

## MINUTES

TOWN OF WEAVERVILLE  
STATE OF NORTH CAROLINA

TOWN COUNCIL REGULAR MEETING  
MONDAY, JULY 17, 2017

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, July 17, 2017, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

**1. Call to Order**

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

**2. Approval/Adjustments to the Agenda**

*Councilman Jackson made a motion to approve the agenda as presented. Councilman Nagle seconded and all voted in favor of the motion.*

**3. Approval of Minutes**

*Councilman Nagle made the motion to approve the minutes from June 1, 2017 Town Council Budget Workshop and June 19, 2017 Town Council Meeting as presented. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.*

**4. Employee Recognition**

Town Manager Selena Coffey recognized Town Attorney Jennifer Jackson for completing the Eller Cove Watershed Easement. She had been working on this easement for quite some time and spent a lot of time going back and forth with the State of North Carolina and Southern Appalachian Conservancy. Ms. Coffey also, recognized all the Department Heads and their employees for all their hard work on the 4<sup>th</sup> of July. Most of them worked around 16 to 17 hours.

**5. General Public Comment**

Public comments were received as follows:

Linda Tull, 35 Wildwood Avenue, commented on the Monticello Commons CZD application, an action item on the agenda. She urges Town Council to stand by their thoughts and actions made at January's Town Council meeting. She believes the Town is in dire need of office space, medical offices and public service spaces, and this property is the only commercial land left in the Town limits. Not to mention building these 264 units is going to increase the traffic in this area.

Bernard Koester, 37 Lakeshore Drive, commented on the CZD application as well. He believes that the Town is developing too fast and may need to take a step back. The biggest thing these developers need is water, but the Town's biggest concern now and in the future is water too. He thinks that if we are going to use this property, it should be for businesses instead of apartments. He encourages Town Council to keep zoning regulations the way they are.

Jim Proffitt yielded his time to Thomas Veasey.

Thomas Veasey, 69 Lakeshore Drive, thanked the Mayor and Town Council for all their hard work they do for the Town. As a member of the LLPA, Mr. Veasey announced his run for Town Council. He plans to keep the Zoning regulations the way they are, develop more parks and recreation areas and help expand the Water Treatment Plant. He hopes to protect the small town community for the citizens here now, and in the future.

Jerry Cody, 35 Wildwood Avenue, spoke about the Monticello Commons action item too. He thanked the Planning and Zoning Board for their foresight into this CZD application and their negative recommendation. They were adamant about following the planning growth and he urges Town Council to follow their recommendation of turning down this application.

## **6. Consent Agenda**

*Motion to approve the consent agenda*

### **A. Road Closure Ordinances for: Art in Autumn, North Buncombe Homecoming Parade and Christmas Parade**

*Town Manager recommends approval of these road closure ordinances.*

### **B. Quarterly Departmental Reports**

*Quarterly reports are for information only.*

### **C. Amended Tax Release and Refund**

*Tax Collector recommends approval of an amendment to the tax release and refund approved June 2017.*

### **D. Receipt of Certificate of Sufficiency of Shakamar Investment Group, LLC, Annexation Petition & Setting Public Hearing on Annexation and Initial Zoning Request R-2**

*Town Manager recommends scheduling a public hearing for August 21, 2017 at 6pm.*

*Councilman Dearth moved for the approval of the consent agenda. Councilman Fitzsimmons seconded the motion and all voted unanimously to approve all action requested in the consent agenda.*

## **7. Discussion and Action Items**

### **A. NCLM Report on Comprehensive Review of Weaverville Police Department**

Police Chief Greg Stephens introduced Chief Tom Anderson from the North Carolina League of Municipalities. Chief Anderson retired from the City of Statesville as the Chief of Police and has over 26 years in Law Enforcement. He is the North Carolina League of Municipalities Law Enforcement Risk Manager and works with many agencies across North Carolina to analyze insurance and liability concerns impacting law enforcement agencies and develop a risk management review to assist in the identification and mitigation of high liability activities found in police operations.

Chief Tom Anderson recognized the Weaverville Police Department for their impressive work in law enforcement and for completing the risk review process. The risk review process included about 40 high risk categories such as use of force, supervisory training, and pursuits. He is proud to say that the Weaverville Police Department exceeded many of these categories expectations. Chief Anderson personally thanked Police Chief Stephens and Detective Alan Wyatt for their commitment through this process. Chief Stephens displayed strong leadership in proactively reaching out to them to go through this risk review process and Detective Wyatt was a key person that he worked with during this two month process. Chief Anderson mentioned this is a 3 year evaluation cycle and he will have to come back to see any changes that have been made after this cycle. Chief Tom Anderson then presented Police Chief Greg Stephens with a plaque from the North Carolina League of Municipalities.

#### **B. Ordinance Authorized by the “Brunch Bill”**

Town Manager Selena Coffey mentioned that the North Carolina Legislature has recently amended North Carolina law by enacting N.C. Gen. Stat. § 160A-205.3, which permits a municipality to adopt an ordinance allowing for the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages beginning at 10:00 a.m. on Sunday pursuant to the licensed premises’ permit issued under N.C. Gen. Stat. § 18B-1001. This proposed ordinance would be effective immediately upon adoption by Town Council with a 2/3 affirmative vote.

*Councilman Dearth made a motion to adopt the proposed ordinance . Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 4-0.*

#### **C. Monticello Commons CZD Application**

Town Planner James Eller mentioned that there is no action needed by Town Council on this item tonight. However, he did want to update Council on things that have occurred to make sure everybody was on the same page to how this process may go forward. Mr. Eller stated back on July 6<sup>th</sup> the Planning and Zoning Board established a unanimous negative recommendation related to the proposed conditional zoning district at Monticello Commons. The applicant must submit in writing to the Town Clerk a request for a public hearing before Town Council within thirty days of being notified of the negative recommendation. If no such request is filed within thirty days then their application is considered denied. Attached is the unanimous negative recommendation that the Planning and Zoning Board submitted to Town Council.

Councilman Jackson wondered why they would be bringing this back to Town Council when nothing has been changed since January when Town Council had a unanimous negative opinion. Councilman Jackson doesn’t like seeing this waste of Council and staff time when no changes were made.

Councilman Andrew Nagle asked when the deadline was for them to file.

Town Planner James Eller stated it is their right as an applicant to proceed as they see fit. They received staffs input and decided they didn’t want to change anything. They were given notice in writing on July 10, so 30 days from them receiving notice of the negative recommendation.

Town Attorney Jennifer Jackson reminded Town Council that this originally came before them earlier this year as a water allocation request. There were comments made at that time but no action was taken by Town Council.

#### **D. Set Public Hearing and Announce Community Info/Workshop Dates for Tables of Uses**

Town Planner James Eller mentioned that the decision was made to transition over to a Table of Uses in the zoning code by Town Council on November 1, 2016. The reason for this transition is the language in the code basically says unless a specific use is noted in the code, it is not allowed. However, in North Carolina the Zoning Administrator is to find the next closest use established by the zoning code. The Number of Uses currently identified by the Town's code is 55 and the Number of Uses identified in the language proposed is 78. The Number of Uses presently with additional standards is 3 and the Number of Uses with additional standards in the proposed document is 22. This will transition the Town from special use permits to conditional zoning districts and will not change the Zoning Map of Weaverville. The Planning and Zoning Board was proud to present to Town Council a set of draft concept documents, which was the result of 11 meetings, consisting of approximately 18 hours of time spent in session, and many hours of discussion and deliberation. Lastly, Mr. Eller announced some dates coming up related to the proposed Table of Uses: Tuesday July 25-Town Council Workshop/ Community Information Meeting I, Tuesday August 8- Town Council Workshop/ Community Information Meeting II, August 15-Joint Meeting of Town Council/ Planning and Zoning Board to consider any changes that can be made from Public comment, and asked Town Council to schedule a Public Hearing for August 21.

*Councilman Dearth made a motion to schedule a Public Hearing on the proposed Table of Uses for Monday, August 21 at 6 p.m. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.*

#### **E. Eller Cove Watershed Conservation Easement Transfer**

Town Manager Selena Coffey discussed that the Town of Weaverville has completed the Eller Cove Watershed Conservation Easement and after signing numerous documents, received a wire transfer of \$550,000 on July 13, 2017. This easement through Southern Appalachian Highland Conservancy and the North Carolina Clean Water and Management Trust Fund is for the preservation of over 300 acres up on Eller Cove. Ms. Coffey asked Town Council where they would like these monies to be held or what purpose they would like for them to be used.

Councilman Jackson mentioned that it had been discussed that these monies would go to rehabilitating the community center.

Councilman Dearth stated that he thinks this might be a little premature since the community center project is being studied by a workgroup but Town Council hasn't seen any studies as of yet. Also, he mentioned that there was the issue of expanding the Water Treatment Plant and we might want to keep in mind that there is some residual responsibility to the Eller Cove property because the reservoir is still there with no utilities.

Town Council determined that these funds be kept out of the operating budget for right now, until they have more time to figure what best to use these monies on.

#### **8. Town Manager's Report**

Town Manager Selena Coffey presented her Manager's Report to Council including that 18 individuals will be graduating from the Citizens Academy on July 20, the Town of Weaverville's audit has begun this week and we will have another visit from the auditors on July 25 and 26, OSHA has requested a

consultation visit on July 19, the water study will be completed by the end of this week, and she thanked Fire Chief Ted Williams for getting the clock letters painted.

Mayor Dottie Sherrill, personally thanked Town Manager Selena Coffey and the Department Heads for their hard work in making the 4<sup>th</sup> of July a success. There were over four thousand people who attended and Joe Lasher Jr. headlined the event.

#### 9. Closed Session

*Councilman Jackson made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney, N.C. Gen. Stat. § 143-318.11(a)(5) to establish or instruct staff concerning the position to be taken on the acquisition of real property and N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance. Councilman Dearth seconded the motion and by a unanimous vote Council entered into closed session.*

[CLOSED SESSION]

*Councilman Dearth made the motion to exit closed session. Councilman Nagle seconded and all voted unanimously to exit closed session and re-enter open session.*

#### 10. Adjournment

*Councilman Dearth made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 7:45 p.m.*

  
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DEREK K. HUNINGHAKE, Town Clerk



**Town of Weaverville  
Planning and Zoning Board**

**On Thursday, July 6, 2017 the Planning and Zoning Board reviewed the proposed conditional zoning district for a 264 dwelling unit apartment complex at Monticello Commons and submits to Town Council a unanimous negative recommendation on this application.**

**The Planning and Zoning Board considers the application not reasonable or in the public interest based upon the following factors:**

- **The Town's adopted Comprehensive Land Use Plan (CLUP) and the current C2 Zoning District calls for commercial uses on the property. The application calls for a residential use of the property, thus creating a clear conflict with the aforementioned CLUP.**
- **The Board finds the applicants proposed density of 15.3 dwelling units per acre unreasonable as the Town's R-12 multi-unit residential district allows a density of not more than 12 units per acre.**
- **The Board considers the highest and best use of the property to be commercial as called for by the CLUP. Additionally the Board recognizes that uses allowed within the C2 Zoning District are still needed in Town and this property constitutes one of the last sizeable commercially zoned properties within municipal borders.**
- **The Board finds that the applicant should be requesting a zoning map amendment from C2 to R-12, and a corresponding amendment to the CLUP, and then adhering to the parameters established by the R-12 Zoning District.**

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