

## MINUTES

TOWN OF WEAVERVILLE  
STATE OF NORTH CAROLINA

TOWN COUNCIL REGULAR MEETING  
MONDAY, AUGUST 21, 2017

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, August 21, 2017, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present: 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

Mayor Dottie Sherrill mentioned to delete item 3C (7/25/17 Town Council Workshop minutes) from the minutes to be approved and add the final plat to item 8D on the Consent Agenda.

*Councilman Penley made a motion to approve the agenda with the aforementioned revisions.*

*Councilman Jackson seconded and all voted in favor of the motion.*

### 3. Approval of Minutes

*Councilman Penley made the motion to approve the minutes from June 27, 2017 Joint Meeting of Town Council & Planning and Zoning Board and July 17, 2017 Town Council Regular 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 Planner James Eller, Town Attorney Jennifer Jackson and the Planning and Zoning Board for all their hard work on the proposed Table of Uses. This has been a long process going on for a few months and the whole time they have continued to keep this as an open transparent process for the community. Our history shows that having the communities input in this process is very beneficial.

### 5. General Public Comment

Public comments were received as follows:

Earl Valois, 42 Loftin St, commented that he feels that he has a lot to offer the Town of Weaverville and will be running for Town Council this year. He has served on numerous National Committees and was a volunteer on the zoning board for his local neighborhood. He helped the State of Louisiana implement a Health and Wellness Fitness Program in New Orleans and would like to open dialogue to

the Public Safety Officers because he understands how much that they have to do. Mr. Valois thanked Town Council for their service and everything they do.

#### **6. Public Hearing on Voluntary Annexation Petition submitted by Shakamar, LLC and R-2 Zoning Request**

Town Attorney Jennifer Jackson gave a brief overview before Town Council went into Public Hearing. The Town of Weaverville received a voluntary annexation petition by Shakamar Investment Group, LLC for a 7.78 acre parcel of land off Reems Creek. They are requesting R-2 initial zoning with plans for a 21 single family home subdivision. There are no vested rights on this project, so this will be handled in accordance with the Town of Weaverville's Subdivision Ordinance.

*Councilman Penley made the motion to enter into public hearing; Councilman Nagle seconded and all voted in favor of opening the public hearing.*

Earl Valois, 42 Loftin St., commented that he knows he has been talking about model codes and trying to get the Town of Weaverville to adopt them, but one of the guidelines under the model codes for an initial annexation is to start with a conservative 1A residential area and adjust it later.

Councilman Nagle commented that this subdivision is going to be less dense than if it were in R-1, since they are only building 21 single family homes.

Town Planner James Eller mentioned that Town Council needs to take into consideration all things that would be permissible within the R-2 zoning district. The R-2 zoning district allows for duplexes and multi-family housing with the minimum lot size being 2500 sq. ft. less than in R-1.

Tim Brigman, Owner of Shakamar, LLC, commented that he is the owner and builder of the property that is being discussed and is available for any questions Town Council may have. Town Council had no questions.

*Councilman Jackson made the motion to close the public hearing; Councilman Fitzsimmons seconded and all voted in favor of closing the public hearing.*

*Councilman Jackson made a motion to adopt the proposed annexation ordinance. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.*

*Councilman Dearth made a motion to adopt the ordinance establishing an initial R-2 zoning classification for the property. Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.*

#### **7. Public Hearing on Code Amendments Related to the Table of Uses**

*Councilman Nagle made the motion to enter into public hearing; Councilman Penley seconded and all voted in favor of opening the public hearing.*

Earl Valois, 42 Loftin St., discussed the history on model codes so that it might be understood a little better. Model codes started in the 1990s because of three major building construction codes then consolidated into the International Code Council. The first zoning model code came out in 1998 and every three years they get readjusted. It covers zoning identification, conditional uses and has guidelines for any subject matter in order to put the correct zoning in those areas. It is a very comprehensive plan including four residential zones with eight subdivisions, four commercial zones

and three agricultural plans. Mr. Valois thanked Town Council for their time and hopes they consider looking into model codes next time or in the future.

Town Attorney Jennifer Jackson mentioned that she would like to give a recap of some of the comments that Town Council has heard over the series of community input meetings, since it will be important to note the modifications to the ordinance that was originally proposed to what is proposed for adoption at the close of the Public Hearing tonight.

Town Planner James Eller started off by mentioning that due to the scope of this exercise that Town Council undertook many months ago, it is important to go over one more time what we are trying to accomplish here. There is a section within our code presently that states, "it is the intent of this article that any use or class of use, not specifically permitted in a particular use district set forth such use shall be prohibited in that district". This is not permissible under North Carolina law and as the Zoning Administrator; he is tasked with finding the next closest use and applying those standards to the application. This particular set of legislation does a couple of things to address this issue by increasing the number of uses specified by the code from 55 to 78 and the number of uses permitted with additional standards from 3 to 23. Secondly, this language transitions the Town of Weaverville from special use permits into conditional zoning districts.

Town Attorney Jennifer Jackson briefly covered all the changes that have been applied within the 146 page amendments in the ordinance which are listed below. The Planning and Zoning Board did provide Town Council a unanimous favorable recommendation on these amendments, which included several typographical changes.

- Mr. Valois suggested that a more efficient way to approach this is to fall back on International Zoning Codes. Town Council thanked him but said at this point we are too far along to start over.
- Changed the name from boarding house to bed and breakfast.
- Staff's recommendation on a change to clarify minimum acreage for farms as usable acreage for livestock, excluding impervious surfaces.
- Mr. Theroux asked that the definition for noxious use be changed to include "including, but not limited" within the definition.
- Under Section 36-12 – Street Access, the sentence was changed to read "any lot in the C-2 general business district used for commercial purposes shall have its primary access upon the street on which it fronts".
- Child care homes was changed to permitted with standards in R1, R2, and R3
- Tattoo Parlors are permitted in C-2 and I-1
- Agriculture run off management practices added in the agricultural neighborhood and agricultural commercial uses
- Mobile Food Vendor standards were amended to being allowed in C-1 only in conjunction with a special event permit

Town Attorney Jennifer Jackson thanked the Planning and Zoning Board for all their hard work. They have put in countless hours of volunteer time and have held themselves accountable to some pretty high standards on transparency and accountability. She did mention to Town Council that if they still have any questions in their mind, it would be best to continue the Public Hearing out to another date so we don't have to start the notice procedure over again.

*Councilman Fitzsimmons made the motion to closed the public hearing; Councilman Jackson seconded and all voted in favor of closing the public hearing.*

*Councilman Jackson made a motion to adopt the proposed ordinance. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.*

## **8. Consent Agenda**

*Vice Mayor/Councilman Penley moved for the approval of the consent agenda. Councilman Dearth seconded the motion and all voted unanimously to approve all action requested in the consent agenda as follows:*

- A. FY 16-17 Tax Collector's Settlement Report; Approval of Bond Amount for Tax Collector; FY 17-18 Tax Order for Collection** - *approval of the resolution approving the tax collector's settlement, approval of the resolution setting bond amount for the tax collector, approval of resolution adopting the order for collection and charging the tax collector for the collection of taxes for FY 2017/2018.*
- B. Local Government Employees Retirement System (LGERS) Contract** - *approval of contract.*
- C. Budget Amendment: Re-appropriation for McGill Water Study Fee** - *approval of the budget amendment.*
- D. Final Plat Approval and Waterline Acceptance for Lillie Farm Cove** - *approval of the final plat; acceptance of the waterlines with a \$8,500 in repair guarantee amount and authorization for staff to finalize documents for recording.*

## **9. Discussion and Action Items**

### **A. Engineering Report on Water Plant Expansion**

Town Manager Selena Coffey mentioned that since Keith Webb from McGill Associates wasn't present to discuss the Engineering Report that Public Works Director Tony Laughter would cover the highlights of the report. She also recommended that Town Council give direction to add this to their scheduled workshop on September 12, 2017 so at that time someone from McGill Associates can join them.

Public Works Director Tony Laughter mentioned that this study does show our concerns were on mark and has brought about some new light. The Water Treatment Plant is able to withdraw 1.5 million gallons a day from the river, but that doesn't mean that there is 1.5 million gallons available to sell. The water used in processing and analyzing is waste water that they aren't able to sell. The demand projection without surface area expansions shows that the average daily flow is 682,000 gallons a day. It has been an extremely wet year so the water usage is off, but the key number to look at is peak day demand which is based on 1.35 million gallons a day. Back during the drought, the Town ran at peak day demand for 21 straight days. By law you are required to be able to cover peak day demands. Mr. Laughter also point out that the study shows that in 2025, we will reach our peak day capacity. But if the Town decided to expand the surface area, we will reach the peak sooner than it shows. As far as looking at the Ivy River for support, they didn't even look at the 4.5 million gallons per day because the 7Q10 showed that at 3 million gallons a day, we were already going to be above the 20 percent stream flow. A 7Q10 is the lowest 7 day flow over a 10 year period. In order to double the plant to 3 million gallons a day, the study shows it would cost around \$7.5 million. This includes \$1.33 million for 13,000 linear of 12" duck pipe.

Councilman Nagle asked about the original 7Q10 data that came online twenty years ago stating that the amount the Water Treatment Plant could pump from the Ivy River could be quadrupled. Public Works Director Tony Laughter said that the drought we had really affected those calculations and the change in regulations did as well.

Councilman Jackson asked if the required aquatic study would be conducted by the Department of Natural Resources or the Wildlife Commission, and wondered how long this process would take. Public Works Director Tony Laughter said that we would have to hire a firm that would compile a 100 year history and then present to us the yield that we are able to take out of the Ivy River. McGill Associates has used a firm before for the Brevard Water Supply in Transylvania County, who is very reputable. However, he doesn't know exactly how much that would cost or how long it would take.

Consensus was made by Town Council to discuss this item further at the scheduled Town Council workshop on September 12, 2017.

### **B. Board Appointment**

Mayor Dottie Sherrill recommended to Town Council the following names and terms for reappointment or appointment starting in September 2017.

- Robert Chason, Three year term to the ABC Board
- Doug Theroux, Two year term to the Planning and Zoning Board
- Peter Stanz, Two year term to the Planning and Zoning Board
- Tyker Lewis, Three year term to the Zoning Board of Adjustments
- Roger Parkin, Three year term to the Zoning Board of Adjustments
- Steve Warren, Three year term to Planning and Zoning Board as alternate

*Councilman Nagle made a motion to accept the mentioned Board appointments for the terms noted. Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.*

### **C. Update on Lake Louise Community Center**

Town Manager Selena Coffey gave a brief overview of how we have gotten to this point. During the budget process Town Council appointed an Ad Hoc Committee to study the utilization of the Lake Louise Community Center. The committee consists of members from the Weaverville Tailgate Market, Weaverville Business Association and Lake Louise Preservation Association, and includes Vice Mayor/Councilman Penley and Councilman Nagle. The next Ad Hoc meeting will be held on August 29, 2017 at the Lake Louise Community Center and Regional Consultant Judy Francis from the North Carolina Parks and Recreation Trust Fund will be attending to discuss the conditions for applying for the grant. If the Town of Weaverville is awarded the grant, they would have to match up to \$500,000 dollar for dollar.

Councilman Nagle mentioned that at the moment the opinion is that the building needs to be torn down, since the newest part of the building is from 1955. The scheduled Ad Hoc meeting coming up will help us find out if the building needs to be torn down first or what is the best path for applying for the grant.

Town Manager Selena Coffey mentioned that having spoken with Judy Francis several times, her recommendation is that the Town of Weaverville come in with an application of a brand new site. The review board that looks at these grants feels that there is a more efficient and less expensive process if

you start from the ground up, instead of trying to renovate something that was built in the 1930s and not ADA compliant. Ms. Coffey provided a timeline to Town Council for the Lake Louise Community Center construction and proposed that they consider authorizing staff to go ahead with the demolition process. This grant application process is a pretty significant process for the Town and staff. These grants are not easy to get, but she feels very certain that we can get one. Everything will have to be completed according to the scoring schedule in order to make this happen, which includes making a master recreation plan. She does have a quote for someone who can do a part of this master plan, but she believes that our staff can do a large part of it. Ms. Coffey told Town Council to take it very seriously when she asks them to authorize staff to begin the demolition process because as shown in the timeline, construction for the new community center won't begin until February 2019. Also, they need to consider that if they go ahead and commit to this project that the Town may or may not get the grant. Attached is the timeline that was handed out.

Councilman Jackson commented that he is very supportive of the project, but he would like a short recap of what the facilities provide.

Public Works Director Tony Laughter discussed the drawing sketches he has been working on for the new community center. The concept is to have multiple kitchens so that three separate venues can be used at the same time. All of which would be trying to take advantage of Lake Louise and the view. He is trying to make sure that the new structure has similarities and is reminiscent to the previous structure. He is also trying to make sure it fits into the landscape and compliments the neighborhood, so that it doesn't just look like a commercial building. It will consist of four different multi-purpose rooms, one large multi-purpose room, a covered deck out front with a full wrap around porch and a pavilion with a fire place.

*Councilman Jackson made a motion to apply the \$25,000 budgeted for the Lake Louise Community Center project for demolition and planning and to proceed with the demolition . Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.*

#### **D. Discussion of Eller Cove Watershed Easement Proceeds**

Town Manager Selena Coffey mentioned that earlier this year the easement was signed for the Eller Cove Watershed and the Town of Weaverville received \$550,000.

Councilman Jackson mentioned that he wondered about the dam on the property and had briefly discussed it with Public Works Director Tony Laughter.

Public Works Director Tony Laughter said that the dam is as sound as it can be. The base of it is really thick and attached in bedrock. The water doesn't meet the dam requirements for inspection so it isn't a concern for the Town of Weaverville. Mr. Laughter said in his personal opinion, he believes that the Town should remove the tanks, clean the property up and offer it for sale. There are some buildings and structures up there that would need to be removed, which would have some cost associated with it. However, the three acres with a quarter acre pond would be more valuable than without the pond.

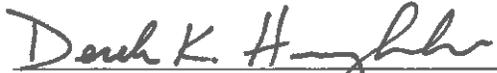
*Councilman Nagle made a motion to assign the \$550,000 from the Eller Cove Watershed to the Lake Louise Community Center project . Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.*

## 10. Town Manager's Report

Town Manager Selena Coffey presented her manager's report to Council including that the 9/11 Memorial Observance will be at 12 pm, staff is still working on the provisions to personnel policy, the new Town website should be completed by mid-September, Town Council has a workshop on September 12 at 5:30 pm at the Fire Department, she has spoken with BCBS and Mission Hospital about insurance benefits, and Buncombe County has allowed Dry Ridge Museum to stay below the library for as long as they need.

## 11. Adjournment

*Councilman Fitzsimmons made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 7:25 p.m.*

  
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DEREK K. HUNINGHAKE, Town Clerk

