

TOWN OF WEAVERVILLE

TOWN COUNCIL  
MINUTES – April 18, 2016

The regular meeting of the Town Council for the Town of Weaverville was held on April 18, 2016 at 7:00PM, in the Council Room at 30 South Main Street, Weaverville.

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

**Visitors:** Doug Theroux, Jill Britton, Tina Jenkins, Dewayne Ramsey, Harriett Burnette, Donna Bollinger, Jamie Penley, Joyce Hamilton, Jeff & Rhonda McKenna, Cindy Wright, Jan Rector, Lynn Maust, Tycer Lewis, Greg Phillips, David Rittenberg, and Steve Rotundo.

Mayor Sherrill called the meeting to order.

**Approval of the Agenda:**

The motion to approve the agenda was made by Council Member Jackson, seconded by Vice Mayor Penley, and unanimously approved.

**Public Comment:**

Joyce Hamilton, 11 Salem Acres – Requested the Council’s help in getting something done about the road noise from 19/23 (I-26) that is currently impacting their neighborhood and the quality of life. She gave each Council Member a copy of the Noise Ordinance recently adopted by the Town of Woodfin.

Ms. Coffey stated that since she had talked with Ms. Hamilton earlier, she had been in contact with NC DOT on the matter. She was told that a sound barrier wall would be part of the upgrade to the highway between 2021 – 2028.

David Rittenberg, 52 Hillcrest Drive – Concerns with the water policy, on how much the Town has and how much it can sell to the developers in the future. Future developers should be annexed into the Town to have the water.

Jan Rector, 17 Partridge Berry Lane - Asked Council to reconsider passing the R-12 zoning, she doesn’t want to see Weaverville looking like South Asheville.

**Approval of the Minutes:**

- A. March 21, 2016
- B. March 30, 2016
- C. April 11, 2016

The motion to approve the Minutes was made by Vice Mayor Penley, seconded by Council Member Fitzsimmons, and unanimously approved.

**Employee Recognition:**

Ms. Coffey recognized the Weaverville Police Department for their excellent work, and the dedication of the women and men on Staff.

**Old Business:**

**A. Set Public Hearing on the Creation of an R-12 Zoning District:**

Mr. Eller stated that the Planning and Zoning Board has reviewed and recommended the approval of the creation of an R-12 zoning district, that will accommodate annexation on the perimeter of the Town and that will accommodate twelve (12) units per acre.

The motion was made by Council Member Dearth to hold a public hearing on May 16, 2016 at 5:45 PM, to hear comments on the proposed creation of the R-12 zoning district. The motion was seconded by Vice Mayor Penley and unanimously approved.

**B. Set Public Hearing on the FY 2016-2017 Budget:**

The motion was made by Council Member Jackson to hold a public hearing on May 16, 2016 at 6:00 PM, to hear comments on the proposed 2016-2017 Budget. The motion was seconded by Vice Mayor Penley, and unanimously approved.

**C. Conservation Board Appointments:**

Council Member Fitzsimmons made the motion to re-appoint the following Conservation Board Members for a three (3) year term: Doug Dearth, Rob Mangum, Karen Paar, and Beth Ann Sprinkle. The motion was seconded by Council Member Nagle, and unanimously approved.

**New Business:**

**A. Lakeshore Drive Waterline Extension Request:**

A request has been received for the water line extension to serve a proposed development at 97 Lakeshore Drive. The request has been rejected by Ms. Coffey. Ms. Coffey, for the record, clarified the reason that the water line extension requests are rejected, and then presented to the Council for approval. Sec. 30-77 (3) of the Town Code of Ordinances states that requests of commitment letters for water service meters larger than two inches shall be reviewed by the town engineer and shall be presented to the Town Council only after it has been determined by the engineer, that there is adequate capacity to serve the connection. The criteria for the determination shall be based on town manager's recommendation. Ms. Coffey recommended the Lakeshore Drive waterline extension request.

Mr. Laughter further explained the process of monitoring the water intake/output to know exactly what the capacity is at all times, in order to calculate whether or not a request for an extension could be granted.

Council Member Dearth stated that "until we can be assured that this project will not interfere or preclude the eventual construction of the Greenway through that area, I don't think it should be approved."

Mr. Laughter stated that the Council has full authority to set or put any recommendations they wish on a commitment.

Council Member Dearth stated "that would be my recommendation." He didn't see any point to move forward. Council Member Jackson agreed with Mr. Dearth's recommendation.

Ms. Coffey stated that the plans were just received, and will be reviewed; both by staff and the project will be required to go the Zoning Board of Adjustment for their recommendations.

Greg Phillips, the developer, stated that he is willing to go on record and agreed to that. He is also willing to have that conservation and felt they could find common ground on the Greenway situation. Council Member Dearth stated that have been a number of conservations, and there is not sufficient assurances that if this project goes forward there is no sufficient agreement. Mr. Phillips felt that they could come to an agreement. Council Member Dearth asked "if there could be an agreement before it goes to the Zoning Board of Adjustment".

After further discussion, the motion was made by Vice Mayor Penley to have a requirement for the Greenway to be located on the property, and that the Greenway Agreement would be drafted by the Town Manager and the Town Attorney. The motion was seconded by Council Member Fitzsimmons, and unanimously approved.

**B. Revisions to the Nuisance Ordinance:**

Mr. Eller stated that addition language has been added to Chapter 9, Article 2 General Nuisances of the Town Code of Ordinance.

The motion was made by Council Member Jackson to adopt the amended Nuisance Ordinance, Chapter 9, Article 2, with the additional conditions that constitute a public nuisance. The motion was seconded by Vice Mayor Penley, and unanimously approved.

**C. Revision of Opening Burning Ordinance:**

Mr. Eller explained that the Open Burning Ordinance is currently found in Chapter 10 Environment, Article IV, of the Code of Ordinances. It is staff's opinion that incorporating the Open Burning Ordinance with Chapter 12. Fire Prevention and Protection of the Code, it would be easier to enforce. The motion was made by Council Member Dearth, seconded by Council Member Jackson, and unanimously approved.

**Manager's Report:**

Ms. Coffey reported that a Budget Workshop is scheduled for April 25, 2016, at 5:00PM in t5he Training Room at the Fire Department, 3 Monticello Road.

The lighting system will be replaced with a LED system, which should last longer and hopefully less maintenance calls.

Surplus equipment has recently been sold through GovDeals, netting \$11,826 in sales.

Fifteen (15) residents has signed up for the Citizens Academy which begins on April 21<sup>st</sup>,

Council Member Fitzsimmons is working on the website.

Ms. Coffey updated the Council on the work done that was done on Merchant's Alley in effort to resolve problems with large trucks parking and blocking the Alley. A No Parking zone has been painted as a traffic control devise.

**Other:**

Council Member Jackson asked Mr. Laughter to keep the Council up to date on OSHA requirements. Ms. Coffey stated that she is in the process of setting up a safety committee to be up to date with all the changes, and take advantage of all the classes that OSHA offers.

Mayor Sherrill reminded the audience of the Budget Workshop and urged all to attend.

**Department Reports:**

The Department reports were no given verbally, their reports are available at the meeting.

There being no further business, the motion was made by Vice Mayor Penley, seconded by Council Member Fitzsimmons, and unanimously approved to adjourn the meeting.

Drafted by: Shelby Shields, Town Clerk

  
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Selena D. Coffey, Deputy Town Clerk

APPROVED