

## MINUTES

TOWN OF WEAVERVILLE  
STATE OF NORTH CAROLINA

TOWN COUNCIL MEETING  
MONDAY, OCTOBER 17, 2016

The Town of Weaverville Town Council met on Monday, October 17, 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 Sergeant Brandon Parris, Public Works Director Tony Laughter, Fire Chief Ted Williams and Town Planner James Eller.

### 1. Call to Order

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

### 2. Approval/Adjustments to the Agenda

*Councilman Jackson motioned to approve the agenda as presented. Councilman Nagle seconded and all voted unanimously.*

### 3. Approval of the Minutes

Minutes to be approved are from the September 19, 2016 Town Council meeting.

*Vice-Mayor Penley motioned to approve the minutes as amended by Ms. Coffey. Councilman Nagle seconded and all voted unanimously.*

### 4. Employee Recognition

Town Manager Coffey introduced Fire Marshall Kile Davis to Town Council, acknowledged the time and energy of the Planning and Zoning Board and the Zoning Board of Adjustment along with Town Attorney Jennifer Jackson and Town Planner James Eller, and Public Works Director Tony Laughter for the implementation of the recovery design system for the water system.

### 5. General Public Comment

Public comment closed with no comment being made.

### 6. Consent Agenda

A. Set date for a Public Hearing on proposed Code Amendments based on Staff Recommended Technical Changes for November 21, 2016 at 6:00.

B. Approval of a Gateway Sign Easement Agreement from SunTrust Bank.

C. Adoption of Records Detention and Disposition Schedule.

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

**7. Discussion and Action Items**

A. Weaverville Business Association Event Proposal.

Cynthia Ward, Director of the Weaverville Business Association, spoke to Council regarding their proposal to organize an outdoor concert to be held on Main Street on Friday, June 23, 2017. The plan calls for the stage to be placed on Main Street in front of Town Hall and would create the necessity of a road closure from the intersection of Main and Brown to the intersection of Main and Merrimon. Ms. Ward noted that the event would not sell food but would like to sell beer and that those responsible for distributing same would be properly trained.

Ms. Coffey noted that the Town would incur a cost of approximately \$2,000 to accommodate the additional personnel necessary to staff the event with members of the Fire, Police and Public Work Departments. Ms. Coffey asked if alcohol would be permitted within the entire enclosure and Ms. Ward affirmed. Ms. Coffey asked if the vendor would sell beer and Ms. Ward noted that volunteers would be in charge of sales and would be properly trained. Ms. Coffey asked if there would be a limit on the number of drinks one is allowed to consume and Ms. Ward stated that those responsible for the sale of alcohol would have the right to refuse service for anyone who appeared to be intoxicated. Ms. Coffey asked if portable toilets would be used and Ms. Ward confirmed.

Ms. Jackson noted that there is a Town Ordinance which prohibits the consumption of alcohol on Municipal property with some inconsistencies to be addressed. Also there would be some legalities to be addressed related to Main Street being an NCDOT road.

Councilman Nagle asked about any liability the Town would incur and Ms. Jackson replied that it would be wise for the Town to enter into an indemnification agreement. Councilman Jackson suggested that a punch card be used to limit the number of beverages consumed by any individual, that parking may be an issue due to the attendance desired and also the closure of Main Street creates a choke point due to the access points of surrounding roads.

*Councilman Jackson suggested that some of the aforementioned issues be investigated and for staff to proceed with working forward with the proposal. Ms. Coffey asked for consensus of Council and it was granted with the request that this matter be brought back to Council when more details have been worked out.*

B. Weaverville ABC Audit Presentation.

Mr. Chason, Chairman of the ABC Board, presented Council with the audit of the ABC system from the previous fiscal year. Mr. Chason noted that the ABC system was in good financial standing and the budget for the present fiscal year calls for a \$55,000 disbursement to the Town.

Mr. Jackson inquired as to how the store was performing in comparison with neighboring stores. Mr. Chason responded that sales were up statewide and the Weaverville system was keeping pace

and exceeding growth experienced. Mr. Chason also noted that the store was keeping a working capital of approximately \$350,000.

C. Update on Water Capacity.

Mr. Laughter spoke to Council regarding the capacity of the municipal water system. Of note was that with the approval of the two projects before council tonight the system would be operating at approximately 75%.

Councilman Jackson noted that previously the threshold of 75% was established as a point of concern. Mr. Laughter responded that with planning and consideration the Town had the ability to purchase from the City of Asheville. Councilman Jackson asked if the Town could still provide water to Mars Hill and Mr. Laughter confirmed. Councilman Nagle mentioned his concern over the pace of development and noted that the last time Council attempted an overhaul of the Zoning Ordinance the community rejected the proposal.

Mr. Laughter stated that he would be updating the Council on possible options for expanding the water capacity.

D. Water Allocation & Meter Request for Monticello Commons.

Mr. Laughter noted that the project called for 264 units, is located on Monticello Commons behind Tractor Supply and the Post Office and is presently within municipal limits. Councilman Jackson noted his concern over the number of units being proposed and supplied for. Chris Day of Civil Design Concepts spoke to Council on behalf of the applicant and noted that the project would be eligible for review by the Planning and Zoning Board and Town Council.

There was Council discussion about the water commitment not being an approval of the development and it was agreed that staff would add language to the commitment letter to advise owners/developers on that issue.

*Councilman Jackson motioned to approve the water allocation. Councilman Fitzsimmons seconded and all voted unanimously.*

E. Water Allocation Request for an Outparcel Restaurant at 61 Weaver Boulevard.

Mr. Laughter noted that the project call for a restaurant within Weaverville Crossings. Marty Kocot of Landworks Engineering spoke to Council on behalf of the applicant.

*Councilman Nagle motioned to approve the water allocation. Vice-Mayor Penley seconded and all vote unanimously.*

F. Annexation Petition & Initial Zoning for Monticello Apartments.

Ms. Jackson described to Council that the proposed annexation is being done in conjunction with a water allocation granted in August, 2015.

*Councilman Dearth motioned to adopt the resolution which directs the Town Clerk to investigate the sufficiency of the annexation petition and directs the Town Planner to place the application*

*for initial zoning on the agenda of the next Planning and Zoning Board Meeting. Councilman Jackson seconded and all voted unanimously.*

**8. Public Hearing and Council Action: Proposed Subdivision Ordinance Amendments to Revise Requirements & Procedure for Minor Subdivisions**

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

Mr. Eller spoke to Council regarding the proposed change to the subdivision ordinance which called for the transfer of approval of minor subdivisions from Town Council to the Town Planner after review by the Planning and Zoning Board and erasing the necessity of a concept plan for minor subdivisions.

*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. Councilman Nagle seconded and all voted unanimously.*

**9. Town Manager's Report**

Ms. Coffey noted that the next Council Workshop is scheduled for November 8<sup>th</sup> and will be on land use regulations related to businesses, work continues on website redevelopment, the Cops for Kids raised \$7,862, and the Citizens Academy had 13 graduates.

**10. Adjournment**

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



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James W. Eller, Deputy Town Clerk