

TOWN OF WEAVERVILLE

TOWN COUNCIL  
PUBLIC HEARING

MINUTES – March 21, 2016

The Town Council for the Town of Weaverville held Public Hearings on March 21, 2016 at 6:45 P.M., in the Council Chambers at 30 South Main Street.

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

**Absent:** Vice Mayor John Penley and Council Member Doug Jackson.

**Visitors:** Jill Britton, Tycer Lewis, Gary Burge, Doug Theroux, Ann Williams, Joan Stafford, Linda & Keith Cooke, Leslie Osborne, Jan Rector, Michael Hatch, Steve Rotundo, Rhonda and Jeff McKenna, Lynn Maust, Jason Merrill, David Rittenberg, Jerry Lemons, Tom Wood, James Johnson, approximately twenty residents from Reems Creek Golf Community, and several other citizens of the Town.

Mayor Sherrill called the public hearing to order and stated that the purpose was to hear public comment from the citizens on the proposed amendments to the Zoning Ordinance, Section 36-241(c) (2) of the Town of Weaverville Code of Ordinances, regarding Unified Housing Development, to increase the number of dwelling units from eight (8) to thirty (30) units as related to the ingress/egress, to assist with potential growth and expansion of development within the Town.

Mayor Sherrill opened the hearing for public comment. There being no comment from the public, Mayor Sherrill closed the public Hearing on Sec. 36-241 (c) (2).

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Shelby Shields

Town Clerk

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Mayor Sherrill called the public hearing to order and stated the purpose was to hear comments on the proposed amendment to the Town Code of Ordinances, Chapter 25 - Subdivision Ordinance: Concept Plan Implementation.

Mayor Sherrill opened the hearing for public comment. There being no comment, Mayor Sherrill closed the hearing.

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Mayor Sherrill called the public hearing to order and stated the purpose was to hear public comment on the proposed amendment to the Ordinance Amending Section 12-37 (c) of the Town of Weaverville Code of Ordinances regarding the Town of Weaverville Fire Protection & Protections Code to remove certain references of Appendix D.

Fire Chief Terry Malone briefly explained that amending Appendix D relating to multiple points of ingress and egress will not have any adverse effects on the Fire Department's ability to respond to fires.

Mayor Sherrill opened the hearing for public comment. There being no comment, Mayor Sherrill closed the hearing.

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Shelby Shields

Town Clerk

TOWN OF WEAVERVILLE

TOWN COUNCIL  
Minutes – March 21, 2016

The regular meeting of the Town Council for the Town of Weaverville was held on March 21, 2016, at 7:00 P.M., in the Council Chambers at 30 South Main Street.

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

**Absent:** Vice Mayor John Penley and Council Member Doug Jackson.

**Visitors:** Jill Britton, Tycer Lewis, Gary Burge, Doug Theroux, Ann Williams, Joan Stafford, Linda & Keith Cooke, Leslie Osborne, Jan Rector, Michael Hatch, Steve Rotundo, Rhonda and Jeff McKenna, Lynn Maust, Jason Merrill, David Rittenberg, Jerry Lemons, Tom Wood, James Johnson, approximately twenty residents from Reems Creek Golf Community, and several other citizens.

Mayor Sherrill called the meeting to order.

**Approval of Agenda:**

The motion to approve the agenda was made by Council Member Dearth, seconded by Council Member Fitzsimmons, and unanimously approve.

**Public Comment:**

Gary Burge, 3 High Bluff Drive, representing approximately eighteen (18) members of the Reems Creek Golf Homeowner Association present at this meeting, asked the Council, while working on the upcoming FY 16-17 budget, to consider repaving as many streets as possible, due to the poor condition.

Tyker Lewis, 14 South College – Disclosed that he is a member of the Planning and Zoning Board. He further stated that it appeared that the proposed R-2/R-12 zoning would increase the density in the downtown residential area. He has since been in contact with some of the Council Members, and it appears that there has been some miscommunication. It was never the intent of Council to increase the density in the downtown area, but to provide an avenue for development in outlying areas of downtown to lineup with that of Buncombe County. This issue will most likely be going back to Planning and Zoning for further study.

Jan Rector, 17 Partridge Berry Lane – Ask that the beautiful Town is preserved, and please protect the Reems Creek Road area.

James Johnson, 206 North Main Street – Stated that he appreciated the Town cleaning the streets, but asks that the workers not blow the cigarette butts and litter back onto his driveway, he is no longer able to pick up the litter since becoming disabled.

Leslie Osborne, 9 Reeves Street – Stated that it the responsibility of every citizen and Town to be good stewards of our land, and how it grows.

Jeff Harwood, 7 Partridge Berry Lane – Opposed high density in the Town.

Keith Cooke, 38 Terrace Drive - Opposed the proposed 64 unit development on Wheeler Road.

Linda Cooke, 38 Terrace Drive – Opposed the proposed giving water to the development on Wheeler Road.

Sabine Carender, 30 Terrace Drive – Opposed giving water to the proposed development.

Tom Wood, 26 Terrace Drive – Opposed giving water to the proposed high density development.

Lynn Maust, 95 Terrace Drive – Wanted clarification that the Town would have to approve the plan, provide water, sewer and lighting in the development. She had questions on flood plain and the pond that breached above the property and flooded the area last year, and felt that the Town should be aware of that.

Council Member Dearth responder that the property in question, located on Wheeler Road, is in Buncombe County, and if anything happens on that property it will be under the County's zoning rules, and since it is in the County, the Town of Weaverville will not have anything to say about it, other than the provision of providing water service.

Council Member Nagle agreed with Council Member Dearth, and further stated that the total number of units proposed works out to be twelve (12) per acre on the total acreage of the property. The developer will have to abide by the County's requirements on whatever the rules maybe for that particular property.

Council Member Dearth added that as far as the flood zone, the Town is a party to the County body that monitors any construction on a project of that sort.

**Approval of Minutes:**

The motion to approve the February 22 Town Council meeting, as corrected, and the February 29 Budget Workshop minutes was made by Council Member Nagle, seconded by Council Member Fitzsimons, and unanimously approved.

**Employee Recognition:**

Ms. Coffey recognized and commended Courtney Banks for her work on receiving a Certification of Achievement for Excellence in financial reporting by the Government Finance Officer Association. This is the nineteenth year the Town has been awarded this Certification.

**New Business:**

**Discussion on the amendments to the Zoning Ordinance Section 36-78. R-2 Zoning District:**

Mr. Eller stated that as previously asked by the Council, the Planning and Zoning Board explored the possibility of increasing the Town's density requirement from eight (8) units per acre to twelve (12) units per acre, in certain areas of the Town. In doing so, what came forth from the Planning and Zoning Board

was exploring the possibility of adding an additional zoning district, R-12, to the district uses to accommodate the twelve (12) units per acre. In the interim, discussions were had on the possibility of revising the present R-2 District requirements, in a fashion that would mirror that density change.

Mayor Sherrill stated that a public hearing would be set for a later date on this matter.

Ms. Coffey stated that it is every important to note that certain procedures have to be done when enacting certain changes as this. She further stated that it is important to make sure that it is clear and transparent to everyone that this matter will be sent back to the Planning and Zoning Board for whatever recommendation they may choose, and that all the legislative guideline are followed in giving the public an opportunity for ample input on this issue.

Michael Hatch, 167 Central Avenue, asked why the Council is considering changing the density from eight to twelve at this time.

Ms. Coffey responded that the initial intent of this process was too basically match that of Buncombe County's requirements for developers wanting to annex into the Town. The intent was not at all to increase the density of downtown districts, but where Buncombe County's zoning lies and how can the Town best be cohesive in building with the County.

Council Member Nagle stated that two things happened, first, the State took away to ability to annex, and second, the Extra Territorial Jurisdiction, (ETJ-zoning), was taken away. This left the Town with no way to grow unless someone outside the Town limits asked to be annexed in order to develop, but follow the County's zoning requirements to build more units in these areas.

Jason Merrill, 174 Central Avenue, stated that he "owned 7.28 acre on Central Avenue and he tried to build a house for his brother on ½ acre of the land, and the Town made it so hard he couldn't, and now you want to change it to 12."

Council Members Dearth and Nagle both explained the propose of the proposed density increase, which is basically too increase the density on the outskirts of Town to allow developers who approach the Town requesting water and annexation to follow the Town's zoning requirements. Otherwise, if developers receive approval from Buncombe County prior to requesting annexing, should the Town choose to annex at that point, they would be annexing a non-conforming development.

Doug Theroux, Chairman of the Planning and Zoning Board, stated that he hopes that the Council will send this matter back to P&Z for further revisions. The intent is not to change any zoning within in the confines of the city limits. The intent is to try to work something out so that any developer coming in outside the Town asking for water and to be annexed, then the Town's ordinances will take over, which are currently different from the County's ordinances. That way the Town will have a say on what goes on in that area.

Ms. Maust stated that the County is proposing amendments to their zoning ordinance, and urged the Council to review the 57 page document.

Zack Kemp, 28 North College, felt that "it was a negative for the Town to say, yes, we will conform to what the County is going to do in the future in order to potential annex properties in the future.

Ms. Coffey encouraged the audience to sign up for the electronic newsletter in order to stay informed on what is going on in the Town. She gave the instructions on the process to sign-up.

After a brief discussion, the motion was made by Council Member Dearth to return this issue to the Planning and Zoning Board with the desire that they bring an Ordinance creating a new district that will accommodate annexation on the perimeter of the Town, and that will accommodate twelve units to an acre. The motion was seconded by Council Member Nagel, and unanimously approved.

**B. Amendments to Unified Housing Development: Ingress-Egress:**

The motion was made by Council Member Fitzsimmons to approve the Ordinance Amending Section 36-241(c) (2) increasing the number of dwelling units from eight to thirty, and the Council adopts in relation to such ordinance amendment, the following statement, " This amendment is (i) consistent with the Town's comprehensive use plan, (ii) reasonable based on the additional changes to the zoning ordinance which are being discussed, and (iii) in the public interest to allow for growth and development of the Town of Weaverville. This is the Council's position on the amendment." The motion was seconded by Council Member Dearth, and unanimously approved.

**C Subdivision Ordinance Chapter 25: Concept Plan Implementation:**

The motion was made by Council Member Dearth to adopt the Ordinance Amending Chapter 25 of the Town of Weaverville Code of Ordinances Regarding Subdivisions to implement a concept plan in the review process to assist with development of the Town of Weaverville. The motion was seconded by Council Member Nagle, and unanimously approved.

**D. Revisions to Fire Ordinance to Address Removal of Sections of Appendix D:**

The motion was made by Council Member Dearth to approve the Ordinance Amending Section 12-37(c) of the Town of Weaverville Code of Ordinances regarding the Town of Weaverville Fire Protection & Prevention Code to remove certain references of Appendix D as set forth therein, subject to any necessary approvals, if required. The motion was seconded by Council Member Nagle and unanimously approved.

**Manager's Report:**

Ms. Coffey reported on the following items:

The Budget Workshop will be on March 30, 2016, at 5:00PM in the Training Room at the Fire Department, 3 Monticello Road.

There should be improved service of the Town Clock from the clock maintenance group.

The Public Works Department has made some very positive changes at the Lake Louise Park:

Improved accessibility – new handicap toilets and grab bars installed for safety.

To deter vandalism – lighting improvements at restrooms entry doors; and removal of wooden fences from front of restroom doors.

Aesthetics – porta-potties removed; new paint interior and exterior; and damaged gutters replaced.

The Citizens Academy will begin on April 21<sup>st</sup>, deadline for applicants submittals is March 31<sup>st</sup>. She urged citizens interested to attend.

Redesigning the website is in the process of being done.

Runs/Walks in Downtown. After discussions and reflections with the Council and Department Heads, it is felt that these events downtown, at this point, put too much burden on the Police, Fire and Public Works Departments, and their budgets, as well as the lack of time to get adequate citizen input and the impact of these types of events.

The Tree City USA award has been won again for the 26<sup>th</sup> consecutive year.

NC DOT Bike/Ped Grant: Unfortunately the Town was not awarded the grant that was applied for last Fall. Options are being considered for application next year.

**Department Reports:**

Departmental reports were available on the table near the door, or on the website.

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

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Shelby Shields

Town Clerk