



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, November 20, 2017**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, November 20, 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 Al Root, Vice Mayor/Councilman John Penley, Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, 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. Organization of Newly Constituted Town Council

A. Oaths of Office for Mayor & Council

Steven D. Cogburn, Buncombe County Clerk of Court administered the Oaths of Office to Council members Doug Jackson and Dottie Sherrill and Mayor Al Root.

B. Selection of Vice-Mayor

Councilwoman Sherrill nominated Councilman Penley as Vice-Mayor. Councilman Nagle seconded and all voted in favor of the selection. There were no other nominations.

3. Recognition of Outgoing Mayor Sherrill

Mayor Al Root recognized Dottie Sherrill for her service to the Town of Weaverville, and with grateful appreciation for her standing dedication and exceptional leadership as Mayor from 2013-2017, presented her with a plaque.

4. Approval/Adjustments to the Agenda

Councilwoman Sherrill made a motion to approve the agenda as presented. Councilman Penley seconded and all voted in favor of the motion.

Town Manager Selena Coffey mentioned that the October 12, 2017 Town Council Workshop minutes needed to be revised to show 20% of gross revenue, not 25% and it should say the three financing options the Town has, instead of USDA.

5. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes with the aforementioned revisions from September 12, 2017 Special-Called Town Council Workshop, October 12, 2017 Special-Called Town Council Workshop and October 16, 2017 Regular Scheduled Town Council Meeting as presented. Councilman Penley seconded the motion and all voted in favor on the approval of the minutes.

6. Consent Agenda

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

A. Monthly Tax Report – Information Only

B. Appointment to the Animal Control Appeals Board – Appointed Tina Jenkins to the Animal Control Board to serve an unexpired term ending in November 2018.

C. Set a Public Hearing on Code Amendments for December 18, 2017 at 6:00pm – Public Hearing set for December 18, 2017, at 6:00 pm

7. General Public Comment

Public comments were received as follows:

Earl Valois, 42 Loftin St., thanked his opponents for a great campaign and was very pleased with the election turn out. He appreciates the communities support and heard a lot of concerning issues that he will continue to help solve. He will still try to bring model codes, performance base management systems, good planning and transforming of leadership to our community.

Carol Comby, 412 Kyfields, commented about the large shipping container that sits adjacent to their property. She believes that the use of this structure is inappropriate for residential areas, since the lots are so small and close together. She asked Council to look into making an ordinance restricting these structures in residential neighborhoods.

Howell Smith, 111 Kyfields, commented on the large container issue as well, and would rather have Town Council allow storage units in the Town limits than allow these large containers for residential use.

Aileen Fleming, 440 Kyfields, commented that the large container is placed right on the end of Kyfields property line and is double the size of her house. She asked Council if there was anything they could do about where it was placed at.

8. Public Hearing and Action on Amendments to Code of Ordinances Chapter 36

Councilman Penley made the motion to enter into Public Hearing; Councilman Fitzsimmons seconded and all voted in favor of opening the Public Hearing.

Town Planner James Eller mentioned that on October 3rd staff relayed to the Planning and Zoning some minor revisions to the Table of Uses. All three were reviewed and unanimously recommended to Town Council for their consideration. Here are the proposed amendments 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.

Town Planner James Eller noted that the Public Hearing notice was ran in the Asheville Citizen Times on November 8, 2017 and November 15, 2017.

Councilman Nagle made the motion to close the Public Hearing; Councilwoman Sherrill seconded and all voted in favor of closing the Public Hearing.

9. Discussion and Action Items

A. Action on Amendments to Code of Ordinances Chapter 36

Mayor Al Root asked Council what action they would like to take, since we just heard the Public Hearing and there is an Ordinance draft.

Councilman Fitzsimmons made a motion to adopt the Ordinance amending various sections of Chapter 36 of Weaverville Town Code . Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council.

B. FY 2017 ABC Audit Presentation

Chairman Robert Chason presented the Weaverville ABC FY 2017 Audit to Town Council. He noted that the ABC store was performing really well and has continued to grow financially. Last year's sales increased by 8.3% and their profit distribution to the Town of Weaverville was over \$127,000 with an additional \$14,000 given to law enforcement and alcohol education. He hopes this next year they can reach \$3 million in sales.

C. Police Department Report – Police Chief Greg Stephens presented the Weaverville Police Departments Quarterly Report for August – October 2017. The quarterly report is attached.

D. Fire Department Report – Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for August – October 2017. Also, Chief Williams mentioned that the Weaverville Fire Department just completed a project with Duke Energy to become 100% LED lighting and should over the life of this equipment see a 30% reduction in overall energy usage. The quarterly report is attached.

E. Budget Amendment: WR-Martin Contract for System Development Fees

Finance Officer Tonya Dozier mentioned that at Town Councils meeting on October 16, 2017, they approved a proposal from WR-Martin to provide professional services that the State requires in order for the Town to legally charge Water System Development Fees. The amount of the contract for these services is \$17,500 and will be paid through the Appropriated Water Fund Balance as shown in the Budget Amendment.

Councilman Penley made a motion to approve the Budget Amendment . Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council.

F. Tax Releases

Finance Officer Tonya Dozier mentioned that there were three tax releases that Town Council needed to take action on. One tax release is Buncombe County doubled billed property owned by Shakamar Investment Group, LLC and the other two releases are for Craig Byers personal boat, which was not located within Town limits in 2015 and 2016.

Councilman Nagle made a motion to (1) release \$145,900 in valuation from Shakamar Investment Group, LLC from 2017 tax year, so that \$554.42 can be released from the 2017 levy; (2) release \$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 release; and (3) release \$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 . Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

G. Non-Budgetary Revision Town Attorney Contract

Town Attorney Jennifer Jackson requested from Town Council for a non-budgetary revision to her contract. Since the Town employs her for more than 1,000 hours per year, it is mandatory that she participates in the Local Government Retirement System. This merely changes the allocation from 401(k) to Local Government Retirement System.

Councilwoman Sherrill made a motion to approve the attached contract containing the revised language . Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.

H. Discussion related to Accessory Structures within Residential Districts

Town Planner James Eller discussed statutory limitations placed upon local jurisdictions by State statute. He mentioned that the General Assembly of the State of North Carolina will not allow a local jurisdiction to legislate design standards on structures that are subject to the North Carolina building code. Before he issued the permit, he reached out to Buncombe County Permit and Inspections, School of Government, emailed listserv and other jurisdictions in the county, who all agreed that this was exempt by State Statute.

Councilman Jackson commented that he has spoken with the Town Planner, Town Attorney, Town Manager and Planning and Zoning Board Chairman Doug Theroux and nothing could be done. He would like to refer this to the Planning and Zoning Board to explore thoroughly and in depth, so that they can come back with some recommendations to minimize the visual impact on the residents.

Mayor Al Root stressed that staff can only enforce the law as it is written. However, as for the particular matter that is present, if someone disagrees with the decision by Town Planner James Eller, it would be appealed to the Zoning Board of Adjustment not Town Council.

I. Schedule December Workshop

Mayor Al Root scheduled a Town Council workshop for December 12, 2017 at 5:30 pm at Town Hall to organize meeting times and a visioning process going forward.

10. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including Town of Weaverville's Christmas Parade is December 2, 2017 at 1pm, Police Chief Greg Stephens and Public Works Director Tony Laughler have announced their retirement and the Town will schedule a reception to honor them, the Town is taking applications for Citizens Academy and has already received 12, the demolition process for the Lake Louise Community Center is scheduled for December 5, 2017, the Town has entered a contract to have the Christmas Tree Lights be professionally illuminated this year with new lights and ornaments, and Town Manager Coffey wished everyone a Happy Thanksgiving.

11. Closed Session

Councilwoman Sherrill made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney 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 Penley seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

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

12. Adjournment

Councilman Penley made the motion to adjourn; Councilman Jackson seconded and all voted to adjourn the Council's meeting at 7:50 p.m.


Derek K. Huninghake, Town Clerk