

TOWN OF WEAVERVILLE

AGENDA

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

**February 27, 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. January 23, 2017 Town Council Regular Meeting
 - B. February 6, 2017 Special Called Meeting/Budget Workshop
- 4. Employee Recognition**..... Town Manager
- 5. General Public Comments**
- 6. Consent Agenda**..... Mayor Sherrill

Motion to approve the consent agenda

 - A. Distribution of Audit Report for Fiscal Year 2015-2016
Auditors presented their findings in January. The approved Audit Report will be distributed.
 - B. Monthly Tax Report
Provided for information purposes only.
 - C. Set Public Hearing on Revision to Town Code regarding R-12 & Temporary Signage
Staff recommends this Public Hearing be scheduled for March 20, 2017 at 6:00pm.
 - D. Board Appointments: Planning & Zoning Board
Town Manager recommends approval of appointment and adjustments as stated.
 - E. Approval of Major Subdivision: Town Walk
Request Council approval of this major subdivision as it meets requirements of Town Code.
- 7. Discussion & Action Items:**
 - A. Reems Creek Greenways Presentation..... Chris Tomsic & Jason Gilliland
 - B. Appointment of Town Clerk by Town Manager..... Town Manager
 - C. Update on Water Capacity and Temporary Moratorium..... Public Works Dir.
 - D. Code Amendments regarding Alcohol in Public Places & Special Events Permitting Town Attorney
 - E. Initial Review by Council of CZD Application for Monticello Commons..... Planning Director
 - F. Consideration of Resolution Opposing HB 64 / SB 667..... Town Attorney
- 8. Public Hearing and Action on:
Rezoning of +/- 2.49 acres off 30 Garrison Branch Road to C-2**..... Planning Director

Town Council may take action after this public hearing if so desired – a draft ordinance is included.
- 9. Town Manager’s Report**..... Town Manager
- 10. Closed Session**..... Town Attorney

As allowed by NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, and to consider and give instructions to an attorney concerning the handling or settlement of the following judicial action: Mayfair Partners, LLC, Petitioner, versus Town of Weaverville, et al.; Buncombe County File 17-CV- 246.
- 11. Adjournment**..... Mayor Sherrill

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING
MONDAY, JANUARY 23, 2017**

The Town of Weaverville Town Council met on Monday, January 23, 2017 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, Doug Jackson and 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, Town Planner James Eller and Finance Director Tonya Dozier.

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 approve the agenda as presented. Councilman Jackson seconded and all voted unanimously.

3. Approval of the Minutes

Councilman Fitzsimmons motioned to approve the minutes as presented for the December 19, 2016 and January 10, 2017 meeting of Council. Vice Mayor Penley seconded and all voted unanimously.

4. Employee Recognition

Ms. Coffey recognized Finance Director Tonya Dozier for her work on the audit. Ms. Coffey also recognized Police Chief Greg Stephens for his department's receipt of a communications grant.

5. General Public Comment

Public comment closed with no comment.

6. Consent Agenda

- A. Proposed Audit Contract for FY 2016-2017. Approval of a contract with Gould Killian CPA at \$22,000 for the aforementioned fiscal year.
- B. Monthly Tax Report & Tax Releases. Approval of the tax report and release of \$311.30 in taxes due to duplicate billing.

- C. Quarterly Department Reports. Review of quarterly department reports from October through December, 2016.

Councilman Dearth motioned to approve the consent agenda. Vice Mayor Penley seconded and all voted unanimously.

7. Discussion and Action Items

- A. FY 2015-2016 Audit Overview.

Travis Keever of Gould Killian CPA Group P.A. presented the audit findings to Council which found no material weaknesses and a strong financial position. Mr. Keever also reported that the audit report is currently under review by the Local Government Commission.

- B. Eller Cove Watershed Easement.

Michelle Pugliese representing Southern Appalachian Highlands Conservancy spoke to Council regarding a grant which is to be used to protect the Eller Cove Watershed. Said grant, awarded through the North Carolina Clean Water Management Trust Fund will be used to purchase from the Town a permanent conservation easement covering over 300 acres preserving the watershed and potentially making the area available for passive recreation. The Town stands to gain \$550,000 from the transfer of the easement.

Councilman Jackson motioned to approve the resolution which approves the conveyance of a conservation easement to the Southern Appalachian Highlands Conservancy and authorizes the Mayor, Town Clerk and Town Attorney to finalize, execute and deliver the documents necessary to effectuate the transfer of the conservation easement. Councilman Nagle seconded and all voted unanimously.

- C. Water Treatment Plant Expansion Study.

Keith Webb of McGill Associates addressed Council regarding the proposed water treatment plant expansion study following a lengthy discussion related to water resources at a previously held Town Council Workshop.

Councilman Jackson motioned to approve the resolution exempting the engineering study from a qualifications-based process as allowed by NCGS 143-64.32; approve McGill and Associates proposal and authorize them to proceed with the study as outlined in the proposal; and approve a budget amendment to transfer \$30,000 from the water fund balance to the general fund to pay for the engineering study. Vice Mayor Penley seconded and all voted unanimously to adopt the resolution.

- D. Waiver of Waiting Period on Rezoning Request and Setting Date for a Public Hearing for a Rezoning Request from Garrison Branch Reserve Investors.

Mr. Eller requested that Council waive the waiting period for subsequent applications for rezoning as per Sec. 36-364(b) in order to consider an application for rezoning for a portion of a parcel in the vicinity of 30 Garrison Branch Road. Mr. Eller also noted that the proposal, which

calls for a rezoning from R-12 to C-2 had been reviewed and unanimously recommended by the Planning and Zoning Board.

Vice Mayor Penley motioned to waive the waiting period for subsequent rezonings in order to consider the application for 30 Garrison Branch Road and to set a date for a Public Hearing on same for Monday, February 27 at 6:00pm. Councilman Jackson seconded and all voted unanimously.

8. Town Manager's Report

Ms. Coffey described to Council the progress on the gateway sign being installed on Weaver Boulevard, the date of the next Council meeting will be on Monday, February 27 due to Presidents Day and fifteen people had enrolled in the 2017 Citizens Academy.

9. Closed Session

Councilman Dearth motioned to enter closed session as per N.C.G.S. Chapters 143-318(a)(3) and 143-318 (a)(6). Vice-Mayor Penley seconded and all voted unanimously.

Councilman Nagle motioned to exit closed session. Vice-Mayor Penley seconded and all voted unanimously.

10. Adjournment

Councilman Dearth motioned to adjourn. Councilman Nagle seconded and all voted unanimously and the meeting was adjourned.

James W. Eller, Deputy Town Clerk

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL SPECIAL CALLED MEETING
MONDAY, FEBRUARY 6, 2017**

The Town Council for the Town of Weaverville met for a special called meeting and budget workshop on Monday, February 6, 2017 at 5:30pm at the Weaverville Fire Department located at 3 Monticello Road, Weaverville.

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

Staff present were: Town Attorney Jennifer Jackson and Town Manager/Town Clerk Selena Coffey, Police Chief Greg Stephens, Fire Chief Ted Williams, Finance Officer Tonya Dozier and Public Works Director Tony Laughter.

Call to Order of Workshop

Mayor Sherrill called the meeting to order at 5:32pm. Town Manager Selena Coffey then began discussing the items on the agenda regarding budget deliberations for the Fiscal Year 2017-2018 Budget. The first topic of conversation was to discuss preliminary tax valuation figures. There was stated concern that the media had reported a 32% average increase in tax values after the reappraisal. The Town Manager cautioned Council about expecting that average to come to fruition due to appeals that will be filed from this date through April and reminded Council that the Fiscal Year 2017-2018 Budget will be drafted prior to tax valuations being finalized by Buncombe County. The Manager advised that the Town would not see more realistic tax valuations and revenue projections until approximately April 2017.

The Town Manager then opened discussion as Council had requested regarding the Town's payment of retiree health insurance. This issue was discussed and Council requested that staff prepare a study of other jurisdictions with whom the Town competes for employees. In addition, Council requested that staff provide scenarios with current Town employees' years of service to determine employees' eligibility for this benefit moving forward.

The final discussion focused on the Town's plans for the Lake Louise Community Center and its future use. After discussion, Council asked staff to develop a list of individuals, and business and other organization representatives within the Town to potentially develop an ad hoc committee to study the best use of the facility. It was emphasized that this committee needs to include a cross-section of the community and the various age groups. Council suggested that Vice Mayor John Penley chair this group, as he had been involved in previous discussions on this matter.

No formal action was taken on the aforementioned budget topics.

At this time, Mayor Sherrill referred to Town Attorney Jennifer Jackson to state Council's justification to enter into closed session. The Town Attorney then read N.C.G.S 143-318.11(a)(3) providing for Council to enter into closed session to consult with their attorney to preserve attorney-client privilege concerning the handling and settlement of the following judicial action: Mayfair Partners, LLC, Petitioner versus the Town of Weaverville, Michael Watkins, Thomas Plaut and Marian Plaut, James Proffitt and Sharon Proffitt, Thomas Veasey and Sara Veasey, Lake Louise Preservation Association, and Conley Hyer; Buncombe County File 17-CV-246.

Councilman Nagle made the motion to go into closed session under the purpose as stated above by the Town Attorney, seconded by Councilman Dearth. All voted in favor.

[Closed Session]

Councilman Dearth made the motion to exit closed session, seconded by Councilman Jackson. All voted in favor.

Councilman Dearth made a motion to adjourn the meeting, seconded by Councilman Nagle. All voted in favor

Meeting was adjourned at approximately 7:00pm.

ATTEST:

Selena D. Coffey, MPA, ICMA-CM
Town Manager / Town Clerk

DRAFT

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: FEBRUARY 27, 2017
SUBJECT: MONTHY TAX REPORT
PRESENTER: TOWN MANAGER
ATTACHMENTS: MONTHLY TAX REPORT FOR 2/21/17

DESCRIPTION/SUMMARY OF REQUEST:

For Mayor and Council's information the monthly report that the Town's Tax Collector has generated on the taxes that she has collected as of February 21, 2017 is shown below:

**Town of Weaverville
Monthly Tax Report
FY 2016-2017**

		<u>As of 2/21/17</u>
Real Property:	556,501,364	
Real Property Discoveries:	<u>1,682,045</u>	
Total Real Property:		558,183,409
Personal:	84,886,939	
Personal Discoveries:	<u>236,136</u>	
Total Personal:		85,123,075
Public Utilities:		5,244,545
Exemption:		(6,925,227)
Releases:		<u>(775,295)</u>
Total Tax Value		640,850,507
Tax Levy (\$0.44 per \$100 Valuation):		
Real Property:		2,456,007.00
Personal Property:		374,411.00
Public Utilities:	23,076.00	
Less Under \$5 Adjustment	<u>(44.00)</u>	
Total Public Utilities:		23,032.00
Exemption:		(30,471.00)
Releases:		<u>(3,411.00)</u>
Total Levy (Total Billed)		2,832,043.00
Total Current Year Collections		2,743,325.00
% Collected		96.87%
Total Left to be Collected:		88,718.00
Prior Years Paid		4707

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, February 27, 2017
Subject: Temporary Signs and Signage within the R-12 Zoning District
Presenter: Town Planner
Attachments: None

Description:

Presently the Town Code as it relates to temporary signage allows for the placement of such signage for a period of time not to exceed thirty days. On two occasions, signs have been taken down by the business and then they immediately reapplied for an additional temporary sign permit.

In the creation and implementation of the R-12 Zoning District, language related to signage within the zoning district was not adopted. Monticello Apartments, now within municipal borders, have applied for a sign permit and the error has been discovered.

Action Requested:

Staff is seeking the scheduling of a Public Hearing related to revisions to the sign ordinance within the Zoning Code and the opportunity to work with the Planning and Zoning Board to craft language which would address the two aforementioned situations.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: FEBRUARY 27, 2017
SUBJECT: BOARD APPOINTMENTS – PLANNING AND ZONING BOARD
PRESENTER: MAYOR SHERRILL
ATTACHMENTS: PLANNING AND ZONING BOARD ROSTER

DESCRIPTION/SUMMARY OF REQUEST:

The Planning and Zoning Board has operated in years past with two alternate members. With the increased workload of the Planning and Zoning Board which has resulted in more special called meetings the Town Manager has recommended that Town Council add back a second alternate member. The Mayor is in receipt of an application submitted by John Chase for an alternate seat on the Planning and Zoning Board and has previously forwarded that application to Council.

As the Council reviews this item and the current roster you should note that regular member Terry Dawson has requested to be move to an alternate seat and Peter Stanz, who currently sits as an alternate member, has agreed to move into Mr. Dawson’s seat with the result of Dawson and Stanz just switching places.

COUNCIL ACTION REQUESTED:

A motion to approve the change requested by Dawson and Stanz and the appointment of John Chase to the Planning and Zoning Board as an alternate member for a term to expire in September 2018 is requested.

WEAVERVILLE PLANNING AND ZONING BOARD			
Regularly meets 1 st Tuesday of the month at 5:45 pm in Council Chambers at Town Hall			
NAME AND POSITION	CONTACT INFORMATION	DATE OF APPOINTMENT	TERM (2 YEARS)
Doug Theroux Chairman	73 Hillcrest Drive Weaverville, NC 28787 658-9477; (cell) 231-3568 dbtheroux93@gmail.com	September 2015	September 2015 - 2017
Gary Burge Vice Chairman	3 High Bluff Drive Weaverville, NC 28787 (cell) 423-0150 garyburge@garyburge.com	September 2016	September 2016 - 2018
Catherine Cordell Regular Member	13 Hamburg Drive Weaverville, NC 28787 (cell) 776-7380 cat.cordell@live.com	September 2016	September 2016 - 2018
Leslie Osborne Regular Member	9 Reeves Street Weaverville, NC 28787 (cell) 712-3507 lesliesellshomes@charter.net	September 2016	September 2016 - 2018
Peter Stanz Regular Member	49 Brown Street Weaverville, NC 28787 (cell) 828-768-4202 stanzbus@gmail.com	December 2016	Dec 2016 - Sept 2017
Terry Dawson Alternate Member	36 Governor Thomson Terr. Weaverville, NC 28787 (home) 645-2512 harrysdawson1@frontier.com	September 2016	September 2016 - 2017
John Chase Alternate Member	151 South Main Street Weaverville, NC 28787 (cell) 828-337-3366 jchase@medlockengr.com	February 2017	Feb 2017 - Sept 2018
James Eller Town Planner	484-7002 jeller@weavervillenc.org		
Jennifer Jackson Town Attorney	828-442-1858 jjackson@weavervillenc.org		

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, February 27, 2017
Subject: Town Walk Major Subdivision Preliminary Plat Review
Presenter: Town Planner
Attachments: Major Subdivision Application, Preliminary Plat and Plans;
Planning and Zoning Board Recommendation

Description:

The attached Major Subdivision Application, Preliminary Plat and Plans for Town Walk have been reviewed by the Fire Marshall, Public Works Director and Town Planner and been found to comply with the Town's subdivision ordinance as it relates to major subdivisions and other sections of code which are applicable. Same has been reviewed by the Planning and Zoning Board and unanimously recommended for your consideration. As subdivision review and approval is an administrative action, no Public Hearing is required.

Action Requested:

Staff is seeking approval of the aforementioned Major Subdivision commonly known as Town Walk.



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, February 7, 2017 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached major subdivision application, preliminary plat and plans for the project commonly known as Town Walk with one modification from the documents reviewed. Such revision calls for the water easement detail found on page C-1 to be expanded to show 10 feet in each direction from the water meter. The aforementioned change has been made by the applicant, submitted to staff and the information presented to Council will be current and reflective of this change.

It has been found that the proposed major subdivision would not conflict with the Town's Comprehensive Plan or Subdivision and Zoning Ordinances. The Planning and Zoning Board considers approval both reasonable and in the public interest.

**Doug Theroux
Chairman, Planning and Zoning Board**

MAJOR SUBDIVISION APPLICATION

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

Fee: \$300.00 + \$25.00 per lot

APPLICATION DATE: 08-19-2016

OWNER NAME: Dogwood Properties & Development, LLC

SUBDIVISION NAME: Cottages at North Main

PROPERTY ADDRESS: TBD North Main & Coleman St

PIN: 9742-39-3915; 9742-39-5935; 9742-39-6935

DEED BOOK/PAGE: 5173/920

ORIGINAL TRACT SIZE (acres): 2.329

PROPOSED NUMBER OF LOTS: 8 total (out of 3 existing)

SUBDIVISION TYPE: RESIDENTIAL COMMERCIAL INDUSTRIAL

OWNER/AGENT NAME: Kevin Kopp, Member-Manager
ADDRESS: P.O. Box 8087, Asheville, NC 28814

PHONE NUMBER: 828-230-0744

REGISTERED SURVEYOR: Eric McAbee
ADDRESS: 3 McAbee Trl, Fairview, NC 28730

PHONE NUMBER: 828-628-1295

REGISTERED ENGINEER: TBD
ADDRESS:

PHONE NUMBER:

Which utilities will serve the proposed development?:

PUBLIC SANITARY SEWER
 PUBLIC WATER

COMMUNITY SEWER
 COMMUNITY WATER

SEPTIC TANKS ON EACH LOT
 WELLS ON EACH LOT

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Subdivision Ordinance and Zoning Ordinance and to be fully aware of the regulations detailed therein.

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner. I understand that a copy of the recorded plat must be submitted to the Zoning Department prior to the issuance of any permits associated with this subdivision.

Kevin Kopp, Member-Manager
SIGNATURE OF APPLICANT

8-19-16

DATE

OFFICE USE ONLY

FEE: \$500

DATE PAID: 8.19.16

CHECK

CASH

PRELIMINARY PLAT APPROVAL DATE:

FINAL PLAT APPROVAL

DATE:

APPROVED WITH CONDITIONS:

EROSION CONTROL SPECIFICATIONS

1. ALL EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:
2. EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:
3. EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:
4. EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:
5. EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE
1
2
3
4
5

CONSIDERATIONS FOR CONSTRUCTION SCHEDULING

1. CONSTRUCTION SCHEDULING SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:
2. CONSTRUCTION SCHEDULING SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:
3. CONSTRUCTION SCHEDULING SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:
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5. CONSTRUCTION SCHEDULING SHALL BE PROVIDED BY THE CONTRACTOR AT THE EXPENSE OF THE COUNTY, THE FOLLOWING OPERATIONAL SPECIFICATIONS SHALL BE OBSERVED:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE
1
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EXHAUSTIVE NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.
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5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.

MAINTENANCE PLAN

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.
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GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.
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5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.

EXHAUSTIVE GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.
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5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE AND ADJACENT PROPERTIES.

NO.	REVISIONS/DESCRIPTIONS	DATE



MDC
 MCDONALD DEVELOPMENT COMPANY
 10000 NORTH CAROLINA
 WEAVERVILLE, NORTH CAROLINA

TOWN WALK
PROPOSED SUBDIVISION
 BLAUNDE COUNTY
 WEAVERVILLE, NORTH CAROLINA
GENERAL NOTES

DATE: 2 OF 6
 16-184

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: February 27, 2017
SUBJECT: Greenways Presentation
PRESENTER: Chris Tomsic & Jason Gilliland
ATTACHMENTS: None

DESCRIPTION:

Representatives Chris Tomsic and Jason Gilliland, from the Connect Buncombe will be in attendance to provide a presentation on the Reems Creek Greenway project. This presentation will not require action and is intended to provide Town Council with information regarding the current status of the Reems Creek Greenway, as well as an overview of future efforts in this regard.

COUNCIL ACTION REQUESTED:

No action required at this time.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

DATE OF MEETING: FEBRUARY 27, 2017
SUBJECT: APPOINTMENT OF TOWN CLERK
PRESENTER: TOWN MANAGER
ATTACHMENTS: NONE

DESCRIPTION:

Town Council appointed the Town Manager to serve as its Town Clerk in June 2016. This provided the Town Manager with an opportunity to see what the day-to-day duties of a town clerk include and formulate a management plan to best fulfill those important responsibilities.

It is the Town Manager's intention to resign her duties as Town Clerk and exercise the authority granted by Council to the Town Manager under Section 2-91 to appoint Derek Huninghake as Town Clerk effective February 27, 2017. The Town Clerk will report to the Town Manager and will be responsible for performing the duties required by law, including N.C. Gen. Stat. § 160A-171, and those duties as assigned by Town Council and the Town Manager. James Eller will continue to serve as Deputy Town Clerk with specific responsibilities to Weaverville's Planning and Zoning Board and the Zoning Board of Adjustment.

COUNCIL ACTION REQUESTED:

The Town Manager recommends that Council accept the Town Manager's resignation as Town Clerk effective on February 27, 2017, and support the Manager's plan as outlined above.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: FEBRUARY 27, 2017
SUBJECT: UPDATE ON WATER CAPACITY AND TEMPORARY MORATORIUM
PRESENTER: PUBLIC WORKS DIRECTOR
ATTACHMENTS: UPDATED WATER COMMITMENT TABLE
RESOLUTION ADOPTED NOVEMBER 21, 2016

DESCRIPTION/SUMMARY OF REQUEST:

At my recommendation, Town Council voted unanimously in November to place a temporary moratorium on all outside corporate limit water applications. The moratorium gave Council and Staff adequate time to assess our current situation and to seek engineering services to properly consider our options for future water supply need and management. Council subsequently approved contracting with McGill and Associates of Asheville NC to perform a study that will give Council some information needed in order for Council to take some next steps regarding the Town's water plant.

Since November Public Works has received 6 single-family residential water service applications for properties outside of Town limits. Blue Ridge Commons Apartments (to be constructed off of Garrison Branch Road) has revised its development plan to eliminating approximately 50 residential units from its apartment complex.

Town Planner James Eller and the Public Works Director continue to work collectively to identify and examine vacant inside limit properties, their development potential, and projected water requirements under the applicable zoning. Given the projected use of these parcels and due consideration to the overall impact on our water supply, the Public Works Director has concluded that we can methodically open up limited outside corporate limit residential water services. As we move through this process Staff will continue to monitor, evaluate and report on our standings.

Given the elimination of the 50 units at Blue Ridge Commons Apartments, the Public Works Director requests authorization from Council to make a block of 50 single family residential connections available to outside corporate limit customers. When the allocation of 50 has been issued, the Public Works Director will report back to Council and offer additional recommendations for Council's consideration. He expects that we will have the McGill study in hand prior to exhausting the 50-unit block.

The Town Manager and Town Attorney support this recommendation and Council action to authorize the Public Works Director and Town Manager to release a block of 50 single-family residential connections for out-of-Town use.

COUNCIL ACTION REQUESTED:

Council discussion and action to authorize the Public Works Director and Town Manager to approve up to 50 individual, outside corporate limit, single-family residential water connections.

TOWN OF WEAVERVILLE PUBLIC WORKS DEPARTMENT WATER COMMITMENTS

REVISED 02/21/2017

Prepared by: Tony Laughter, Public Works Director

	PROJECT NAME	Address	Description	Number of Units	Gallons per Connections per day	PROJECTED USE
COMPLETED	Monticello Apartments	145 Monticello Road	168 Unit Apartment Building	168	250	42,000
	Drew Norwood Windsor Augtry	Lakeside Meadows	25 Residential	25	250	6,250
	Serrus Creekside LLC	Creekside Village	84 3br. Residential Units	84	250	21,000
out of town	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
out of town	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
out of town	North Asheville Baptist Church	90 Griffree Road	Church	1	3000	3,000
out of town	ASPCA	Murphy Hill Road	Animal Rescue Center	1	7000	7,000
COMPLETED	Greenwood Park Phase 1 & 2	Reems Creek Village	19 Residential Lots	19	250	4,750
	Sonic	Northridge Commons Parkway	Restaurant	1	880	880
	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	Monticello Commons	108 Rooms	108	125	13,500
	Monticello Commons Apartments	Monticello Commons	96 - 1 Bed Room Units 132 - 2 Bed Room Units 36 - 3 Bed Room Units	264	281	74,200
	Outparcel Resturant	61 Weaverville Blvd.		1		4,000
			Total	1332		337,926
				reduced from 1,382		reduced from 349,376

APX. 317,340 GALLONS PER DAY REMAINS UNCOMMITTED

317,340 minus projected in Town vacant land developemnt use of 158,800 leaves a projected suply balance of 158,540 gallons per day.
50 Outside Town Limit Residential Units @ 250 gallons per day would be a 12500 gallon allocation.

COMPLETED PROJECTS WILL BE REMOVED FROM THIS LIST IN 30 DAYS

TOWN OF WEAVERVILLE
RESOLUTION CONCERNING
OUT-OF-TOWN WATER REQUESTS

WHEREAS, Town Code Section 30-80(5) provides that Town Council may extend its water system to serve properties outside the Town when it determines that it is in the best interest of the Town to do so; and

WHEREAS, the Town's Public Works Director has indicated that the allocated water capacity is now exceeding 75% of the Town's available water supply and believes that caution should now be exercised in all allocations of the Town's water supply;

WHEREAS, alternatives exist to increase available water capacity within the Town and those discussions are ongoing but no decisions have been made yet;

WHEREAS, the Town has a responsibility to use its best efforts to maintain an adequate water supply for its residents and businesses operating within the Town's municipal boundaries;

WHEREAS, until a plan is in place to increase the Town's available water capacity Town Council believes it to be prudent and in the best interest of the Town to limit its approval of water requests to properties located within the Town's municipal boundaries;

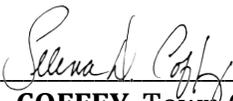
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that Town Council intends for the time being to deny water requests submitted for properties lying outside of the Town's municipal boundaries but will revisit its position on an annual basis or sooner should Town Council wish, and hereby authorizes the Public Works Director and Town Manager to deny any and all applications requesting water service, allocation or capacity for out-of-town properties.

THIS the 21st day of November, 2016.



DOTTIE SHERRILL, Mayor

ATTESTED BY:



SELENA D. COFFEY, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

DATE OF MEETING: FEBRUARY 27, 2017

SUBJECT: CODE AMENDMENTS REGARDING SPECIAL EVENT PERMITS AND SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

PRESENTER: TOWN MANAGER/TOWN ATTORNEY

ATTACHMENTS: DRAFT ORDINANCE

DESCRIPTION:

Based on Town Council direction in December 2016, the Town Manager and Town Attorney have been working on some proposed amendments which would provide for a more comprehensive permitting process for special events in general and allow the permitting of those special events that involve the sale and consumption of alcoholic beverages during a special event.

These amendments to Code are necessary to allow the Weaverville Business Association to continue with its plan for a family friendly street concert on June 23, 2017, and will be available for many other special events within the community. These amendments do not affect any land use regulation so there is no requirement that Council hold a public hearing prior to the adoption of these proposed amendments to Code. These amendments can pass tonight if there is at least a 4/5 vote of Council. Otherwise it can be brought back to Council at your March meeting for a second and final vote.

In addition to amendments to Code shown in paragraph 2 of the draft ordinance, Town Council is encouraged to set permit fees as shown in paragraph 3 of the draft ordinance, and to amend the Town's Facility Use Policy as shown in paragraph 4 of the draft ordinance.

COUNCIL ACTION REQUESTED:

The Town Manager recommends that Council approve these amendments.

A motion to adopt the attached Draft Ordinance is appropriate at tonight's meeting should Council wish to enact these changes to Town Code.

**ORDINANCE AMENDING SECTIONS
OF THE TOWN OF WEAVERVILLE'S CODE OF ORDINANCES
REGARDING SPECIAL EVENT PERMITS AND
SALE AND/OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES**

WHEREAS, Town Council finds it in the public's interest to provide a comprehensive permitting process for special events held within the Town's municipal boundaries;

WHEREAS, there are certain economic advantages that may benefit the Town if certain special events provide for the sale and/or consumption of alcoholic beverages and the Town wishes to enact sufficient legislation that will provide for public health and safety under those circumstances;

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

1. For all amendments to Code adopted herein, all deleted language is shown with strikethroughs and all added language is shown as underlined.
2. The Weaverville Town Code is hereby amended as follows:

Section 24-1 is amended:

Sec. 24-1. - Obstructing free passage of others.

It shall be unlawful for any person to obstruct the sidewalks or streets in any manner unless a special event permit has been issued by the Town of Weaverville [see Sec. 16-6].

Section 18-2 is added:

Sec. 18-2. – Exception to prohibited acts.

If a special event permit has been issued by the Town of Weaverville, some or all of the prohibited acts enumerated in Sec. 18-36(b) and/or Sec. 18-40 may be allowed during a permitted special event, but only to the extent that said acts are expressly made allowable in said special event permit.

Section 6-93 is deleted [it is incorporated into new Section 16-6]

~~Sec. 6-93. – Special events.~~

~~In the case of special events authorized and endorsed by the town to such an extent that the town authorizes and allows the use of its streets and sidewalks for the event, the organizers of the event shall~~

~~submit an application to the town for the use of its streets and/or sidewalks for the special event. Such special event shall include parades, festivals, fairs and sidewalk sales. The authorization of the town for permission to conduct such a special event shall constitute its approval of the list of street vendors which is approved by the organizers of the special event; and there shall not be a street vendor license required pursuant to this article; provided, however, the organizers of the special event have submitted to the town a proposed list of all street vendors and their activities with respect to the special event and the town has not provided the organizers with written objection to any of the listed street vendors.~~

Section 16-2 is replaced in its entirety with the following:

Sec. 16-2. - Consumption or Possession of Alcoholic Beverages in Public Places

- (a) Alcoholic beverage defined. For purposes of this section and Section 16-6, an alcoholic beverage shall be defined as any beverage containing at least one-half of one percent (0.5%) alcohol by volume including, but not limited to, malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.
- (b) Consumption or possession of alcoholic beverages. It shall be unlawful for any person to possess, consume, sell or serve alcoholic beverages of any kind, or to publicly display alcoholic beverages if the container has been opened or the seal broken, on any property owned, leased or controlled by the town, or on any public street, alley, sidewalk or parking lot within the town limits, whether the area is open to vehicular traffic or has been closed to vehicular traffic in connection with a parade or other special event, unless a valid special event permit is obtained pursuant to section 16-6 of Town Code.

Section 16-6 is added:

Sec. 16-6. - Special Events

- (a) Application of regulations. This section shall apply to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic on all or a portion of any town owned property, street, or other public right-of-way. In addition, this section shall apply to any use of property owned, leased or controlled by the town that involves the possession, consumption, sale or service of alcoholic beverages. Any such activity covered by this chapter shall hereafter be referred to as a "special event."
- (b) Permit required. No special event is permitted on any town owned property, street or other public right-of-way of the town unless a permit has been issued by the town manager; however, nothing in this section shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.
- (1) No parade of vehicles or march of pedestrians or animals or combination thereof upon the streets or sidewalks of the town shall be allowed except as approved by the town manager. All holders of permits granted and approved by the town manager pursuant to this section shall indemnify and hold harmless the town in all respects against any and all claims and liabilities arising out of or related to the issuance of a special event permit.
 - (2) Any person denied a special event permit by the town manager may appeal to the town council at the next regularly scheduled meeting.
 - (3) Special event permits are not assignable or transferable.

(c) Permit application. Applications for a special event permit authorized by this section that require the closure of a public street, sidewalk or other town facility shall be submitted to the town manager not less than 30 days and not more than 90 days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the town manager and shall contain the following information:

- (1) Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the event;
- (2) Name, address, and telephone number of the individual contact person in charge of the event;
- (3) The proposed date and time period when the event will be conducted;
- (4) The estimated number of people expected to attend the event;
- (5) Sufficient proof of liability insurance in an amount not less than \$1 million;
- (6) Any other information determined by the town manager to be necessary to insure compliance with these provisions;
- (7) A sketch map showing:
 - i. The area where the event is to take place;
 - ii. Names of any streets to be closed or obstructed;
 - iii. Location of any barriers or traffic control devices that will be erected;
 - iv. Location of any concession stand, booth, street vendor, mobile food vendor, signs or other temporary structures or facilities; and
 - v. Location of any proposed fences, stands, platforms, benches or bleachers.
- (8) The number and type of animals included as part of the event, if applicable. Approval of animals involved in any special event is subject to subsection (m) below, and the animals' location must be specified on the sketch map.
- (9) The number and type of street vendors, including but not limited to mobile food vendors, if applicable. Approval of mobile food vendors involved in any special event is subject to subsection (n) below. All street vendors, including but not limited to mobile food vendors, must be shown on the sketch map.
- (10) The permits and operational plan for the sale and consumption of alcoholic beverages, if applicable. Approval of the sale and/or consumption of alcoholic beverages at a special event is subject to subsection (o) below, and the designated areas for the sale and/or consumption of alcoholic beverages must be shown on the sketch map.

Applications for a special event permit as authorized by this section not requiring the closure of a public street or sidewalk shall be submitted to the town manager not less than 3 business days before the parade or event is proposed to commence, excluding recognized holidays, on a form provided by the office of the town manager and shall contain the items listed above with any item not applicable marked as such.

Applications must be accompanied by an application fee, which shall be set forth in the Schedule of Taxes, Fees and Charges of the annually adopted Budget Ordinance for the Town of Weaverville, before being reviewed and considered.

- (d) Permit revocation. Upon violation of the terms of a permit issued under this section by the applicant or participants the town manager and/or the chief of police or his designee is authorized to revoke the permit and direct those participating to disperse.
- (e) Staff review. Upon receipt of the permit application, it shall be circulated to the chief of police, fire chief, public works director and other appropriate persons for their comment. The town manager may require a conference on the application between the applicant and one or more department heads.
- (f) Insurance requirement. The town manager shall require as a condition precedent or subsequent to the issuance of the permit that the applicant obtain a comprehensive general liability insurance policy providing coverage that includes the entire area described in the permit for events requiring the

closure of a public street, sidewalk or town facility with a coverage amount of not less than \$1 million. If such a policy is required, under the provisions of this section, the town shall be named as an additional insured on the policy. A certificate of insurance shall be provided to the town as proof of coverage.

(g) Fees; costs incurred by the town. If the town is requested to provide extraordinary services or equipment or the town manager determines that extraordinary services or equipment for reasons related to protection of the public health and safety, he/she may require the applicant to pay to the town a fee sufficient to reimburse it for the costs of any extraordinary services or equipment provided to the event unless sufficient funding has been included in the town budget as adopted by the town council.

(h) Standards for issuance of permit.

(1) The town manager shall issue the permit authorizing the special event unless it is found that:

- i. Insufficient funding and/or resources necessary to provide extraordinary services or equipment for the event are not available; or
- ii. The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the town; or
- iii. The applicant has failed to obtain any necessary permits or licenses; or
- iv. The applicant is in violation of any town ordinance; or
- v. The applicant fails to obtain liability coverage and shall proof of said insurance as required by the town; or
- vi. The event will create a severe hardship on persons occupying property adjacent to the site, location, or route of the event as a result of the denial of access to property; or
- vii. The event, if held at the time or at the location or along the route proposed will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or
- viii. The applicant has failed to comply with any of the provisions of the special events ordinance, including but not limited to payment of any required fees and costs;
- ix. A special events permit has previously been applied for or issued for substantially the same location and time requested in the application.

(2) In considering the matters listed above and the question of whether or not to issue the permit, the public health and safety shall be given paramount importance.

(i) Conditions upon issuance of permit. If a permit is issued, the town manager may attach any reasonable conditions that serve to promote the protection of the public safety and health. Any event held pursuant to a permit issued under this section shall be conducted within the applicable terms including any attached conditions.

(j) Right of appeal. If the town manager denies or revokes a special event permit, or imposes conditions that the applicant finds unreasonable, this action shall be final unless the applicant or permit holder files, within three (3) business days, a written appeal with the town clerk. Such written appeal will be placed for consideration by town council at its next regularly scheduled meeting. The town council shall review the matter and its decision shall be final.

(k) Street closing.

(1) The town manager is authorized to permit the temporary closing of a street or other public right-of-way except as otherwise provided for hereinbelow if the provisions of the section are adequately complied with. Any temporary closing of a street or part thereof owned and/or

maintained by the State of North Carolina shall require concurrence by the NC Department of Transportation.

The town manager may only permit the temporary closing of any portion of Main Street, Lakeshore Drive, and/or Merrimon Avenue, or portions thereof, for town recognized special events. An event shall be considered to be town recognized upon the adoption of a resolution by town council making such a designation.

- (2) The town clerk shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place as soon as possible once a permit is issued.
- (l) Temporary parking restrictions. The chief of police, or his duly appointed representative, is authorized to prohibit, on a temporary basis, the parking of vehicles under the following circumstances: Along permitted parade routes or on streets closed pursuant to the issuance of a special events permit for a period of time to be determined by the town manager. The chief of police, or his duly appointed representative is authorized to temporarily allow parking in areas where parking is normally prohibited during immediately proceeding, during and immediately after permitted special events.
- (m) Permit for special events involving animals. It shall be unlawful for any person to have or keep any animal at any event requiring the issuance of a special event permit except as otherwise provided within this section. No special event in which animals are involved shall be conducted without a special event permit from the town manager. The town manager shall require a bond in the amount of \$50 for events involving five (5) or less or \$100 for events involving more than five (5) animals, which will provide that the person obtaining the special event permit will be responsible for cleaning the town streets or property after the parade, exhibition, demonstration or experiment. All holders or special events permit granted and approved by the town manager pursuant to this section shall indemnify and hold harmless the town in all respects against any and all claims and liabilities arising out of or related to the behavior of such animals or issuance of such a special permit.
- (n) Permit for special events involving street vendors. If a special event is to involve street vendors then a list of the vendors and their locations must be provided. If the special event involves mobile food vendors then the permit shall require the following: (1) no waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system or dumped in any place not designed for that purpose, (2) mobile food vendors shall not be located within ten feet of any fire hydrant, and (3) each mobile food vendor shall supply at least one trash receptacle for waste.
- (o) Permit for special events involving the sale and/or consumption of alcoholic beverages. It shall be unlawful for any person to possess, consume, sell, or serve alcoholic beverages of any kind, or to display alcoholic beverages if the container has been opened or the seal broken, on any property owned, leased or controlled by the Town, and any public street, alley, sidewalk or parking lot within the Town limits, whether the area is open to vehicular traffic or has been closed to vehicular traffic in connection with a special event, unless a valid permit is obtained pursuant to this section:
 - (1) The town manager (or designee thereof, hereafter "administrator") is hereby authorized to issue a special permit that would allow the sale and consumption of alcoholic beverages during special events, which have been permitted pursuant Section 16-6 of Weaverville Town Code.
 - (2) This permit shall only be valid for a designated area.
 - (3) The sales and consumption of wine and beer shall be limited to 12:00 p.m. to 11 p.m., during the permitted timeframe of the special event.
 - (4) The special event permit holder shall be solely responsible for assuring compliance with all applicable laws of the Town of Weaverville and the State of North Carolina pertaining to the sales and consumption of alcoholic beverages. Permit holders who demonstrate failure to assure compliance with such laws shall be subject to immediate permit revocation, and may be subject to such civil and criminal penalties as are set forth in Weaverville Town Code and the North

Carolina General Statutes. The administrator shall have the discretion to withhold approval of permits for the sales and consumption of alcohol associated with future special events, when the permit holder has failed to demonstrate compliance with such law in the operation of previous events.

- (5) Permit holders shall submit an operational plan demonstrating the procedures and practices that will be employed to assure such compliance with all applicable regulations as set forth in Weaverville Town Code and the North Carolina General Statutes. Such plan shall specifically address the prevention of the sales of alcohol to minors, and the methods that will be employed to contain the consumption of alcohol within the designated area.
- (6) In the issuance of a special event permit, the administrator shall have the authority to impose reasonable conditions to protect the public health, safety and welfare, including the following:
 - i. Demonstration that all applicable state permits have been issued for the special event;
 - ii. Delivery to the administrator of an insurance policy in the minimum amount of \$1,000,000 showing coverage for comprehensive general liability, liquor liability, and workers compensation, and which names the town as an additional insured for the comprehensive general liability and the liquor liability, with said policy to remain in effect for the entire duration of the special event;
 - iii. Hiring of an off-duty police officer or officers to oversee alcohol sales at the special event;
 - iv. Payment of a fee in accordance with the town's adopted fee schedule;
- (7) The chief of police, police department event commander on-duty, and the administrator shall have authority to immediately cause alcohol sales and consumption activities to cease and desist upon a determination that the permit holder has failed to maintain compliance with the terms and conditions of the permit or the requirements of Weaverville Town Code, or that continuation of alcohol sales and consumption at the event would pose an immediate threat to the public health, safety and welfare.

3. The following application fees are hereby established:

- a. \$200.00 for a special event permit without alcoholic beverages;
- b. \$300.00 for a special event permit with alcoholic beverages.

4. General Rule #15 of the Facility Use Policy adopted by Town Council on February 22, 2016, is amended to read as follows:

Alcoholic beverages may only be permitted in the Town Hall Community Room and the Lake Louise Community Center upon the issuance of a special event permit pursuant to Town Code Section 16-6. The renting party assumes all responsibilities and liabilities associated with the serving or consumption of alcoholic beverages during their use of the Town's property and the conduct of the special event.

5. 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.

6. These amendments shall be effective immediately upon adoption.

ADOPTED THIS the ____ day of _____, 2017, by a vote of __ in favor and __ against.

DOTTIE SHERRILL, Mayor

ATTESTED BY:

SELENA D. COFFEY, Town Clerk

APPROVED AS TO FORM:

JENNIFER O. JACKSON, Town Attorney

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, February 27, 2017

Subject: Monticello Commons Apartments Conditional Zoning District Initial Review

Presenter: Town Planner

Attachments: Conditional Zoning District Application (full size plans available at the meeting) and Sec. 36-358 initial review by Town Council, 36-360 Action by Town Council

Description:

Staff is in receipt of an application for a Conditional Zoning District for the property commonly known as Monticello Commons. The application calls for 264 dwelling units within nine buildings, placed on a parcel of land which is 17.21 acres, for a requested density of 15.3 units per acre.

Council is given by ordinance the ability to summarily reject an application for rezoning as described in Sec. 36-358. However, staff in conjunction with the Town Attorney, does not believe this is legal prior to the rendering of an opinion by the Planning and Zoning Board as established by Sec. 36-360(b)(1).

Action Requested:

Staff is seeking guidance from Council so it may be relayed to the Planning and Zoning Board for consideration during their deliberations related to the application.

CONDITIONAL ZONING DISTRICT APPLICATION

Planning and Zoning Department
30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7013--- fax (828) 645-4776 --- tgupton@weavervillenc.org
\$350.00 Application Fee



Conditional Zoning Districts address situations in which a particular use, properly planned, may be appropriate for a specific site but, the existing zoning district of the site has insufficient standards to mitigate the site-specific impact on the surrounding area.

Uses which may be considered for a Conditional Zoning District shall be established on a case-by-case basis at the request of the property owner. Conditional Zoning Districts are not intended for securing early or speculative reclassification of a property.

A Conditional Zoning District shall be defined as a zoning district in which the development and use of the property included in the district are subject to predetermined ordinance standards, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. If the use of an approved Conditional Zoning District ever changes, a new proposed use and plan must be submitted for review by the Town Council.

***In the R-1 district, the only lots eligible for rezoning to a conditional use are lots which are contiguous to and are only accessed via Weaver Boulevard, Main Street, or Merrimon Avenue.**

A fee of \$350.00 shall be paid to the Town of Weaverville for each Conditional Zoning District or rezoning request. During review of the request, all additional costs incurred by the Town above the initial fee of \$350.00 shall be the responsibility of the applicant.

OWNER/APPLICANT NAME: Azalea Management
and Leasing - Andy Walker

APPLICATION DATE: February 20, 2017

BRIEFLY DESCRIBE THE PROJECT: The project consist of 260 multi-family unit complex consisting of 9 buildings with a clubhouse and 6 separate garage buildings. Public sewer and public water service will be provided.

PHONE NUMBER: (828) 298-3406 x 144

PROPERTY ADDRESS: Monticello Commons
Drive, Weaverville, NC
28787

PIN: 9746-22-2440, 9743-12-9158, 9743-11-7924,
9743-21-1887, 9743-22-3100

DEED BOOK/PAGE: 5441/1421, 5441/1468,
4350/0796

LOT AREA (acres): 12.46 acres

ZONING DISTRICT: Existing - C-2
Proposed - R-12 (CZD)

CONDITIONAL ZONING DISTRICT APPLICATION

Planning and Zoning Department
 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
 (828) 484-7013--- fax (828) 645-4776 --- tgupton@weaverville.org
\$350.00 Application Fee



A petition for a Conditional Zoning District must include a site plan and supporting information that specifies the intended uses for property. A complete site plan will include the following:

<input checked="" type="checkbox"/>	Title block containing:
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Name of owner & applicant
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Property address
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Buncombe County PIN
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Date or dates survey was conducted or plan prepared
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Scale of the drawing in feet per inch
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Deed book and page reference of the deed
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Zoning designation of property
<input checked="" type="checkbox"/>	Sketch vicinity map depicting the relationship between the proposed subdivision and the surrounding area
<input checked="" type="checkbox"/>	North Arrow and orientation
<input checked="" type="checkbox"/>	Lot area in acres and square feet
<input checked="" type="checkbox"/>	Existing topography of the site and within 300 feet of the site boundary in four (4) foot contours
n/a	Delineation of areas within the floodplain.
<input checked="" type="checkbox"/>	Names of owners of adjoining properties, Buncombe County PIN, and zoning designation
<input checked="" type="checkbox"/>	Minimum building setback lines applicable to the lot, including drainage or utility easements
<input checked="" type="checkbox"/>	Proposed number and location of signs
<input checked="" type="checkbox"/>	Exact dimensions, location, height, and exterior features of proposed buildings and structures
<input checked="" type="checkbox"/>	Scale of all buildings relative to adjoining properties, including sight lines
<input checked="" type="checkbox"/>	Utility easements
<input checked="" type="checkbox"/>	Existing and proposed sanitary sewer system layout and a letter of commitment
<input checked="" type="checkbox"/>	Existing and proposed water distribution system layout and a letter of commitment
<input checked="" type="checkbox"/>	Existing and proposed stormwater system layout. Include copy of application for Buncombe County stormwater permit
n/a	Plans for individual water supply and sewerage/septic disposal system, if any
<input checked="" type="checkbox"/>	A statement as to whether or not natural gas, telephone, electric, and cable lines are to be installed, and whether they will be above or below ground
<input checked="" type="checkbox"/>	Exact dimension and location of all traffic, parking, and circulation plans showing the proposed location and arrangement of parking spaces.
<input checked="" type="checkbox"/>	Existing and proposed roads, driveways, ingress/egress, easements, and rights-of-way both private and public. Include NCDOT driveway permit, if required.
<input checked="" type="checkbox"/>	Existing and proposed encroachments into setbacks, rights-of-way, and/or easements, if any
<input checked="" type="checkbox"/>	Location of significant trees on the property
<input checked="" type="checkbox"/>	Proposed phasing, if any, and expected completion date of the project.

Upon reviewing the application, site plan, and supporting documents, the Planning and Zoning Board will issue statement of reasonableness of the proposed Conditional Zoning District.

Before a public hearing may be held by the Town Council, the petitioner must file in the Office of the Town Clerk, a written report of at least one community meeting held by the petitioner. The report shall include a list of those persons and organization notified of the meeting detailing the method and date of contact' the date, time, and location of the meeting; a roster of persons in attendance, a summary of issues discussed, and a description of any changes to the petition as a result of the meeting. In the event the petitioner has not held at least one meeting, the petitioner shall file a report documenting efforts that were made and the reasons such a meeting was not held.

CONDITIONAL ZONING DISTRICT APPLICATION

Planning and Zoning Department

30 South Main Street, P.O. Box 338, Weaverville, NC 28787

(828) 484-7013--- fax (828) 645-4776 --- tgupton@weavervillenc.org

\$350.00 Application Fee



At the discretion of the Town Council, it may be required of the property owner to guarantee performance or completion of conditions included in the Conditional Zoning Plan. Such guarantee may take the form of: (1) a surety performance bond made by a company licensed and authorized in North Carolina, (2) a bond of a developer with an assignment to the Town of a certificate of deposit, (3) a bond of developer secured by an official bank check drawn in favor of the Town and deposited with the Town Clerk, (4) cash or an irrevocable letter of credit, (5) a bank escrow account whereby the developer deposits cash, a note, or a bond with a federally insured financial institution into an account payable to the Town. The amount of the guarantee shall be determined by Town Council.

Sec. 36-358. - Initial review by the town council.

- (a) *Review—General.* Upon receipt of a completed and timely application, the town council shall consider the request at its next regularly scheduled meeting.
- (b) *Action.* After its initial consideration of the application, the town council may refer the request to the planning board for the full review process, or may decide that the request shall not be considered. If the town council decides that the request shall not be considered, the request shall be terminated.

(Ord. of 6-19-1978, Art. XVII, § 17-1770; Ord. of 3-20-2006; Ord. of 1-24-2011, § 1)

Sec. 36-360. - Action by the town council.

- (a) *Review—General.* Following receipt of a recommendation on a proposed amendment or, in the case of a negative recommendation, the receipt of the petitioner's request for a public hearing or in the case of no action by the town planning board as described in section 36-359 above, the town council shall hold a public hearing on the proposed amendment. Notice of the hearing shall be provided in accordance with the provisions of the North Carolina General Statutes. In addition, when a zoning map amendment is proposed, the town shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons.
- (b) *Action.*
- (1) Before acting on any proposed amendment, the town council shall consider any recommendation made by the planning board, the comments made at the public hearing, and any other relevant additional information.
 - (2) When considering a proposed amendment, the town council will not evaluate the petition based on any specific proposal for the use or development of the property. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those which would apply to all uses permitted by the requested classification.
 - (3) Upon reviewing all pertinent information, the town council may:
 - a. Adopt the proposed amendment;
 - b. Reject the proposed amendment;
 - c. Refer the proposed amendment back to the planning board for further consideration or hearing; or
 - d. Modify the proposed amendment.
 - (4) Considerations during decisions. Prior to adopting or rejecting any amendment, the town council shall adopt a statement describing whether its action is consistent with the comprehensive land use plan and any other applicable plan, and shall state why the action taken is considered to be reasonable and in the public interest.

(Ord. of 1-24-2011, § 1)

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

DATE OF MEETING: FEBRUARY 27, 2017
SUBJECT: CONSIDERATION OF RESOLUTION REGARDING HB 64 / SB 667
PRESENTER: TOWN ATTORNEY
ATTACHMENTS: NONE

DESCRIPTION:

A Councilman has expressed interest in the Town taking action via resolution to oppose House Bill 64 / Senate Bill 667, which seeks to move all municipal elections in North Carolina to even-numbered years by 2022. This would have the effect of aligning municipal elections with state and federal elections. “A law that passed in the final moments of the 2016 General Assembly declared an intent to move all municipal elections to even years. That bill, SB 667, also called for a study of how the transition might occur, with recommendations due before the General Assembly convened this year”. The North Carolina League of Municipalities (NCLM) has shared its belief that “requiring all municipalities to shift their elections as such could have unintended consequences, and that it should be for the individual municipality to decide.” (LeagueLINC Bulletin: February 10, 2017)

COUNCIL ACTION REQUESTED:

The Town Manager recommends discussion of the proposed legislation and the Town Attorney will have a draft resolution opposing the legislation for Council’s consideration and adoption at tonight’s meeting.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, February 27, 2017

Subject: Public Hearing for a Proposed Rezoning for Property in the Vicinity of 30 Garrison Branch Road.

Presenter: Town Planner

Attachments: Application for a Zoning Map Amendment for 30 Garrison Branch Road, Recommendation of the Planning and Zoning Board, and Proposed Ordinance Approving the Rezoning.

Description:

We are in receipt of an application from Garrison Branch Reserve Investors, LLC to rezone a portion of a tract presently zoned R-12 to C-2 in order to increase the land available for commercial purposes.

Staff believes it is in the best interest of the Town to consider the proposed rezoning from R-12 as the applicant sees the uses permitted within the C-2 zoning district as being the highest and best use of the property. Additionally, the proposal will eliminate two apartment buildings consisting of 48 dwelling units previously approved by Buncombe County and municipal water allocated for same. Finally, the proposed rezoning would bring additional property completely under the purview of the Town's Zoning Ordinance from that previously recognized as a vested right.

The proposed rezoning has been reviewed and unanimously recommended to Council by the Planning and Zoning Board.

Action Requested:

Staff is seeking approval of the proposed rezoning.



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, January 3, 2017 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the attached proposed rezoning of portions of 30 Garrison Branch Road from R-12 to C-2.

It has been found that the proposed rezoning is consistent with the Town's Comprehensive Plan and Chapter 36 – Zoning. The Planning and Zoning Board considers approval both reasonable and in the public interest due to uses present within the zoning district and on adjacent properties.

A handwritten signature in black ink, reading "Doug Theroux", written over a horizontal line.

**Doug Theroux
Chairman, Planning and Zoning Board**

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7013— fax (828) 645-4776 -- tgupton@weavervillenc.org

OWNER/APPLICANT NAME: Scott Austin

APPLICATION DATE: 11/30/2016

PHONE NUMBER: 828-707-2796

Austin Development PO Box 9775
MAILING ADDRESS: Greensboro, NC 27408

Application is made to the Town Council of Weaverville to amend:

- The Zoning Map
 The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 30 Garrison Branch Rd

PIN: Zoning portion of: 973362693300000

LOT AREA (acres): +/- 2.49 ac of +/- 8.49 ac

CURRENT ZONING DISTRICT: R-12

PROPOSED ZONING DISTRICT: C-2

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICTING:

- Total acreage
 Current owner(s) and date of survey
 Property location relative to streets
 North arrow
 Existing easements, rights of way, or other restrictions on the property
 Areas located within the floodplain
 Natural terrain of 15% or greater grade
 Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7013— fax (828) 645-4776 — tnugton@weaverville.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

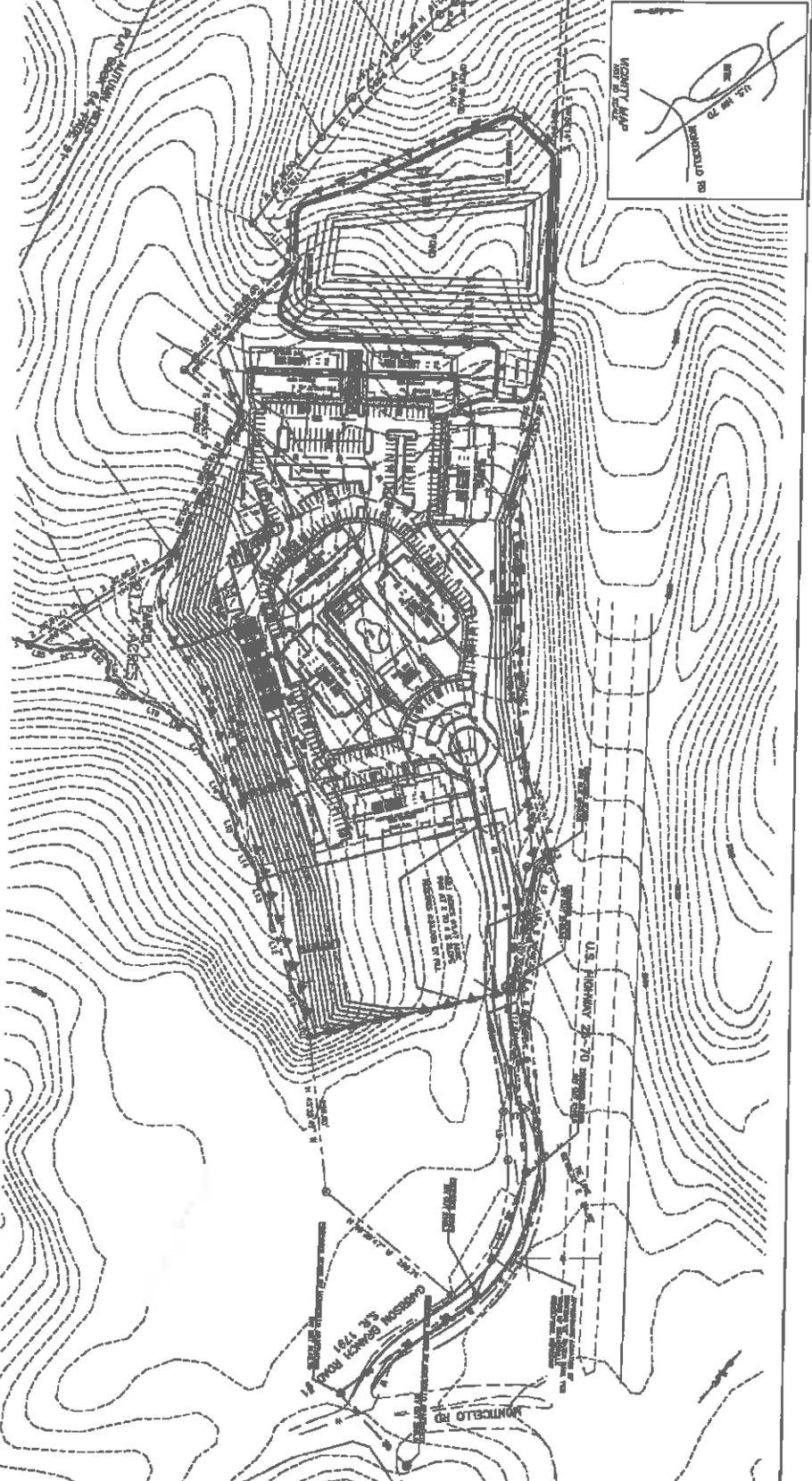
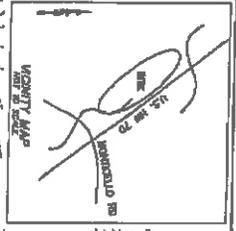
[Signature] 12-8-16
SIGNATURE OF APPLICANT DATE

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY			
FEE: \$	DATE PAID:	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	
DATE OF PUBLIC HEARING & COUNCIL DECISION:		FINAL ACTION:	



GENERAL NOTES:

1. EXISTING TOPOGRAPHY AND UTILITIES SHOWN AS RECEIVED FROM THE SURVEYOR'S FIELD BOOKS. NO CORRECTIONS TO BE MADE.
2. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.

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ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING:

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
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GRAPHIC SCALE
1" = 40' 0"

REGISTERED PROFESSIONAL ENGINEER
STATE OF NORTH CAROLINA
No. 12345
DATE: 10/15/2011

<p>C-3.0</p>	<p>PRELIMINARY GRADING PLAN BLUE RIDGE CROSSING</p> <p>DESIGNED BY: HAGEN ENGINEERING, PA CHECKED BY: [Name] DATE: 10/15/2011</p>	<p>HAGEN ENGINEERING, PA</p> <p>3859 BATTLEGROUND AVE, SUITE 300 GREENSBORO, NC 27410 PHONE: (336) 404-4796 FAX: (336) 899-7890 hagen@hagen-eng.com</p>	<p>PRELIMINARY FOR REVIEW ONLY</p> <p>NOT FOR CONSTRUCTION</p>
	<p>DATE: 10/15/2011</p>		

**AN ORDINANCE AMENDING THE TOWN'S ZONING MAP –
REZONING A PORTION OF 30 GARRISON BRANCH ROAD FROM R-12 TO C-2**

WHEREAS, Town Council has been requested to rezone +/- 2.49 acres of that property known as 30 Garrison Branch Road from R-12 to C-2; and

WHEREAS, Town Council by action taken on January 23, 2017, agreed to waive the waiting period and consider the rezoning request even though the property was zoned R-12 on September 19, 2016, when the property was annexed into the Town's municipal limits; and

WHEREAS, the Weaverville Planning and Zoning Board reviewed this rezoning request and unanimously recommends that Council approve the rezoning request;

WHEREAS, Town Council has, this day, held a public hearing on this rezoning as required by law and by Town Code;

WHEREAS, Town Council finds that the rezoning of the property to C-2 is consistent with the Town's Comprehensive Land Use Plan and Chapter 36 of the Town's Code of Ordinance, and will allow the highest and best use of the property;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Weaverville, North Carolina, that the official Weaverville Zoning Map is hereby amended to reflect that the +/- 2.49 acre portion of that property known as 30 Garrison Branch Road which is shown as the Outparcel on that preliminary site plan for Blue Ridge Crossing dated December 2, 2016, is zoned as C-2, effective immediately.

ADOPTED THIS the ____ day of February, 2017 by a vote of ____ in favor and ____ against.

DOTTIE SHERRILL, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

JAMES ELLER, Deputy Town Clerk

JENNIFER O. JACKSON, Town Attorney