

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING
Monday, September 19, 2016**

The Town of Weaverville Town Council met on Monday, September 19, 2016 beginning at 6:00pm in Council Chambers within Weaverville Town Hall at 30 South Main Street.

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

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

1. Call to Order

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

2. Approval/Adjustments to the Agenda

Vice-Mayor Penley motioned to remove closed session from the agenda. Councilman Jackson seconded and all voted unanimously.

Councilman Dearth motioned to approve the agenda as amended. Councilman Dearth seconded and all voted unanimously.

3. Approval of the Minutes

Minutes to be approved are from the August 15, 2016 Town Council meeting, the August 22, 2016 special call meeting and the September 6, 2016 special call meeting.

Councilman Dearth motioned to approve the minutes as presented. Councilman Fitzsimmons seconded and all voted unanimously.

4. Employee Recognition

Town Manager Coffey introduced Tonya Dozier, the new finance officer, to Town Council and recognized Fire Chief Ted Williams for his success in receiving a grant for self-contained breathing apparatuses.

5. General Public Comment

Public comment closed with no comment being made.

6. Consent Agenda

- A. Set date for a Public Hearing on proposed subdivision amendments regarding minor subdivision. Recommended date is October 17, 2016.
- B. Budget Amendment. Amendment adds funds contributed to Police and Fire Departments.
- C. Ratification of road closure ordinance for Art in Autumn, NCDOT ordinance to close Main Street.
- D. Tax Release of \$356.62 due to a duplicate billing by Buncombe County.

Councilman Jackson motioned to approve the consent agenda. Council Dearth seconded and all voted unanimously.

7. Discussion and Action Items

- A. Adoption of an ordinance establishing a Conditional Zoning District for New Homes at North Main.

Ms. Jackson explained to Council that the Ordinance before them was to establish a Conditional Zoning District for the project commonly known as New Homes at North Main.

Councilman Jackson motioned to adopt the ordinance. Councilman Dearth seconded and all voted unanimously.

- B. Approval of a Concept Plan for the Major Subdivision: Cottages at North Main.

Mr. Eller presented the Concept Plan for a Major Subdivision at the corner of North Main and Coleman and stated that the plan was unanimously recommended by the Planning and Zoning Board.

Councilman Dearth motioned to approve the Concept Plan. Councilman Fitzsimmons seconded and all voted unanimously.

- C. Water meter and allocation request to serve Fairfield Inn.

Mr. Laughter spoke to Council regarding the three inch water meter to be installed for the proposed hotel and suggested that any meter over two inches required Council approval.

Councilman Jackson motioned to approve the water meter and water allocation for Fairfield Inn. Vice-Mayor Penley seconded and all voted unanimously.

- D. Set a date for a Council workshop regarding land use regulations for commercial and industrial uses.

Ms. Coffey suggested holding this meeting in conjunction with a previously scheduled workshop on November 8, 2016.

Councilman Fitzsimmons motioned to hold the workshop on November 8, 2016 at 5:30 pm in the Fire Department Training Room. Councilman Dearth seconded and all voted unanimously.

- E. Proposed solid waste ordinance amendments.

Ms. Jackson explained to Council that the ordinance before them establishes that multifamily residential developments with 15 or more units must contract their garbage collection.

Councilman Jackson motioned to approve the proposed solid waste ordinance amendment. Vice-Mayor Penley seconded and all vote unanimously.

F. Proposed Fire Code amendments.

Ms. Jackson explained to Council that the amendments deleted the appendixes D-104, D-106 and D-107 related to the Fire Code.

Vice-Mayor Penley motioned to approve the amendment to the Fire Code. Councilman Dearth seconded and all voted unanimously.

G. Board appointments for the Conservation Board and Planning and Zoning Board.

Mayor Sherrill recommended the appointment of Patsy Beyer and Erin Calloway to the Conservation Board and Benjamin Graham to the Planning and Zoning Board.

Councilman Dearth motioned to approve the Board Appointments. Vice-Mayor Penley seconded and all voted unanimously.

8. Public Hearing: proposed Zoning Ordinance amendments to eliminate Unified Housing Developments, Traditional Neighborhood Developments and revise Conditional Zoning District provisions

Councilman Dearth motioned to open the Public Hearing. Councilman Fitzsimmons seconded and all voted unanimously.

Mr. Eller spoke to Council regarding the proposed code amendments and noted that the amendments were unanimously recommended by the Planning and Zoning. Gary Burge and Leslie Osborne offered to answer any questions Council may have as representatives of the Planning and Zoning Board.

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

Councilman Fitzsimmons motioned to approve the ordinance eliminating unified housing developments, traditional neighborhood developments and revising conditional zoning districts. Councilman Dearth seconded and all voted unanimously.

9. Public Hearing: proposed voluntary annexation – Serota Mars Hill, LLC

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

Ms. Jackson noted the location of the property, in the vicinity of the intersection of 25/70 and Monticello Road, and informed Council that a certificate of sufficiency had been prepared by the Town Clerk. Wilder Wadford, the applicant, spoke to Council regarding his desire to be voluntarily annexed into the municipal limits of the Town of Weaverville.

Councilman Dearth motioned to close the Public Hearing. Councilman Jackson seconded and all voted unanimously.

10. Public Hearing: proposed voluntary annexation – Garrison Branch Reserve Investors, LLC

Councilman Fitzsimmons motioned to open the Public Hearing. Councilman Jackson seconded and all voted unanimously.

Mr. Eller noted the location of the property, contiguous to the aforementioned parcel, and informed Council that a certificate of sufficiency had been prepared by the Town Clerk.

John Grey, owner of adjacent property and resident of adjacent subdivision, spoke to Council regarding his concerns over the proposed apartment complex on the subject parcel.

Scott Austin and Barret Hagen offered to address any questions of Council as the applicant for annexation. Councilman Fitzsimmons asked if the applicant had met with the citizens of Autumn Hills to address their concerns and Mr. Austin confirmed. Councilman Jackson asked if the retention pond would have circulating water and Mr. Hagen responded that the purpose of the pond was for storm water retention. Councilman Jackson also requested that the applicant consider using a wooden fence rather than chain-link.

Councilman Dearth motioned to close the Public Hearing. Councilman Fitzsimmons seconded and all voted unanimously.

11. Public Hearing: proposed initial C-2 zoning – Serota Mars Hill, LLC

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

Mr. Eller noted some of the permissible uses in the C-2 Zoning District. Mr. Burge noted that the proposed initial zoning was unanimously recommended by the Planning and Zoning Board.

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

12. Public Hearing: proposed initial R-12 zoning – Garrison Branch Reserve Investors, LLC

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

Ms. Jackson read to Council the unfavorable recommendation passed forth from the Planning and Zoning Board to Town Council. Ms. Jackson also noted the discrepancies found related to building height and a front yard setback.

Gary Burge informed Council that the Planning and Zoning Board voted unanimously to send forth a negative recommendation due to discrepancies found in the approved site plan and the Town's R-12 Zoning District. Leslie Osborne spoke to Council regarding the Planning and Zoning Board's negative recommendation.

Mr. Hagan clarified that the height of the buildings would be 37.5 feet and therefore 2.5 feet higher than what the ordinance permits. Mr. Austin clarified that the pond is a requirement as per Buncombe County stormwater.

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

Ms. Jackson noted to Council that the now previously held public hearings are all related and suggested that Council discuss each of the aforementioned items accordingly. Ms. Jackson also noted that the decision being made was legislative and therefore a precedent would not be set for future legislative decisions.

Councilman Dearth thanked the Planning and Zoning Board for their deliberations on these issues, spoke to the nature of development on the periphery of municipal borders and suggested that the annexation and zoning of all parcels would have his support. Councilman Jackson also thanked the Planning and Zoning Board and noted that the discrepancies found would not be enough to decline the project in his view. Councilman Fitzsimmons and Vice-Mayor Penley also spoke in favor of the proposals.

Councilman Dearth motioned to approve both voluntary annexations and to zone the Serota Mars Hill, LLC parcel C-2 and the Garrison Branch Reserve Investors, LLC parcel R-12. Vice-Mayor Penley seconded and all voted unanimously.

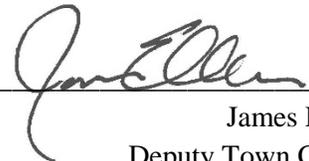
13. Adjournment

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



Dottie Sherrill, Mayor
Town of Weaverville

ATTEST:



James Eller
Deputy Town Clerk