

**TOWN OF WEAVERVILLE**

**AGENDA**

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

**November 20, 2017 at 6:00pm**  
**Town Council Monthly Meeting**

- 1. **Call to Order** ..... Mayor Sherrill
- 2. **Organization of Newly Constituted Town Council** ..... Steven D. Cogburn, Buncombe County Clerk of Court; Mayor Root
  - A. Oaths of Office for Mayor & Council
  - B. Selection of Vice-Mayor
- 3. **Recognition of Outgoing Mayor Sherrill** ..... Mayor Root
- 4. **Approval / Adjustments to the Agenda** ..... Mayor Root
- 5. **Approval of Minutes** ..... Mayor Root
  - A. September 12, 2017 Special-Called Town Council Workshop
  - B. October 12, 2017 Special-Called Town Council Workshop
  - C. October 16, 2017 Regularly Scheduled Town Council Meeting
- 6. **Consent Agenda**
  - A. Monthly Tax Report ..... Town Manager
  - B. Appointment to the Animal Control Appeals Board ..... Town Manager
  - C. Set a Public Hearing on Code Amendments for December 18, 2017 at 6:00pm ..... Town Planner
- 7. **General Public Comments**
- 8. **Public Hearing: Amendments to Code of Ordinances Chapter 36** ..... Town Planner  
*Proposed amendments related to changing the way heavy industrial uses are permitted, change the definition of mixed use development or building, and eliminate the use of mini-warehouses in C-2.*
- 9. **Discussion & Action Items:**
  - A. Action on Amendments to Code of Ordinances Chapter 36 ..... Town Planner
  - B. FY 2017 ABC Audit Presentation ..... Rob Chason
  - C. Police Department Report ..... Police Chief
  - D. Fire Department Report ..... Fire Chief
  - E. Budget Amendment: WR-Martin Contract for System Development Fees ..... Finance Officer
  - F. Tax Releases ..... Finance Officer
  - G. Non-Budgetary Revision Town Attorney Contract ..... Town Attorney
  - H. Discussion related to Accessory Structures within Residential Districts ..... Town Planner
  - I. Schedule December Workshop ..... Mayor Root
- 10. **Town Manager's Report** ..... Town Manager
- 11. **Closed Session** ..... Mayor Root
  - A. To consult with the Town Attorney as allowed by NCGS § 143-318.11(a)(3).
  - B. To discuss personnel issues as permitted by NCGS § 143-318.11(a)(6).
- 12. **Adjournment** ..... Mayor Root

## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Workshop  
Tuesday, September 12, 2017**

The Town Council for the Town of Weaverville met for a Town Council Workshop on Tuesday, September 12, 2017, at 5:30 p.m. in the Weaverville Fire Department Training Room within Weaverville Fire Department at 3 Monticello Road, Weaverville, North Carolina.

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

Staff present was: Town Attorney Jennifer Jackson, Town Manager Selena Coffey, Town Clerk Derek Huninghake, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Tony Laughter.

### **1. Call to Order**

*Vice Mayor/ Councilman John Penley called the workshop to order at 5:33pm.*

### **2. Introductions**

Town Manager Selena Coffey welcomed and introduced the members of McGill Associates: Danny Bridges, Vice President for Asheville Office; Keith Webb, Vice President; and Michael Whittenberg, Engineer. Ms. Coffey mentioned that this will be the first of many workshops covering this topic, but tonight we will hear McGill Associates' presentation and try to decide what direction we want to go regarding water production expansion. We will not be covering finances but hope to discuss some other alternatives.

### **3. Recommendation regarding Moratorium on Out-of-Town Water Requests**

Public Works Director Tony Laughter commented that the Monticello Commons project for 264 units behind Tractor Supply is dead, so the water allocation is no longer officially committed. This project accounted for about 5.64% of the Town's total water allocation. He will not be at the upcoming Town Council meeting, but recommends to Town Council that the moratorium be rescinded. His request to rescind the moratorium will formally be on the agenda at the September 18, 2017 Town Council meeting. He also mentioned that staff will still keep track of the number of water allocations and commitments, and anything over two inches inside and outside Town limits, Town Council will still have to approve, as well as any waterline extensions inside and outside Town limits.

Councilman Dearth wondered if when he said the project is "dead", it meant that the project was no longer happening or if the allocation application expired. Town Planner James Eller mentioned that the allocation application is linked to the specific project. This project received a unanimous negative recommendation by the Planning and Zoning Board. Because of the negative recommendation the applicant was required to submit an application requesting a Public Hearing to the Town Clerk within 30 days of being notified in order to keep the project alive. This time period has lapsed so the project is no more. However, they still could come in and apply for a Conditional Zoning District for 240 units and we would go through the whole process again.

Councilman Jackson asked Public Works Director Tony Laughter if he was keeping track of the amount of land available inside the Town limits for future use when it came to supplying water to them.

Public Works Director Tony Laughter mentioned that he accounts for this internally. It will be different than McGill Associates calculations, since their data goes beyond the scope of land available inside the Town limits.

#### **4. Presentation of Engineering Report on Upgrade & Expansion of the Water Treatment Plant**

Danny Bridges opened the presentation by apologizing to Town Council for not being present at the Town Council meeting on August 21, 2017. He mentioned that the previous report handed out still needs to have some additional information added to it, as well as adding some points of clarification to the maps on the final report.

Vice President Keith Webb mentioned the purpose of this study was to evaluate the need for an expansion at the Water Treatment Plant based on the demand for water service connections. The Water Treatment Plant at full effective capacity is 1.35 million gallons per day. McGill Associates performed a study on the Ivy River to see how much more water could be supplied from it, the projected demands for existing service area and expansion area, and the projected cost for a water plant expansion.

Engineer Michael Whittenburg discussed the projected water demand for the existing service area (Infill), expansion area, and recent allocation requests. He mentioned that the Infill area was calculated by using the state growth projections for population by the North Carolina Office of State Budget and Management and the existing Local Water Supply Plans (LWSPs) for base demand. The LWSP population growth from 2007-2016 was 2.99% per year and Buncombe County growth was 1.38% during the same period. Assuming the population growth in the Town of Weaverville will continue to be greater than the county as a whole, the LWSP data was extrapolated. As for the expansion area, which included developed and undeveloped parcels, they based water demands at 400 gpd per parcel and 400 gpd per acre. Also, the recent flow allocation requests show an additional 348,780 gpd. Based on this projected demand, McGill Associates calculations show that peak day capacity will be at 91% of the 1.35 MGD in year 2020 and the average day capacity would be at 96% of the 1.35 MGD in year 2025.

Keith Webb covered the performed analysis on the Ivy River, which was based on numbers they received from the U.S. Geological Survey (USGS), who maintains the flow measurement station on the Ivy River. Under North Carolina guidelines, the 7Q10 flow is used as the benchmark to determine if there is enough water. A 7Q10 is defined as the low flow over a 7-day average which occurs one time every 10 years. McGill Associates asked USGS for a revised 7Q10 flow on the Ivy River and it ended up showing a range from a low of 10.1 cfs (cubic feet per second), which equates to 6.53 MGD to a high of 14.6 cfs that equates to 9.44 MGD. The Division of Water Resources – Department of Environmental Quality is the office the water supply permitting falls under and they only allow up to 20% removal of raw water with no special studies. 20% of flow at the high of 9.44 MGD is 1.89 MGD and with the current Water Treatment plant capacity at 1.50 MGD. This is about as big of a water treatment plant that can be built on the river under these guidelines. However, there are provisions that allow for more water to withdrawn from the water source.

The two expansion options they evaluated were 1.) Expanding the WTP to 3.0 MGD, which equates to withdrawal of 32% to 45% of 7Q10 or 2.) Expanding the WTP to 4.5 MGD that equates to withdrawal of 56% to 69% of 7Q10. Mr. Webb believes if they ask the State to approve the withdrawal on the first option, it would be permissible. However, they might require a minimum in-stream flow and some other provisions. The second option could be permissible too, but it would be much more difficult to get approved after seeing the low flows in the Ivy River. Actions required for these options would be to make a request to the State for an expansion of the WTP to 3.0 MGD or 4.5 MGD, discuss if an Inflow Stream Study needs to be performed to evaluate aquatic habitat of the stream and the impact of withdrawal of 3.0 MGD or 4.5 MGD and consider a development of a model for the river with historic flow data to determine % of time 3.0 MGD or 4.5 MGD may not be available.

Keith Webb then discussed the projected cost for doubling the Water Treatment Plant to 3.0 MGD. He mentioned that it would cost around \$5.6 million, just to double the water treatment plant. However, then there would need to be additional water lines placed so that they could supply water to the existing areas. As well as adding a 12” water main to save energy because the existing 10” water main’s velocity and head loss are too high at 3.0 MGD. The total construction cost for these water line extensions is around \$2 million, so including both figures the total estimated project cost would be around \$7.6 million.

Keith Webb closed the presentation by stating the actions items would be to submit a request to DWR-PWSS to expand the Water Treatment Plant to 3.0 MGD, develop scope of in-stream flow study for Ivy River with DWR, develop an OASIS model of the Ivy River for vulnerability analysis, and request MSD to consider expanding sewer service to Jupiter Road/Barnardsville exit on I-26.

## **5. Questions/ Discussion**

Vice Mayor/Councilman John Penley asked if the only options available to get more water would be the expansion of the Ivy River or asking the City of Asheville. Keith Webb agreed and said that the City of Asheville has some excess capacity right now. Public Works Director Tony Laughter mentioned that wells might be considered as well, but this area has a really high iron content.

Town Manager Selena Coffey noted that the expansion can be phased, so the Town of Weaverville doesn’t have to spend the \$7.6 million all at once. She mentioned that the growth numbers are very important and we need to look at all population models to best determine our direction with regard to the potential expansion before making firm decisions.

Councilman Nagle mentioned that looking at financials is asking the existing citizens of the Town of Weaverville to pay for somebody else’s growth of the Town.

## **6. Review and Next Steps**

Town Manager Selena Coffey closed the meeting by asking McGill Associates to clarify on the maps the Madison and Buncombe County borders and asked them to give her a deadline on when the final report will be completed. This way Town Council can begin to make some decisions and start looking at the financial aspects of it. Vice President, Danny Bridges told Town Manager Selena Coffey that the final study copy will be completed on September 25.

Town Manager Selena Coffey mentioned that until we get the final study from McGill Associates, so Town Council can schedule another meeting for further discussions, the next step will be that Town Attorney Jennifer Jackson will be covering development fees at the next Town Council.

## **7. Adjournment.**

*Councilman Penley made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council’s meeting at 7:10 p.m.*

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**Derek K. Huninghake, Town Clerk**

# MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Workshop  
Thursday, October 12, 2017**

The Town Council for the Town of Weaverville met for a Town Council Workshop on Thursday, October 12, 2017, at 5:30 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Attorney Jennifer Jackson, Town Manager Selena Coffey, Town Clerk Derek Huninghake, Town Planner James Eller, Finance Officer Tonya Dozier, Public Works Director Tony Laughter and Water Treatment Plant Supervisor Trent Duncan.

## **1. Call to Order**

*Mayor Dottie Sherrill called the workshop to order at 5:30pm.*

## **2. Overview of Final McGill Associates Study**

Public Works Director Tony Laughter started the meeting off by recognizing Water Resources Superintendent Trent Duncan for his continued hard work on increasing the water efficiency at the Water Treatment Plant. Mr. Duncan has been able to save an additional 10 gallons per minute of water previously wasted in process. This change was to the waste basin de-chlorination system. Ten gallons per minute will serve approximately 58 homes a day. With the water recovery system conceptually designed by Public Works Director Tony Laughter, NCDEQ approved and installed during 2016 plant upgrade, the total of these two measures will provide water continuously for 260 more homes per day. Mr. Laughter also mentioned that even with the additional information, he was disappointed in McGill Associates final study report because it didn't meet the Town's actual needs. He informed Town Council that the main two items he thought the engineer should have made them fully aware of was that the State will require them to look at other alternative measures and show them the results, instead of just requesting to double the Water Treatment Plant; and the discharge graph that was handed out at the last meeting, showing water flow results from the Ivy River was misrepresented. It doesn't show validation that the Water Treatment Plant operation was the reason for the significant drop in water flow. Mr. Laughter passed out a discharge study conducted for a week on the Ivy River and at full throttle the Water Treatment Plants withdrawals were 2.32 cubic feet per second (cfs), so the withdrawals that McGill Associates pointed to as over 5 cfs weren't caused by the WTP. The discharge study results are attached.

## **3. Financial Aspects of Water Plant Expansion**

Dennie Martin, WR-Martin, has worked with the Town of Weaverville for a long time. He has helped the Town complete water rate studies in the past, including the one that was used for the budget this year, and helped with the financing process for the current water plant. He mentioned that the financial environment has changed drastically and little grant sources are available, so most of the funding would more than likely be borrowed. USDA would be the best option for financing because they offer a 40 year term on capital loans and their interest rates are competitive with conventional rates. Mr. Martin ran the cost estimate numbers from the study through the USDA amortization schedule and the results showed a 1<sup>st</sup> year debt payment of \$426,000. This represents about 25% of gross revenue from water sales so there would be a big impact on water rates. Two regulatory requirements that need to be completed on the project are that DEQ permits for the increased withdrawal from the Ivy River and changes in treatment plant, and completing the form from the Local Government Commission showing they can support the finance payments. Unfortunately, still having 13 years of debt from the previous project is a problem.

Mr. Martin discussed three different ways that USDA would do financing: 1.) General Obligation Bonds, which require referendums and issued bonds; 2.) Revenue bonds, or privately placed bonds, which is borrowed construction phase funds that USDA buys back after the project is completed; and 3.) installment credit financing, which USDA might not do on a project of this size in the water and sewer fund. The USDA also has a grant program that is a

component of the lending program, which does a regional survey of similar sized government and water systems to calculate an average water rate, and then gives grant money to offset the water rate differentials.

Randy Hintz, WR-Martin, mentioned that it is important to realize that the information given in the report presents an option. However, before any funding documents could be filled out, an alternative analysis would need to be completed showing whether there are other alternatives to providing water that may be more cost efficient. Plus an In Stream Study would need to be conducted over a few months or even up to a year before a conclusion could be reached by the State to decide if withdrawal over 20% over 7Q10 is allowed.

Dennie Martin recommends that Town Council and staff look over the project and write down all other alternatives, the cost of the other alternatives and financial consequences of each alternative. He believes that the Town of Weaverville has some options like phasing the expansion, doing the expansion all at once, or buying water from the City of Asheville. He mentioned that Town Council should look to see how long they would be able to delay the financial expenses or phases, so they are allowed more time to pay off other debts and not have to pay the whole expense at once.

#### **4. Questions/ Discussion**

Councilman Nagle asked about the remaining debt from the previous water treatment plant. Finance Director Tonya Dozier mentioned that there is a prepayment restriction on the loan so it can't be paid off until 2026.

Councilman Jackson asked about the development fees that could still be applied. Town Attorney Jennifer Jackson mentioned that there are no longer impact fees, but system development fees which give the Town the ability to put the fees in place. The procedure is quite extensive, but they already have a quote from WR-Martin on the agenda for October 16, 2017 Town Council meeting. WR-Martins work would take 3 to 4 months of supporting analysis and then it would have to be put through the comment and public hearing period. The potential adoption would be running close to the deadline of July 1, 2018.

#### **5. Review and Next Steps**

Town Council recommended that the next steps were for staff to develop other alternative options, so that they can give the data to WR-Martin so that the options could be run through a financial model. Town Council authorization at October 16, 2017 Town Council meeting to approve the proposal for WR-Martin to proceed with the water system development fee analysis was also recommended.

#### **6. Adjournment.**

*Councilman Dearth made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 6:50 p.m.*

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**Derek K. Huninghake, Town Clerk**

## MINUTES

TOWN OF WEAVERVILLE  
STATE OF NORTH CAROLINA

TOWN COUNCIL REGULAR MEETING  
MONDAY, OCTOBER 16, 2017

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, October 16, 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, Vice Mayor/Councilman John Penley, Councilman Doug Jackson, Councilman Doug Dearth, and Councilman Patrick Fitzsimmons. Councilman Andrew Nagle was absent.

Staff members present were: Town Attorney Jennifer Jackson, Town Manager Selena Coffey, Town Clerk Derek Huninghake, Police Chief Greg Stephens, Deputy Fire Chief Jayson Harwood, 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 Dearth made a motion to approve the agenda as presented. Councilman Penley seconded and all voted in favor of the motion.*

### 3. Approval of Minutes

*Councilman Dearth made the motion to approve the minutes from August 8, 2017 Town Council Special-Called Meeting, August 21, 2017 Town Council Regular Meeting and September 18, 2017 Town Council Regular Meeting as presented. Councilman Penley seconded the motion and all voted in favor on the approval of the minutes.*

### 4. Employee Recognition

Town Manager Selena Coffey recognized Police Chief Greg Stephens, Sargent Andy Mace, and the Weaverville Police Department for the excellent “Cops for Kids Bike Run” event they held this weekend. There were over 350 people who attended and over 200 bikers that helped them raise over \$10,000.

Police Chief Greg Stephens commented that he was very appreciative and thankful for the support from Town Council, Town Manager Selena Coffey, Weaverville Business owners and the Weaverville Community. With their support, they were able to raise a lot of money for the kids for donations. Chief Stephens believes this is really good for the community and looks forward to doing it every year.

### 5. General Public Comment

Public comments were received as follows:

Sam Tucker commented that there needs to be a red light put at the intersection of Main and Church Street because you can't see the oncoming traffic if there is a big vehicle or SUV in the parking spots on the west side of the street. Mr. Tucker also mentioned that his taxes increased by 63% and some

consideration needs to be given for retired individuals. Otherwise, they will be forcing them to leave town because it is too expensive to live in Town.

## 6. Consent Agenda

Councilman Jackson mentioned that there was a typo that needed fixed on item E showing Ms. Harold Payne, instead of Mr. Harold Payne.

*Councilman Dearth moved for the approval of the consent agenda with the changes mentioned.*

*Councilman Jackson seconded the motion and all voted unanimously to approve all action requested in the consent agenda.*

- A. Quarterly Tax Report – Information only**
- B. Tax Release Request - Approval of requested Tax Releases**
- C. Quarterly Departmental Reports – Information only**
- D. Approval of Concept Plan & Preliminary Plat for Amblers Chase – Approval of Concept Plan & Preliminary Plat for Amblers Chase**
- E. Re-appointment to the Animal Control Appeals Board - Approval for Harold Payne to be reappointed to the Animal Control Appeals Board for a three year term starting in November 2017**
- F. Appointment of Finance Officer & Deputy Finance Officer – Appointment of Tonya Dozier as Finance Officer as of September 12, 2016, and the appointment of Town Manager Selena Coffey as Deputy Finance Officer for as long as she serves as Town Manager**
- G. Re-appropriations: ABC Funds and Powell Bill Funds – Approval of Budget Amendment**
- H. Set Public Hearing on Proposed Amendments to Town Code for November 20, 2017 – Public Hearing set for November 20, 2017, at 6pm**
- I. Resolution to Exempt Professional Services under \$50,000 from Qualification-Based Selection Process – Adoption of the Resolution Exempting the Town of Weaverville from requirements of N.C.G.S. §143-64.31 for Procurement of Architectural, Engineering, and Surveying Services from the requirements of §143-64.31 when the professional fee is less than \$50,000.**

## 7. Discussion and Action Items

### A. Request for Waterline Extension: 40 Doan Road

Public Works Director Tony Laughter mentioned that the Town of Weaverville has received an application for a waterline extension to 40 Doan Road that's requesting capacity of 3,500 maximum gallons per day for 7 duplex units. Mr. Laughter said that this is outside town limits and he doesn't see any interest in annexing this property. However, the good attributes to having water at the end of this road are that North Windy Ridge School is right before this property, so there would be continuous use on this line even when school is out. He recommends to accept this application.

Councilman Jackson mentioned that he knows the water rates are double for outside town limits, but he is concerned about the water issue and the Town growing.

*Councilman Penley made a motion to accept the requested waterline extension. Councilman Dearth seconded the motion. The motion passed with a 3-1 vote from Council with Councilman Jackson voting against the motion..*

## **B. Contract for Supporting Analysis of Water System Development Fees**

Town Attorney Jennifer Jackson mentioned that Town Council heard a presentation from Dennie Martin of WR-Martin at its workshop on October 12, 2017. He is in a unique position where he has an engineering background with the financial aspects related to this, so he can give good advice about financing for water projects. She reminded Town Council that due to some new legislation that the Town is on the clock in order to get system development fees in place by July 1. The critical step in this process is to hire a professional to give the Town of Weaverville some supporting analysis that would support any system development fees they want to put in place. The attached proposal was received from Dennie Martin of WR-Martin and proposed that they perform this work for \$17,500.

*Councilman Jackson made a motion to engage WR-Martin for the work necessary to allow the Town to adopt a water system development fee prior to July 1, 2018, as outlined in the October 12, 2017 proposal, and to authorize Town Manager and Finance Officer to execute said contract. Councilman Dearth seconded the motion. The motion passed by a unanimous vote of Council.*

## **C. Set Date for Organizational Meeting of Town Council**

Town Manager Selena Coffey mentioned that the organizational meeting will be when the governing body votes for the Vice Mayor and the slate of new Councilmen take their oaths of office and begin service. The precedent of the Town has been to have this organizational meeting at the beginning of the November Town Council meeting. She recommends that this organizational meeting be scheduled for the November 20, 2017.

*Councilman Penley made a motion to establish November 20, 2017 as its organizational meeting. Councilman Dearth seconded the motion. The motion passed by a unanimous vote of Council.*

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

Town Manager Selena Coffey presented her Manager's Report to Council including Happy Bosses Day, \$17,700 has been received from GovDeals for the sale of police vehicles, James Eller has submitted the Tree City application, Music on Main is preliminarily scheduled for June 23, 2018, the Weaverville Garden Club has built some bird houses and will place them in the Nature Park, the young man mentioned in the E-newsletter getting his Eagle Scout credentials built some bat houses for the Nature Park to eliminate mosquitos, the Weaverville Fire Department did not receive the SAFER grant, the asbestos study for the Lake Louise Community Center came in and there is going to have to be some remediation done before we can start removing the wood, the demolition of Lake Louise's Community Center will hopefully begin in November, this coming Wednesday she has a meeting with the District Manager of Duke Energy to go around and see the areas that Public Works had to fix for them, she will be out of office at the annual ICMA conference from October 21-25 and Greg Stephens will be acting Town Manager while she is away, and she passed out a project timeline for the Lake Louise Community Center to Town Council and asked for a motion to schedule Community Input meetings at the Town Hall on November 20, 2017 at 3:30pm and February 6, 2018 @ 4pm. The project timeline is attached.

*Councilman Jackson made a motion to schedule to Community Input meetings related to the Parks and Recreation Master Plan at the Council Chambers of Town Hall on November 20, 2017 at 3:30 pm and February 6, 2018 at 4 pm. Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.*

Mayor Dottie Sherrill called Councilman Doug Dearth up to the podium to recognize him for his 8 years of service on Town Council and many other committees he served on. She noted that with Councilman

Dearth you always knew where you stood and he never held back. He was a great Town Council member and friend, who did his homework thoroughly and will be greatly missed. Mayor Sherrill presented Councilman Dearth with a plaque from Town Council and staff in appreciation for all his hard work, his leadership, his friendship, and all the things he has given to the Town of Weaverville.

**9. Adjournment**

*Councilman Dearth made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 6:25 p.m.*

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**DEREK K. HUNINGHAKE, Town Clerk**

DRAFT

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** November 20, 2017  
**SUBJECT:** Monthly Tax Report  
**PRESENTER:** Town Finance Officer  
**ATTACHMENTS:** Monthly Tax Report

**DESCRIPTION/SUMMARY OF REQUEST:**

The Town Tax Collector provides the following monthly tax report as of November 13, 2017. This report is provided for information only. No action is requested or required.

**Town of Weaverville  
MONTHLY TAX REPORT  
FY 2017-18**

	<u>AS OF 11/13/17</u>	
Real Property:	719,944,779	
Real Property Discoveries:	4,382,100	
Total Real Property:	724,326,879	724,326,879
Personal:	68,272,808	
Personal Discoveries:	25,284	
Total Personal:		63,910,236
Public Utilities:		5,147,971
Exemption:		(9,394,737)
Releases:		(1,087,191)
<b>Total Tax Value</b>		<b>782,903,158</b>
<b>Tax Levy (\$0.44 per \$100 Valuation):</b>		
Real Property:		2,752,442.00
Personal Property:		259,533.00
Public Utilities:	19,563.00	
Less Under \$5 Adjustment		(61.00)
Total Public Utilities:		19,563.00
Exemption:		(35,700.00)
Releases:		(4,070.00)
<b>Total Levy (Total Billed)</b>		<b>2,975,032.00</b>
<b>Total Current Year Collections</b>		<b>947,337.00</b>
<b>% Collected</b>		<b>31.84%</b>
<b>Total Left to be Collected:</b>		<b>2,027,695.00</b>
<b>Prior Years Paid</b>		<b>1826</b>

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**DATE OF MEETING:** November 20, 2017  
**SUBJECT:** Appointment to the Animal Control Appeals Board  
**PRESENTER:** Town Manager  
**ATTACHMENTS:** Proposed Board Roster

**DESCRIPTION:**

Last month Town Council approved the re-appointment of Harold Payne to the Animal Control Appeals Board. Since then it has come to Mayor Sherrill's attention that Beth Palien has moved. Mayor Sherrill recommends that Town Council consider appointing Tina Jenkins to fill the vacancy on this board with a term expiring next November. She has been in communication with Mayor Root on this matter and he concurs in this recommendation.

**COUNCIL ACTION REQUESTED:**

Town Council is asked to appoint Tina Jenkins to the Animal Control Appeals Board for an unexpired term ending in November 2018. The following motion could be used for this purpose:

*I move that Tina Jenkins be appointed to the Animal Control Appeals Board to serve an unexpired term ending in November 2018.*

**WEAVERVILLE  
ANIMAL CONTROL APPEALS BOARD**

Meets on an as-needed basis pursuant to Town Code § 4-86

<b>NAME AND POSITION</b>	<b>CONTACT INFORMATION</b>	<b>DATE OF APPOINTMENT</b>	<b>TERM (3 YEARS)</b>
Dan Moffitt	9 Crescent Court (RCG) Weaverville, NC 28787 645-0517	November 2016	November 2016 - 2019
Harold Payne	PO Box 865 20 Sunset Drive Weaverville, NC 28787	October 2017	November 2017 - 2020
Tina Jenkins	11 Village Park Drive Weaverville, NC 28787 645-3780	November 2017	November 2017 - 2018

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** Monday, November 20, 2017  
**Subject:** Setting a Date for a Public Hearing  
**Presenter:** Planning Director  
**Attachments:** Proposed Revision

**Description:**

On November 7th staff relayed to the Planning and Zoning Board some minor revisions to language related to the Certificate of Ownership and Dedication on final plats for major subdivisions.

In short, these dedications are necessary to be recorded on the final plat of major subdivisions in order for the jurisdiction to obtain certain infrastructure from the developer once it is ensured that the infrastructure has been built to a specific and satisfactory standard. However, a dedication is not a de facto turnover of real property. The governing board of the jurisdiction must follow the dedication with an acceptance in order for the infrastructure to become public.

Transitioning from “Certificate of Ownership and Dedication” to a “Certificate of Ownership and Offer of Dedication” could, perhaps, give an individual not well versed in North Carolina land use law a reservation that, even though shown on the approved final plat of a major subdivision, the infrastructure is not public.

**Action Requested:**

Staff is seeking the scheduling of a Public Hearing related to the aforementioned language related to a Certificate of Ownership and Offer of Dedication for Monday, December 18 at 6pm.

**Current**

Sec. 25-83. - Plat requirements for major subdivisions.

- (c) Signed certificates, substantially in the forms provided for in subsections (1), (2) and (3), below shall appear on all copies of the final plat:

- (1) "Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision jurisdiction of the Town of Weaverville and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements shown on the plat to public or private use as noted on the plat. Furthermore, I hereby dedicate all sanitary sewers, storm sewers, and water lines shown on the plat to the Town of Weaverville.

Owner: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ "

**Proposed**

- (c) Signed certificates, substantially in the forms provided for in subsections (1), (2) and (3), below shall appear on all copies of the final plat:

- (1) "Certificate of Ownership and **Offer of** Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision jurisdiction of the Town of Weaverville and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements shown on the plat **subject to official acceptance by the Town of Weaverville. Furthermore, I hereby dedicate all sanitary sewers, storm sewers, and water lines shown on the plat to the Town of Weaverville.**

Owner: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ "

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** Monday, November 20, 2017  
**Subject:** Public Hearing on Proposed Amendments to Chapter 36  
**Presenter:** Planning Director  
**Attachments:** Proposed Ordinance, Planning and Zoning Board Recommendation

**Description:**

On October 3<sup>rd</sup> staff relayed to the Planning and Zoning Board some minor revisions to the Table of Uses. All three were reviewed and unanimously recommended to Town Council for their consideration.

The proposed amendments are in brief:

- Uses defined as manufacturing, heavy from permitted within the I-1 Zoning District to a Conditional Zoning District within the I-1 Zoning District.
- Removing the last line of the definition of mixed use building or development which states “the uses permitted within the mixed use building or development shall be determined by the regulations applicable to the zoning district in which the property is located” to allow Council to consider any use within same following review and recommendation of the Planning and Zoning Board.
- Uses defined as mini-warehouses to be permitted only in the I-1 Zoning District.

**Action Requested:**

Staff is seeking the approval of the aforementioned revisions of Code.

## NOTICE OF PUBLIC HEARING

Public Notice is hereby given that the Town of Weaverville Town Council will hold a Public Hearing on Monday, November 20, 2017 at 6:00p.m or at such time as Council reaches the issue. This meeting will occur within Council Chambers at Town Hall located at 30 South Main Street, Weaverville, NC to consider the following item:

Proposed Amendments to Chapter 36 related to the Table of Uses and Definitions Related to Same. Said revisions propose to change the way heavy industrial uses are permitted; change the definition of mixed use development or building; and eliminate the use as a mini-warehouses within the C-2 Zoning District.

If you would like additional information or to review the content related to the Public Hearing you may contact Town Planner and Deputy Town Clerk James Eller at 828-484-7002 or [jeller@weavervillenc.org](mailto:jeller@weavervillenc.org).

Publication Dates: 11/8/17 and 11/15/17

**ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 36  
OF WEAVERVILLE TOWN CODE**

**WHEREAS**, Town Staff is continually reviewing the operation of Town Code and has identified several provisions that they recommend for amendment;

**WHEREAS**, the recommended amendments include permitting heavy manufacturing uses as a conditional zoning district in I-1 only; eliminating mini-warehouses from the C-2 district and allowing them only in I-1, but as a right of use within the I-1 district; and modifying the definition of “mixed-use building or development”;

**WHEREAS**, on October 3, 2017, the Town’s Planning and Zoning Board reviewed these proposed amendments and submitted a favorable recommendation on their adoption;

**WHEREAS**, after proper notice the Town Council held a public hearing on November 20, 2017, in order to receive input from the public on these proposed amendments;

**WHEREAS**, we find that the amendments to Town Code do not conflict with the Town’s Comprehensive Land Use Plan and that the adoption of said amendments are reasonable and in the public’s interest to better regulate these certain uses within the Town;

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

1. The definition of “mixed-use building or development” contained in Section 36-5 of the Town’s Code of Ordinances is hereby amended as follows with the stricken language denoted with strike-throughs and added language underlined:

Mixed-use building or development. A multi-story building or structure which may accommodate both commercial and residential uses. A group of mixed-use buildings or structures can be combined to form a mixed-use development. ~~The uses permitted within the mixed-use building or development shall be determined by the regulations applicable to the zoning district in which the property is located.~~

2. The Table of Uses found in Section 36-105 is amended to reflect the following changes with the stricken language denoted with strike-throughs and added language underlined:

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Mini-Warehouses	-	-	-	-	-	<u>PS</u>	<u>PS P</u>
Manufacturing, Heavy	-	-	-	-	-	-	<u>PC</u>

3. 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.
4. These amendments shall be effective immediately upon adoption.

**ADOPTED THIS** the 20th day of November, 2017, by a vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
**AL ROOT**, Mayor

**ATTESTD BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**DEREK HUNINGHAKE**, Town Clerk

\_\_\_\_\_  
**JENNIFER O. JACKSON**, Town Attorney



**Town of Weaverville  
Planning and Zoning Board**

**On Tuesday, November 7th, 2017 the Planning and Zoning Board reviewed and unanimously recommended to Town Council the following revision to Section 36-5 – Definitions and 36-105 – Table of Uses.**

**Proposed Amendments to Chapter 36 intends to change the way heavy industrial uses are permitted; change the definition of mixed use development or building; and eliminate the use of mini-warehouses within the C-2 Zoning District.**

**It has been found that the aforementioned revisions to the Town’s ordinances would not conflict with the Town’s Comprehensive Plan. The Planning and Zoning Board considers approval both reasonable and in the public interest to better regulate certain uses within the Town’s Zoning Ordinance.**

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

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** November 20, 2017  
**SUBJECT:** Weaverville ABC Audit Presentation  
**PRESENTER:** Rob Chason, ABC Board Chairman  
**ATTACHMENTS:** No

**DESCRIPTION/SUMMARY OF REQUEST:**

The annual audit of the Weaverville Alcoholic Beverage Commission has been completed and Rob Chason, the Board Chairman, will be at tonight's meeting to present the audit report.

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** November 14, 2017  
**Subject:** Departmental Quarterly Report: Weaverville Police Department  
**Presenter:** Police Chief Greg Stephens  
**Attachments:** Quarterly Report

**Description:**

Attached please find the Weaverville Quarterly Report. Mayor Root has asked that we begin having departments present orally during each meeting. Below is the schedule for quarterly reports moving forward.

**Council Action Requested:**

No action requested.



# Weaverville Police Department

**BUILDING AN EMERGENCY SUPPLY KIT  
FOR YOUR CAR**

**WHY?**  
Because You never know you will encounter winter weather or an emergency road closure

*AMERICA'S PrepareAthon!*  
BE SMART. TAKE PREP. PROPHASE.

The infographic lists 15 items for an emergency supply kit, each with a blue icon:

- Cell Phone Charger
- First Aid Kit
- Jumper Cables
- Spare Tire
- Flares
- Water, Snacks
- Full Tank of Gas
- Mittens, Hat, Boots, Warm Clothes
- Flashlight
- Snow Shovel and Brush
- Blankets
- Sand or Kitty Litter
- Tow Rope

August, September, October

Quarterly Report

2017

# WEAVERVILLE POLICE DEPARTMENT

## Quarterly Report

<u>Activities</u>	<u>August</u>	<u>September</u>	<u>October</u>	<u>Total</u>
Vehicle crashes	22	27	30	79
Parking Citations	2	8	5	15
Written Warnings	36	24	21	81
Verbal Warnings	13	9	11	33
Misdemeanor Charges	14	27	63	104
Felony Charges	1	2	15	18
Officer Assist	94	91	95	280
Alarm Response	28	23	36	87
Disturbances	40	38	32	110
Escorts / Deliveries	57	60	78	195
Business Checks	4,611	4,254	4,726	13,591
Residential Checks	212	242	205	659
Unsecured Buildings	53	35	50	138
Pedestrian Assist	24	56	66	146
Citizen Checks	114	109	111	334
Assist Motorist	3	9	5	17
Suspicious Person/Vehicle	38	43	49	130
Traffic Safety	121	103	64	288
Citations Issued	32	33	44	109
Drug Charges	4	3	7	14
D.W.I. Charges	1	2	2	5
Reports Taken	38	45	64	147
Court Appearance	3	3	0	6
Investigation Follow-up	32	38	64	134
Vehicle Stop	68	56	46	170
C.O.P.P.S. Activities	203	214	249	666

**Quarter Incident Total 17,556**

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** November 20, 2017  
**Subject:** Departmental Quarterly Report: Weaverville Fire Department  
**Presenter:** Fire Chief Ted Williams  
**Attachments:** Quarterly Report

**Description:**

Attached please find the quarterly report. Mayor Root has asked that we begin having departments present orally during each meeting. Below is the schedule for quarterly reports moving forward.

**Council Action Requested:**

No action requested.

# Weaverville Fire Department

## August 1, 2017 through October 31, 2017 Activites

Fire	Inside City	Property Loss	Outside City	Property Loss
Brush / Woods	2	0	6	0
Vehicle	1	1,500	1	5,150
Structure	1	20,000	1	0
Investigation	28	0	29	0
Haz-mat Incident	2	0	1	0
Mutual Aid	0	0	37	0
Fire Alarm Activation	14	0	8	0
Public Assistance	9	0	9	0
<b>TOTAL (Fire)</b>	<b>57</b>	<b>21,500</b>	<b>92</b>	<b>0</b>
<b>Rescue</b>				
MVA \ MCA	21	0	28	0
EMS \ FR \ Rescue	106	0	148	0
Mutual Aid	0	0	5	0
Search	0	0	1	0
<b>TOTAL (Rescue)</b>	<b>127</b>	<b>0</b>	<b>182</b>	<b>0</b>
<b>TOTAL Fire &amp; Rescue</b>	<b>184</b>	<b>21,500</b>	<b>274</b>	<b>5,150</b>

Remarks: Total Fire\Rescue Alarms: 458  
 Total Fire Loss: \$26,650 Total Saved: 19,980,000  
 Total Inspections 56

Date: 11/15/2017 TW

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**Date of Meeting:** November 20, 2017  
**Subject:** Budget Amendment – WR Martin Contract  
**Presenter:** Town Finance Director  
**Attachments:** Budget Amendment Form

**Description/Summary of Request:**

At the last Town Council regular meeting held on 10/16/17, Town Council unanimously approved a proposal from WR-Martin to provide the professional services required in order for the Town to legally charge Water System Development Fees. The amount of the contract for these services is \$17,500. The attached Budget Amendment funds this amount through Appropriated Water Fund Balance.

**Action Requested:**

Town Manager recommends approval of the attached Budget Amendment.

**Budget Amendment  
Town of Weaverville**

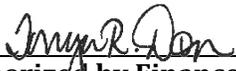
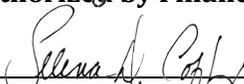
What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
030-700-711-19000	Water Admin Professional Svcs	\$17,500

What expense account(s) are to be decreased or additional revenue expected to offset expense?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
030-004-310-09900	Appropriated Fund Bal (Water)	\$17,500

Justification: Please provide a brief justification for this budget amendment. *See attached.*

 <b>Authorized by Finance Officer</b>	11/14/17 <b>Date</b>
 <b>Authorized by Town Manager</b>	11/14/17 <b>Date</b>
<b>Authorized by Town Council (if applicable)</b>	<b>Date</b>

Budget Ordinance Section 7:

- B. The Budget Officer or his/her designee is hereby authorized to distribute departmental funds based upon the line item budgets and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.
- C. The Budget Officer or his/her designee may authorize transfers between line items, expenditures and revenues, within a department or division without limitation and without a report being required.
- D. The Budget Officer or his/her designee may transfer amounts up to 5%, but not to exceed \$10,000 monthly, between departments, including contingency appropriations, but only within the same fund. The Budget Officer must make an official report on such transfers at a subsequent regular meeting of Town Council.
- E. The Budget Officer or his/her designee may not transfer any amounts between funds, except as approved by Town Council, as a budget amendment.

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** November 20, 2017  
**SUBJECT:** Tax Releases  
**PRESENTER:** Town Finance Officer  
**ATTACHMENTS:** Supporting Documentation

**DESCRIPTION/SUMMARY OF REQUEST:**

Town Council is asked to take action on three (3) tax releases.

Buncombe County billed twice for property owned by Shakamar Investment Group, LLC, PIN 9742-94-9526. The Town is asked to release \$145,900 in value from 2017 tax year, which is \$554.42.

There are two releases for personal property listings for Craig Byers who lives at 17 Highland Street and owns a boat. The boat was not located within the Town's municipal limits in 2015 and 2016, but was billed as if it were. The Town is asked to release \$6,234 in value from 2015 tax year, which releases \$23.69 from the levy and \$4.73 from late listings. For 2016 tax year, the Town is asked to release \$6,926 in value, which is a \$26.32 release from the levy and a release of \$2.63 from late listings.

**TOWN COUNCIL ACTION:**

Town Council is requested to approved the above-described releases This action could be in the form of the following motion:

***I move to approve the following: (1) the release of \$145,900 in valuation from the Shakamar Investment Group, LLC, property identified as PIN 9742-94-9526 for 2017, so that \$554.42 can be released from the 2017 levy; (2) the release of \$6,234 in personal property valuation from Craig Byers' 2015 listing, so that \$23.69 in levy and \$4.73 in late listing can be released; (3) the release of \$6,926 in personal property valuation from Craig Byers' 2016 listing, so that \$26.32 in levy and \$2.63 in late listing can be released.***

TAX RELEASES  
NOVEMBER 20, 2017

Shakamar Investment Group LLC  
Reems Creek Road  
Real Estate  
Valuation to be released: 145,900  
Levy to be released: \$554.42  
Reason for release: Billed twice

Byers, Craig  
17 Highland Street  
Personal  
Valuation to be released: 6,234  
Levy to be released: \$23.69  
Late Listing to be released: \$4.73  
Reason for release: Was not in city limits for 2015

Byers, Craig  
17 Highland Street  
Personal  
Valuation to be released: 6,926  
Levy to be released: \$26.32  
Late Listing to be released: \$2.63  
Reason for release: Was not in city limits for 2016

ATTN: Debbie

NCPTS Assessment BLACKWS Search Abstract # [ ] Tax Year: 2017 Go

Abstract Registrars Appeal Workflow Admin Options Help

NCPTS -> Assessment -> Abstract Search Results -> Maintain Individual Abstract

Owner: BYERS, CRAIG C Abstract #: 0005025142 - 2017 - 2016 - 0000 IND

PDF [ ] Export Bill Details Audit Print Cancel [ ] Reviewed Submit Create Adj

Queue: Status: Billed [ ] Add To Service Cart Make RFB Create Demand Bill

Abstract Info (F2) Property (F3) Adjustments (F4) Change History (F5) Notes (F6)

Description: 2014 CLACKACRAFT BT 16' Prev. Billed Value: \$6,234 Total Assessed Value: \$6,926

Owners [ ] [ ] Maintain Ownership

Owner Id	ID Number	CDA Code	Name	Mailing Address	Ownership Type	Owner Order	Ownership %	Group Number	Send Mail	Relief Eligibility
749023			BYERS, CRAIG C	17 HIGHLAND STREET WEAVERVILLE NC 28787	ENTIRETY	PRIMARY	100	1	YES	NO

Situe Address [ ] [ ]

Detailed Address  Generic Address

Address 1: 86 COZY MOUNTAIN LN Edit Tax District

Tax District	Percent
BUNCOMBE COUNTY	100
REEMS CREEK	100

Address 2: [ ]  
 Address 3: [ ]  
 City: [ ] State: [ ] Zip: [ ] County: BUNCOMBE

Abstract [ ] [ ]

Assessed Real Value: \$0 Assessed Personal Value: \$6,926 Listing Received Date: 09/13/2017 Listed Flag: Discovered

Months Billed: 12 Prelim Billing Date: [ ] Extension Approved Through: [ ] Late/Disc(%): 20.00

Disc AA Notice Date: [ ] Bill Due Date: 09/01/2017 Extension Request Date: [ ] Late/Disc Value: \$0,926

Void Trans Date: [ ] Void Eff Date: [ ] Online: [ ] Late/Disc Ovr Value(\$): [ ]

Contact Agents Tax Relief [ ] [ ]

Relief Type: [ ] Calculated Amount \$: [ ] Override Amount \$: [ ]

Assessment Fees [ ] [ ]

Dog Count: [ ]  
 Special Assessment (for the Town of Montreat): [ ]

Created By: SHINGLC Create Date: 09/19/2017 09:27 AM Updated By: FRECKJ Update Date: 10/17/2017 12:32 PM

Personal Release  
 < 69,267 val.  
 < 26.327 levy.  
 < 2.637 late listing



Attr. Debbie

645-4776

NCPTS - Assessment BLACKWS Search Abstract 9 [v] Tax Year: 2017 [v] Go

Abstract Registrars Appeal Workflow Admin Options Help

NCPTS -> Assessment -> Abstract Search Results -> Maintain Individual Abstract

Owner: BYERS, CRAIG C Abstract #: 0003025142 - 2017 - 2016 - 0000 IND

PDF [v] Export Queue: Status: Billed [v] [Add To Service Cart] [Make BFB] [Create Demand Bill]

Abstract info (F2) Property (F3) Adjustments (F4) Change History (F5) Notes (F6)

Description: 2014 CLACKACRAFT BT 18' Prev. Billed Value: Total Assessed Value: \$8,234

Owner Id	ID Number	COA Code	Name	Mailing Address	Ownership Type	Owner Order	Ownership %	Group Number	Send Mail	Relief Eligibility
748023			BYERS, CRAIG C	17 HIGHLAND STREET WEAVERVILLE NC 28787	ENTIRETY	PRIMARY	100	1	YES	NO

Situs Address [v] [Detailed Address] [Generic Address]

Address 1: 86 COZY MOUNTAIN LN Edit Tax District

Tax District	Percent
BUNCOMBE COUNTY	100
REEMS CREEK	100

City: State: Zip: County: BUNCOMBE [v]

**Abstract** [v] [Detailed Address] [Generic Address]

Assessed Real Value: \$0 Assessed Personal Value: \$8,234 Listing Received Date: 08/13/2017 [v] Listed Flag: Discovered [v]

Months Billed: 12 Prelim Billing Date: Extension Approved Through: [v] Late/Disc(%): 30.00 [v]

Disc AA Notice Date: [v] Bill Due Date: 09/01/2017 [v] Extension Request Date: [v] Late/Disc Value: \$8,234 [v]

Void Trans Date: [v] Void Eff Date: [v] Online: [ ] Late/Disc Ovr Value(\$): [v]

**Contact Agents Tax Relief** [v]

Relief Type: Calculated Amount \$: Override Amount \$:

**Assessment Fees** [v]

Dog Count: [v] Special Assessment for the Town of Montreat: [v]

Created By: SHINOLC Create Date: 09/18/2017 09:29 AM Updated By: FRECKJ Update Date: 10/17/2017 12:32 PM

Hi Debbie -

I have made a correction to these bills. Craig Byers did not live in the city limits in years 2015 & 2016. I am billing him for Reems Creek Fire for 2015 & 2016. If you would correct your records. He was in the city limits for 2017.

Personal Release  
 <62347 Val.  
 <23.697 levy  
 <4.737 late listing

Thanks,  
 Sherri Blackwell  
 252-4924

**TOWN OF WEAVERVILLE**  
**TOWN COUNCIL AGENDA ITEM**

**DATE OF MEETING:** November 20, 2017  
**SUBJECT:** Non-Budgetary Revision to Town Attorney Contract  
**PRESENTER:** Town Attorney  
**ATTACHMENTS:** Proposed Contract dated November 20, 2017  
Signed Contract dated June 1, 2017

**DESCRIPTION:**

A slight modification to the Town Attorney's contract is requested. In June of 2017 Town Council approved a contract that called for a total of \$60,000.00 to be budgeted for the Town Attorney. This amount was to be broken down into \$55,000 in gross salary, \$3,300 to be allocated for 401(k) match, and up to \$1,700 for dues, continuing education, and publications [\$55,000, plus an additional \$5,000]. Because the Town has contracted to employ the Town Attorney for more than 1,000 hours per year, her participation in the Local Government Retirement System is mandatory. The Town Attorney, therefore, requests a revision that would change the Town's match from 401(k) to the Local Government Retirement System. The amount budgeted will not change – merely the allocation.

Because this match was part of the negotiated benefits the Town Attorney would like a provision within her contract that would provide her with a payout of the Town's LGRS contribution if her employment with the Town is discontinued prior to vesting with LGRS. Vesting occurs at such time as an employee has contributed to LGRS for 5 years.

**COUNCIL ACTION REQUESTED:**

Town Council is asked to consider approval of the attached contract that contains the revised language.

**Jennifer O. Jackson**  
**Town Attorney**

46 Sulphur Springs Road  
Asheville, NC 28806  
[jjackson@weavervillenc.org](mailto:jjackson@weavervillenc.org)  
828-442-1858

November 20, 2017

Town of Weaverville  
30 South Main Street  
P.O. Box 388  
Weaverville, NC 28787

Dear Mayor and Town Council:

This letter serves as a non-budgetary amendment to the employment contract dated June 1, 2017, which was approved by Town Council on June 1, 2017. This letter serves as confirmation of my continued appointment as the Town Attorney during Fiscal Year 2017/2018 and describes the nature and terms of the engagement and representation.

**Client:** Town of Weaverville

**Scope of Representation:** I have been engaged to provide legal services to the Town of Weaverville, its Mayor and Town Council, Town Manager, Town Planning and Zoning Board, Town Zoning Board of Adjustment and other employees and boards and committees as may be requested by the Town Mayor or Town Manager. Expressly excluded from the scope of my representation is any litigation defense unless specifically agreed to by me.

**Nature of Relationship:** This letter confirms our attorney-client relationship. Any communication between client and me is presumed to be confidential. By mutual agreement I serve as a part-time exempt employee working approximately 30 hours per week for 46 weeks during Fiscal Year 2017/2018, allowing for six weeks of annual leave.

**Compensation/Benefits:** Gross salary of \$55,000 per year payable bi-weekly with regular payroll; \$5,000 to be used for the Town's required match in the Local Government Retirement Systems (LGRS) (maximum of \$4,224) and NC State Bar, NC Bar Association and Buncombe County Bar Association annual fees, continuing legal education (and related travel) on municipal law topics, publications related to municipal law; otherwise, I am not entitled to any regular employee benefits. The LGRS systems requires that I must have a minimum of five (5) years participation with LGRS before being vested and entitled to receive the Town's contribution to my retirement account. In the event that Town Council discontinues or chooses not to renew my employment contract prior to my LGRS' vesting, the Town agrees that an amount equal to the Town's contributions to my retirement account will be paid out directly to me so that I receive this negotiated benefit without forcing an extension of my contract.

**Client's Right to Terminate Agreement:** The Client may terminate my representation at any time and for any or no reason by notifying me in writing.

**Attorney's Right to Terminate Engagement:** I do not contemplate that I will withdraw for any reason from this engagement. Nevertheless, certain conduct and circumstances may require me to withdraw from representation including, but not limited to the following: nonpayment of salary or other stated benefits, misrepresentation or failure to disclose material facts, significant action contrary to my advice, conflicts of interest with another client, attorney ethical obligations, personal conflict or disagreement and refusal to cooperate. Notwithstanding these particular conducts and circumstances, I reserve the right to terminate my representation of the Client at any time and to withdraw from representation in any manner and for any reason.

In the event that I elect to terminate the representation, any amounts owed to me for work previously performed remain due to me. The Client also agrees to pay a reasonable fee for any time spent on the Client's matters based upon the hours devoted by me in performing services on behalf of and at the request of the Client after the date of termination.

**Conclusion or Termination of Representation:** At the conclusion of the representation, I will take measures to close the Client's files. These measures may include maintaining a hard or digital copy of the Client's files for my records. The Client's files will be kept confidential in accordance with applicable rules of professional conduct at all times. Once these file closure measures are taken, I will contact the Client to determine whether the Client would like me to return the Client's documents, paper and property.

**Non-Guarantee:** I have not made any guarantee or promise of any kind concerning the outcome or results of any matter or any decisions by any court or administrative body.

**Acknowledgement:** If you read, understand and are in agreement with the terms of my engagement as outlined above, please sign, date and return this letter to me after you have had the opportunity to fully consider it.

I am pleased to have the opportunity to continue to work with you in service to the Town of Weaverville and welcome any questions or comments during the course of my representation.

Yours truly,

Jennifer O. Jackson

---

The foregoing letter accurately states the terms of the Town's engagement of Jennifer O. Jackson to represent the Town of Weaverville in connection with the matters and under the circumstances described above. On behalf of the Town of Weaverville in accordance with action taken by Town Council, I agree to the terms and conditions of engagement as outlined herein.

---

Al Root, Mayor

Date: \_\_\_\_\_

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer: \_\_\_\_\_

**Jennifer O. Jackson  
Town Attorney**

46 Sulphur Springs Road  
Asheville, NC 28806  
[jjackson@weaверville.nc.org](mailto:jjackson@weaверville.nc.org)  
828-442-1858

June 1, 2017

Town of Weaverville  
30 South Main Street  
P.O. Box 388  
Weaverville, NC 28787

Dear Mayor and Town Council:

Thank you for allowing me to assist the Town of Weaverville in the provision of legal services. This letter serves as confirmation of my continued appointment as the Town Attorney during Fiscal Year 2017/2018 and describes the nature and terms of the engagement and representation. If you have any questions at all about the nature and terms as described herein, please do not hesitate to contact me.

**Client:** Town of Weaverville

**Scope of Representation:** I have been engaged to provide legal services to the Town of Weaverville, its Mayor and Town Council, Town Manager, Town Planning and Zoning Board, Town Zoning Board of Adjustment and other employees and boards and committees as may be requested by the Town Mayor or Town Manager. Expressly excluded from the scope of my representation is any litigation defense unless specifically agreed to by me.

**Nature of Relationship:** This letter confirms our attorney-client relationship. Any communication between client and me is presumed to be confidential. By mutual agreement I serve as a part-time exempt employee working approximately 30 hours per week for 46 weeks during Fiscal Year 2017/2018, allowing for six weeks of annual leave.

**Compensation/Benefits:** Gross salary of \$55,000 per year payable bi-weekly with regular payroll; 6% 401(k) match which totals up to a maximum of \$3,300 based on my contribution amounts; and up to \$1,700 in NC State Bar, NC Bar Association and Buncombe County Bar Association annual fees, continuing legal education (and related travel) on municipal law topics, publications related to municipal law; otherwise, I am not entitled to any regular employee benefits.

**Client's Right to Terminate Agreement:** The Client may terminate my representation at any time and for any or no reason by notifying me in writing.

**Attorney's Right to Terminate Engagement:** I do not contemplate that I will withdraw for any reason from this engagement. Nevertheless, certain conduct and circumstances may require me to withdraw from representation including, but not limited to the following:

nonpayment of salary or other stated benefits, misrepresentation or failure to disclose material facts, significant action contrary to my advice, conflicts of interest with another client, attorney ethical obligations, personal conflict or disagreement and refusal to cooperate. Notwithstanding these particular conducts and circumstances, I reserve the right to terminate my representation of the Client at any time and to withdraw from representation in any manner and for any reason.

In the event that I elect to terminate the representation, any amounts owed to me for work previously performed remain due to me. The Client also agrees to pay a reasonable fee for any time spent on the Client's matters based upon the hours devoted by me in performing services on behalf of and at the request of the Client after the date of termination.

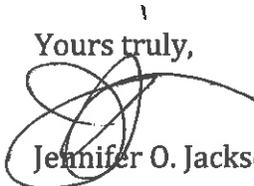
**Conclusion or Termination of Representation:** At the conclusion of the representation, I will take measures to close the Client's files. These measures may include maintaining a hard or digital copy of the Client's files for my records. The Client's files will be kept confidential in accordance with applicable rules of professional conduct at all times. Once these file closure measures are taken, I will contact the Client to determine whether the Client would like me to return the Client's documents, paper and property.

**Non-Guarantee:** I have not made any guarantee or promise of any kind concerning the outcome or results of any matter or any decisions by any court or administrative body.

**Acknowledgement:** If you read, understand and are in agreement with the terms of my engagement as outlined above, please sign, date and return this letter to me after you have had the opportunity to fully consider it.

I am pleased to have the opportunity to continue to work with you in service to the Town of Weaverville and welcome any questions or comments during the course of my representation.

Yours truly,

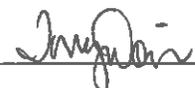
  
Jennifer O. Jackson

The foregoing letter accurately states the terms of the Town's engagement of Jennifer O. Jackson to represent the Town of Weaverville in connection with the matters and under the circumstances described above. On behalf of the Town of Weaverville in accordance with action taken by Town Council, I agree to the terms and conditions of engagement as outlined herein.

  
Dottie Sherrill, Mayor

Date: 06/01/17

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer: 

**TOWN OF WEAVERVILLE  
TOWN COUNCIL AGENDA ITEM**

**MEETING DATE:** November 20, 2017

**SUBJECT:** Discussion on Regulation of Accessory Structures within Residential Districts

**PRESENTER:** Planning Director

**ATTACHMENTS:** Photograph

**DESCRIPTION/SUMMARY OF REQUEST:**

Councilman Jackson would like to open a conversation with Town Council concerning how the Town is regulating accessory structures within residential districts.

A photograph is attached which shows a storage container being used as a storage building that was recently permitted as an accessory structure within a residential district. Staff will be available at tonight's meeting to answer questions in this regard including how the Town's Code currently addresses this use and certain statutory limitations that the Town must abide by.

**TOWN COUNCIL ACTION:**

Town Council could take action to refer this matter to the Planning and Zoning Board for review and recommendation on any text amendments that might be appropriate.





## Town of Weaverville, North Carolina

### Town Manager's Report

Selena D. Coffey, MPA, ICMA-CM

**November 20, 2017**

- 1. Christmas Parade:** As a reminder, the Christmas Parade is Saturday, December 2, 2017 at 1:00pm.
- 2. Schedule Reception for Greg Stephens & Tony Laughter:** I will be scheduling a retirement reception for Public Works Director and Police Chief in December and will notify you all when we choose the date. If any of Town Council has dates when you cannot attend, please let me know.
- 3. Citizens Academy:** The Citizens Academy has been scheduled for 2018. I have already received 9 applications.
- 4. Website:** The website is very close to completion and we anticipate going online within the next 2 weeks. I realize this project has taken longer than any of us have wanted. Please understand that our web developer has had other projects and I have not been able to make the website my priority at all times.
- 5. Candlelight Stroll:** As a reminder, the Candlelight Stroll is scheduled for Friday, December 8, at 6pm.
- 6. Building Strong Towns.** Councilman Fitzsimmons has invited Joe Minnocozzi to do a presentation on building strong towns for Tuesday, February 27 from 6-7:30pm. We will be invited the Weaverville Business Association, as well as the Planning & Zoning Board and Zoning Board of Adjustment to his presentation. We will also encourage the public to attend as well.
- 7. Employee Christmas Party:** As an additional reminder, the annual employee Christmas party will be held on Tuesday, December 5, 2017 at 6:00pm.
- 8. Update on Community Center Demolition:** We are planning on the demolition of the Community Center within the first 2 weeks of December.
- 9. Report on Budget Amendment (Required per Budget Ordinance:** I have approved a budget amendment adding \$19,607 to the Police Department budget for the Cops for Kids program.
- 10. Christmas Tree Lights:** We have entered into a contract to have our tree at the Town clock professionally illuminated this year, costing only just over \$1,600 annually. This will cost the Town only approximately \$1,000 more than we have been spending annually having the Fire Department string the lights due to the required lift equipment that we must rent.