverville Interim Town Manager to Enter Into a Contract with Huntley Construction Co., and the Budget for South College Street Water Line Replacement Project. The motion was seconded by Vice Mayor Penley, and unanimously approved.

d. Ordinance Amending Section 16-1(d) of the Town of Weaverville Code of Ordinances, Regarding Handgun Regulations:

Mr. Morgan stated that in October 2013, the NC General Assembly made changes to Section 6. G. S. Sec. 14-415.23. Statewide uniformity. (a) the intent is to prescribe a uniform system for the regulation of legally carrying a concealed handgun. The Town Code Sec. 16-1. Handgun regulations (d) Recreational facilities identified as (1) Lake Louise, Lake Louise Community Center, and Main Street Nature Park. The General Statute term "recreational facilities" does not include any greenway designation, biking or walking path, an area used as a walkway or bike path although not specifically designed for such use, open areas or fields where athletic events may occur unless the area qualified as an "athletic field", described in (c)(1). Mr. Morgan stated that the court could possibly conclude that certain Town "recreational facilities" are in violation of G. S. Sec. 14-415.23. The proposed ordinance amending the Town Code sec. 16-1(d) would bring the current Ordinance into compliance with the State.

Council Member Dearth stated that he had problems with the whole concept. He quoted from the second proposed WHEREAS, which a court could possibly conclude do not fit the statutory definition. He further stated that, he believes that a court could possibly conclude that the State Statute is in violation with the State Constitution. He quoted from the State Constitution, Article 1. Declaration of Rights, Sec. 30. Militia and Right to Bear Arms, and suggested that the State violated the State Constitution, and the Town should not follow along.

Ms. Reinhardt responded that, in looking at the way the State Statute reads, and the current Ordinance, if you do not pass the amended ordinance, then may not be complying with the State Statute, and if challenged, a court may uphold that challenge. If the Council chooses, they can

go into Closed Session and discuss the matter further.

After further discussion, Council Member Jackson made the motion to defer any action on the Ordinance Amending Section 16-1 (d) until Council has been an opportunity to study this further. The motion was seconded by Council Member Currie and unanimously approved.

Council Member Jackson reminded, and invited everyone to the Memorial Day Celebration at Lake Louise, at 2:00 P.M., on May 25, 2015.

Manager's Report:

There was no Manager's report.

Department Reports:

All department reports were included in the Agenda Package, and not given verbally by the Department Heads. Reports are available on the table at meeting.

There being no further business, the motion to adjourn the meeting was made by Council Member Jackson, seconded by Council Member Currie, and unanimously approved.

Shelby Shields

Town Clerk