

MINUTES

**TOWN OF WEAVERVILLE
STATE OF NORTH CAROLINA**

**TOWN COUNCIL MEETING
MONDAY, NOVEMBER 21, 2016**

The Town of Weaverville Town Council met on Monday, November 21, 2016 beginning at 6:00pm in Council Chambers within Weaverville Town Hall at 30 South Main Street.

Council Present: Mayor Dottie Sherrill, Vice-Mayor John Penley, Council Members Doug Dearth, Patrick Fitzsimmons, 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

Councilman Jackson asked to include agenda item 7F in order to discuss civil penalties for violations of the Zoning Code. Ms. Coffey noted that agenda item 10, closed session could be removed.

Vice-Mayor Penley motioned to approve the agenda as amended. Councilman Nagle seconded and all voted unanimously.

3. Approval of the Minutes

Minutes to be approved are from the October 17, 2016 meeting of Town Council, the November 1, 2016 special call meeting and November 8, 2016 workshop.

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

4. Employee Recognition

Ms. Coffey recognized Fire Chief Williams and members of the Weaverville Fire Department in attendance and thanked them for their continued service to the Town and their efforts to assist other agencies with forest fires in the region.

5. General Public Comment

Steve Meltzer spoke in favor of the forthcoming Resolution Against Discrimination.

6. Consent Agenda

- A. Arbor Day Proclamation.
- B. Christmas Parade Road Closure Ordinance.
- C. Proclamation Honoring the Civil Air Patrol.
- D. Proclamation Celebrating the 100th Anniversary of the Weaverville Fire Department.
- E. Reems Creek Village Concept Plan.
- F. Tax Release and Tax Collector's Report.

Mayor Sherrill read into the record proclamations noted by agenda items 6A, 6C and 6D.

At the conclusion of Mayor Sherrill's reading of the Proclamation Celebrating the 100th Anniversary of the Weaverville Fire Department Ms. Coffey recognized Fire Chief Williams who presented Council with items noting the Departments occasion. Mr. Williams also spoke to Council and the audience regarding the history of the Department and recognized two of the former living chief's including Doug Sims and Vice-Mayor Penley for their service.

Councilman Nagle motioned to approve the consent agenda. Councilman Fitzsimmons seconded and all voted unanimously.

7. Discussion and Action Items

- A. Board Appointment.

Mayor Sherrill requested that Council consider Dan Moffitt to fill an open position on the Animal Control Board.

Vice-Mayor Penley motioned to approve the appointment of Dan Moffitt to the Animal Control Board. Councilman Jackson seconded and all voted unanimously.

- B. Bidding of Purchase of Self Containing Breathing Apparatus.

Ms. Jackson described to Council that the Fire Department had been awarded a Federal Assistance to Firefighters Grant for the purchase of 31 self-contained breathing apparatuses.

Councilman Jackson motioned to advertise and publicly open the bids for the self-contained breathing apparatuses. Councilman Dearth seconded and all voted unanimously.

- C. Out of Town Water Requests.

Mr. Laughter addressed Council describing that the water system was now operating at a reached capacity of 75% which was a threshold previously established to cause concern. Mr. Laughter further noted that due to the system capacity, outstanding allocations and property still subject to future development within municipal borders that he would endorse the proposed resolution withholding water allocation applications for properties outside of Town limits.

Ms. Jackson noted to Council that the authority to make such a determination had been granted to them with the Code of Ordinances Section 30-80 general policies relating to connection permits and extension agreements.

Councilman Fitzsimmons asked if the proposed resolution was necessary given Council's ability to deny water request. Mr. Laughter responded that water meters under two inches were subject to staff approval.

Councilman Nagle noted that annexation should occur prior to water allocation thus providing the property a right to water allocation. Councilman Dearth noted similarly that conducting the annexation prior to a water allocation could ease some of the difficulties encountered when annexing properties with projects which had been approved by the County.

Councilman Jackson motioned to approve a resolution stating that at this time Council believes it is not in the best interest of the Town to entertain out-of-town water requests and to give the Public Works Director the authority to deny such requests. Councilman Nagle seconded and all voted unanimously.

D. Voluntary Annexation Petition / Initial Zoning Request: 145 Monticello Road.

Ms. Jackson noted that the annexation before Council was being done in conjunction with a water allocation approved in 2015 and described the certificate of sufficiency presented.

Vice-Mayor Penley motioned to set a date for a public hearing for the proposed voluntary annexation for December 19, 2016 at 6pm. Councilman Dearth seconded and all voted unanimously.

E. Resolution Against Discrimination.

Ms. Coffey read a resolution against discrimination into the record.

Councilman Dearth motioned to approve the aforementioned resolution. Councilman Fitzsimmons seconded and all vote unanimously.

F. Civil Penalties for Violations of the Zoning Code.

Mr. Eller noted that presently the civil penalty associated with violations of the Zoning Code was set at \$100 in 1978 and suggested that the amount may be increased to serve as a deterrent.

Ms. Jackson noted that it is likely that any funds collected in civil penalties may be required to be submitted to the Buncombe County Board of Education.

Councilman Jackson noted that issues which are subject to civil penalties may be taxing on municipal resources while seeking a resolution.

Consensus was granted by Council to have staff investigate changing the civil penalty amount for violations of the Zoning Code.

8. Public Hearing and Council Action: Code Amendments

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

Mr. Eller spoke to council regarding the proposed changes to the Code of Ordinances which call for removing all references to the former Extraterritorial Jurisdiction, removing application costs from the Code, a change in the contour lines called for on a Conditional Zoning District Application, changing the building height maximum within the R-12 Zoning District to 45 feet and establishing the building height to be measured from the center of the front of the building at finished grade to the peak of the roof.

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

Councilman Dearth motioned to adopt the changes as proposed. Vice-Mayor Penley seconded and all voted unanimously.

9. Town Manager's Report

Ms. Coffey noted that work continues on the securing of an easement for the placement of an additional gateway sign on Weaver Boulevard, thanked the community for their donations for those affected by the wildfires in the region, recognized Ms. Dozier for the conclusion of her first municipal audit, updated Council on the progress of the Town's new website, noted the staff Christmas dinner date of December 6 and Candlelight Stroll date of December 9.

10. Adjournment

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

James W. Eller, Deputy Town Clerk