

TOWN OF WEAVERVILLE

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

**SPECIAL-CALLED MEETING AGENDA:
PUBLIC HEARINGS
March 19, 2018**

6:15pm:
Text Amendments: Additional Standards
for Accessory Structures and Storage
Containers

6:30pm:
Text Amendments: Mobile Food Vendors

REGULAR MEETING AGENDA

**March 19, 2018 at 7:00pm
Town Council Regularly Scheduled Monthly Meeting**

- 1. **Call to Order** Mayor Root
- 2. **Approval / Adjustments to the Agenda** Mayor Root
- 3. **Approval of Minutes** Mayor Root
 - A. February 3, 2018 Town Council Special-Called Meeting Minutes
 - B. February 26, 2018 Public Hearing Minutes
 - C. February 26, 2018 Town Council Regular Meeting Minutes
 - D. February 27, 2018 Town Council Special-Called Meeting Minutes
- 4. **Consent Agenda**
 - A. Approval of Rules of Procedure for Planning & Zoning Board Town Attorney
 - B. Proclamation Recognizing April 3, 2018 as National Service Day Mayor Root
 - C. Monthly Tax Report Town Manager
 - D. Tax Release Finance Officer
 - E. Road Closure Ordinances for July 4th Celebration and Music on Main Events Town Manager
 - F. Resolution Appointing the Mayor and Town Council as the Tree Board Town Attorney
 - G. Proclamations concerning Arbor Day and Earth Day Town Manager
 - H. Appointment to the MPO Board Mayor Root
- 5. **Community & Employee Recognition**
 - A. National Service Day Proclamation Presentation to Richard Lee Mayor Root
 - B. Firefighter Dustin Thompson Town Manager
- 6. **General Public Comments**
- 7. **Discussion & Action Items:**
 - A. Presentation of Community Center Conceptual Plan Town Manager
John Legerton, AIA
 - B. Action on Amendments to Code of Ordinances concerning Accessory and Temporary
Structures Town Planner
 - C. Action on Amendments to Code of Ordinances concerning Mobile Food Vendors Town Planner
 - D. Adoption of the Parks & Recreation Master Plan Town Manager

E.	Code Amendments regarding Parks and Recreation, Chapter 18	Public Works Director Town Attorney
F.	Amendments to Personnel Policy: Whistleblower Policy, Grievance Policy and Disciplinary Procedures	Town Attorney Town Manager
G.	Public Works Quarterly Report	Public Works Director
8.	Town Manager's Report	Town Manager
9.	Adjournment	Mayor Root

TOWN OF WEAVERVILLE

PUBLIC HEARING

Date of Meeting: Monday, March 19, 2018

Subject: Proposed Amendment of Code Related to the Additional Standards Placed upon Accessory Structures and Temporary Uses

Presenter: Planning Director

Attachments: Proposed Amendment to Chapter 36-134 – Temporary Use and Creation of Chapter 36-138 Accessory Structures, Recommendation of the Planning and Zoning Board

Description:

On Thursday, December 7, Tuesday, January 2 and Tuesday, February 6 the Planning and Zoning Board reviewed and discussed possible regulations at the request of Town Council which could possibly prohibit the use of a storage container as an accessory structure within residential zoning districts.

At the conclusion of its deliberations on February 6, the Planning and Zoning board voted unanimously on a set of regulation related to accessory structures and storage containers as temporary uses.

Action Requested:

Staff is seeking the conduction of the requisite and duly advertised public hearing for a possible amendment of the zoning code.



Table of Uses
Proposed

Accessory Structures, permitted with standards in all zoning districts

Miscellaneous Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Accessory Structures	PS	PS	PS	PS	P	P	P
Adult Establishment	-	-	-	-	-	C	C
Agriculture - Commercial	-	-	-	-	PS	PS	PS
Agriculture - Neighborhood	PS						
Crematories	-	-	-	-	-	-	C
Event Center	-	-	-	-	C	C	C
Gaming Terminals						PS	PS
Mixed-Use Building or Structure	-	-	-	C	C	C	-
Noxious Uses	-	-	-	-	-	-	C
Tattoo Parlors	-	-	-	-	-	P	P

Definition:

Accessory structure. A structure that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located.

Additional Standards:

Chapter 36, Article V Additional Use Standards, Section 36-138 Accessory Structures

- A. The footprint of accessory structures within any residential zoning district shall not exceed the following maximum footprint(s).

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

1. The footprint of any structure defined as *dwelling – secondary* shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-124.
 2. The footprint of any accessory structure implemented with any use defined as *agriculture – commercial or agriculture – neighborhood* shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-120 and Sec. 36-121.
- B. Accessory structures shall not exceed the height of the primary structure **and in no event exceed 25 feet.**
- C. Accessory structures, ~~on a non-corner lot,~~ shall only be located within the side or rear yard of the primary structure and shall only be permitted within the setbacks established by the applicable zoning district.
- D. ~~Accessory structures, located in the rear or side yard of a corner lot and where such yards are adjacent to the front yard of a neighboring lot, shall plant and maintain a ten foot buffer as defined herein in order to minimize visual impacts, mitigate light and noise trespass and to protect the privacy of neighbors.~~
- E. Accessory structures providing common facilities for residential developments, including but not limited to a clubhouse, mail receptacle facilities, pool house, rental or property management office, shall not be subject to the footprint limits established by Sec. 36-139A and location requirements established by Sec. 36-139D.



Table of Uses
Proposed

Temporary Uses, permitted with standards in all zoning districts

Temporary Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Farmers Market	PS	PS	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	PS	PS	PS
Temporary Use	PS	PS	PS	PS	PS	PS	PS

Definition:

Storage container. Any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside of an enclosed building other than an accessory building or shed which complies with all applicable building and land use requirements.

Temporary structure. A structure intended to serve a specific event and to be removed upon the completion of that event. This term includes, but is not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, and other impermanent devices, which do not involve grading or landform alteration for installation, and which are not permanently affixed to the ground.

Temporary use. An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.

Additional Standards:

Chapter 36, Article V Additional Use Standards 36-134 Temporary Uses

- A. Temporary uses or structures may be permitted summarily in conjunction with a Special Event Permit issued by the Town Manager as described by Section 16-6 Special Events.
- B. ~~Construction offices and storage containers or facilities may be permitted provided the structure(s) are placed within the setbacks established by the applicable zoning district and a sunset date is established at which the structure(s) shall be removed from the property. Such structure(s) shall be directly related to the development of a lot and shall be permitted via a zoning permit obtained from the Zoning Administrator. When utilized in conjunction with any construction or renovation on the same parcel of land, storage containers shall only remain on the property for the duration of construction.~~
- C. Temporary vendors may be permitted only one structure which may not exceed 1,500 square feet. Temporary vendors operating in the parking lot associated with a primary use must not cause nonconformity with the parking requirements of this chapter. Temporary vendors may only operate in zoning districts in which general retail is also permitted. Those conducting yard sales on a property where they currently reside shall not be considered temporary vendors.
- D. Portable and on demand storage containers located within residential zoning districts are permissible for a period of 14 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.
- E. Portable and on demand storage containers located within commercial or industrial zoning districts are permissible for a period of 60 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.



Town of Weaverville Planning and Zoning Board

On November 20, 2017, Town Council asked the Planning and Zoning Board and staff to work on zoning ordinance provisions related to the use of storage containers as accessory structures within residential districts. To that end the Planning and Zoning Board has spent a good portion of each of its last three meetings on this matter. The Planning and Zoning Board is now forwarding the attached amendments to Town Code to Town Council and, through a unanimous vote of the Planning and Zoning Board, recommends Town Council's adoption of same.

While the Board and staff have spent considerable time and effort in attempting to draft regulations that would have lessened the impact of the storage container now located on 34 Salem Road which affects the view from Kyfields, the amendments to Town Code that are recommended reflect the regulatory limitations that North Carolina law imposes on residences and their accessory structures (specifically NCGS 160A-381(h)). In other words, recommended regulations could not have prevented the placement of the storage container at 34 Salem Road. Landscape buffering, which is allowable, was discussed thoroughly; however, the Planning and Zoning Board found that any requirement that would have required landscape buffering for the storage container at 34 Salem Road would have to have been written so broadly that it would have required landscape buffers for essentially every storage container within residential districts in Town. The Planning and Zoning Board determined this to be too much regulation to be reasonable for Weaverville and dropped the landscape buffering from its recommended regulations.

The Board believes that the recommended regulations are consistent with the Town's Comprehensive Plan, reasonable and in the public interest in that the regulations better protect the residential communities within the Town by providing location, bulk and height restrictions on accessory structures within residential districts.

Doug Theroux

Doug Theroux
Chairman, Planning and Zoning Board

TOWN OF WEAVERVILLE

PUBLIC HEARING

Date of Meeting: Monday, March 19, 2018

Subject: Proposed Amendment of Code Related to the Additional Standards Placed upon Mobile Food Vendors

Presenter: Planning Director

Attachments: Proposed Amendments to Chapter 36-130 – Mobile Food Vendors, Recommendation of the Planning and Zoning Board, Statement from WBA

Description:

On Tuesday, January 2, 2018 the Planning and Zoning Board reviewed an application for a zoning text amendment which called for the reduction in footage a mobile food vendor may be placed adjacent to an existing residential structure within a residential zoning district and the elimination of a requisite special event permit for any mobile food vendor to be placed in the C-1 Zoning District. The Board felt that issues such as parking, permitting, hours of operation and access to restrooms should be addressed in order for mobile food vendors to be considered in the C-1 Zoning District and instructed staff to craft language reflective of their concerns.

On Tuesday, February 6, 2018 the Board again reviewed the aforementioned application which was submitted for their consideration again in conjunction with additional language crafted by staff. At the conclusion of this meeting, the Planning and Zoning Board voted to unanimously recommend the proposed amendments to the additional standards placed upon mobile food vendors.

Action Requested:

Staff is seeking the conduction of the requisite and duly advertised public hearing for a possible amendment of the zoning code.



Proposed Table of Uses
Proposed

Mobile Food Vendors, Permitted with Standards in C-1, C-2, I-1

Temporary Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Farmers Market	PS	PS	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	PS	PS	PS
Temporary Use	PS	PS	PS	PS	PS	PS	PS

Definition:

Mobile Food Vendor. Any mobile food unit, pushcart or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption of food and beverages. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.

Additional Standards:

Chapter 36, Article V Additional Use Standards, Sec. 36-130. – Mobile Food Vendors

- A. No waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system, or other public spaces.
- B. Mobile food vendors:
 - 1. shall be situated at least ten feet from all property lines, **excepting those separating contiguous parcels under common ownership**, and
 - ~~2. shall be situated at least ten feet any road right-of-way and~~
 - 3. shall not encroach onto any street or sidewalk and
 - 4. shall not obstruct any loading zone **or handicapped** parking space **made requisite by Article VII of Chapter 36.**
 - 5. shall not create a sight line obstruction
 - ~~6. This These requirements shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property.~~
- C. Mobile food vendors shall be located at least ~~200~~ **150** feet from any **primary** residential structure located within the R-1, R-2 or R-3 Zoning District.

- D. Mobile food vendors shall not be located within ten feet of any fire hydrant.
- E. Hours of operation shall be consistent with ~~7am to 10pm~~ the hours of operation of the principal building or use of the property on which the mobile food vendor is located but in no instance shall such hours exceed 7am to 11pm. ~~This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property. Such hours may be established in conjunction with the special event.~~
- F. ~~In no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land.~~
- G. Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation. Municipal waste receptacles shall not be used.
- H. In addition to signage displayed directly on the vehicle, one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or 8 square feet of surface area, ~~is permitted~~. Such a sign shall be placed within ten feet of the mobile food unit ~~and shall only be displayed during hours of operation.~~
- I. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.
- J. Mobile food vendors are only permitted ~~in the C-1 Zoning District~~ on public property, including but not limited to any real property, parking spot or lot, or road or right-of-way under municipal or state control and ownership in conjunction with the issuance of a special event permit. ~~Mobile food vendors operating in conjunction with a special event permit issued by the Town of Weaverville are not subject to these regulations but are governed by the conditions placed upon the permit for approval.~~
- K. Such a use is also subject to standards of the Buncombe County Health Department as it relates to the permitting, inspection and grading of all regulated food service establishments.
- L. ~~A Zoning Permit is required for each parcel which proposes to establish a mobile food vendor. The fee for said permit may be found within the schedule of fees.~~



**Town of Weaverville
Planning and Zoning Board**

On January 2, 2018, the Planning and Zoning Board reviewed the current provisions of the Town Code related to standards for mobile food vendors and considered an application for a text amendment which proposed amendments thereto. At the request of both the applicant and the Board the matter was continued to February 6, 2018, at which time the Planning and Zoning Board heard from several members of the public and continued its review and discussion on the matter.

On February 6, 2018, the Planning and Zoning Board voted unanimously to recommend Town Council's approval of the attached amendments to Town Code related to the regulation of mobile food vendors.

The Board believes that the recommended regulations are consistent with the Town's Comprehensive Plan, reasonable, and in the public interest in that the regulations provide a balance between protecting the residential districts and encouraging a wide range of commercial businesses necessary for a thriving economy within the Town.

Doug Theroux

Doug Theroux
Chairman, Planning and Zoning Board



WEAVERVILLE BUSINESS ASSOCIATION

PO BOX 1636, WEAVERVILLE, NC 28787

Mission Statement
The Weaverville Business Association is committed to fostering a thriving Weaverville business community.

President
Beth Mangum
Mangum Pottery

Vice-President
Jennifer Jenkins
Miya Gallery

Secretary
Julie Jensen
Echoview Fiber Mill

Treasurer
Nathan Snider
Nathan Snider, CPA

Board Members

Carla Mitchell
Art Accents

Bill Boughton
Edward Jones

Paul Tierney
Weaverville Realty

Weaverville Business
Association
P.O. Box 1636
Weaverville, NC 28787

www.visitweaverville.com
visitweaverville@gmail.com

Town of Weaverville
ATTN: Town Council and Planning & Zoning Board
30 S. Main Street
Weaverville, NC 28787

February 21, 2018

To Whom It May Concern:

The Weaverville Business Association is aware that there is an issue before the Planning and Zoning Board regarding food trucks in Weaverville.

While some of our members may have already formed and/or expressed an opinion about food trucks in Weaverville, **the WBA does not have a position on this issue at this time.**

Sincerely,
WBA Board of Directors



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Saturday, February 3, 2018**

The Town Council for the Town of Weaverville met for a special called meeting and retreat on Saturday, February 3, 2018, at 9:00 a.m. within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier and Public Works Director Dale Pennell.

Citizens in Attendance: Doug Dearth, Earl Valois and Sylvia Valois

1. Call to Order

Mayor Root called the meeting to order at 9:00 a.m.

2. Introduction

Mayor Root welcomed everyone to the Council retreat and discussed some minutes that Town Manager Selena Coffey had found from a Council retreat five years ago. In those minutes, Council discusses initiating contact with Mars Hill about water issues and regional approaches, and early discussion about the UDO that was on the horizon. Two things he took away from these minutes were how easy it is to talk about things and never follow up on them and the importance in prioritizing. He wants Council to try and be careful with prioritizing and stay on topic and take advantage of all this valuable time.

Town Manager Selena Coffey started off by thanking staff for setting up the room and organizing the food, and then introduced Justin Hembree, Executive Director of Land of Sky Regional Council. She has known Mr. Hembree for a long time and worked with him in Henderson County on strategic planning. Town Manager Coffey mentioned how fortunate the Town was to have a Council of government that has been very helpful in the master plan for Parks and Recreation.

Mr. Hembree thanked Council for allowing Land of Sky and him to facilitate the retreat. He will be facilitating conversation and keeping the retreat moving along by asking the right questions but wants Council to remember that this is their retreat so they can take it in any direction that the discussion may follow.

3. Overview

Mr. Hembree mentioned that the main purpose of today was for Town Council to work on strategic planning. In doing this, they will develop an approach to go back and discuss values, develop a vision for a certain period of time and SET PRIORITIES. Today through facilitated discussion, Council will develop a consensus on the main priorities for the Town of Weaverville now and in the future, and what needs to be focused on in the short term and long term. He did mention that long term strategic planning is really important, but due to elections in local

government priorities change so setting a short term priority checklist is very helpful in achieving long term expectations.

Councilman Nagle mentioned that he struggles with the cycle that every two years there is an election and the chances of staying the same are limited. He was very interested to hear how you become successful with such a short window because of elections, so everything needs to be done before change.

Councilman Jackson commented that he remembered the retreat five years ago and the Town hired a consultant to guide the meeting, but due to political differences it didn't work out. He believes that if you have a vision, don't try to bring everything along at one time. Also, citizen involvement is severely crucial with developing a vision for the Town because Council members often change so they are the ones that give the direction of the town.

Mayor Root mentioned that you can't entirely void long term goals because you have to have something that you're working towards. He agrees that the Town needs to get the community more involved and aware of what is going on with the Town of Weaverville.

Earl Valois commented that anytime you add any kind of occupancy, business or apartment complex it will have adverse effects. The main focus as a city should be critical infrastructure and key resources. There are model codes for streets and how to maintain them. We need to have a master plan for 20 years and prepare for any issues that may arise like how new occupancy will affect the departments infrastructure.

4. Envisioning the “perfect” Town of Weaverville in 3-5 years and 20 years

Town Council was tasked with writing down what they envisioned to be the “perfect” Town of Weaverville in 3 to 5 years (short term) and 20 plus years (long term). Some of the main items discussed by Council in short term were to keep the Town's current charm, coordinate and cooperate with neighboring jurisdictions on land use, plan for the growth and resolve access to 240. The main items mentioned in long term were to have a balanced community and land uses, adequate infrastructure and services, housing for all income levels, vibrant parks and a vibrant entrepreneurial atmosphere. The complete list of all the main focuses in short term and long term is attached.

5. Current Plans

Councilman Jackson noted that there are a couple longer term priorities in the works right now at different stages. Currently, the Town is in the process of having a study conducted to help address the expansion of the Water Treatment Plant, and will need involvement from the community over the next 10 to 15 years. The Town is also in the early process of developing a new community center, which the community can identify more with and be more involved.

Councilman Nagle commented that the first four items on the short term list are already in the works or exist being that Town has contributed to the Greenway Connect this year, there are housing developments being established, Lake Louise Community Center and we already have thriving businesses on Main St.

Mayor Root mentioned that there has already been a waterline extended to Mars Hill so there is that opportunity for future growth.

6. Challenges/ Obstacles

Each Council member discussed the main challenge or obstacle they see to achieving the perfect Weaverville.

Councilman Fitzsimmons mentioned that he believe state legislators are a big challenge to re-establishing ETJ.

Councilman Jackson added that the Town has small land area left. Look at voluntary annexation.

Councilman Nagle noted that the community having a stuck in the past attitude is a big challenge.

Councilwoman Sherrill thinks that the water/sewer availability is a very important.

Mayor Root commented that his main challenge would be unifying the North Buncombe County. It will require buy-ins by neighboring jurisdictions.

Other challenges that were mentioned were increasing infrastructure support (Police, Fire, and Public Works Department) as the Town grows, childcare and engaging with the younger demographic to get them more involved.

7. Strategic Plan

The main priorities that Town Council envisioned for a perfect Weaverville were to keep out small town character, build relationships with legislatives and local leaders, develop consensus for water growth so we stay consistent, expansion of WTP, re-establishing the ETJ and identify our best assets and capitalize on them. Here is a list of ways Council could achieve these priorities.

1. Create a statement/policy for annexation and utility extensions for water
2. Explore relationships with North Buncombe, MSD, General Assembly and Local Municipalities
3. Focus on the area that is available for growth and make sure it is to the Towns standards, not the County
4. Hold annual luncheon with local delegates
5. Encourage involvement from Town citizens for Council, boards and public input. Use advertisement through Town website, social media and newspapers. Set up tent at Music on Main to speak with residents about available board seats.

8. Next Steps

Town Council decided that the next steps for the Town will be to engage the public on this planning process, allow the department heads and key staff the opportunity to have input on the regional issues and address priorities, finalize the strategic plan and make sure they budget for the action steps needed.

9. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council's meeting at 2:30 p.m.

Derek K. Hunninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, February 26, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, February 26, 2018, at 7:00 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, Councilwoman Dottie Sherrill, Councilman Doug Jackson, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, Finance Officer Tonya Dozier, Public Works Director Dale Pennell and Water Treatment Plant Supervisor Trent Duncan.

1. Call to Order

Mayor Al Root called the meeting to order at 7:01 p.m.

2. Approval/Adjustments to the Agenda

Councilman Nagle asked to add Section 28-74 to the agenda, which discusses where parking is prohibited. Mayor Root mentioned to add this to the discussion and action items before the Police Department Report as item D2.

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

3. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from January 22, 2018 Town Council meeting as presented. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.

4. Consent Agenda

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

A. Monthly Tax Report & Order to Advertise Tax Liens – Adopted the Order to Advertise Tax Liens

B. Schedule a Special-Called Meeting for March 19, 2018 at 6:15 pm for Public Hearings on Proposed Code Amendments – Scheduled Special-Called Meeting on March 19, 2018 at 6:15 pm to hold Public Hearings on Proposed Code Amendments

C. Set Public Hearing on Text Amendment related to Mobile Food Vendors for 6:30 pm on March 19, 2018 – Set Public Hearing for March 19, 2018 at 6:30 pm

D. Set a Public Hearing on Text Amendment for Additional Standards for Accessory Structures and Storage Containers for 6:15 pm on March 19, 2018 – Set Public Hearing for March 19, 2018 at 6:15 pm

E. Board Appointments – Board of Adjustment Alternate – Appointed Sylvia Valois as Zoning Board of Adjustment Alternate

5. General Public Comment

Public comments were received as follows:

Earl Valois, 42 Loftin St., commented that he attended the Town Council Retreat earlier this month on February 3 and wasn't impressed. There wasn't a master plan or a 5 and 10 year strategic plan created, so he didn't think a lot got accomplished. He believes the Town is compliance focused and needs to go to more performance-based high leveled standards. Also, he has a problem with item 6D (Waterline Extension for Blue Ridge Hospitality Ventures, LLC) going from an 8 inch waterline to a 6 inch waterline and it has to be gritted, teed and looped. Lastly, he was really impressed with the Parks and Recreation Master Plan.

6. Discussion and Action Items

A. Presentation of the Parks & Recreation Master Plan

Town Manager Selena Coffey introduced Kile Guie, the Land of Sky Regional Council Planner to present the Parks and Recreation Master Plan.

Mr. Guie gave an overview of the final Parks and Recreation Master Plan, which consisted of four main sections: demographic, public input results, recommendations, and existing park facilities. No action was taken by Council. The Master Plan will be up for adoption at March 19, 2018 Town Council meeting. The Master Plan is attached.

B. Water Leak Protection Program

Finance Officer Tonya Dozier mentioned to Council that the Town has been working on a new Water Leak Protection Program. Under the current Town Policy, customers with high water bills due to qualifying leaks can apply for a water bill adjustment with the Town Manager, but are only allowed one adjustment every 24 months. On approval of the adjustment, the Town calculates an average cost for water over the last 6 months then deducts it from the water bill and splits the remaining cost with the customer. On average there are about 37 adjustments a year summing up to about \$8,000 a year. The alternative proposed is through the company ServLine, who offers an inexpensive insurance product on a monthly basis that can provide great assistance for large bills associated with water leaks. The plans are \$1.25 a month for residential, \$3.45 a month for commercial and would provide up to \$1,000 in coverage each year. ServLine's customer service would handle each request and would send the Town a check for any overages. Customers will initially be enrolled in the plan, but could opt out at any time. She has been working with Shelby Winston from ServLine, who is here if you have any questions and has reached out to references for ServLine, who all had good things to say about the program.

Town Manager Selena Coffey wanted to make sure the public was aware that if residents opt out of the plan then they would no longer receive a water bill adjustment.

Councilman Penley wondered about the billing process if it would be independently or on the Town's water bill. He also wants to make sure that the citizens are highly educated on this plan before it is implemented. Councilman Jackson asked who would go out and investigate the adjustment requests.

Shelby Winston from ServLine discussed that the plans would be billed through the Town of Weaverville water bill and they would handle the discussion/complaints on adjustments.

Town Manager Selena Coffey mentioned that there would be an information process and the Town would have as long as they need to get the information out and inform the citizens. There will still need to be

amendments to the Town Code and Fee Schedule, program policies adopted and revisions to the Town's customer service policy so this is not the last time that we would be discussing this item.

C. Action on Amendments to Code of Ordinances concerning Initial Consideration by Town Council of Zoning Map and Text Amendments

Town Planner James Eller mentioned to Town Council that they are being asked to consider a revision to the Town Code, which calls for certain zoning text and map amendments to be first reviewed at the Planning Board level. Such amendments would only be applicable to a proposed change between two standards zoning districts such as R-1, R-2, R-3, R-12, C-1, C-2, and I-1. Right now, the law reads that any revision to the zoning code text or zoning map has to have an initial review before Town Council. This allows the governing board to let staff and the applicant know in advance their thoughts on the procedure. However, this particular arrangement is adding an extra month to the process with very little input. Most of the rezoning occurs between standard zoning districts so there doesn't need to be a lot of time for these. The proposed language now shows that Town Council would retain the initial consideration for conditional zoning districts and text amendments due to their broad scope and complexities. The Planning and Zoning Board have reviewed the language and passed along a unanimous recommendation in favor of the proposal

Town Attorney Jennifer Jackson mentioned that the fourth whereas clause stating the Public Hearing was held on January 22, 2018 needs to be changed to reflect February 26, 2018.

Councilman Jackson made a motion to adopt the ordinance with the aforementioned revision . Councilman Penley seconded the motion. The motion passed by a unanimous vote of Council.

D. Waterline Extension for Blue Ridge Hospitality Ventures, LLC (Fairfield Inn)

Public Works Director Dale Pennell mentioned that since the past approvals given by Town Council, the Town has received a plat showing that the owners have split the lot. It was originally expected that this project would be able to connect to the Town's existing 8-inch water main. Due to the topography, some shifting of the footprint of the hotel and the anticipated height of the necessary retaining walls, a reconfiguration of the water plans was needed resulting in the need for a 350 foot waterline extension to adequately provide domestic water and fire protection to the hotel. The extension necessary is for a 6 inch ductile iron waterline and at least one fire hydrant for a proposed maximum committed capacity of 13,500 gallons per day for the hotel. Public Works Director Pennell also recommends that the water commitment be revised to reflect the new plan of a 6-inch waterline extension, fire hydrant and meter, and re-issued to the hotel for 13,500 gallons per day. He and the Town Manager have reviewed the request in light of the Town's Water System Management Plan and recommend its approval.

Councilman Jackson made a motion to approve the waterline extension request and revise and re-issue the water commitment to reflect the 6-inch waterline extension and fire hydrant and 13,500 gallon per day allocation for Lot 1 . Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

E. Section 28-74 - Parking

Councilman Nagle mentioned that he read Section 28-74 about parking and looked at number 11 that shows parking needs to be within painted lines, traffic lanes or upon travel portion of roadway. He wondered if this meant that people parking on roads in residential areas are in violation and parking illegally.

Town Manager Selena Coffey mentioned that she noticed people parking in front of homes when she started working here that parking on the street in the roadway in front of homes is in violation and unsafe. Police Chief Alan Wyatt wanted to make sure everyone understood exactly what traffic lane and travel portion of roadway meant. He gave an example that if you are parked in the street, you are in violation.

However, if you are parked off to the side where it isn't the travel lane or nothing posted then it wouldn't be a violation.

F. Police Department Report

Police Chief Alan Wyatt presented the Weaverville Police Departments Quarterly Report for November 2017 – January 2018. This quarterly report is attached.

G. Fire Department Report

Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for November 2017 – January 2018. The quarterly report is attached.

7. Town Manager's Report

Town Manager Selena Coffey presented her manager's report to Council including NCDOT has agreed to revise the speed limit on Weaver Boulevard from 55 mph to 35 mph, the Public Works Department has done a great job in improving the Main Street Nature Park, she has discontinued a landscaping contract that maintained the grounds around Town Hall and Public Works has taken it over and is doing a fantastic job, she met with a representative from Duke Energy to get an Energy Efficiency Proposal to upgrade our lighting at Town Hall, Jill Totman submitted the National Wildlife Federation Community Wildlife Habitat and the Town has again met the requirements to be recertified, they are meeting with WR-Martin tomorrow to see where they are with system and development fees and see where they are with the completion of engineering report, Public Works Director Dale Pennell and her have met with the manager for Mars Hill regarding potential for partnering, Buncombe County is in the process of entering into an agreement with NCDOT to begin the planning process for the Reems Creek Greenway initiative and they will be sending the Town a Memorandum of Understanding for Council's approval in the future, reminder that guest speaker Joe Minicozzi will be here tomorrow at 6 pm talking about building small towns, and lastly, Public Works Director Dale Pennell and her met with ministers from downtown Weaverville to work out an agreement to provide some parking at their churches.

8. Closed Session

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

[CLOSED SESSION]

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

Upon entering back into open session, Vice Mayor John Penley requested an update regarding the PARTF grant process for the Lake Louise Community Center. Town Manager Selena Coffey shared that she had spoken with the regional consultant who stated that there were many strong applications this year and Coffey felt that we were discouraged from applying for the grant due to the strong competition, as well as the suggestion that the Town could need roughly \$4 match per dollar for the grant match in order to be competitive with some of the other grants and she had been told that the PARTF board does not approve partial grants. Town Council and staff discussed the pros and cons of relying so heavily on a PARTF grant for funding the project. Town Council gave direction to move forward with planning for the construction of the community center, but not applying for the PARTF grant this year and possibly applying for other parks and recreation projects the following grant cycle. Staff will continue looking for other funding options, including other grants. Councilman Nagle also suggested

that the Town should ask the community to develop a fundraising campaign for the community center construction. Town Council directed the Town Manager to begin working with an architect to develop conceptual plans and cost estimates for the construction of the community center, making sure to include space for the Dry Ridge Museum in the facility. Town Manager noted that we hope to have conceptual planning documents at the next Town Council meeting.

9. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Penley seconded and all voted to adjourn the Council's meeting at 8:20 p.m.

Derek K. Huninghake, Town Clerk

DRAFT



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, February 26, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, February 26, 2018, at 6:45 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, Councilwoman Dottie Sherrill, Councilman Doug Jackson, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

Staff present were: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake and Town Planner James Eller.

1. Call to Order

Mayor Al Root called the meeting to order at 6:45 p.m.

2. Public Hearing and Action on Proposed Amendment of Code Related to Initial Town Council Review of Proposed Zoning Map and Text Amendments

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

Town Planner James Eller mentioned to Town Council that they are being asked to consider a revision to the Town Code, which calls for certain zoning text and map amendments to be first reviewed at the Planning Board level. Such amendments would only be applicable to a proposed change between two standards zoning districts such as R-1, R-2, R-3, R-12, C-1, C-2, and I-1. Right now, the law reads that any revision to the zoning code text or zoning map has to have an initial review before Town Council. This allows the governing board to let staff and the applicant know in advance their thoughts on the procedure. However, this particular arrangement is adding an extra month to the process with very little input. Most of the rezoning occurs between standard zoning districts so there doesn't need to be a lot of time for these. The proposed language now shows that Town Council would retain the initial consideration for conditional zoning districts and text amendments due to their broad scope and complexities.

Town Planner James Eller noted that these Public Hearings have been advertised in accordance to state statute and the Planning and Zoning Board have reviewed the language and passed along a unanimous recommendation in favor of the proposal.

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

3. Adjournment

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

Derek K. Huninghake, Town Clerk

DRAFT



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Workshop
Tuesday, February 27, 2018**

The Town Council for the Town of Weaverville met for a Special called workshop on Tuesday, February 27, 2018, 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 Clerk Derek Huninghake and Town Planner James Eller,

1. Call to Order

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

2. Introduction

Councilman Fitzsimmons thanked everyone in attendance for coming and commented that as we are all aware the Town of Weaverville is growing rapidly. In 2017, there were twice as many building permits issued than in 2016. Development isn't necessarily bad, but it is if you don't manage it well and plan for it accordingly. This year Town Council has started the process of updating the comprehensive land use plan and already changed and updated zoning ordinances. In preparation of developing the comprehensive land use plan, the Town thought it was important to educate ourselves for the growth in the future. Councilman Fitzsimmons introduced tonight's speaker, Joe Minicozzi from Urban 3 consulting firm.

3. Overview

Mr. Minicozzi gave a presentation through PowerPoint slides to help the Town and its citizens take a different outlook for economic land use development patterns in the future and generating revenue through taxations.

Due to the size of the PowerPoint, please contact Town Hall if you wish to view it.

4. Adjournment

Councilman Fitzsimmons made the motion to adjourn; Councilman Jackson seconded and all voted to adjourn the Council's meeting at 8:15 p.m.

Derek K. Huninghake, Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: March 19, 2018
SUBJECT: Approval of Rules of Procedure for Planning & Zoning Board
PRESENTER: Town Attorney
ATTACHMENTS: Town Code § 20-42
Rules of Procedure

DESCRIPTION:

On March 6, 2018, the Planning and Zoning Board adopted a new set of Rules of Procedure that were drafted by staff within input from the Board Chairman and the Board. These Rules are subject to approval by Town Council as provided in Town Code § 20-42.

COUNCIL ACTION REQUESTED:

Town Attorney recommends approval of the Rules of Procedure as adopted by the Planning and Zoning Board on March 6, 2018. The following motion can be used:

I move that the Rules of Procedure adopted by the Planning and Zoning Board on March, 6, 2018, be approved.

Sec. 20-42. - Officers; rules of procedure.

The planning and zoning board shall elect a chairman and a vice-chairman from its membership, who shall each serve for one year or until reelected or until their successors are elected. The planning and zoning board shall appoint a secretary, who may be a municipal officer, an employee of the town, or a member of the planning and zoning board. The planning and zoning board shall adopt appropriate rules of procedure, which rules shall be subject to the approval of the town council. The rules of procedure shall, among other things, provide for regular monthly meetings of the planning and zoning board and may provide that the planning and zoning board may conduct public hearings for the gathering of information to enable the board to more fully assist the town council in an advisory and administrative capacity.

(Ord. of 1-20-1992)

Rules of Procedure for the Weaverville Planning and Zoning Board

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Rule 1. Regular Meetings – The Board should adopt a regular schedule of meetings for each calendar year. The regular schedule shall indicate the date, time and location of the Board’s regular meetings and shall be filed with the Town Clerk and the Secretary of the Planning and Zoning Board. In the event that the Board fails to adopt a regular schedule of meetings, then the meeting shall be held on the first Tuesday of each month within Council Chambers of the Weaverville Town Hall located at 30 South Main Street, Weaverville, North Carolina, and shall begin at 6:00 p.m.

Rule 2. Special and Recessed Meetings –

(a) **Special Meetings.**

The chair may at any time call a special meeting of the Board or a special meeting may be called or scheduled by vote of the Board in open session during another duly called meeting. At least 48 hours before a special meeting is held, written notice of the meeting stating its date, time, place, and subjects to be considered shall be (1) given to each Board member; (2) posted on the Town’s principal bulletin board for legal notices or, if none, at the door of the Board’s usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, and person who has filed a written request for notice with the Board’s Secretary.

(b) **Recessed Meeting.** A properly called regular or special meeting may be recessed to a time and place certain by a motion made and adopted in open session during the regular or special meeting. The motion shall state the date, time and place when the meeting will reconvene. No further notice need be given of such a recessed session of a properly called regular or special meeting.

Rule 3. Organizational Meeting – On the date and time of the first regular meeting in September, the newly appointed members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Board shall elect a chair and vice-chair, if he or she is not otherwise selected, using one of the nomination and voting procedures set out in [Rule 15](#). Adoption of a regular schedule of meetings for the upcoming calendar year would be appropriate at the Organizational Meeting, or as soon thereafter as the Board can take such action.

Rule 4. Agenda –

(a) **Proposed Agenda and Agenda Packet.** The Board’s Secretary shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least 10 working days before the meeting

with the required fee, if any. Any Board member may, by a timely request, have an item placed on the proposed agenda. An agenda packet shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Board member shall receive a copy of the proposed agenda and the agenda packet at least 3 business days prior to each regular meeting. The agenda shall be made available for public inspection and/or distribution when it is distributed to the Board members and agenda packets made available upon request. The Zoning Administrator/Town Planner has the authority to remove from the agenda any submission for review which, in his or her determination, does not meet the minimum requirements of Town Code.

(b) **Adoption of the Agenda.** As its first order of business at each meeting the Board shall discuss and revise the proposed agenda and adopt an agenda for the meeting; provided, however, that the Board may not add items to or subtract items from the proposed agenda for a special meeting. If items are proposed to be added to the agenda, the Board may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Board members.

(c) **Open Meetings Requirements.** The Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number, or other designation, or other secret devise or method, with the intention of making it impossible for persons attending the meeting of the Board to understand what is being deliberated, voted, or acted on. However, the Board may deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda – sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on – are available for public inspection at the meeting.

Rule 5. Order of Business – Items shall be placed on the agenda generally according to the following order of business:

- Call to Order
- Adjustment/Adoption of agenda
- Approval of minutes
- Consideration of Applications (including Public Comment if allowed by Chair)
- Consideration of Staff- or Board-Initiated Items
- Public Hearing
- Administrative Reports
- Committee Reports
- Any Additional Informal Discussion
- Any Additional Public Comment
- Adjournment

By general consent of the Board, items may be considered out of order.

Rule 6. Format for Review of Applications – The following outline is a guide for review of all applications:

1. Chair Requests Staff Report/Memo
 - a. Planner presents report/memo for the proposed application and addresses outstanding issues. Staff report/memo is entered into minutes
 - b. Questions from Board
 - i. Has the applicant received the Staff report/memo?
 - ii. Have all the technical requirements been met for the application?
 - iii. Are there any outstanding issues that have not been addressed by the applicant or other questions?
2. Applicant's Presentation
 - a. Applicant presents any additional information
 - b. Questions from Board/Staff
 - i. Does the applicant have any solutions to the issues identified by Board/Staff?
3. Board Questions/Discussion
4. Chair Entertains Motion on the Application
5. Board Motion and Action

Rule 7. Presiding Officer –

The chair of the Board shall preside at Board meetings if he or she is present. If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the Board shall preside.

The chair may vote in all cases. In order to address the Board, a member must be recognized by the chair. The vice-chair or another member who is presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the chair becomes actively involved in debate on a particular matter, he or she may designate another Board member to preside over the debate. The chair shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- To entertain and answer questions of parliamentary law or procedure;
- To call for a brief recess at any time;
- To adjourn in an emergency;

- To appoint members to a Board committee and to attend committee meetings as an ex officio member;
- To sign recommendations, statements, and certificates that have been prepared consistent with Board action.

A decision by the presiding officer under any of the first three powers listed may be appealed to the Board upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion on an appeal of the presiding officer's decision need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 8. Substantive Motions – All board action shall proceed by motion. Any member, including the chair, may make a motion. A motion does require a second. A member may make only one motion at a time. A substantive motion is out of order while another substantive motion is pending.

The chair shall state the motion and then open the floor to debate. The chair shall preside over the debate according to the following general principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

A motion shall be adopted by a majority of the votes cast when a quorum (as defined in [Rule 12](#)) is present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first. A motion that is defeated can be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Rule 9. Procedural Motions – In addition to substantive proposals, the Board shall utilize the usual and customary procedural motions consistent with the spirit of *Robert's Rules of Order Newly Revised* to provide for an orderly meeting. See [Appendix](#) for a list and description of some procedural motions. For questions regarding parliamentary procedures see [Rule 19](#).

Rule 10. Public Address to the Board – Any individual or group who wishes to address the Board on any item listed on the agenda shall make a request to the Board's Secretary. However, the Board shall determine at the meeting whether it will hear the individual or group.

Rule 11. Public Hearings -

Public hearings may be required by law, required by Town Council, or deemed advisable by the Board. All notices and other requirements of the open meetings law applicable to the Board meetings shall also apply to public hearings at which a majority of the Board is present; such a hearing is considered to be part of a regular or special meeting of the Board. A public hearing for which any required notices have been given may be continued to a time and place certain without further advertisement. The requirements of [Rule 2\(b\)](#) shall be followed in continuing a hearing at which a majority of the Board, or of a Board committee, as applicable, is present.

At the time appointed for the hearing, the chair shall call the hearing to order and then preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

The Board has the authority to establish rules regarding the length of time allotted for each speaker, and other pertinent matters such as designation of spokespersons, and those rules necessary to maintain order and decorum in the conduct of the hearing. Such public hearing rules can be adopted by a majority vote.

[Rule 12. Quorum](#) - A majority of the actual membership of the Board, excluding vacant seats, shall constitute a quorum. A majority is more than half. The chair shall be considered a member of the Board in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

[Rule 13. Duty to Vote](#) - Every member must vote unless excused by the remaining members of the Board. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest [see [Rule 14](#)], as defined by the Board or by law, or the member's official conduct, as defined by the Board. In all other cases, a failure to vote by a member who is physically present in the Board chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as a vote with the prevailing side.

[Rule 14. Conflicts of Interest](#) - Board members should not participate in or vote on any matter that involves a close familial, business, or other associational relationship or where the member has a financial interest in the outcome of the matter.

Rule 15. Appointments/Elections –

All members of the Board shall be appointed by Town Council and shall serve at Town Council's pleasure. The Board may consider and make appointments to other bodies, including its own committees, if any, only in open session.

The Board shall use the following procedure to elect a chair and vice-chair and to make appointments to any of its committees. For each election or appointment the chair shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the Board members. The names submitted shall be debated. When the debate ends, the chair shall call the roll of the members and each member shall cast his or her vote. The nominees receiving the highest number of votes shall be appointed.

Rule 16. Committees and Boards –

The Board may establish and appoint members for such temporary and standing committees as are required by law or needed to help carry on the board's work. Any specific provisions of law relating to particular committees and board shall be followed.

The requirements of the open meetings law [see [Rule 4\(c\)](#)] shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of a local governmental unit that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, it is noted that open meetings law does not apply to a meeting solely among the Town's professional staff.

Rule 17. Minutes – Full and accurate minutes of the Board proceedings shall be kept. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Board, the entire Board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the Board approves. The Board Secretary has the duty to draft and present minutes to the Board for approval and to draft recommendations, statements, and certificates consistent with Board action and present the same to the chair for review and signature.

Rule 18. Amendment of the Rules – These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment to the rules as one of the stated purposes of the meeting, unless a statute or rule of Town Council provides otherwise. Adoption of an amendment shall require an affirmative vote equal to a quorum of the Board. No amendment to the Rules shall be effective until Town Council has granted its approval.

Rule 19. Reference to Robert's Rules of Order – The Board shall refer to the current edition of *Robert's Rules of Order Newly Revised* ("RONR"), to answer procedural questions not resolved in these rules, so long as RONR does not conflict with North Carolina law or with the spirit of these rules.

ADOPTED by the Planning and Zoning Board this the 6th day of March, 2018.

ATTESTED BY:

Doug Theroux
Doug Theroux, Chair

James Eller
James Eller, Board Secretary

APPROVED by Town Council this the ____ day of _____, 2018.

ATTESTED BY:

Allan P. Root, Mayor

Derek K. Huninghake, Town Clerk

APPENDIX – PROCEDURAL MOTIONS

Unless otherwise noted, each motion described below is debatable, may be amended, and requires a majority vote of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted. In order of priority (if applicable), some procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Board, as specified in [Error! Reference source not found.](#) **Rule 7.** This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn/Recess. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation on a pending matter. A motion to recess to a date, time and place certain shall also comply with the requirements of [Rule 2\(b\)](#).

Motion 3. To Take a Brief Recess.

Motion 4. To Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

Motion 5. To Suspend the Rules. The board may not suspend provisions of the rules that state requirements impose by law on the board. For adoption, the motion requires an affirmative vote equal to a majority of the entire membership of the board. A majority is more than half.

Motion 6. To Divide a Complex Motion and Consider it by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 7. To Defer Consideration. The Board may defer a substantive motion for later consideration at an unspecified time. A substantive motion which has been deferred automatically expires 100 days after the deferral unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending and has not expired. A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion [see [Error! Reference source not found.](#)], or else move to suspend the rules [see [Motion 5](#)].

Motion 8. Motion for the Previous Question. To end debate and call for a vote on a motion, a Board member can move the previous question. The motion is not in order until there has been a full debate and every member has had an opportunity to speak at least once.

Motion 9. To Postpone to a Certain Time and Day. To delay action on a pending motion a motion to postpone to a certain time and day would be proper. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules [[Motion 5](#)].

Motion 10. To Refer a Motion to a Committee. The Board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after the substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Board, whether or not the committee has reported the matter to the Board.

Motion 11. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote. Any amendment to a proposed order, policy, regulation, statement, resolution, or recommendation, shall be reduced to writing before the vote on the amendment.

Motion 12. To Revive Consideration. The Board may vote to revive consideration of any substantive motion earlier deferred by adoption of a motion to defer consider under [Motion 7](#). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 13. To Reconsider. The Board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 14. To Rescind or Repeal. The Board may vote to rescind action it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: March 19, 2018
Subject: Proclamation Recognizing National Service Day
Presenter: Mayor Root
Attachments: Proclamation

Description:

Attached is a proclamation recognizing April 3, 2018 as National Service Day.

Council Action Requested:

The Town Manager recommends adoption of the attached proclamation.

Recognition Day for National Service PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and county officials across the country for the Mayor and County Recognition Day for National Service on April 3, 2018.

THEREFORE, BE IT RESOLVED that I, Al Root, Mayor of the Town of Weaverville, do hereby proclaim April 3, 2018, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our community; to thank those who serve; and to find ways to give back to their communities.

Al Root, Mayor
Town of Weaverville, N.C.

Derek Hunninghake, Town Clerk



**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 19, 2018
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 March 12, 2018. This report is provided for information only. No action is requested or required.

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

AS OF 3/12/2018

Real Property:	731,858,579	
Real Property Discoveries:	4,382,100	
Total Real Property:	736,240,679	736,240,679
Personal:	68,272,808	
Personal Discoveries:	25,284	
Total Personal:		68,298,092
Public Utilities:		5,147,971
Exemption:		(9,394,737)
Releases:		(1,450,789)
Total Tax Value		798,841,216
Tax Levy @.38 cents per \$100		
Real Property:		2,798,552.00
Personal Property:		242,859.00
Public Utilities:	19,563.00	
Less Under \$5 Adjustment		(61.00)
Total Public Utilities:	19,563.00	
Exemption:		(35,700.00)
Releases:		(5,513.00)
Total Levy (Total Billed)		3,019,700.00
Total Current Year Collections		2,936,268.00
% Collected		97.23%
Total Left to be Collected:		83,432.00
Prior Years Paid		2446

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 19, 2018
SUBJECT: Tax Release
PRESENTER: Town Finance Officer
ATTACHMENTS: Supporting Documentation

DESCRIPTION/SUMMARY OF REQUEST:

One of the properties owned by Lakeside Meadows Homeowners Association, Inc (PIN 9742-15-3416) and located on Brown Street was deemed unbuildable by Buncombe County due to size (0.03 acre) resulting in a decrease in valuation to \$-0-. The Town is asked to release \$14,500 in value from the 2017 tax year, which is a \$56.62 reduction in the Town's levy. This tax has not yet been paid so there is not a corresponding refund request.

TOWN COUNCIL ACTION:

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

I move to approve the release of \$14,500 in valuation from the Lakeside Meadows Homeowners Association, Inc. property identified as PIN 9742-15-3416 for 2017, so that \$56.62 can be released from the 2017 levy

TOWN OF WEAVERVILLE

TAX RELEASES

MARCH 19TH, 2018

LAKESIDE MEADOWS HOA, INC.

BROWN STREET

VALUATION TO BE RELEASED 14,500

LEVY TO BE RELEASED \$56.62

REASON FOR RELEASE: RELEASED BY COUNTY

2017 PROPERTY TAX NOTICE

TOWN OF WEAVERVILLE
 P O BOX 338
 WEAVERVILLE, NC 28787

NOTICE OF DELINQUENT TAXES

LAKESIDE MEADOWS HOMEOWNERS
 ASSOCIATION INC
 40 W Broad ST Ste 500
 Greenville, SC 29601-2600

RETURNED CHECKS -- In accordance with N.C. General Statute S.L. 2002-156 (H1523), there is a minimum penalty of \$25 or 10% of the amount of the check -- whichever is greater. Tax receipts are null & void if payment is made by a check that fails to clear the bank.

COLLECTION PROCEDURES -- Delinquent taxes will be collected through all remedies available under N.C. General Statutes. These methods include, but are not limited to, garnishment of wages, attachment of bank accounts, levy on personal property, and foreclosure on real property.

YEAR	BILL NUMBER	PROPERTY ID	DESCRIPTION	ACRES
2017	2454	974215341600000	99999 BROWN ST WEAVERVILLE NC	0.03

REAL VALUE	PERSONAL VALUE	TAX EXEMPT VALUE	TAXABLE VALUE
14,500	0	0	14,500

DESCRIPTION	TAX RATE	AMOUNT
TOWN TAX	.380	55.10
INTEREST		1.52
ADJUSTMENTS		0.00
LESS EXEMPTIONS		0.00
PROPERTY TAX DUE		\$56.62

TAX RELATED QUESTIONS:
 COLLECTORS OFFICE (828) 645-7116

Interest begins January 6th at 2%
 and then interest is 3/4% per month.

PAY THIS AMOUNT

PLEASE RETURN THIS PORTION WITH PAYMENT

YEAR	BILL NUMBER	PROPERTY ID	AMOUNT DUE
2017	2454	974215341600000	\$ 56.62

TAX DUE
PAY BY: 09-01-17

MAKE CHECK PAYABLE & REMIT TO:

TOWN OF WEAVERVILLE
 TAX COLLECTOR
 P O BOX 338
 WEAVERVILLE, NC 28787

LAKESIDE MEADOWS HOMEOWNERS
 ASSOCIATION INC
 40 W Broad ST Ste 500
 Greenville, SC 29601-2600



County of Buncombe

Tax Department
Telephone (828) 250-4910

Jennifer Pike
Tax Collector

DUPLICATE

LAKESIDE MEADOWS HOMEOWNERS ASSOCIATION INC
40 W Broad ST Ste 500
Greenville SC 29601-2600

2/27/2018
Paid By:

Bill Information

Bill Number	Abstract Number	Tax Year/ Year For	Bill Type	Bill Date	Due Date	Interest Begin Date
0003018554-2017-2017-0000-00	0003018554	2017 / 2017	REGULAR	8/2/2017	9/1/2017	1/6/2018

Description of item(s) that bill is for

Legal Description 99999 BROWN ST LAND ONLY
 Property Location 99999 BROWN ST WEAVERVILLE NC
 Parcel ID 974215341600000 Personal ID Acreage 0.03
 Real Value 0 Personal Value 0 Exemption 0
 Deferred Value 0 Use Value 0 Excluded Value 0
 Total Taxable Value 0 Tax Year 2017 Year For 2017

Line Items that add up to the bill due amount

Description	Rates/Fees	Amount Billed	Amount Paid
BUNCOMBE COUNTY TAX	0.5390	0	0
Interest		0	0
Total		0	0

Bill Status: FULL RELEASE

Principal Due	0.00
Interest Due	0.00
Collection Fees & Expense	0.0000
Total Due	0.00

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: March 19, 2018
Subject: Ordinances for Road Closures for *Music on Main* and the *July 4th Celebration*
Presenter: Selena Coffey, Town Manager
Attachments: Ordinances and maps

Description:

Attached please find an ordinance for Town Council's approval of the closure of relative roadways for *Music on Main* on June 23, 2018 and the *July 4th Celebration*.

Action Requested:

The Town Manager recommends approval of said ordinances.

Weaverville North Carolina

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE MUSIC ON MAIN EVENT SPONSORED BY THE WEAVERVILLE BUSINESS ASSOCIATION

WHEREAS, the Town Council of Weaverville has been approached by the Weaverville Business Association requesting to hold a Music on Main event on South Main Street, Weaverville; and

WHEREAS, the Town of Weaverville has acknowledged and agreed to permit said event on the date and times specified below as a community and family oriented event; and

WHEREAS, the Weaverville Business Association has completed and provided payment to the Town for the required special event permit and agreed to abide by any and all regulations set forth by Town officials and the State of North Carolina in sponsoring this event; and

WHEREAS, the Town Council of Weaverville acknowledges that the Town departments require approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc. after the event; and

NOW THEREFORE BE IT ORDAINED by the Town Council of Weaverville, pursuant to the authority granted by N.C.G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

Music on Main, Sponsored by the Weaverville Business Association

Date: Saturday, June 23, 2018

Time: 2:00pm – 9:00pm

Road Closures:

- Road closure at intersection of Main Street and US-19-BR Merrimon Avenue
- Road closure at 30 South Main Street

This ordinance will become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

Adopted this **19th** day of **March 2018**.

Allan P. Root, Mayor
Town of Weaverville, N.C.

Attest:

Derek Huninghake, Town Clerk
Town of Weaverville, N.C.

MUSIC ON MAIN EVENT MAP

ROAD CLOSURES



- Road closure before intersection of Main Street and US-19-BR Merrimon Avenue
- Road closure at 30 South Main Street

**Weaverville
North Carolina**

AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE ANNUAL KIWANIS 5K RUN AND THE WEAVERVILLE INDEPENDENCE DAY "FIRE ON THE LAKE" CELEBRATION

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of supporting the annual Kiwanis 5K run, that benefits the Weaverville and the North Buncombe community; and

WHEREAS, the Town Council of Weaverville acknowledges a long tradition of providing an Independence Day celebration for the pleasure of its citizens; and

WHEREAS, the Town Council of Weaverville acknowledges a 5K run and the Independence Day celebration requires approximately one (1) hour to install signage, and also requires approximately one (1) hour for removing signage, litter, etc.

NOW THEREFORE BE IT ORDAINED by the Town Council of Weaverville pursuant to the authority granted by G. S. 20-169, that we do hereby declare a temporary road closure on the day and times set forth below and the following described portion of a State Highway System route:

5K Run

Date: Wednesday, July 4, 2018

Time: 8 a.m. until 9:30 a.m.

Road Closure Description:

0.35 mi. SR 1725-Weaver Blvd *from Brian Center Drive to North Main Street.*, 0.42 mi. US 19Bus-North Main Street *from Weaver Blvd. to Merrimon Avenue.*, 0.19 mi. SR 2127 South Main Street. *from Merrimon Ave. to Brown Street.*

Appropriate signage will be placed so as to inform all motorists of the temporary delay and traffic control will be intermittent traffic delays with *"Law enforcement agency/agencies or individuals trained in traffic control as set forth in General Statute §20-114.1 and supported by appropriately colored or marked vehicles with high-intensity rotating, flashing, oscillating, or strobe lights used in place of signs and channelizing devices"*.

Independence Day "Fire on the Lake" Celebration

Date: Wednesday, July 4, 2018

Time: 3 p.m. until 11:30 p.m.

Road Closure: That portion of Merrimon Avenue between Bankstown Road and Yost Street

This ordinance to become effective when signs are erected giving notice of the road closures and detour routes, the implementation of adequate traffic control.

Adopted this **19th** day of **March 2018**

Allan P. Root, Mayor, Town of Weaverville, N.C.

Attest:

Derek Huninghake, Town Clerk, Town of Weaverville, N.C.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: March 19, 2018
SUBJECT: Resolution Appointing the Mayor and Town Council as the Tree Board
PRESENTER: Town Attorney
ATTACHMENTS: Draft Resolution

DESCRIPTION:

Over the years Town Council has expanded the duties and responsibilities of the Conservation Board, one of which is to serve as the tree board for the Town. Town Council discussion is needed on what the role of the Conservation Board should be and what are reasonable expectations of a volunteer board. In the meantime it is necessary for the Town to have an active tree board. In order to accomplish this it is recommended that Town Council appoint the Mayor and Town Council to serve as the tree board and carry out the function, duties, and responsibilities set forth in Town Code and the Tree City USA Program.

COUNCIL ACTION REQUESTED:

A resolution has been drafted which, if adopted, would appoint the Mayor and Town Council as members of the Town's Tree Board. The following motion can be used:

I move that the Resolution Establishing the Mayor and Town Council as the Tree Board for the Town of Weaverville be adopted.

**A RESOLUTION ESTABLISHING THE MAYOR AND TOWN COUNCIL
AS THE TREE BOARD FOR THE TOWN OF WEAVERVILLE**

WHEREAS, the duties and responsibilities of the Conservation Board have grown and evolved since its creation and Town Council wishes to discuss the role of the Conservation Board and its responsibilities before making any further appointments to the Conservation Board, which is inactive at this time;

WHEREAS, the Conservation Board has previously served as the Tree Board for the Town of Weaverville and there is a need to maintain a tree board while the role of the Conservation Board is being discussed;

NOW, THEREFORE, BE IT RESOLVED by the Town of Weaverville, North Carolina, acting through its Council Members, that:

1. The Mayor and Town Council shall serve as the Tree Board in an *ex officio* capacity until such time as Town Council sees fit to make other appointments to the Tree Board.
2. All members have a right to vote on all matters coming before the Board.
3. The function, duties and responsibilities of the Tree Board are as established by Town Code and by the Tree City USA Program.
4. The Tree Board shall be subject to the open meetings law of North Carolina and, to that end, all meetings shall be noticed and open to the public, and minutes of all meetings shall be kept.
5. This resolution shall become effective immediately upon its adoption.

ADOPTED this 19th day of March, 2018.

ALLAN P. ROOT, Mayor

ATTEST:

DEREK K. HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: March 19, 2018
Subject: Proclamations Recognizing **Arbor Day** and **Earth Day**
Presenter: Selena Coffey, Town Manager
Attachments: Proclamations (2)

Description:

Attached please find Proclamations recognizing Earth Day on Saturday, April 22, 2018 and Arbor Day on Friday, April 27, 2018.

Action Requested:

The Town Manager recommends adoption of the attached Proclamations.



**TOWN OF WEAVERVILLE
EARTH DAY 2018 PROCLAMATION**

WHEREAS, since April 22, 1970, millions of people have celebrated Earth Day in order to increase the awareness among people of the issues affecting the environment in which we live;

WHEREAS, the Town of Weaverville recognizes the natural environment as the foundation of a healthy society and strong economy; and

WHEREAS, the Town of Weaverville wishes to join all of the other environmentally-minded jurisdictions around the world celebrating Earth Day;

WHEREAS, plastic is having a negative impact on our environment and reducing plastic pollution is the focus of Earth Day 2018;

NOW, THEREFORE the Town of Weaverville proclaims Sunday, April 22, 2018, as Earth Day and encourages all residents to join in celebrating the earth by reducing our use of plastics as we continue to build a thriving community of residents working toward environmental and climate literacy.

THIS the 19th day of March, 2018.

ALLAN P. ROOT, Mayor
Town of Weaverville

ATTEST:

DEREK HUNINGHAKE, Town Clerk



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, _____, Mayor of the Town of _____
 _____ do hereby proclaim
 _____ as

Arbor Day

In the Town of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____
 Mayor _____

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: March 19, 2018

SUBJECT: Appointment to the French Broad River Metropolitan Planning Organization and its Transportation Advisory Committee

PRESENTER: Mayor Root

ATTACHMENTS: No

DESCRIPTION:

In September of 2017 Town Council appointed Patrick Fitzsimmons to serve on the French Broad River Metropolitan Planning Ordinance and its Transportation Advisory Committee. Councilman Fitzsimmons has asked if there is anyone else on Town Council that wishes to serve and Councilman Nagle has agreed to serve in that capacity.

COUNCIL ACTION REQUESTED:

Should Council wish to appoint Councilman Nagle the following motion is suggested:

I move that we appoint Councilman Andrew Nagle as the Town of Weaverville representative on the French Broad River Metropolitan Planning Organization and Transportation Advisory Committee with his term beginning immediately.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: March 19, 2018

SUBJECT: Presentation of Community Center Conceptual Plans

PRESENTER: Town Manager and John Legerton or Curtis Walk, Legerton Architecture, P.A.

ATTACHMENTS: Lake Louise Community Center Conceptual Plans and Cost Opinions

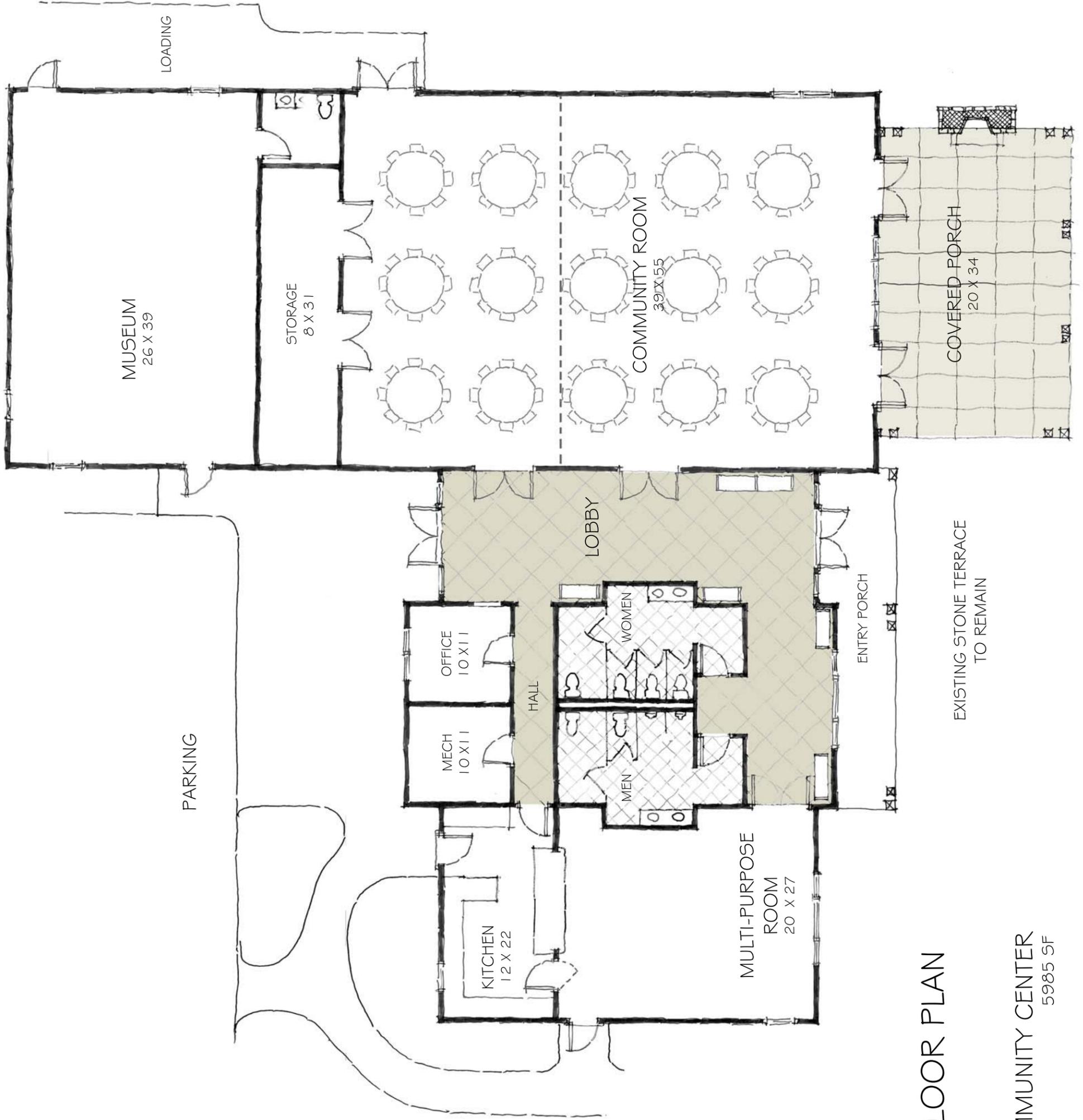
DESCRIPTION:

Attached please find the conceptual drawings and initial cost opinion summary for the Lake Louise Community Center project. There are two conceptual drawings included, with the alternate, which includes family restrooms as opposed to the traditional restroom configuration. Please note that the following items are not included in the cost opinions: furniture, fixtures and equipment (FF&E), security system, site work, paving, sidewalks, landscaping, site lighting, soil borings, landscape architect fees, civil engineering fees, permit fees (erosion control, storm water fees and performance bond), contingency, etc.

The Town Manager will be introducing Architect John Legerton or Curtis Walk, who will present the firm's conceptual plan and cost opinions to Town Council. The Public Works Director and Town Manager will also be attendance to answer questions and discuss the project.

COUNCIL ACTION REQUESTED:

The Town Manager recommends Council's discussion of the conceptual plans and cost opinions for the project. The Manager further recommends that Council give staff direction as to how it wishes to proceed with this project.



SCHEMATIC FLOOR PLAN



WEAVERVILLE COMMUNITY CENTER
5985 SF
12 MARCH 2018

EXISTING STONE TERRACE
TO REMAIN

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS

PROJECT: **Weaverville Community Center**

Page 1

PROJECT PHASE: **Schematic Design**

Date: **8-Mar-18**

AREA (SQ.FT.) CALCULATIONS

<u>MAIN LEVEL</u>	<u>Net SF</u>
Interior Conditioned Space	5,985 SF
Covered Porches	894 SF

TOTAL SF

Total: Interior Finished Conditioned Space	5,985 SF
Total: Covered Porches	894 SF

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS (LOWER COSTS):

<u>Area</u>	<u>Net SF</u>	<u>\$/SF</u>	<u>PROBABLE COSTS</u>
Interior Conditioned Space -Main Levels	5,985	\$200.00	\$1,197,000
Covered Porches	894	\$85.00	\$75,990
Sitework (not included)			TBD
Total Preliminary Opinion of Probable Construction Costs (Lower Costs):			\$1,272,990
Total Heated Square Footage			5,985
Total Probable Construction Costs/Interior Heated Square Footage			\$213

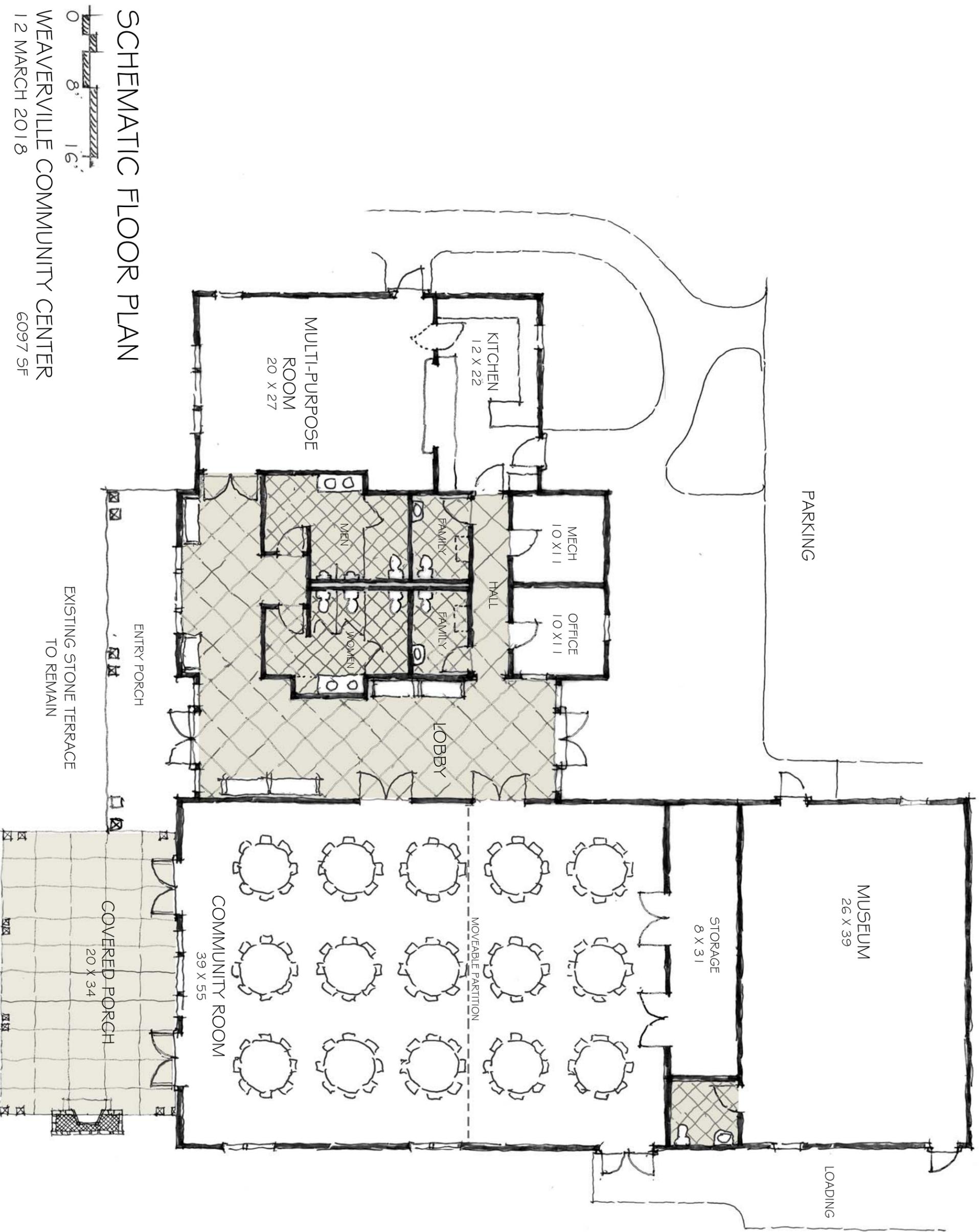
PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS (HIGHER COSTS):

<u>Area</u>	<u>Net SF</u>	<u>\$/SF</u>	<u>PROBABLE COSTS</u>
Interior Conditioned Space -Main Levels	5,985	\$220.00	\$1,316,700
Covered Porches	894	\$115.00	\$102,810
Sitework (not included)			TBD
Total Preliminary Opinion of Probable Construction Costs (Higher Costs):			\$1,419,510
Total Heated Square Footage			5,985
Total Probable Construction Costs/Interior Heated Square Footage			\$237

Probable fee for Architectural and Engineering (Mechanical, Electrical, Plumbing, and Structural) - 8%

Landscape Architecture and Civil Engineering fees are additional and separate from Arch/Engineering fee above

Legerton Architecture, P.A.



PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS

PROJECT: Weaverville Community Center
PROJECT PHASE: Schematic Design
Date: 14-Mar-18

AREA (SQ.FT.) CALCULATIONS

<u>MAIN LEVEL</u>	<u>Net SF</u>
Interior Conditioned Space	6,097 SF
Covered Porches	894 SF
TOTAL SF	
Total: Interior Finished Conditioned Space	6,097 SF
Total: Covered Porches	894 SF

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS (LOWER COSTS):

<u>Area</u>	<u>Net SF</u>	<u>\$/SF</u>	<u>PROBABLE COSTS</u>
Interior Conditioned Space -Main Levels	6,097	\$200.00	\$1,219,400
Covered Porches	894	\$85.00	\$75,990
Sitework (not included)			TBD
Total Preliminary Opinion of Probable Construction Costs (Lower Costs):			\$1,295,390
Total Heated Square Footage			6,097
Total Probable Construction Costs/Interior Heated Square Footage			\$212

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COSTS (HIGHER COSTS):

<u>Area</u>	<u>Net SF</u>	<u>\$/SF</u>	<u>PROBABLE COSTS</u>
Interior Conditioned Space -Main Levels	6,097	\$220.00	\$1,341,340
Covered Porches	894	\$115.00	\$102,810
Sitework (not included)			TBD
Total Preliminary Opinion of Probable Construction Costs (Higher Costs):			\$1,444,150
Total Heated Square Footage			6,097
Total Probable Construction Costs/Interior Heated Square Footage			\$237

Probable fee for Architectural and Engineering (Mechanical, Electrical, Plumbing, and Structural) - 8%

Landscape Architecture and Civil Engineering fees additional and separate from Arch/Engineering fee above

Legerton Architecture, P.A.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, March 19, 2018

Subject: Action on a Proposed Amendment of Code Related to the Additional Standards Placed upon Accessory Structures and Temporary Uses

Presenter: Planning Director

Attachments: Proposed Amendment to Chapter 36-134 – Temporary Use and Creation of Chapter 36-138 Accessory Structures, Recommendation of the Planning and Zoning Board, Proposed Ordinance.

Description:

On Thursday, December 7, Tuesday, January 2 and Tuesday, February 6 the Planning and Zoning Board reviewed and discussed possible regulations at the request of Town Council which could possibly prohibit the use of a storage container as an accessory structure within residential zoning districts.

At the conclusion of its deliberations on February 6, the Planning and Zoning board voted unanimously on a set of regulation related to accessory structures and storage containers as temporary uses.

Action Requested:

Staff is seeking the adoption of the aforementioned revision of municipal code.



Table of Uses
Proposed

Accessory Structures, permitted with standards in all zoning districts

Miscellaneous Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Accessory Structures	PS	PS	PS	PS	P	P	P
Adult Establishment	-	-	-	-	-	C	C
Agriculture - Commercial	-	-	-	-	PS	PS	PS
Agriculture - Neighborhood	PS						
Crematories	-	-	-	-	-	-	C
Event Center	-	-	-	-	C	C	C
Gaming Terminals						PS	PS
Mixed-Use Building or Structure	-	-	-	C	C	C	-
Noxious Uses	-	-	-	-	-	-	C
Tattoo Parlors	-	-	-	-	-	P	P

Definition:

Accessory structure. A structure that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located.

Additional Standards:

Chapter 36, Article V Additional Use Standards, Section 36-138 Accessory Structures

- A. The footprint of accessory structures within any residential zoning district shall not exceed the following maximum footprint(s).

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

1. The footprint of any structure defined as *dwelling – secondary* shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-124.
 2. The footprint of any accessory structure implemented with any use defined as *agriculture – commercial or agriculture – neighborhood* shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-120 and Sec. 36-121.
- B. Accessory structures shall not exceed the height of the primary structure **and in no event exceed 25 feet.**
- C. Accessory structures, ~~on a non-corner lot,~~ shall only be located within the side or rear yard of the primary structure and shall only be permitted within the setbacks established by the applicable zoning district.
- D. ~~Accessory structures, located in the rear or side yard of a corner lot and where such yards are adjacent to the front yard of a neighboring lot, shall plant and maintain a ten foot buffer as defined herein in order to minimize visual impacts, mitigate light and noise trespass and to protect the privacy of neighbors.~~
- E. Accessory structures providing common facilities for residential developments, including but not limited to a clubhouse, mail receptacle facilities, pool house, rental or property management office, shall not be subject to the footprint limits established by Sec. 36-139A and location requirements established by Sec. 36-139D.



Table of Uses
Proposed

Temporary Uses, permitted with standards in all zoning districts

Temporary Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Farmers Market	PS	PS	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	PS	PS	PS
Temporary Use	PS	PS	PS	PS	PS	PS	PS

Definition:

Storage container. Any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside of an enclosed building other than an accessory building or shed which complies with all applicable building and land use requirements.

Temporary structure. A structure intended to serve a specific event and to be removed upon the completion of that event. This term includes, but is not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, and other impermanent devices, which do not involve grading or landform alteration for installation, and which are not permanently affixed to the ground.

Temporary use. An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.

Additional Standards:

Chapter 36, Article V Additional Use Standards 36-134 Temporary Uses

- A. Temporary uses or structures may be permitted summarily in conjunction with a Special Event Permit issued by the Town Manager as described by Section 16-6 Special Events.
- B. ~~Construction offices and storage containers or facilities may be permitted provided the structure(s) are placed within the setbacks established by the applicable zoning district and a sunset date is established at which the structure(s) shall be removed from the property. Such structure(s) shall be directly related to the development of a lot and shall be permitted via a zoning permit obtained from the Zoning Administrator. When utilized in conjunction with any construction or renovation on the same parcel of land, storage containers shall only remain on the property for the duration of construction.~~
- C. Temporary vendors may be permitted only one structure which may not exceed 1,500 square feet. Temporary vendors operating in the parking lot associated with a primary use must not cause nonconformity with the parking requirements of this chapter. Temporary vendors may only operate in zoning districts in which general retail is also permitted. Those conducting yard sales on a property where they currently reside shall not be considered temporary vendors.
- D. Portable and on demand storage containers located within residential zoning districts are permissible for a period of 14 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.
- E. Portable and on demand storage containers located within commercial or industrial zoning districts are permissible for a period of 60 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.



**Town of Weaverville
Planning and Zoning Board**

On November 20, 2017, Town Council asked the Planning and Zoning Board and staff to work on zoning ordinance provisions related to the use of storage containers as accessory structures within residential districts. To that end the Planning and Zoning Board has spent a good portion of each of its last three meetings on this matter. The Planning and Zoning Board is now forwarding the attached amendments to Town Code to Town Council and, through a unanimous vote of the Planning and Zoning Board, recommends Town Council's adoption of same.

While the Board and staff have spent considerable time and effort in attempting to draft regulations that would have lessened the impact of the storage container now located on 34 Salem Road which affects the view from Kyfields, the amendments to Town Code that are recommended reflect the regulatory limitations that North Carolina law imposes on residences and their accessory structures (specifically NCGS 160A-381(h)). In other words, recommended regulations could not have prevented the placement of the storage container at 34 Salem Road. Landscape buffering, which is allowable, was discussed thoroughly; however, the Planning and Zoning Board found that any requirement that would have required landscape buffering for the storage container at 34 Salem Road would have to have been written so broadly that it would have required landscape buffers for essentially every storage container within residential districts in Town. The Planning and Zoning Board determined this to be too much regulation to be reasonable for Weaverville and dropped the landscape buffering from its recommended regulations.

The Board believes that the recommended regulations are consistent with the Town's Comprehensive Plan, reasonable and in the public interest in that the regulations better protect the residential communities within the Town by providing location, bulk and height restrictions on accessory structures within residential districts.

Doug Theroux

Doug Theroux
Chairman, Planning and Zoning Board

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE TO
AMEND CHAPTER 36 CONCERNING REGULATION OF
ACCESSORY STRUCTURES AND TEMPORARY USES**

WHEREAS, on November 20, 2017, Town Council requested that the Planning and Zoning Board study the issue of regulation of accessory structures within residential districts, and in particular the use of storage containers as accessory structures within residential districts;

WHEREAS, the Planning and Zoning Board met on December 7, 2017, January 2, 2018 and February 6, 2018, and studied the legal limitations applicable to regulation of residential accessory structures, reviewed the Town's existing regulations, and discussed how best to regulate accessory structures and temporary uses within the Town;

WHEREAS, with only limited exceptions NCGS 160A-381(h) prohibits regulations relating to building design elements for residential structures, which includes a prohibition on regulations concerning exterior building color, type or style of exterior cladding material, style or materials of roof structures or porches, exterior nonstructural ornamentation, location or architectural styling of windows, doors and garages, number and types of rooms, and interior layout of rooms;

WHEREAS, NCGS 160A-381(h) does allow for regulation concerning the height, bulk, orientation, and use of buffering or screening to minimize visual impacts to mitigate the impacts of light, noise, or to protect the privacy of neighbors;

WHEREAS, while attempts to incorporate buffering and screening requirements were contemplated it was determined that the uniform application of such requirements for all accessory structures would not be reasonable and in the public's interest;

WHEREAS, the Planning and Zoning Board does recommend the proposed amendments that provide regulation of accessory structures as they are allowable under NCGS 160A-381(h), are consistent with the Comprehensive Land Use Plan, reasonable and in the public's interest;

WHEREAS, after proper notice the Town Council held a public hearing on March 19, 2018, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council adopts the findings and recommendation of the Planning and Zoning Board;

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

1. Section 36-105 is hereby amended to add “Accessory Structures” under Miscellaneous Uses within the Table of Uses and to provide that they are permitted with standards (“PS”) in R-1, R-2, R-3, and R-12, and permitted by right in C-1, C-2, and I-1 (“P”), as follows:

MISCELLANEOUS USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Accessory Structures	PS	PS	PS	PS	P	P	P
Adult Establishment	-	-	-	-	-	C	C
Agriculture – Commercial	-	-	-	-	PS	PS	PS
Agriculture – Neighborhood	PS	PS	PS	PS	PS	PS	PS
Crematories	-	-	-	-	-	-	C
Event Center	-	-	-	-	C	C	C
Gaming Terminals						PS	PS
Mixed-Use Building or Structure	-	-	-	C	C	C	-
Noxious Uses	-	-	-	-	-	-	C
Tattoo Parlors	-	-	-	-	-	P	P

2. Section 36-134 is hereby amended as follows, with all amendments being highlighted, added language underlined and stricken language shown with strike-throughs:

Chapter 36, Article V Additional Use Standards, 36-134 Temporary Uses

- A. Temporary uses or structures may be permitted summarily in conjunction with a Special Event Permit issued by the Town Manager as described by Section 16-6 Special Events.
- B. When utilized in conjunction with any construction or renovation on the same parcel of land, storage containers shall only remain on the property for the duration of construction. ~~Construction offices and storage containers or facilities may be permitted provided the structure(s) are placed within the setbacks established by the applicable zoning district and a sunset date is established at which the structure(s) shall be removed from the property. Such structure(s) shall be directly related to the development of a lot and shall be permitted via a zoning permit obtained from the Zoning Administrator.~~
- C. Temporary vendors may be permitted only one structure which may not exceed 1,500 square feet. Temporary vendors operating in the parking lot associated with a primary use must not cause nonconformity with the parking requirements of this chapter. Temporary vendors may only operate in zoning districts in which general retail is also

permitted. Those conducting yard sales on a property where they currently reside shall not be considered temporary vendors.

- D. Portable and on demand storage containers located within residential zoning districts are permissible for a period of up to 14 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.
- E. Portable and on demand storage containers located within commercial or industrial zoning districts are permissible for a period of up to 60 consecutive days not to exceed two occurrences per calendar year. Said containers are exempt from zoning permit requirement.

3. Section 36-138 is hereby added:

Chapter 36, Article V Additional Use Standards, 36-138 Accessory Structures

- A. The footprint of accessory structures within any residential zoning district shall not exceed the following maximum footprint(s).

Lot Size	One Structure	All Structures
Less than 1 acre	800 square feet	1,000 square feet
1 to 3 acres	1,200 square feet	1,600 square feet
More than 3 acres	No limit	No Limit

- 1. The footprint of any structure defined as “dwelling – secondary” shall not be included in the calculation of footprint for accessory structures but such structures shall meet the additional standards established by Sec. 36-124.
 - 2. The footprint of any accessory structure implemented with any use defined as “agriculture – commercial” or “agriculture – neighborhood” shall not be included in the calculation of foot print for accessory structures but such structures shall meet the additional standards established by Sec. 36-120 and Sec. 36-121.
- B. Accessory structures shall not exceed the height of the primary structure and in no event exceed 25 feet.
- C. Accessory structures shall only be located within the side or rear yard of the primary structure and shall only be permitted within the setbacks established by the applicable zoning district.
- D. Accessory structures providing common facilities for residential developments, including but not limited to a clubhouse, mail receptacle facilities, pool house, rental or property management office, shall not be subject to the footprint limits established by Sec. 36-138A and location requirements established by Sec. 36-138D.

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

ADOPTED THIS the 19th day of March, 2018, by a vote of ___ in favor and ___ against.

ALLAN P. ROOT, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

DEREK HUNINGHAKE, Town Clerk

JENNIFER O. JACKSON, Town Attorney

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, March 19, 2018

Subject: Action on a Proposed Amendment of Code Related to the Additional Standards Placed upon Mobile Food Vendors

Presenter: Planning Director

Attachments: Proposed Amendments to Chapter 36-130 – Mobile Food Vendors, Recommendation of the Planning and Zoning Board, Proposed Ordinance

Description:

On Tuesday, January 2, 2018 the Planning and Zoning Board reviewed an application for a zoning text amendment which called for the reduction in footage a mobile food vendor may be placed adjacent to an existing residential structure within a residential zoning district and the elimination of a requisite special event permit for any mobile food vendor to be placed in the C-1 Zoning District. The Board felt that issues such as parking, permitting, hours of operation and access to restrooms should be addressed in order for mobile food vendors to be considered in the C-1 Zoning District and instructed staff to craft language reflective of their concerns.

On Tuesday, February 6, 2018 the Board again reviewed the aforementioned application which was submitted for their consideration again in conjunction with additional language crafted by staff. At the conclusion of this meeting, the Planning and Zoning Board voted to unanimously recommend the proposed amendments to the additional standards placed upon mobile food vendors.

Action Requested:

Staff is seeking the adoption of the aforementioned revision of municipal code.



Proposed Table of Uses
Proposed

Mobile Food Vendors, Permitted with Standards in C-1, C-2, I-1

Temporary Uses	R-1	R-2	R-3	R-12	C-1	C-2	I-1
Farmers Market	PS	PS	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	PS	PS	PS
Temporary Use	PS	PS	PS	PS	PS	PS	PS

Definition:

Mobile Food Vendor. Any mobile food unit, pushcart or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption of food and beverages. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.

Additional Standards:

Chapter 36, Article V Additional Use Standards, Sec. 36-130. – Mobile Food Vendors

- A. No waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system, or other public spaces.
- B. Mobile food vendors:
 - 1. shall be situated at least ten feet from all property lines, **excepting those separating contiguous parcels under common ownership**, and
 - ~~2. shall be situated at least ten feet any road right-of-way and~~
 - 3. shall not encroach onto any street or sidewalk and
 - 4. shall not obstruct any loading zone **or handicapped** parking space **made requisite by Article VII of Chapter 36.**
 - 5. shall not create a sight line obstruction
 - ~~6. This These requirements shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property.~~
- C. Mobile food vendors shall be located at least ~~200~~ **150** feet from any **primary** residential structure located within the R-1, R-2 or R-3 Zoning District.

- D. Mobile food vendors shall not be located within ten feet of any fire hydrant.
- E. Hours of operation shall be consistent with ~~7am to 10pm~~ the hours of operation of the principal building or use of the property on which the mobile food vendor is located but in no instance shall such hours exceed 7am to 11pm. ~~This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property. Such hours may be established in conjunction with the special event.~~
- F. ~~In no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land.~~
- G. Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation. Municipal waste receptacles shall not be used.
- H. In addition to signage displayed directly on the vehicle, one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or 8 square feet of surface area, ~~is permitted~~. Such a sign shall be placed within ten feet of the mobile food unit ~~and shall only be displayed during hours of operation~~.
- I. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.
- J. Mobile food vendors are only permitted ~~in the C-1 Zoning District~~ on public property, including but not limited to any real property, parking spot or lot, or road or right-of-way under municipal or state control and ownership in conjunction with the issuance of a special event permit. ~~Mobile food vendors operating in conjunction with a special event permit issued by the Town of Weaverville are not subject to these regulations but are governed by the conditions placed upon the permit for approval.~~
- K. Such a use is also subject to standards of the Buncombe County Health Department as it relates to the permitting, inspection and grading of all regulated food service establishments.
- L. ~~A Zoning Permit is required for each parcel which proposes to establish a mobile food vendor. The fee for said permit may be found within the schedule of fees.~~



**Town of Weaverville
Planning and Zoning Board**

On January 2, 2018, the Planning and Zoning Board reviewed the current provisions of the Town Code related to standards for mobile food vendors and considered an application for a text amendment which proposed amendments thereto. At the request of both the applicant and the Board the matter was continued to February 6, 2018, at which time the Planning and Zoning Board heard from several members of the public and continued its review and discussion on the matter.

On February 6, 2018, the Planning and Zoning Board voted unanimously to recommend Town Council's approval of the attached amendments to Town Code related to the regulation of mobile food vendors.

The Board believes that the recommended regulations are consistent with the Town's Comprehensive Plan, reasonable, and in the public interest in that the regulations provide a balance between protecting the residential districts and encouraging a wide range of commercial businesses necessary for a thriving economy within the Town.

Doug Theroux

Doug Theroux
Chairman, Planning and Zoning Board

**ORDINANCE AMENDING WEAVERVILLE TOWN CODE SECTION 36-130
CONCERNING THE REGULATION OF MOBILE FOOD VENDORS**

WHEREAS, an application for a text amendment to modify the regulation of mobile food vendors within the Town was received and reviewed pursuant to Article XIII of Chapter 36;

WHEREAS, the Planning and Zoning Board met on January 2, 2018 and February 6, 2018, and reviewed and discussed the application for a text amendment concerning mobile food vendors;

WHEREAS, during its February 6, 2018, meeting the Planning and Zoning Board also heard from several members of the public concerning the proposed amendments;

WHEREAS, based on concerns raised by the Planning and Zoning Board the applicant agreed to a revision to his proposed text amendment that would be consistent with the regulation that the Planning and Zoning Board determined to be in the best interest of the citizens of the Town of Weaverville;

WHEREAS, Planning and Zoning Board reviewed the C-1 district in which the principal use of the land is for retail and food service businesses and the regulations for the C-1 district were established in order to protect the present retail businesses and service development within the district and promote future development within the district of businesses compatible with a vibrant, walkable main street;

WHEREAS, feeling that the concerns raised by the public comments had been adequately reviewed and discussed in previous meetings and the regulations drafted based on that discussion, the Planning and Zoning Board voted unanimously to recommend that Town Council approve the below amendments which modify the additional standards for mobile food vendors, and in so doing allow mobile food vendors within the C-1, C-2, and I-1 districts, subject to the revised additional standards;

WHEREAS, the Planning and Zoning Board found that the text amendments concerning mobile food vendors that they recommend to Town Council are consistent with the Comprehensive Land Use Plan, reasonable and in the public's interest;

WHEREAS, after proper notice the Town Council held a public hearing on March 19, 2018, in order to receive input from the public on these proposed amendments;

WHEREAS, Town Council believes that mobile food vendors are food service businesses that are compatible with a vibrant and walkable main street and, since the proposed regulations require that they be an accessory use to a primary, brick and mortar business, the impact of mobile food vendors on existing food service businesses within C-1 is not appreciably different than the impact that would be felt by a brick and mortar restaurant which is allowable by right within C-1, C-2, and I-1;

WHEREAS, Town Council adopts the findings and recommendation of the Planning and Zoning Board;

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

1. Section 36-130, which provides for the additional standards for mobile food vendors, is hereby amended as follows, with all revisions highlighted and with added language shown as underlined and stricken language shown with strike-throughs:

Chapter 36, Article V Additional Use Standards, Sec. 36-130. – Mobile Food Vendors

- (a) No waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system, or other public spaces.
- (b) ~~Mobile food vendors shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street or sidewalk and shall not obstruct any loading or handicapped parking space. This requirement shall not apply to special events approved by the town which take place on public streets, sidewalks or parking lots or any other public property.~~

Mobile food vendors:

1. shall be situated at least ten feet from all property lines, excepting those separating contiguous parcels under common ownership, and
 2. shall not encroach onto any street or sidewalk, and
 3. shall not obstruct any loading zone or parking space made requisite by Article VII of Chapter 36, and
 4. shall not create a sight line obstruction.
- (c) Mobile food vendors shall be located at least ~~200~~ 150 feet from any primary residential structure located within the R-1, R-2 or R-3 Zoning District.
 - (d) Mobile food vendors shall not be located within ten feet of any fire hydrant.
 - (e) Hours of operation shall be consistent with the hours of operation of the principal building or use of the property on which the mobile food vendor is located but in no instance shall such hours exceed 7am to 11pm. ~~limited to 7am to 10pm. This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property. Such hours may be established in conjunction with the special event.~~
 - (f) Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation. Municipal waste receptacles shall not be used.
 - (g) In addition to signage displayed directly on the vehicle, one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or 8 square feet of

surface area, is permitted. Such a sign shall be placed within ten feet of the mobile food unit or vehicle and shall only be displayed during hours of operation and must be removed when outside hours of operation.

- (h) The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.
- (i) Mobile food vendors are only permitted in the C-1 Zoning District in conjunction with the issuance of a special event permit on public property, including but not limited to any real property, parking spot or lot, or road or right-of-way under municipal or state control and ownership, in conjunction with the issuance of a special event permit. Mobile food vendors operating in conjunction with a special event permit issued by the Town of Weaverville are not subject to these regulations but are governed by the conditions placed upon the permit for approval.
- (j) Mobile food vendors are ~~Such a use is~~ also subject to standards of the Buncombe County Health Department as it relates to the permitting, inspection and grading of all regulated food service establishments.
- (k) In no instance shall a mobile food vendor be permitted to be the primary or principal use of a parcel of land.
- (l) A Zoning Permit is required for each parcel which proposes to establish a mobile food vendor. The fee for said permit may be found within the schedule of fees.

2. 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.

3. These amendments shall be effective immediately upon adoption.

ADOPTED THIS the 19th day of March, 2018, by a vote of ___ in favor and ___ against.

ALLAN P. ROOT, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

DEREK HUNINGHAKE, Town Clerk

JENNIFER O. JACKSON, Town Attorney

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: March 6, 2018
Subject: Parks & Recreation Master Plan Approval
Presenter: Town Manager
Attachments: Parks & Recreation Master Plan

Description:

Attached is the final Parks & Recreation Master Plan developed by Land of Sky Regional Council. Council heard a presentation by Kyle Guie, Planner for the Land of Sky Regional Council, in February. Town Council is now asked to consider adoption of the Master Plan which could serve as a guide to improvements within the Town's parks.

Council Action Requested:

The Town Manager recommends adoption of the Parks & Recreation Master Plan.

PARKS & RECREATION MASTER PLAN





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TOWN OF WEAVERVILLE COUNCIL

Al Root, Mayor
John V. Penley, Vice-Mayor
Dottie Sherrill, Council Member
Doug Jackson, Council Member
Patrick Fitzsimmons, Council Member
Andrew Nagle, Council Member

TOWN OF WEAVERVILLE STAFF

Selena Coffey, Town Manager
Dale Pennell, Public Works Director, Engineer
Tony Laughter, Public Works Director-Retired
James Eller, Planning Director
Jennifer Jackson, Town Attorney
Tonya Dozier, Finance Director

TOWN OF WEAVERVILLE RECREATION ADVISORY BOARD

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Andrew Nagle, Ex-Officio
Thomas Veasey
Jim Proffitt
Jeremy Sheridan
Judy Glicken
Brenda Dillingham
Paul Littman
Laura Ayres
Dr. Nicole Ogg
Beth Mangum

INTRODUCTION

In September of 2017, the Town of Weaverville partnered with Land of Sky Regional Council to develop a community directed, town-wide Masterplan for Parks and Recreation. This Plan creates a vision for a comprehensive approach to recreation facilities, recreational programming, open space, and trails to meet the needs of the community.

Going through a town-wide planning process is important for several reasons. The process provides a forum for residents to share:

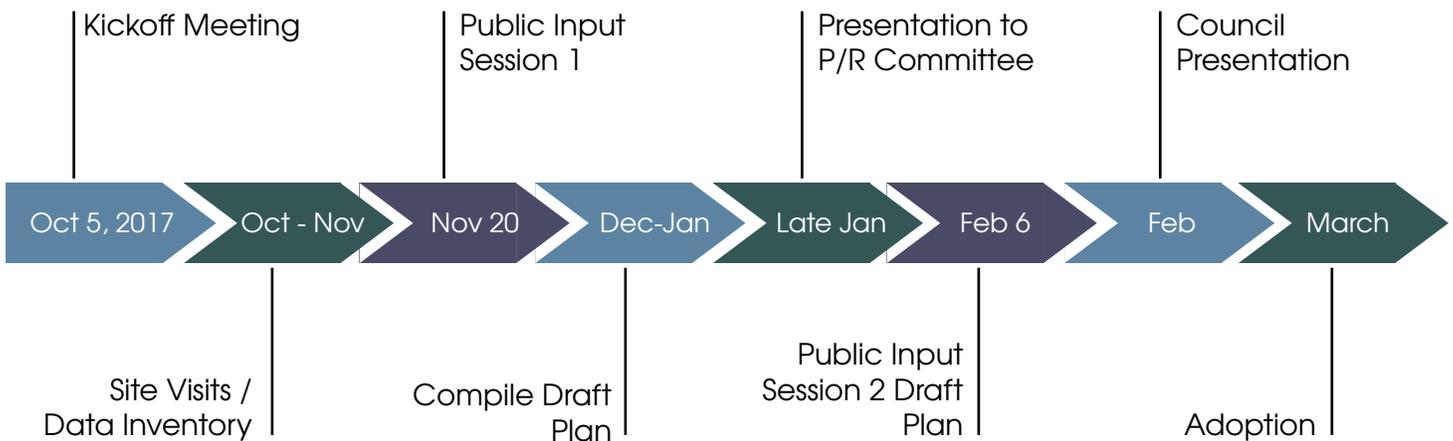
1. Their vision and priorities for their community;
2. Updates on current projects underway or needs for upcoming efforts;
3. Recommendations for programming and facilities.

The Plan also describes key factors and issues that may play a role in the development of the Weaverville Parks and Recreation system, such as facility condition or how frequently a site is used. This information will provide the foundation for the analysis of the existing park system and assessment of future community needs.

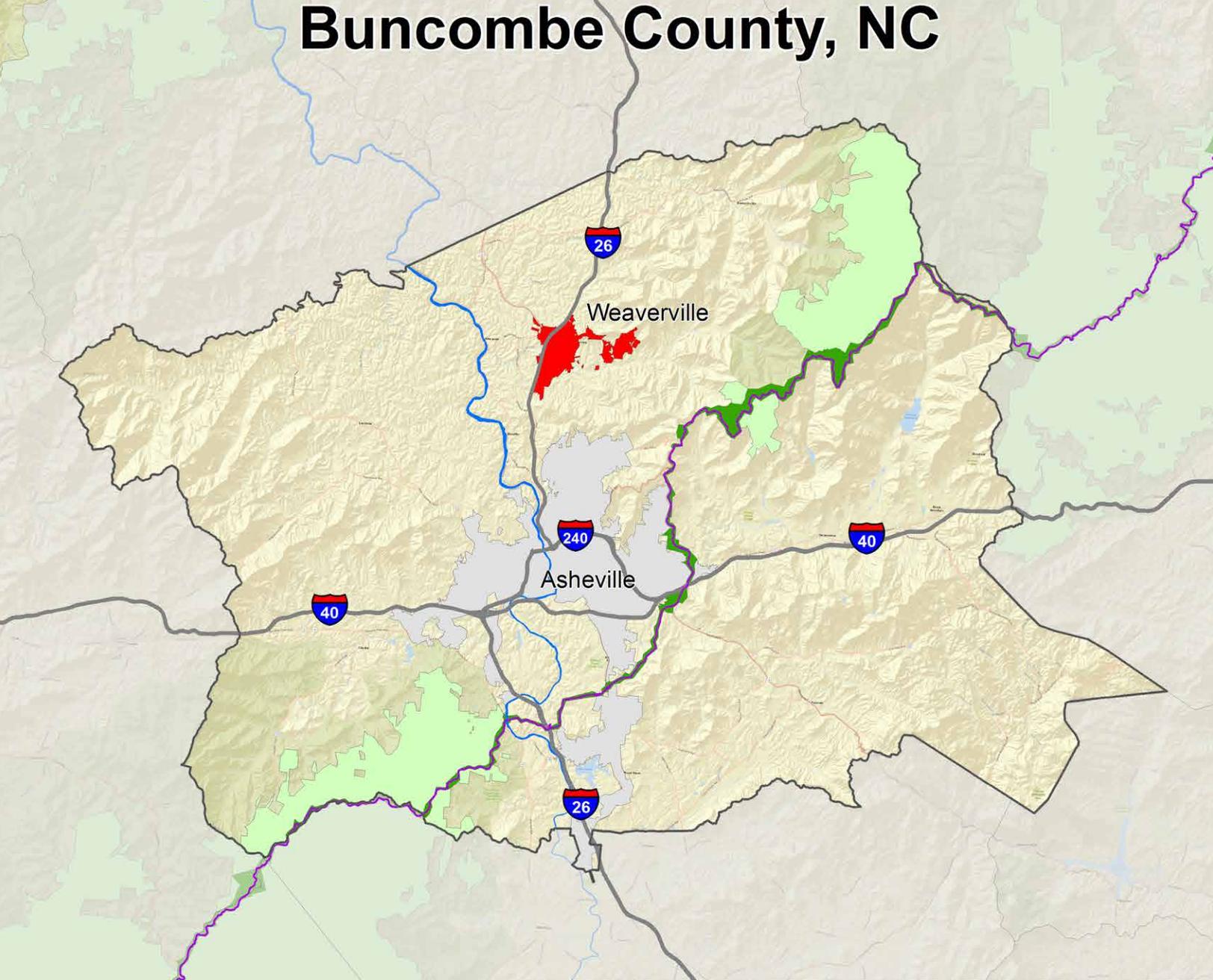
Finally, the Plan should be a living document and revisited annually to ensure priorities are still consistent with the needs and desires of the community.

As the Town continues to grow, maintaining and improving the quality of life offered to residents will be essential to preserving the character that makes Weaverville an attractive community.

FIGURE 1: MASTER PLAN TIMELINE

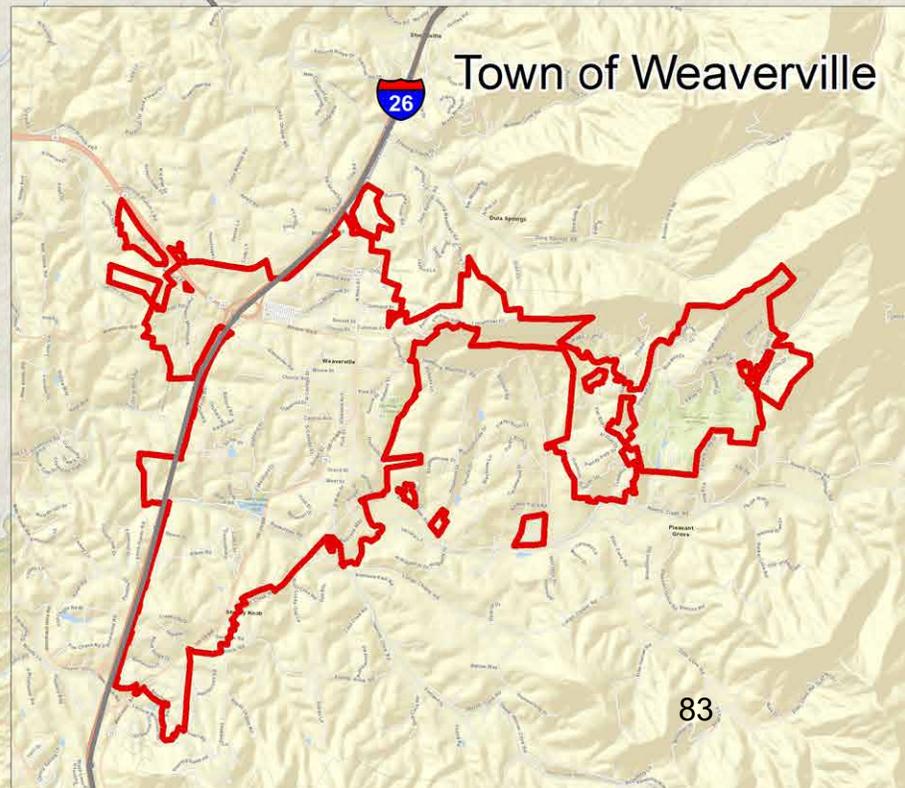


Buncombe County, NC



Legend

-  Blue Ridge Parkway
-  Interstate Highway
-  French Broad River
-  National Park
-  National Forest
-  Weaverville Town Limit
-  Asheville City Limit
-  Buncombe County Boundary



Miles



DEMOGRAPHICS

Weaverville is a small, fast-growing town in northern Buncombe County. Nestled in the Appalachian Mountains of Western North Carolina, Weaverville has established itself as a popular small-town in close proximity to a number of regional destinations, including the Blue Ridge Parkway, Pisgah National Forest, and Downtown Asheville. And like much of the rest of the region, Weaverville has seen its population increase.

POPULATION GROWTH

In the last 25 years, Weaverville has experienced significant population growth. Between 1990 and 2015, Weaverville grew from a population of 1,959 to 3,886 - an increase of an estimated 1,927 new residents. As shown in Figure 2, before 1990 the population growth rate was relatively slow and steady until it grew by 98% after 1990.

It should be noted that the population growth is not limited to the town limits. Asheville, Woodfin, and unincorporated areas near Weaverville are growing at similar - sometimes higher - rates. In particular, census tracts north and west of Weaverville have grown at more than twice the rate of the census tract that contains Weaverville. In terms of demand for parks and recreation opportunities, this is likely to translate to demand for park assets that outpaces population growth within the Town.

OLDER ADULTS IS A GROWING DEMOGRAPHIC

As of 2016, the largest age segment is between 65 and 69 (11.2%), and reflects Weaverville's attractiveness for retirees. While the five-county region has become an attractive destination for seniors, Weaverville has become a particular hot spot for seniors within the region. In 2016, 32% of Weaverville's population is 65 years and over - more than the five-county average of 20%.

With such a significant population of seniors, it's important to incorporate design features and

recreational opportunities that offer something for all ages. Many retirees desire communities that offer high quality recreational opportunities in order to maintain physical well-being. Some communities offer specific programming such as yoga, walking groups, and exercise classes. Park facilities that incorporate universal design principles and meet or exceed the American's with Disabilities Act compliance requirements are important so that the needs of populations of all ages and abilities can be met.

Weaverville has also established itself as a relatively high-income community with low poverty rates. In 2016, Weaverville had 1,757 households, with a median income of \$53,079 - higher than the Buncombe County median of \$46,902. Similarly, the poverty rate for individuals in Weaverville (5.3%) is much lower than the rate for Buncombe County (14.8%).

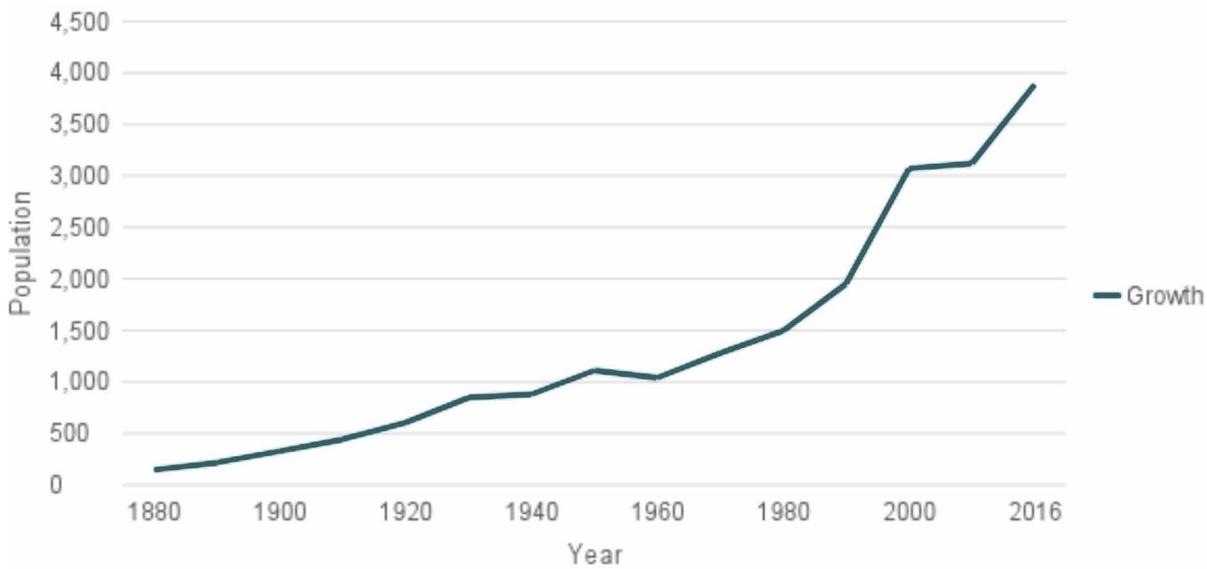
The Town of Weaverville and surrounding area are also home to one of the most vibrant and active art communities in North Carolina. Each spring and fall, local artists welcome the public into their studios to show off their craft during the Weaverville Art Safari. Each September local artists host Art in Autumn - a juried show for artists. Many members of the Southern Highlands Craft Guild are also based in Weaverville and the surrounding area.

KEY POINTS

- Population growth will increase demand for parks and recreation facilities and services.
- The growing aging demographic may require facilities that meet the needs of older adults including ADA compliant facilities and age appropriate amenities.



FIGURE 2: POPULATION 1880 - 2016



MAP 1: BUNCOMBE COUNTY POPULATION GROWTH 2000 - 2015





FIGURE 3: POPULATION BY AGE CATEGORY 2016

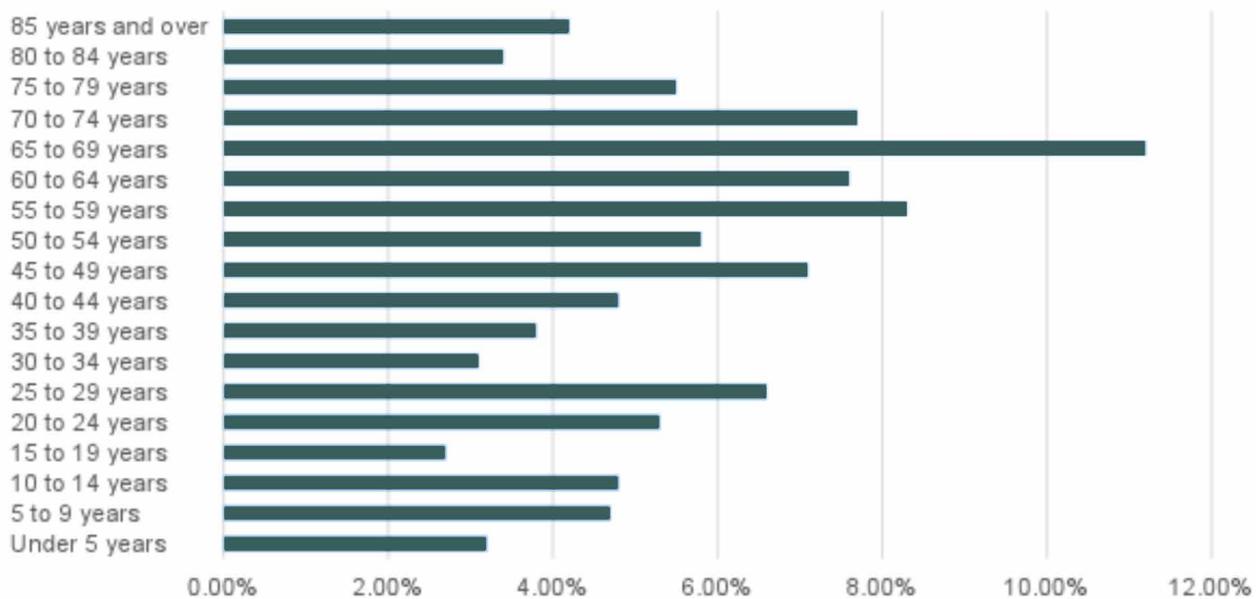


FIGURE 4: SENIOR POPULATION PERCENTAGE





PARK FACILITIES

The Town of Weaverville currently provides a number of recreational opportunities to its citizens and visitors through two major park facilities: Lake Louise and the Main Street Nature Park.

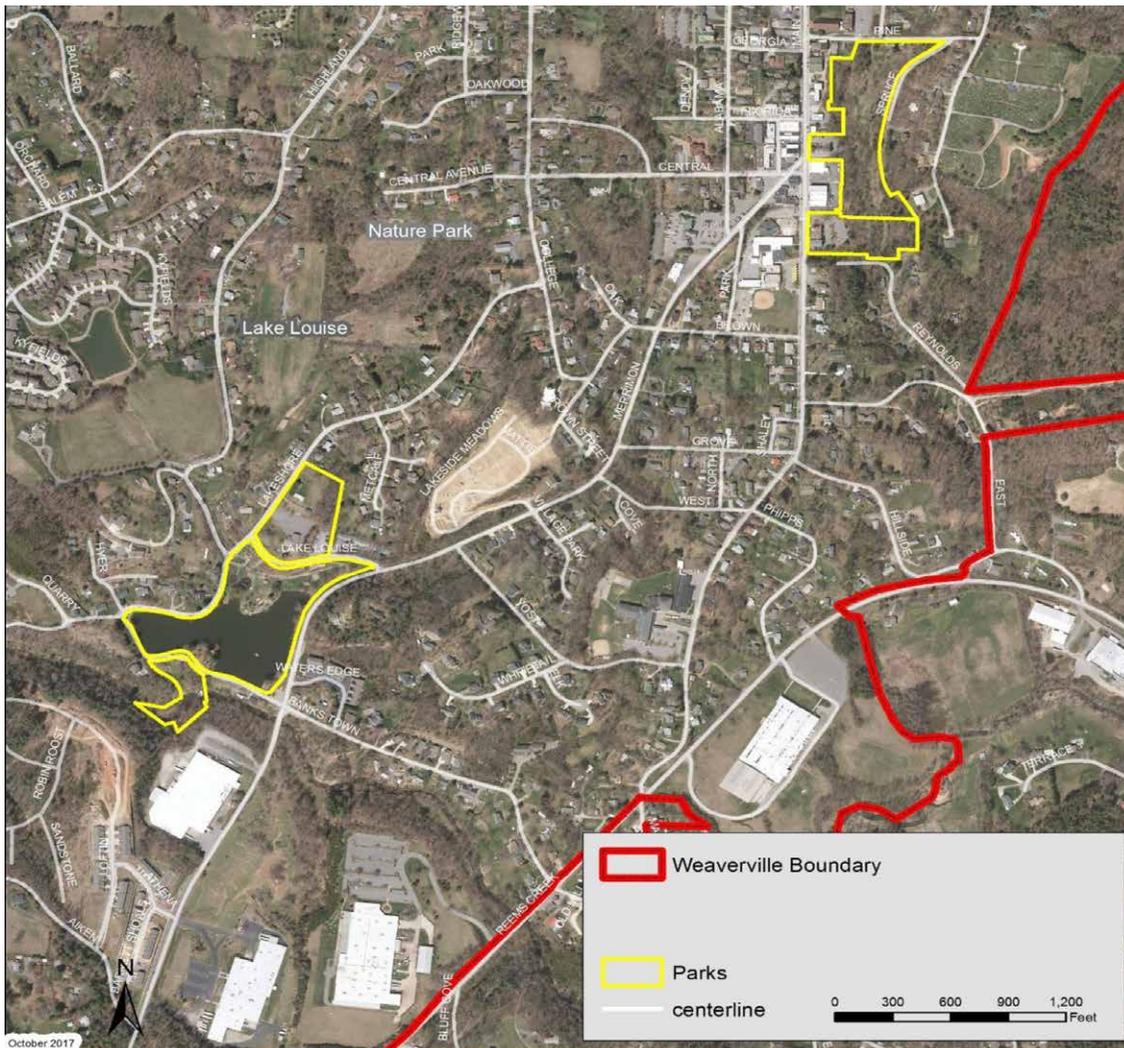
There are a wide range of other recreational opportunities in the surrounding region. Western North Carolina is well known for its bountiful recreational assets, including Pisgah National Forest, the Blue Ridge Parkway and Mountains-to-Sea Trail, and Great Smoky Mountains National Park.

For those looking for more sports-oriented or urban recreation, many of the neighboring municipalities have a range of opportunities.

For example the Karpen Soccer Fields, maintained by Buncombe County, are just outside town limits. The City of Asheville and Buncombe County also have a number of parks, playgrounds, and greenways that support a much larger population of residents and visitors.

To ensure the parks remain safe and in good condition for those of all ages, the Recreation Division of the Public Works Department is responsible for maintenance of the facilities. In order to help with maintenance, the Town has implemented rules to keep parks in good condition and ensure everyone's safety and enjoyment.

MAP 2: WEAVERVILLE BOUNDARY





LAKE LOUISE

[weavervillenc.org/
recreation](http://weavervillenc.org/recreation)

The Town owns and maintains Lake Louise as the centerpiece of its park facilities. The park, easily accessible and visible from Merrimon Avenue, showcases a stunning lake with walking trails, picnic shelters, and grills.

Those who have both a NC fishing license and a permit from the Town of Weaverville may fish in Lake Louise. Lake Louise is the perfect spot for a youngster to catch their first fish.

The Lake property was donated to the Town in 1936. The area was extensively renovated and improved in 1987 to become the park you see today. It has become a gathering place for residents of all ages.

Weaverville recently installed new exercise equipment at Lake Louise in 2017.

The 0.61-mile walking trail around Lake Louise is predominantly an ADA accessible gravel surface. From November 2nd until November 8th, 2017, the French Broad River MPO

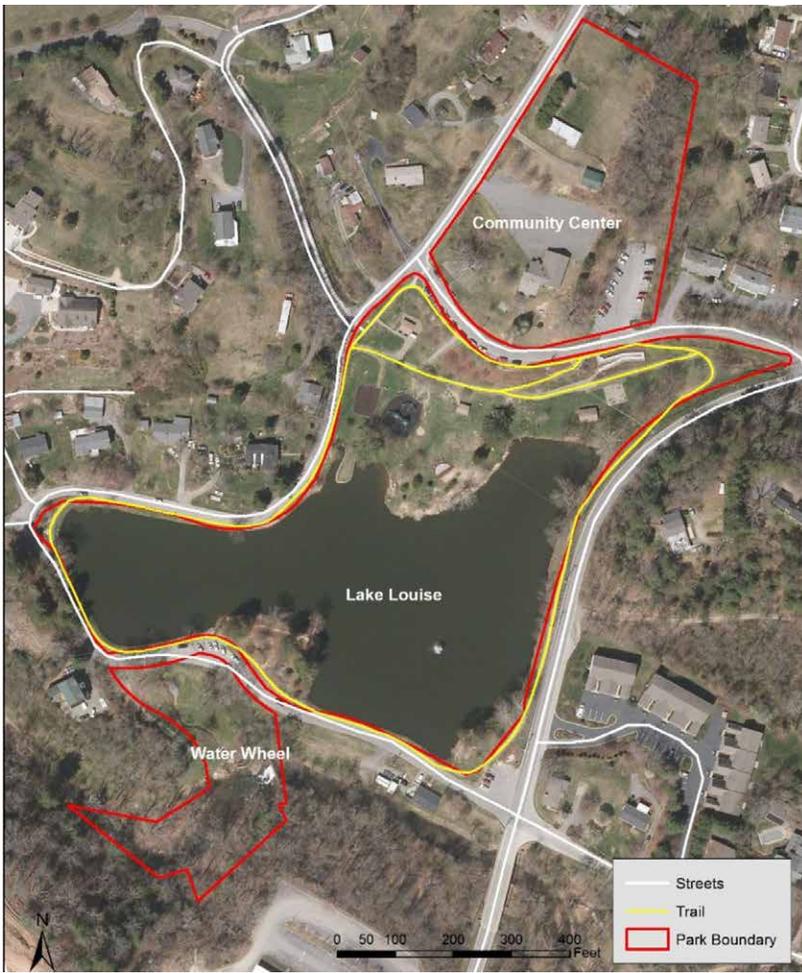
conducted pedestrian counts on the trail that surrounds Lake Louise. As the data highlights in Appendix A, this trail is used frequently.

FORMER RECREATION CENTER

Until recently, Lake Louise was also home to the Weaverville Recreation Center. Due to a number of structural issues, the recreation center was demolished in December of 2017. During the demolition, much of the wormy chestnut and stone was salvaged by volunteers and town staff so that it may be used in the future center. Town staff is currently evaluating options for replacement.

The parking lot is currently used by the Weaverville Tailgate Market. The market operates on Wednesdays from 2:30PM to 6:30PM, April - December annually.

MAP 3: LAKE LOUISE PARK



MAP 4: RECREATION CENTER AT LAKE LOUISE PARK





MAIN STREET NATURE PARK

[weavervillenc.org/
recreation](http://weavervillenc.org/recreation)

11 Pine Street
Weaverville, NC 28787

The Main Street Nature Park is located behind Town Hall and runs parallel to Main Street. The park provides 7.54 acres of passive recreation and wildlife viewing opportunities for residents. The unique characteristics of the park's natural beauty make it a place of solitude in town. There are several benches and sitting areas around the park for bird watching and relaxation. This facility has a walking trail that allows dogs on leash and is maintained by the Weaverville Public Works Department in cooperation with involvement by Conservation Board volunteers.

The sign shown above marks one of the trailheads at the parking lot of the Weaverville Town Hall. The nature park consists of natural surface trails that meander along the stream. Sculptures created by local artists are set throughout the park and provide a sense of community connection.

This park has been purposefully developed and maintained in a more natural condition such that area wildlife habitats are protected. It also serves as a demonstration facility creating natural habitats for flora and fauna.

KEY POINTS

- Main Street Nature Park's proximity to the thriving downtown creates opportunities to connect the two areas through events and culture.





PROPOSED REEMS CREEK GREENWAY

From the French
Broad River

To Beech
Community Club

During the development of the Buncombe County Greenways Master Plan in 2012, a potential segment of greenway was identified along Reems Creek, partially within the town limits of Weaverville. The planned greenway would connect the French Broad River to Weaverville and points east toward the Vance Birthplace and Beech Community, with a southern spur along Merrimon Avenue towards Woodfin. This section has been designated a “Primary Greenway Corridor” by Buncombe County and is part of the Connect Buncombe greenways initiative.

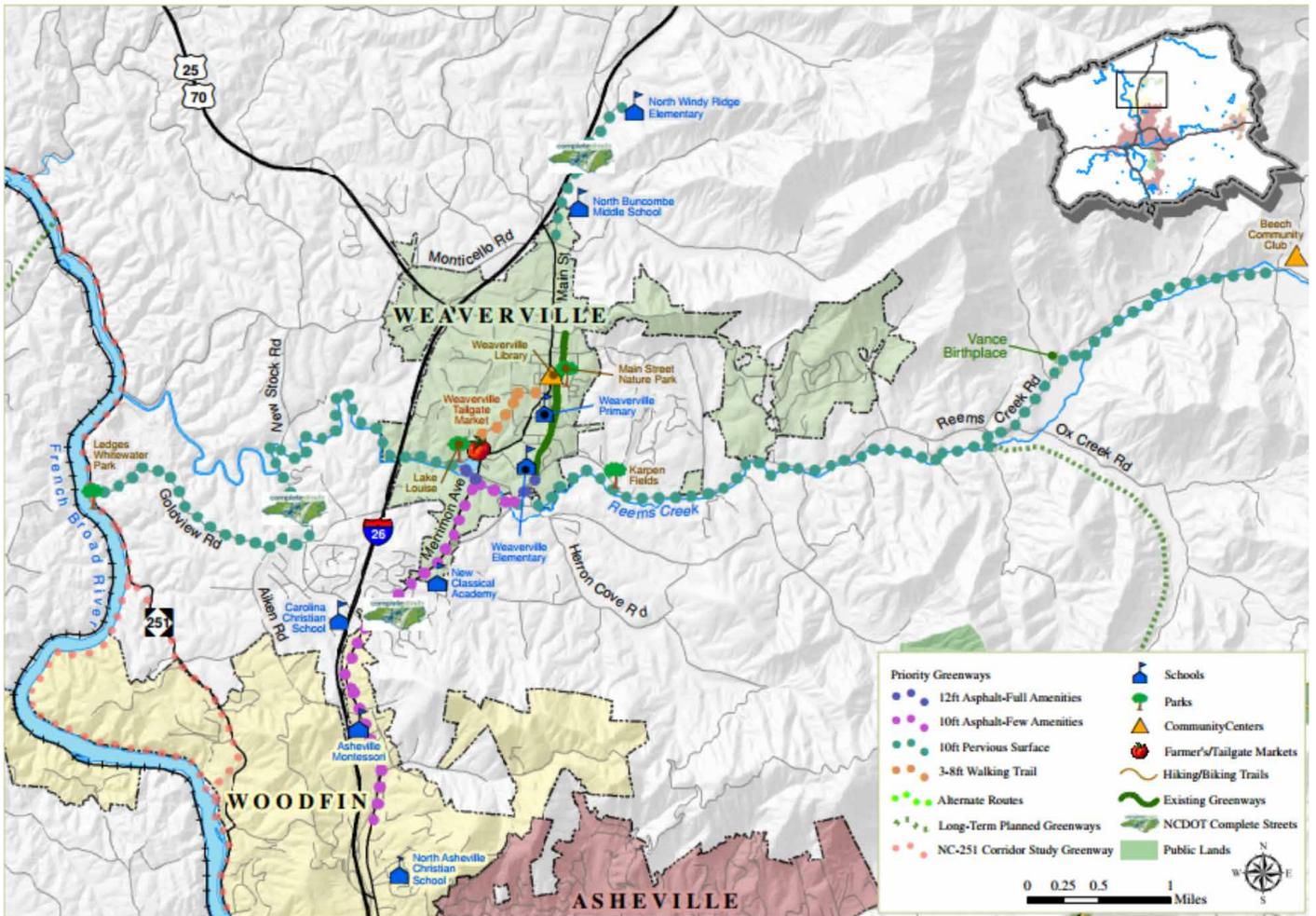
Since its inclusion in the Buncombe County Greenways Master Plan, the Reems Creek Greenway had a feasibility study completed in 2014 and Buncombe County has acquired federal funding from the French Broad River MPO to begin work on preliminary engineering in 2019 for a segment from the

western town limits to the Karpen Soccer Fields. There are no construction or right-of-way funds currently allocated to the project.

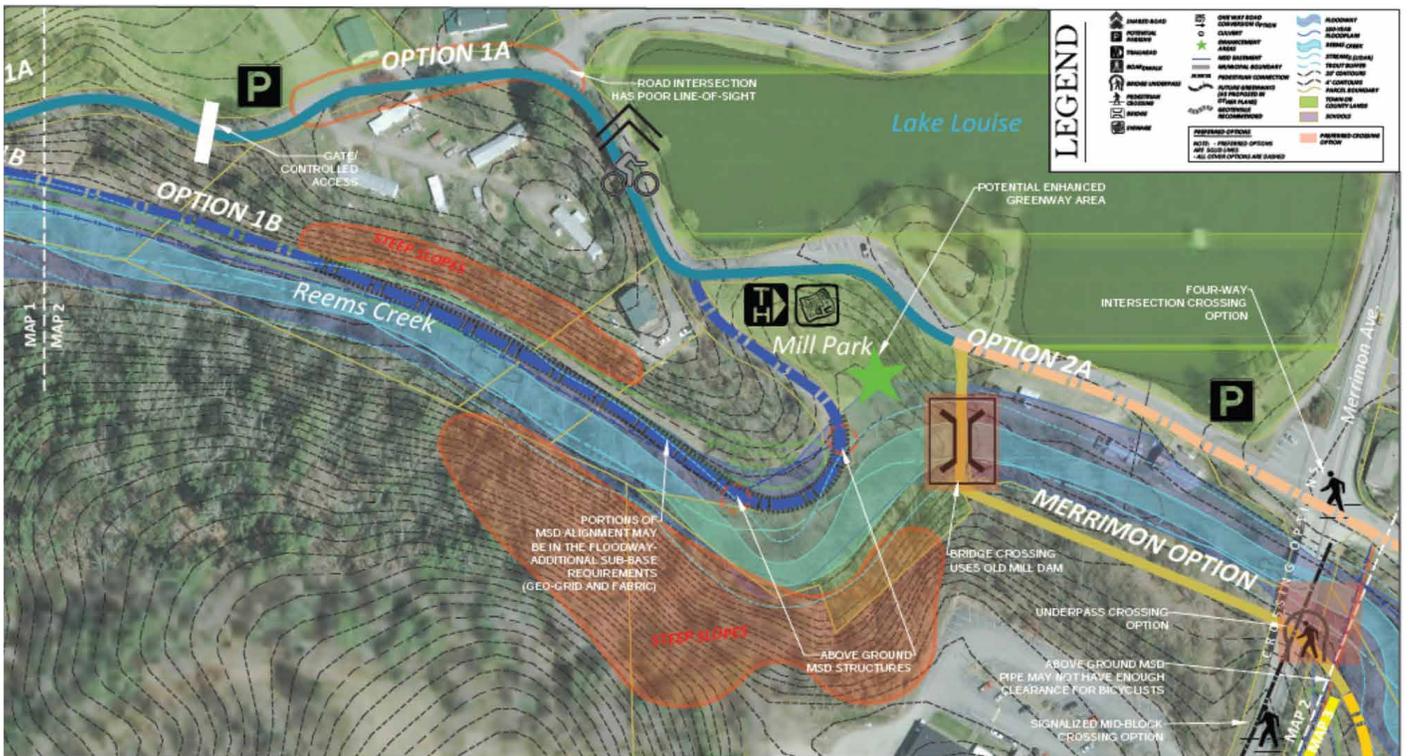
The Reems Creek Greenway will be a strategic addition to Lake Louise Park. It will provide enhanced pedestrian access to points east and west of the park while providing more recreational opportunities. The 2014 feasibility study analyzed various alignment options. Figure 8 below is taken from the Buncombe County Greenways Master Plan and shows the entire planned greenway corridor. Figure 9 is taken from the Reems Creek Greenway Feasibility Study and illustrates options for the greenway alignment through Lake Louise Park.

Weaverville is an active participant in the greenway project with staff support and financial contributions.

MAP 5: BUNCOMBE COUNTY GREENWAY MASTER PLAN



MAP 6: REEMS CREEK GREENWAY AT LAKE LOUISE - 2014 FEASIBILITY STUDY



FOCUS AREA MAP 2 | Lake Louise Area |





RECREATION NEEDS ASSESSMENT

OVERVIEW

A survey was conducted for the Parks and Recreation Masterplan to engage residents and make recommendations that are community-driven. This section provides a summary and analysis of the responses received. The central goal of the survey was to gauge interest, behaviors, and demographics from the Town of Weaverville's residents and visitors regarding parks and recreation and, more precisely, to act as a needs assessment to influence the development of a three to five-year Parks and Recreation Master Plan for the Town.

METHODS

The self-administered survey was available in print, hard-copy format, as well as online via the Town's electronic newsletter distribution list of 377 contacts, and accessible via the Town's website and social media sites. Approximately 96 percent of the completed surveys were submitted via the online survey mechanism. The online survey was initiated on September 18th, 2017 and closed on October 20th, 2017. Three reminders were delivered between initiation of the survey and closing of the survey on October 20th, 2017. The printed survey was available at the Buncombe County – Weaverville Library branch and was distributed to schools within the Town's jurisdiction. A copy of the four-page survey instrument is included in Appendix B and a detailed survey summary is available in Appendix C. A total of 424 surveys were collected. This represents just over 11 percent of the Town's population. All Census comparisons within this report are attributed to the United States Census American Communities Survey unless otherwise noted.

RESULTS

A set of 6 questions was designed to elicit demographic information from respondents including age, employment status, household income, gender identity and race or ethnicity. These questions were included to provide information about the Town's makeup and potential recreation needs or desires.

In addition to responding to the formal survey, respondents were given the opportunity to make general comments regarding the Town's parks and recreation amenities. These were reviewed and assimilated along with the formal questions to inform the key points on the next page.

PUBLIC INPUT

The Town of Weaverville hosted an open house on November 20th, 2017 at the Weaverville Town Hall. Approximately 20 residents attended to provide input on existing park facilities and needs for the future. During the session, residents were able to answer a series of questions. Table 1 provides an overview of the responses to those questions.

As reflected in both the survey results and the public input session, most residents visit Lake Louise more often. There is also strong need for indoor recreation space according to the input session. Residents were also given the opportunity to provide open ended input. Below is a list of the comments received.

- Improved public restrooms
- Dog Park
- Tennis courts
- Outdoor movies
- Ball fields
- Greenway connections
- Make farmers market more visible

KEY POINTS

- The vast majority of the survey respondents (76%) prefer Lake Louise Park for active recreation, while Main Street Nature Park is the preferred park for solo recreation and use for nature-related activities.
- Approximately 95 percent of survey respondents indicated that they would like to have indoor recreation space for adult and children’s activities such as fitness, yoga, martial arts and health classes.
- The majority of respondents indicated that they would support the renovation or new construction of the recreation center, formerly known as the Clubhouse.
- The survey indicated support, based on informal comments and formal survey questions, for permitting leashed dogs in both parks, but strong support for allowing leashed dogs on the walking paths at Lake Louise Park. These responses also included the need for additional waste stations throughout the park. Further, there was moderate indication within the informal survey comments that survey respondents would like to see a dog park within or near Town limits.
- Many of the survey respondents were aware of the Connect Buncombe greenway initiative and responded overwhelmingly positively to the Town’s active participation in this initiative.
- The survey responses indicated that the Town should continue to fund improvements and maintenance for both the Main Street Nature Park and the Lake Louise Park.
- The survey results indicated strong support for the construction of sidewalks down Merrimon Avenue from downtown to Lake Louise Park.
- The survey indicated strong support for improvements to the Main Street Nature Park with the addition of water fountains and restrooms, and improvements to existing trails.

TABLE 1: PUBLIC INPUT SESSION OVERVIEW

	Count
Most Visited Most Often	
Lake Louise	7
Main Street Nature Park	3
Facility Needs at Main Street Nature Park	
Accessibility	2
Rental Space	2
Special Events	4
Picnic Shelters	2
No New Facilities	1
Other: Awareness	4
Common Activities at Main Street Nature Park	
Picnics	1
Walking	5
Common Activities at Lake Louise	
Walking	7
Events	5
Market	3
Fishing	3
Need for Indoor Space?	
Yes	8
No	1
Comments	
Senior citizen space, Community space, After school programs	

On Tuesday, February 4, 2018, Land of Sky Regional Council presented the draft master plan to Town residents. Approximately 15 residents attended the session. During and after the presentation, residents asked questions regarding greenways, PARTF grant, indoor recreation space, dog policy, bikes, music stage, and events. The Town Manager, Planning Director, and Public Works Director were on hand to answer questions.





RECOMMENDATIONS

Based on the demographic analysis, public input, evaluation of existing facilities, and Town staff input, the following recommendations were developed.

1

Develop Maintenance Plan

2

Construct Indoor Recreation Space

3

Implement Recreation Programming

4

Build Multisport Surfaces

5

Support Greenways

6

Enhance Marketing Efforts



1: DEVELOP MAINTENANCE PLAN

The purpose of the Maintenance Plan is to clearly define the requirements and actions of the Town of Weaverville for maintaining parks, open spaces, trails, and recreation sites and assets over the next 10 years. The Maintenance Plan is intended to enable the Town of Weaverville to improve the identification, justification, and prioritization of maintenance requirements for park and recreation sites and assets.

Common elements of a maintenance plan:

- Parks and Recreation Department Maintenance Objectives
- Recommended Best Practices
- Site and Facility Design Issues
- Specific Design Issues at Existing Parks
- Regular Maintenance
- Current Regular Maintenance Resource Requirements
- Projecting Future Requirements Capital Repair and Replacement
- Park Maintenance, Trail Maintenance, Open Space Maintenance, Facility Maintenance
- Priorities for Levels of Service

2: CONSTRUCT NEW RECREATION CENTER

Based on survey results, the majority of residents appeared to be pleased with the Town's outdoor recreation spaces, but did not agree that the Town has sufficient indoor recreation activity space.

A well-functioning recreation center can act as a hub for events, activities, and civic occasions. The former recreation center had a number of building code and safety health hazard issues and was demolished in December 2017. Based on survey results and community input, there is a strong interest in a new community building for indoor recreation and event space. The survey results and public input session also indicated that there is a need for better restroom facilities at Lake Louise. This issue can be addressed by including publicly accessible restrooms on the inside and outside of a new recreation center.

Some possible uses for a new recreation center include:

- Arts and crafts for all ages
- Sports and fitness classes for all ages
- Tennis and pickleball
- Summer camp
- Youth sports clinics
- Yoga and Martial arts
- Civic group meetings
- Farmers market
- Public restrooms
- Computer and internet access for the public and/or school students
- Community/bulletin board

3: IMPLEMENT PROGRAMMING

Programming can play a vital role in providing residents with recreational opportunities and engaging them in parks. The programs do not have to be run by the Town. The Town can partner with community organizations to lead the activities. The Town's main role can be to provide the indoor and/or outdoor space. For example, during the public input session, some residents expressed an interest in having a community movie night in one of the parks. The



coordination and marketing of such an event can be handled by community members and the Town can provide access to the park for the event, general oversight and maintenance.

Generally, park programming falls within the following categories:

- Mind body/balance programs
- Fitness programs
- Educational programs
- Day camps & summer camps
- Environmental education
- Teen programming
- Adult sports teams
- Active older adult programs
- Holidays & other special events
- Nutrition & diet counseling
- Outdoor movies

4: BUILD MULTISPORT SURFACES FOR BASKETBALL AND TENNIS AT LAKE LOUISE PARK

Hard playing surfaces are limited on Town-owned facilities. Consider installing a multipurpose court that can be used for basketball, tennis, or kickball. The surface could also be used for activities and events, particularly if it is located near public restrooms and/or a new recreation center.

5: CONTINUE TO SUPPORT GREENWAYS

Continue to work with Buncombe County Recreation Services to expedite the process of creating the Reems Creek Greenway. The Greenway will provide enhanced bike and pedestrian access to Lake Louise Park and provide added recreational amenities

for residents. Consider forming a Greenway Committee or active group to assist the town plan and implement connections and foster interest in residents. Stay informed and in contact with the French Broad River Metropolitan Planning Organization about funding opportunities.

6: ENHANCED MARKETING EFFORTS

Most of these marketing efforts build on existing Town resources. The Town has a website which can include more parks and recreation materials like maps and more details about amenities. The Town also has social media that can be updated more frequently with parks and recreation information. The recreation software is a longer term goal and may only be needed if the Town starts to manager park programming.

1. Utilize the Town's recreation software – Software, such as the new CivicRec, provides the option to communicate with current or past registrants via mass email or text alerts.
2. Social Media – Facebook, Twitter, Pinterest and other social media platforms are all easy, free ways to communicate with citizens.
3. Targeted flyers/postcards – Post flyers around town.
4. Discounts – Do special offers for event and space rentals. If the Town offers programs that charge a fee, then the town could offer discounted rates for special occasions.
5. Website – Provide more detailed information about each park, and also detailed maps. It is recommended to have a large format web page and smaller maps that residents can print out.

PARKS AND RECREATION IMPLEMENTATION CHECKLIST

- Renovate and improve existing facilities for all ages and abilities.
- Develop a maintenance plan for both the Nature Park and Lake Louise Park.
- Develop programming specific to the needs of the community. Identify who the responsible entities will be if not town staff.
- Identify opportunities for playground improvements.
- Identify financing options for facility improvements.
- Develop a marketing plan for parks and programs.
- Update the website with more park information and maps.
- Coordinate with Buncombe County Recreation Services to expedite the development of the Reems Creek Greenway.

APPENDIX A

PEDESTRIAN COUNT DATA

Pedestrian Counter Location: On the Lake Louise walking trail, south of the playground, directly east of Lakeshore Drive.

Equipment: EcoCounter Pyro Counter

The Counter is able to count bicyclists, pedestrians, skateboarders, rollerbladers, or anyone who passes within approximately 16.5 feet of the equipment. However, the device is unable to differentiate between users and simply counts them in one category.

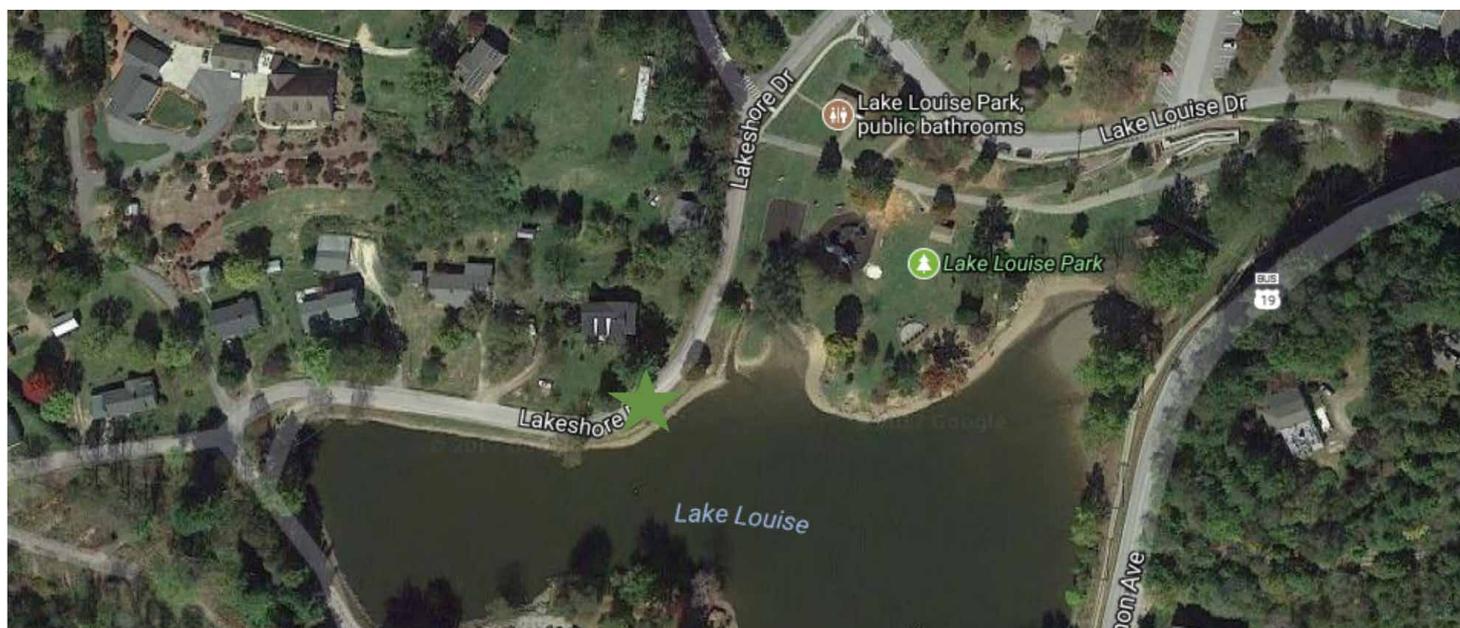
Possible sources of error include facility users walking side-by-side or very close to each other; this is likely to include people walking or running side-by-side, children being held by a parent or walking along side of them, or dense groups of users. It is unclear how many users are likely to have been missed due to these circumstances and there has been no effort to make up for this likely discrepancy.

Results:

TABLE 1: PEDESTRIAN COUNT OVERVIEW

Total Users	1,691
Users/Hour	10.1
Peak 24-Hour Usage	361
Peak Day	Sunday, November 5th
Peak 2-Hour Usage	95
Peak 2-Hour Day & Time	3:00 – 5:00 P.M. Sunday, November 5th

MAP 1: LOCATION OF PEDESTRIAN COUNTER. IMAGE SOURCE: GOOGLE MAPS.



APPENDIX B

WEAVERVILLE PARKS AND RECREATION MASTER PLAN NEEDS ASSESSMENT SURVEY

The Town of Weaverville maintains two beautiful parks, Lake Louise Park and Main Street Nature Park, each unique in its characteristics. While the Town does not fund recreational program staffing, it offers passive recreation opportunities in both parks. For this purpose, we define passive recreation as those activities such as trails for walking or hiking, playground equipment and open spaces for picnics.

This survey will provide the foundation for the Town's first Parks and Recreation Master Plan. While the Town already has many recreational opportunities within its own parks, we want to make them even better! By completing this survey, you will help us understand what you like, don't like, and what we can do better. Even if you don't use our parks and trails, your feedback is valuable!

1. Which park do you visit most often?
2. Do you use recreation facilities offered by a private provider (i.e. Golds Gym, YMCA, etc.)?
3. If yes, please tell us why you use other recreational facilities.
4. Please respond to the following statements:
5. Agree
6. Disagree
7. Don't Know
 - I feel that the Town's parks, equipment and facilities are maintained well.
 - I feel safe in visiting the Town's parks.
 - Parking is adequate at the parks.
 - The Town offers enough special events at its parks.
 - The Town's existing park facilities need renovations or improvements. (Examples:

restrooms, playground equipment, recreation center, picnic pavilions, outdoor exercise equipment.)

- Indoor recreation and activity spaces are sufficient within the Town.
 - Outdoor recreation spaces are sufficient within the Town.
8. The Main Street Nature Park provides opportunities for walking, dog walking, and bird watching. It also serves as a demonstration facility for creating natural habitats for flora and fauna. The Town's Conservation Board has, in recent history, been responsible for making recommendations to the Town regarding the use of park facilities, development of park infrastructure and restoration of the native plant community. The following questions are directly related to the Main Street Nature Park.
 9. Do you or anyone in your household visit the Main Street Nature Park in downtown Weaverville?
 10. If you answered no to the previous question, please indicate why not below.
 11. I'm not interested.
 12. I lack information about the park.
 13. The park is too crowded.
 14. There is a general lack of parking.
 15. There are better opportunities elsewhere.
 16. The park is not pet friendly.
 17. How often do you (or anyone in your household) visit the Main Street Nature Park?
 18. How would you rate the Main Street Nature Park for passive recreation (i.e. walking, dog walking, bird watching, etc.)?
 19. Please indicate which activities your or anyone in your household participates in at the Main Street Nature Park. You may check multiple activities.
 20. Please check any of the following new facilities that you feel are needed at the



Main Street Nature Park, given that it will remain the Town's primary open space for nature-related types or recreation activities.

21. The Town of Weaverville maintains Lake Louise Park, which consists of the lake itself, which may be used for fishing, children's playground equipment, outdoor exercise equipment, a gravel walking trail, picnic pavilions/shelters, access to Reems Creek for passive recreation including hiking/walking, dog walking, photography, bird watching, etc. A beautiful waterwheel and fountain accent this property. The park also houses a recreation center, historically known as the Clubhouse. The Town cannot permit full use of the recreation center at this time because the structure does not meet building codes and is not accessible for those with disabilities (i.e. it is not ADA accessible).
22. Do you or anyone in your household visit Lake Louise Park?
23. If you answered no to the previous question, please indicate why not below.
24. How often do you (or anyone in your household) visit Lake Louise Park?
25. How would you rate the Town's current

amenities at Lake Louise Park?

26. Please check any of the following activities you or anyone in your household participates in at Lake Louise Park.
27. Please check any of the following new facilities that you feel are needed at Lake Louise Park.
28. Would you like to provide additional comments regarding the Town's parks and recreation amenities?
29. About you (optional)
30. Are you a resident and/or own property in the Town of Weaverville
31. What is your age?
32. Which of the following best describes your employment status?
33. What is your household income?
34. Which of the following best describes your gender identity?
35. Which of the following best describes your race and ethnicity?
36. How many people, including yourself, currently live in your household?

APPENDIX C

RECREATION NEEDS ASSESSMENT

Demographics

Seventy-seven percent (77%) of the survey respondents answered that they live or own property within the Town’s jurisdiction.

Age

The majority of survey respondents (61.3%) categorized themselves as 55 years of age or older, while 38.2 percent categorized themselves as under 55 years of age, and less than one percent of respondents were noted as under the age of 18. The following table depicts a summary of survey respondents:

TABLE 1: AGE OF SURVEY RESPONDENTS

Age Category	Percentage
18 – 44 years	21.2%
45 – 54 years	17.0%
55 – 64 years	23.1%
65 – 69 years	17.9%
Over 70 years	20.3%

Employment Status

Approximately 51.9 percent of respondents listed their employment status as employed full-time, part-time or self-employed, while 40.1 percent were retired. Approximately 2.4 percent categorized themselves as unemployed, which is less than the 3.2 percent unemployment rate for Buncombe County as reported by the United States Department of Labor in April 2017.

TABLE 2: EMPLOYMENT STATUS OF SURVEY RESPONDENTS

Employment Status Category	Percentage
Employed full-time	31.6%
Employed part-time	7.1%
Self-employed	13.2%
Unemployed – Looking for work	1.2%
Unemployed – Not looking for work	1.2%
Retired	40.1%
Student	0.5%
Military	0.5%
Prefer not to answer	0.9%
No response / Other	3.8%

Household Income

Approximately two percent of survey respondents had a household income of less than \$24,000, another ten percent between \$24,000 and \$49,999 annually, 34.4 percent between \$50,000 and \$99,000 and over 27 percent above \$100,000. Approximately 26 percent of respondents chose not to provide information regarding household income.

TABLE 3: ANNUAL HOUSEHOLD INCOME OF SURVEY RESPONDENTS

Household Income Category	Percentage
Under \$24,000	1.9%
\$24,000 - \$49,999	10.4%
\$50,000 - \$74,999	17.2%
\$75,000 - \$99,000	17.2%
\$100,000 - \$124,999	12.7%
\$125,000 - \$149,999	5.4%
\$150,000 - \$174,999	3.8%
Over \$175,000	5.2%
No response / Prefer not to say	26.2%

Gender Identity

Approximately 59 percent of the survey respondents identified themselves as female, 35.4 percent as male and approximately five percent responded with other or they preferred not to answer.

Race or Ethnicity

The vast majority (86%) of survey respondents characterized themselves as Caucasian. Just over three percent identified themselves as Latino and/or Native American. Less than one percent of the survey respondents categorized themselves as African American and ten percent provided no response or preferred not to answer this question.

TABLE 4: AGE OF SURVEY RESPONDENTS

Race or Ethnicity	Percentage
African American	0.5%
Asian	0.0%
Caucasian	86.1%
Latino/Hispanic	1.7%
Native American	1.4%
No response / Prefer not to say	10.3%

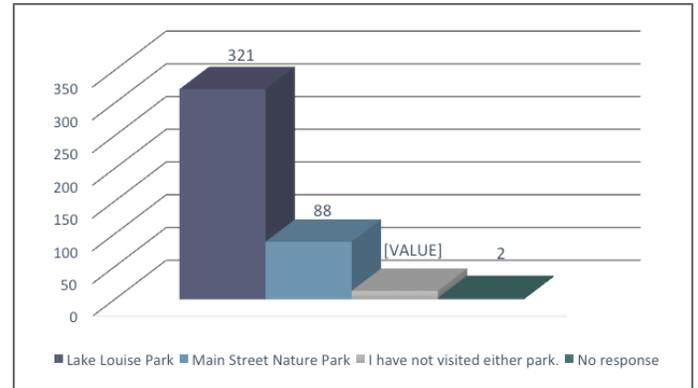
General Findings

The survey was developed to focus on 1) General parks and recreation use, 2) Usage of the Town’s Main Street Nature Park and 3) Usage of Lake Louise Park. Questions in the survey were ordered in this manner.

Findings on General Parks and Recreation Use

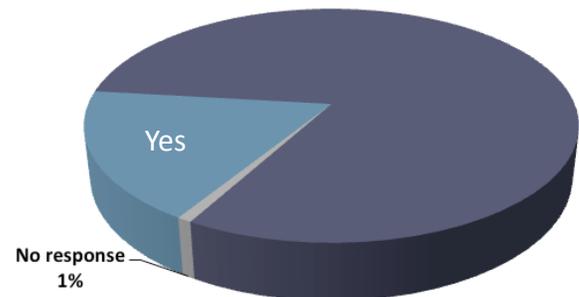
When asked which Town park they visited most often, the vast majority, 76 percent, answered that they visit Lake Louise Park most often, while 21 percent visit the Main Street Nature Park most often. The remaining 3.6 percent stated they have not visited either park or chose no response.

FIGURE 1: WHICH PARK DO YOU VISIT MOST OFTEN?



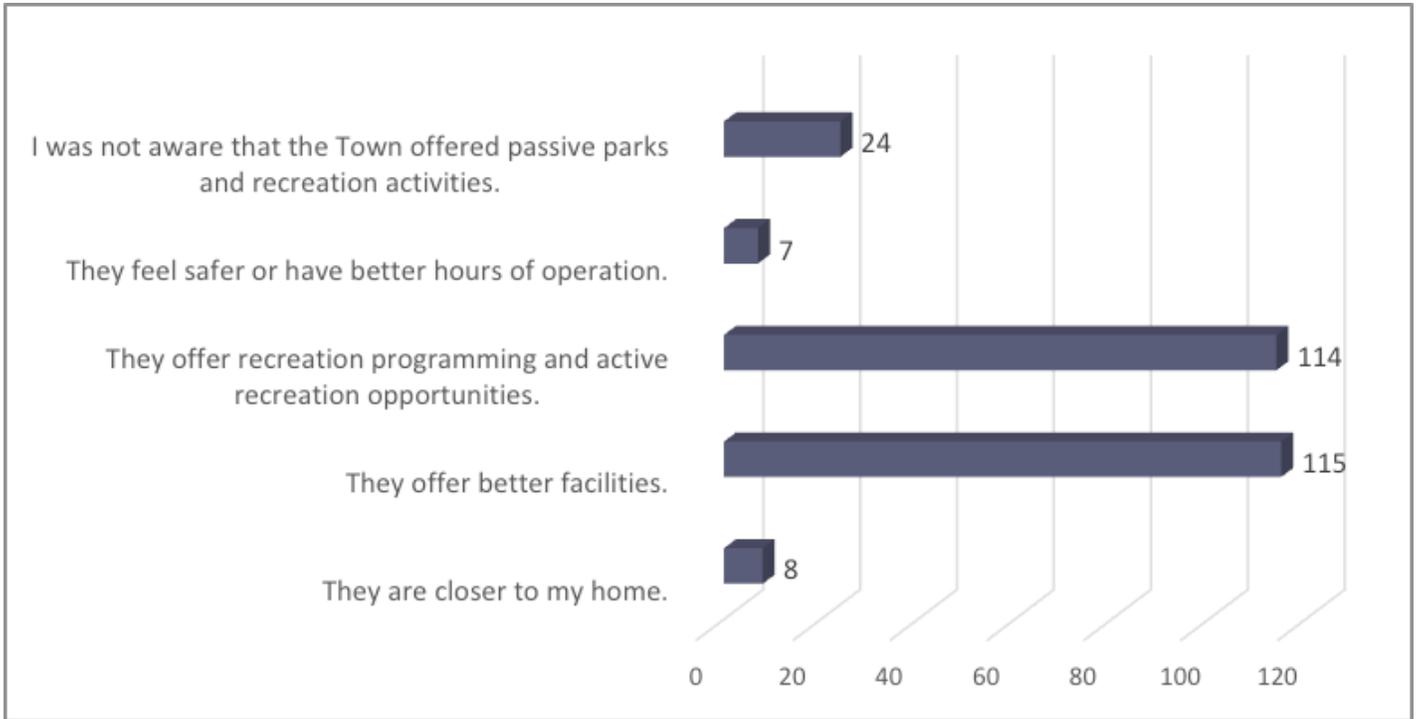
Next, the survey focused on gathering information regarding whether the survey respondents use private facilities, such as privately-owned gyms, non-profit recreation services, etc. If respondents replied yes, the survey set out to determine the reason for using other recreation opportunities to better assess how the Town’s parks and recreation amenities may be lacking. Figures 2 and 3 depict these findings.

FIGURE 2: DO YOU USE RECREATION FACILITIES OFFERED BY A PRIVATE PROVIDER (I.E. GOLDS GYM, YMCA, ETC.)?



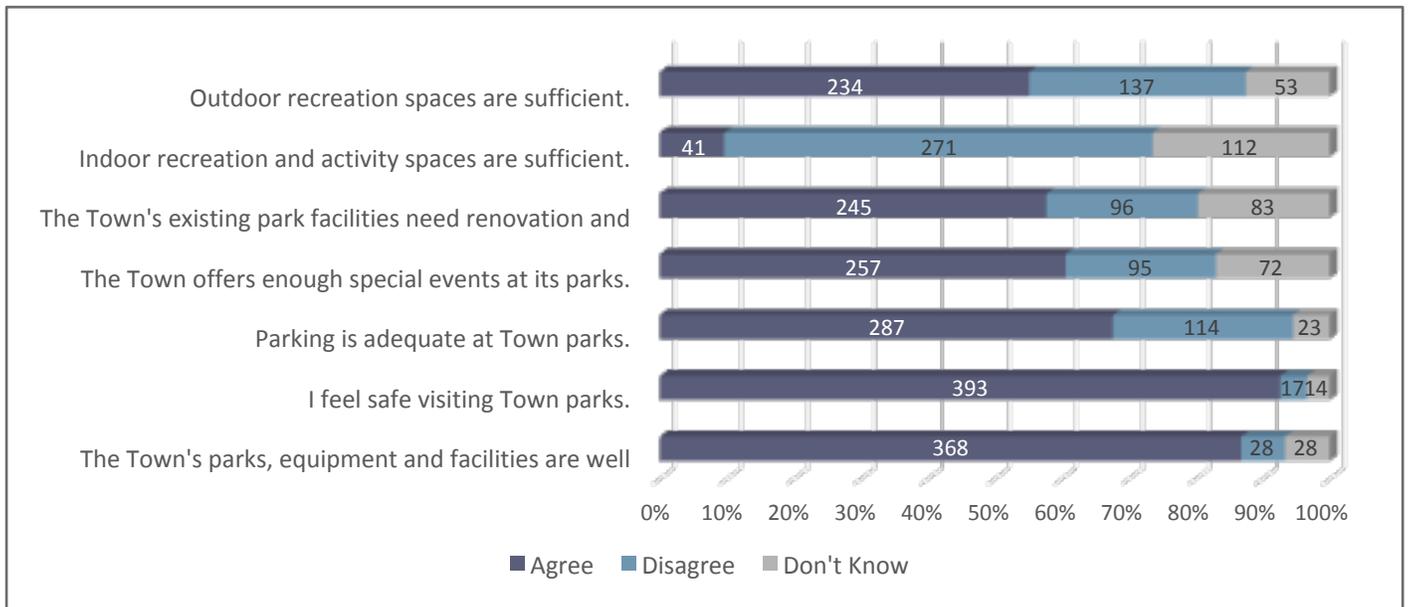
Of the 81 percent who do utilize a private provider for recreation services, the reasons are depicted in Figure 13.

FIGURE 3: IF YOU ANSWERED YES TO THE PREVIOUS QUESTION, WHY DO YOU USE OTHER RECREATIONAL FACILITIES?



As Figure 4 shows, the majority of survey respondents appeared to be pleased with the Town’s outdoor recreation spaces, but did not agree that the Town has sufficient indoor recreation activity spaces and that the existing facility (i.e. the recreation center) is in need of renovation and improvements.

FIGURE 4: HOW DO YOU RATE THE TOWN’S CURRENT RECREATIONAL FACILITIES?



that they visit Lake Louise Park most often, while 21 percent visit the Main Street Nature Park most often. The remaining 3.6 percent stated they have not visited either park or chose no response.

To determine how the Town could improve upon its recreation options, survey respondents were asked to answer why they use external recreational facilities. Of the respondents, 56 percent answered that other providers offer better facilities and recreation programming, fitness classes and active recreation opportunities. The Town does not currently offer these options due to lack of space and staffing. The majority of survey respondents agreed that the Town’s parks and equipment are well maintained and they feel safe when visiting the parks. Approximately 68 percent surveyed responded that parking is adequate at the parks and 61 percent responded that the Town offers enough special events at the parks.

Of all survey respondents, approximately 59 percent answered that they have visited Weaverville’s Main Street Nature Park located in downtown Weaverville. Forty percent responded that they have not, while less than one percent provided no response (Figure 5). For those who responded that they have not visited the Main Street Nature Park, the majority (42% aggregate) responded that they lacked information about the park and they found better recreational opportunities elsewhere (Figure 6). When asked how often survey respondents or those in their households visited the Main Street Nature Park (Figure 7),

70 percent responded that they visit the park monthly, while 23 percent responded that they visit the park weekly. Only 6.4 percent of respondents stated that they visit the park daily. In rating the Main Street Nature Park for passive recreation opportunities, survey respondents who visit the park rated the park as good and approximately 16 percent rated the park as excellent (Figure 8). Walking and general nature viewing were the top two activities that survey respondents participate in at the park (Figure 9).

The final survey question specific to the Main Street Nature Park was used to identify perceived needs for the park (Figure 10). Of those responses, 27 percent responded that the park meets their needs, while 24 percent responded that they would like to see picnic shelters at the park. The next largest percentage of 17 percent responded with ‘other’.

FIGURE 5: DO YOU OR ANYONE IN YOUR HOUSEHOLD VISIT THE MAIN STREET NATURE PARK IN DOWNTOWN WEAVERVILLE?

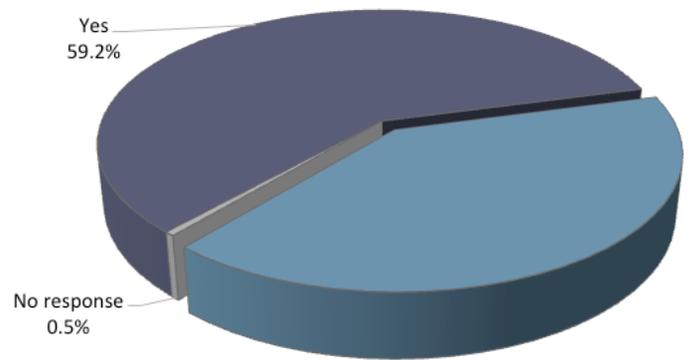


FIGURE 6: IF YOU ANSWERED NO TO THE PREVIOUS QUESTION, PLEASE INDICATE WHY NOT BELOW.

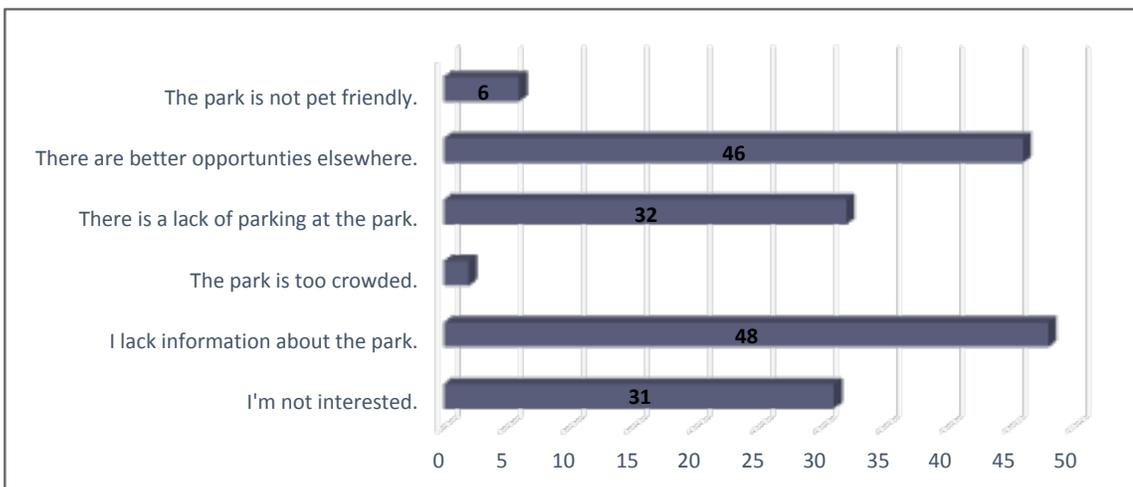


FIGURE 7: HOW OFTEN DO YOU OR ANYONE IN YOUR HOUSEHOLD VISIT THE MAIN STREET NATURE PARK?

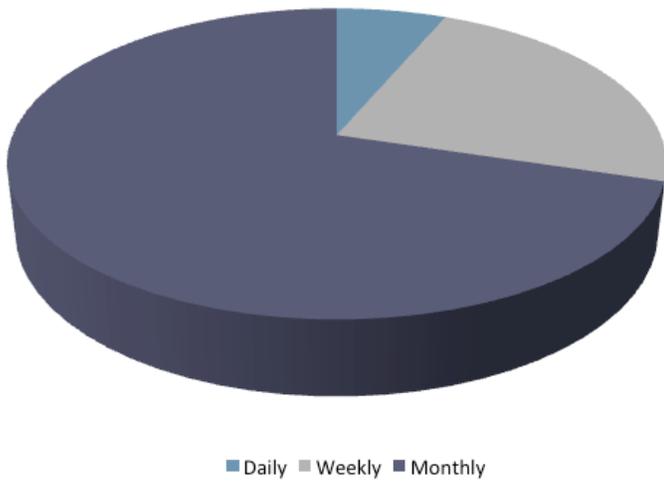


FIGURE 8: HOW WOULD YOU RATE THE MAIN STREET NATURE PARK FOR PASSIVE RECREATION (I.E. WALKING, DOG WALKING, BIRD WATCHING, ETC)?

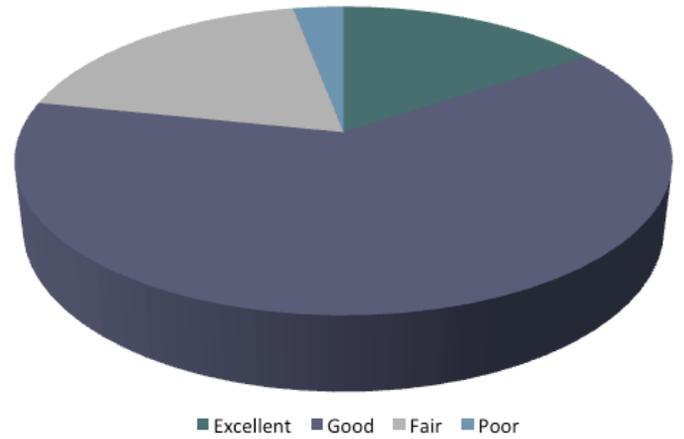


FIGURE 9: PLEASE INDICATE WHICH ACTIVITIES YOU OR ANYONE IN YOUR HOUSEHOLD PARTICIPATE IN AT THE MAIN STREET NATURE PARK.

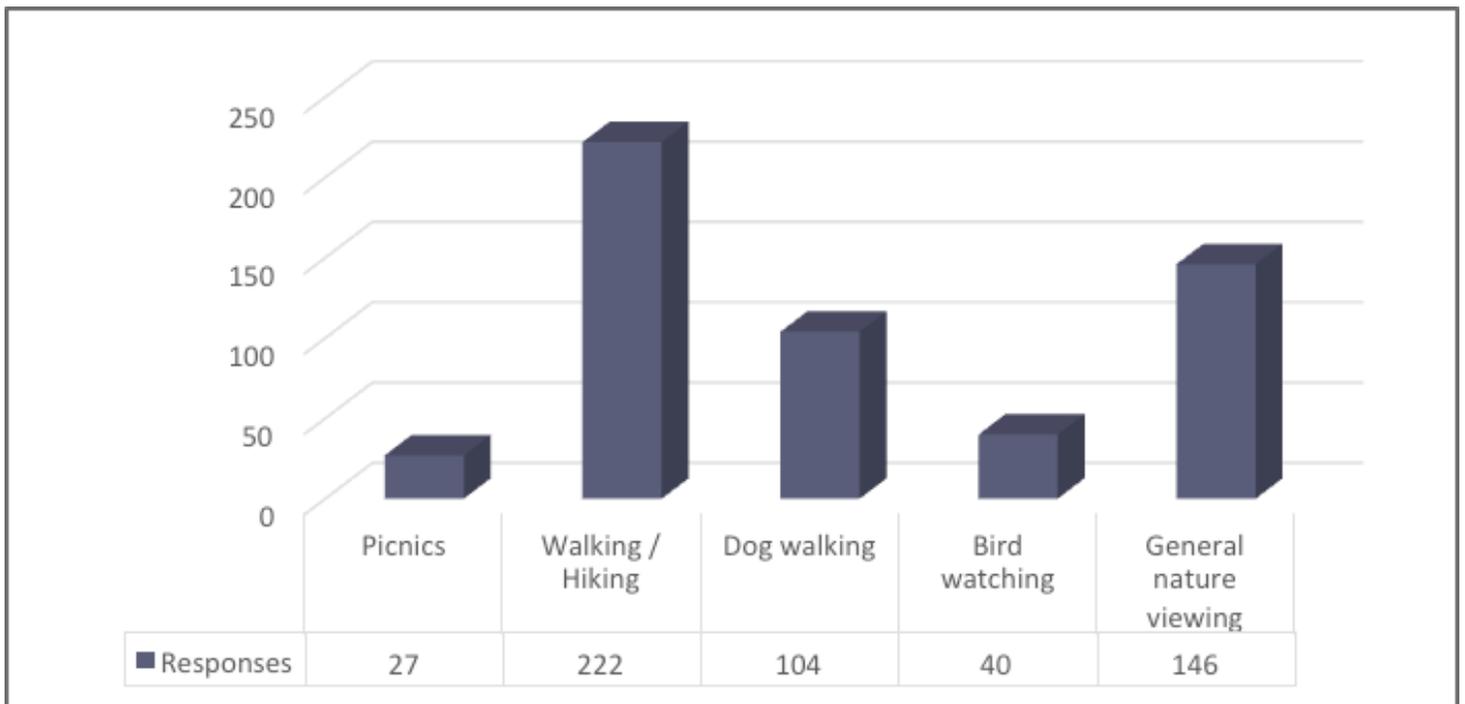
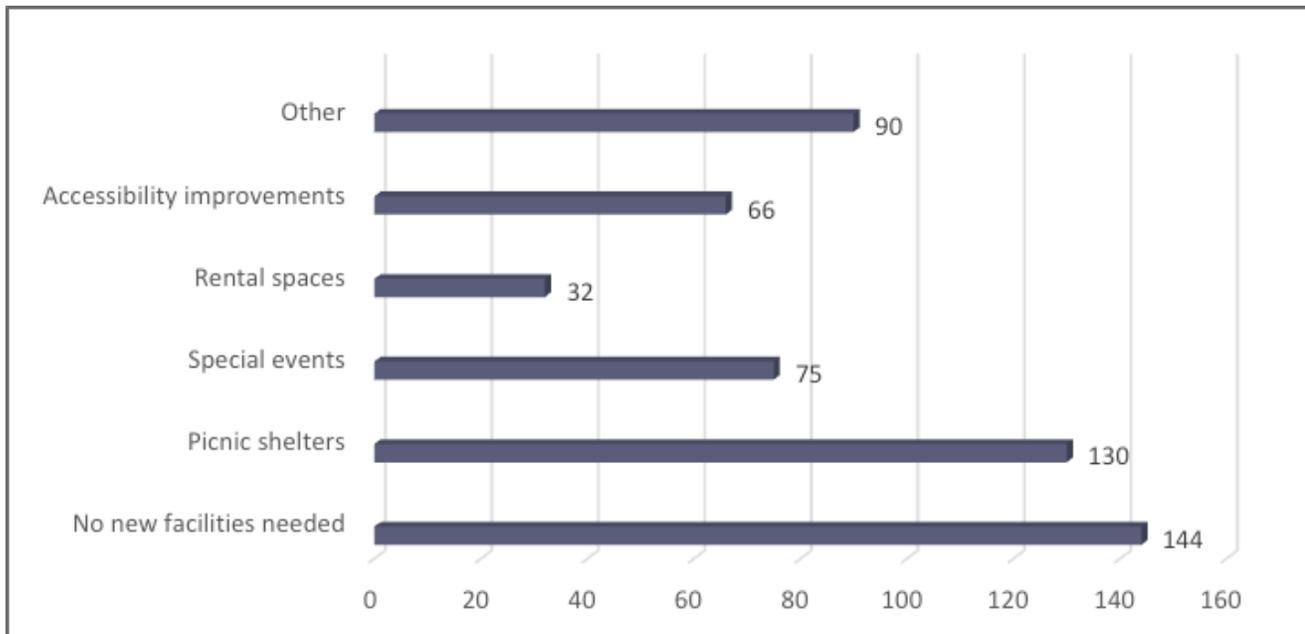


FIGURE 10: PLEASE CHOOSE FROM THE FOLLOWING NEW FACILITIES NEEDED AT THE MAIN STREET NATURE PARK, GIVEN THAT IT WILL LIKELY REMAIN THE TOWN'S PRIMARY OPEN SPACE FOR NATURE-RELATED RECREATION ACTIVITIES.



Other Comments Regarding Main Street Nature Park (Grouped into Similar Categories):

TABLE 6: OTHER AMENITIES NEEDED IN THE MAIN STREET NATURE PARK PER SURVEY RESPONDENTS

Other Amenities Summarized & Ranked
<ul style="list-style-type: none"> • Restrooms • Water fountains • Paved walkways • Wider trails / Improvements to trails • Off-leash dog park area

Findings Specific to Lake Louise Park

Of all survey respondents, approximately 92 percent answered that they have visited Weaverville's Lake Louise (Figure 11). For those who responded that they have not visited the park, 36 percent indicated that they do not perceive the park as pet friendly. Another aggregate majority responded with 'there are better opportunities elsewhere' and 'there is a lack of parking' (Figure 12). This survey question also gave the opportunity for respondents to provide comments. These comments centered around dogs not being allowed on the trails and the lack of sidewalks to and around the park.

Forty-three percent (43%) of survey respondents answered that they visit Lake Louise Park weekly and 40 percent answered that they

visit monthly (Figure 13). In rating the park, 63 percent of survey respondents who visit the park rated the park amenities as 'good', 19 percent rated them as 'fair' 15 percent rated them as 'excellent' (Figure 14). Of the survey respondents who utilize Lake Louise Park, the majority (approximately 22%), use the trails for walking, followed by respondents who visit the park for Town-sponsored events and the Tailgate Market at 16 percent and 12 percent respectively. The next highest ranked activities include general nature viewing, the use of the children's playground equipment and picnics (Figure 15).

The final question in the survey asked respondents to choose any 'new facilities or amenities needed at the Lake Louise Park'. Multi-purpose indoor spaces for recreation and fitness was the top-ranked amenity at 13 percent. This was followed closely with 12 percent suggesting the addition of multi-purpose sports courts, such as tennis, pickleball, basketball, etc. The third in ranking, with approximately 11 percent, was the addition of more restrooms. Finally, additional parking and open outdoor spaces for yard recreation and greenways/greenspace followed with 10 percent and 9 percent respectively. See Figure 16.

FIGURE 11: DO YOU OR ANYONE IN YOUR HOUSEHOLD VISIT LAKE LOUISE PARK?

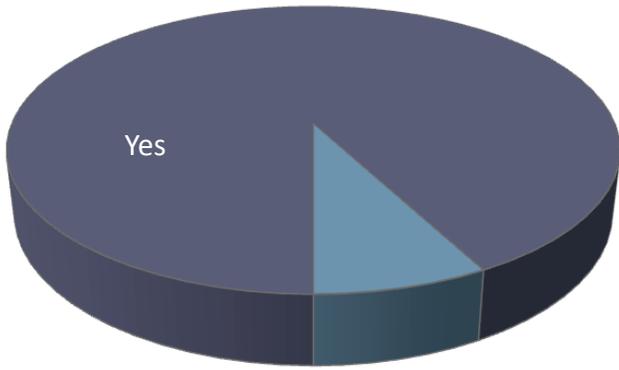


FIGURE 14: HOW WOULD YOU RATE THE TOWN'S CURRENT AMENITIES AT LAKE LOUISE PARK?

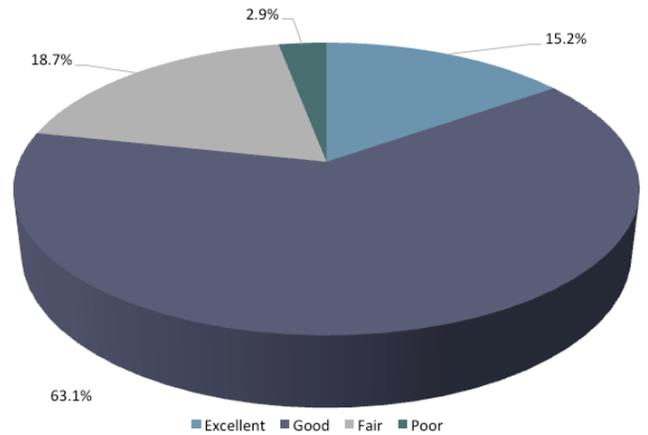


FIGURE 13: HOW OFTEN DO YOU OR ANYONE IN YOUR HOUSEHOLD VISIT LAKE LOUISE PARK?

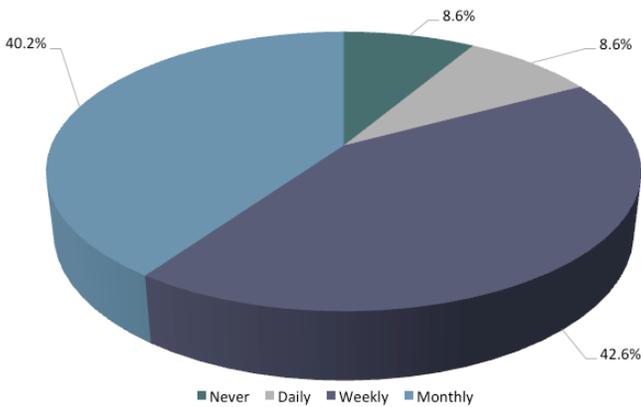


FIGURE 12: PLEASE INDICATE WHICH ACTIVITIES YOU OR ANYONE IN YOUR HOUSEHOLD PARTICIPATE IN AT THE MAIN STREET NATURE PARK.

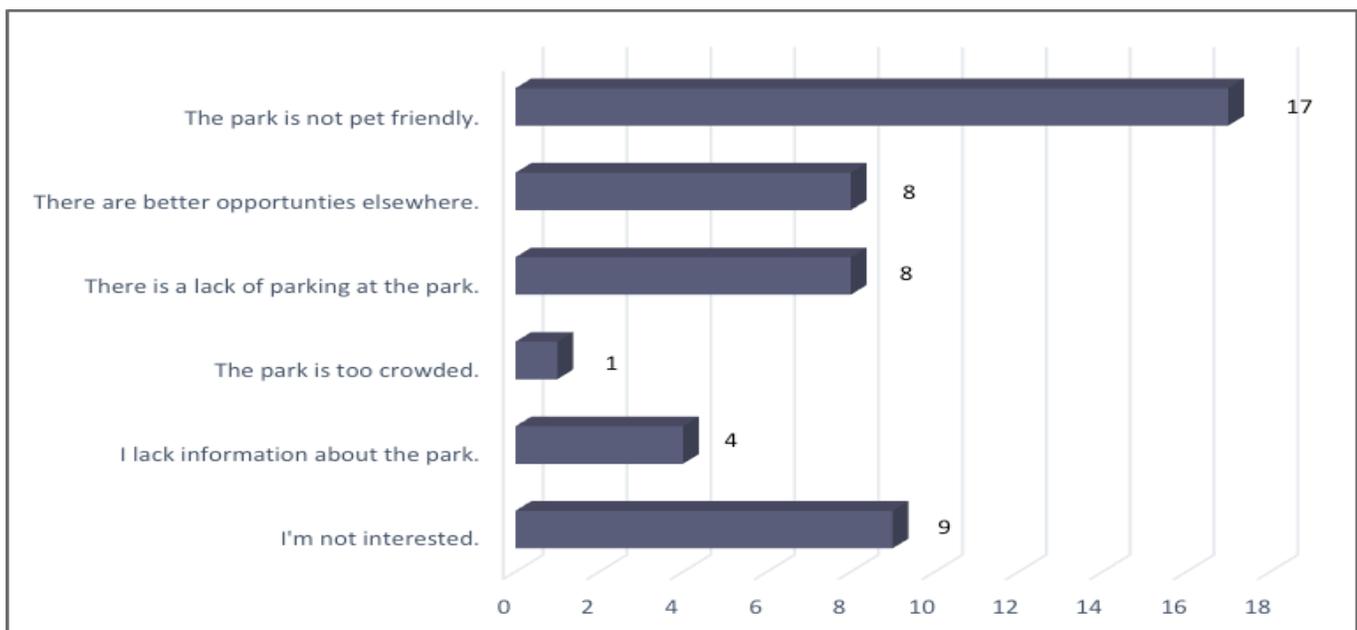
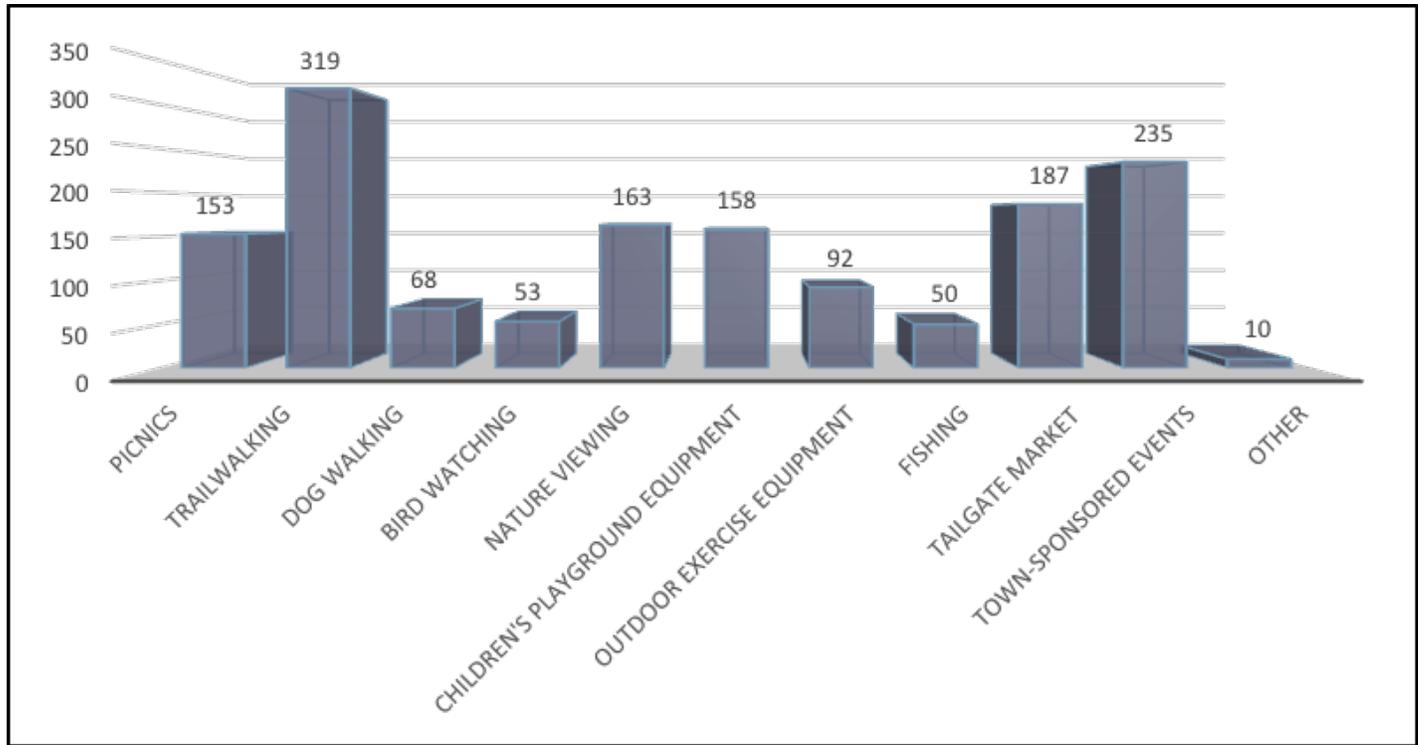
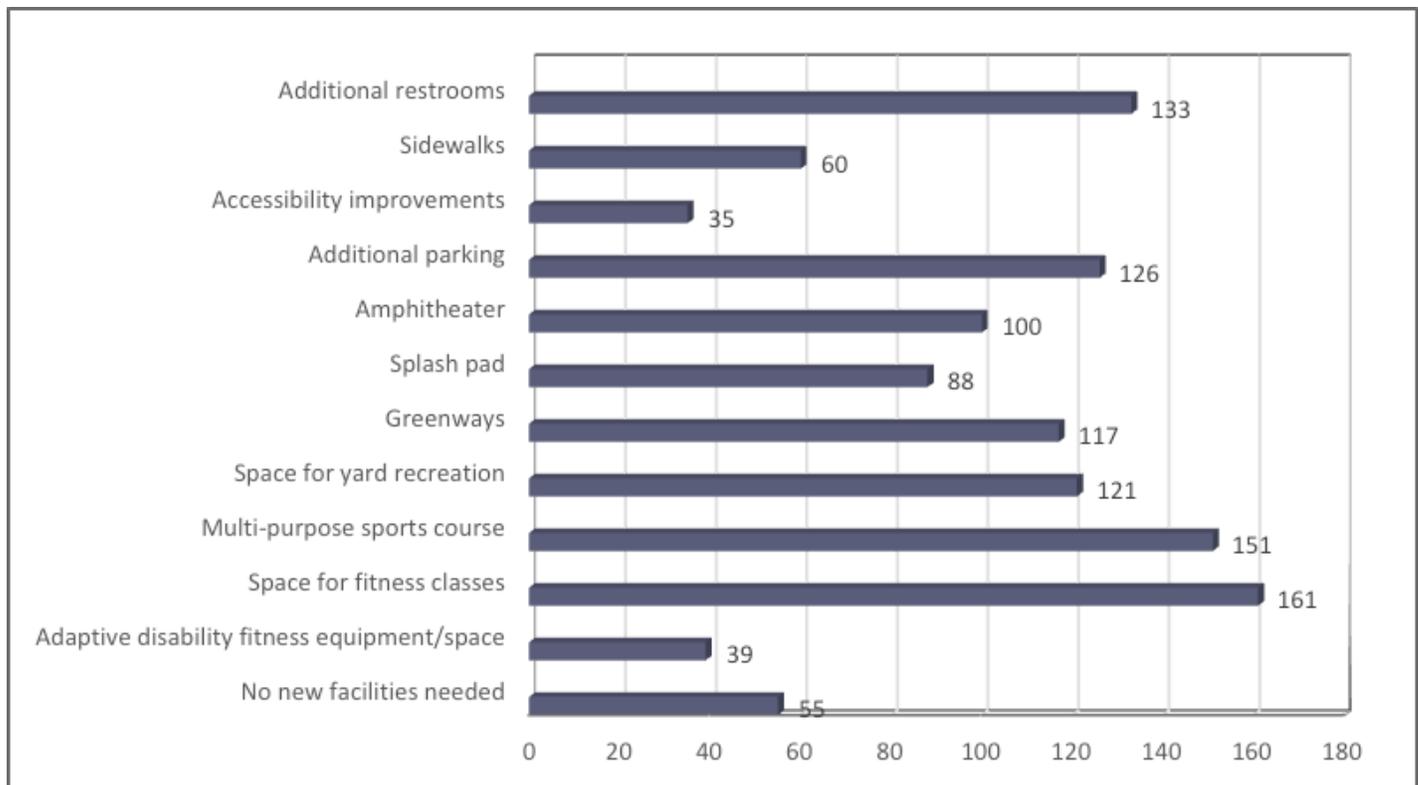


FIGURE 15: PLEASE INDICATE WHICH ACTIVITIES YOU OR ANYONE IN YOUR HOUSEHOLD PARTICIPATE IN AT LAKE LOUISE PARK.



16: PLEASE CHECK ANY OF THE FOLLOWING NEW FACILITIES OR AMENITIES THAT YOU FEEL ARE NEEDED AT LAKE LOUISE PARK.



Other Comments Regarding Lake Louise Park (Comments Grouped into Similar Categories):

Amenities listed under other not captured in the previous survey questions for new amenities, are summarized below:

TABLE 7: OTHER AMENITIES NEEDED AT LAKE LOUISE PARK PER SURVEY RESPONDENTS

Other Amenities Summarized
<ul style="list-style-type: none">• Construction of a new "Clubhouse" / Recreation Center• Improvements to trails / Paved trails• Dog walking permitted throughout the park, including on the trails• Spaces for toddlers / Improvements to children's outdoor play areas• Connection to future greenways• Improvements to restrooms / Extended hours for restrooms to be open



TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: March 19, 2018
SUBJECT: Proposed Amendments to Chapter 18 – Parks and Recreation
PRESENTER: Public Works Director and Town Attorney
ATTACHMENTS: Chapter 18 with Proposed Amendments
Draft Ordinance (repealing and replacing Chapter 18)

DESCRIPTION:

Based on the information contained in the Parks and Recreation Master Plan that was presented to Town Council at last month’s meeting and the results of the recent survey on that subject, the Public Works Director and the Town Attorney have worked on some revisions to Chapter 18 of the Town’s Code which governs parks and recreation. This ordinance appears to have been put in place beginning in 1973 and has been amended over the years, as recently as 2011. In addition to some organizational type clean up, the following policy changes are incorporated into the proposed amendments:

- (1) Dogs allowed on walking trails at Lake Louise Park;
- (2) Lake Louise as a catch-and-release fishing lake.

Other changes include the prohibition of sex offenders, the elimination of provisions which limited use of grammar school field and a change in focus of enforcement provisions to removal of violators from the parks.

Staff will be at tonight’s meeting to further discuss the requested changes and to answer any questions that the Mayor and Town Council may have regarding this matter. Town Manager recommends adoption of these amendments.

COUNCIL ACTION REQUESTED:

Staff requests Town Council’s consideration of these recommended changes. Should Council wish to adopt these changes to Chapter 18, an ordinance which repeals and entirely replaces Chapter 18 is attached for your use.

Town of Weaverville Code of Ordinances

Chapter 18 – Parks and Recreation

Commented [JJ1]: Originally enacted in 1973, amendments in 1997, 2008, , 2011

Article I. In General

Section 18-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Commented [JJ2]: Deletes provision limited organized play on grammar school field

Commented [JJ3]: Moved from 18-36

Camping means the pitching of a tent; the preparation and erection of a lean-to, shelter or shelter-half; the parking of any vehicle for the purposes of sleeping in the vehicle or the staying of any period lasting through the night.

Commented [JJ4]: Simplified the definition a bit; last provision deleted since boats and flotation devices not allowed anyway

Section 18-2. Special Event Permits

Special event permits may be issued pursuant to Code Section 16-6. If a special event permit has been issued by the Town of Weaverville, some or all of the prohibited acts enumerated in this chapter may be allowed during a permitted special event, but only to the extent that said acts are expressly made allowable in said special event permit.

Commented [JJ5]: Retitled and slight modifications

Section 18-3. Violations

The rules contained within this Chapter 18 may be enforced by any and all remedies authorized by applicable law. In addition, anyone violating any of these provisions may be asked to leave immediately and may be subject to prosecution for trespassing for failing to do so. Public Works or designated official and law enforcement personnel are charged with enforcement of these rules and regulations. Habitual offenders may be banned from the parks.

Commented [JJ6]: Moved from 18-39
But substantially changed – more focused on removing violator from park

Section 18-4. Sex Offenders Prohibited

No person registered with the State of North Carolina and/or any other state or federal agency as a registered sex offender is allowed to enter into a public park or recreation facility maintained or operated by the Town of Weaverville.

Commented [JJ7]: New section.

Article II. Lake Louise Park

Section 18-35. **General**

The Town of Weaverville owns and maintains Lake Louise Park as a recreational park for its citizens and visitors. This Park consists of playground equipment, exercise equipment, walking trails which are predominantly ADA accessible, picnic shelters, and open spaces surrounding beautiful Lake Louise.

Commented [JJ8]: Added new section with a description of park – to help with the sex offenders prohibition

Section 18-36. **Prohibited Acts.**

It shall be unlawful for any person, while on the property known as the Lake Louise Park to violate any of the following rules:

Commented [JJ9]: Amended – subsection (a) is moved to Article I, list of prohibited acts has been amended – dogs on walking trails is the big change

1. No bicycles on walking trails.
2. No vending or solicitation.
3. No littering.
4. No activities between sunset and sunrise.
5. No unauthorized posting of signs.
6. No **motorized** vehicles on the grass or walking trails.
7. No possession and/or consumption of alcohol.
8. No feeding **or harassing of wildlife**, including wild or domestic water fowl.
9. No destruction **or taking** of plants, shrubbery or wildlife.
10. **Pets must be on a leash of a maximum length of eight (8) feet and under the control of the pet owner at all times.**
11. No skate board use on the handicapped ramp.
12. No camping.
13. No swimming or boating in or on Lake Louise.
14. No flotation devices of any type are allowed on Lake Louise.
15. **No standing, walking, skating, or using or accessing in any way, the ice which might develop on Lake Louise during winter months.**
16. **Pet owners must clean up all pet waste and dispose of it in a waste receptacle provided for that purpose.**

Commented [JJ10]: Changed for safety reasons.

Commented [JJ11]: Moved from 18-38

Commented [JJ12]: Moved from 18-37(i)

Section 18-37. **Fishing Rules and Procedures**

- (a) Individuals fishing in Lake Louise must follow all rules and procedures established by this Chapter and the North Carolina Wildlife Resources Commission.
- (b) In addition to any required state fishing license, anyone over the age of 16 must also have a fishing permit issued by the town.

Draft Proposed – March 19, 2018

(c) The town will issue resident and nonresident yearly permits and daily permits at town hall during normal business hours. The fees for such permits shall be set on the schedule of fees adopted by town council, a copy of which is on file at town hall.

(d) There is a limit of one pole per person.

(e) Lake Louise is a "catch and release" lake, therefore, all fish caught must be released back into the lake immediately upon catching. Care should be taken in removing fish from your line in order to preserve the life of the fish caught.

Commented [JJ13]: This is the big change in 18-37

(f) Fishing is allowed only during daylight hours.

Article III. Main Street Nature Park

Commented [JJ14]: Added - it was previously incorrectly placed under Lake Louise

Section 18-45. General

Commented [JJ15]: Added to try to help with the sex offenders prohibition

The Main Street Nature Park, which is owned and maintained by the town, provides passive recreation and wildlife viewing opportunities for residents and visitors with easy access to and from Main Street. In addition to the walking trails that meander along a stream, the park has benches and sitting areas for bird watching and relaxation. This park is located near preschools, primary, and elementary schools and provides wildlife and environmental education opportunities.

Section 18-46. Prohibited Acts

Commented [JJ16]: Moved from 18-40, but largely the same rules

It shall be unlawful for any person, while on the property known as the Main Street Nature Park to violate any of the following rules:

1. No bicycles on walking trails.
2. No vending or solicitation.
3. No littering.
4. No activities between sunset and sunrise.
5. No unauthorized posting of signs.
6. No motorized vehicles on the grass or walking trails.
7. No possession and/or consumption of alcohol.
8. No feeding or harassing of wildlife.
9. No destruction or taking of plants, shrubbery or wildlife.
10. Pets must be on a leash of a maximum length of eight (8) feet and under the control of the pet owner at all times.
11. No camping.
12. Pet owners must clean up all pet waste and dispose of it in a waste receptacle provided for that purpose.

**ORDINANCE REPEALING AND REPLACING CHAPTER 18
OF THE WEAVERVILLE TOWN CODE**

WHEREAS, the Town has recently conducted a parks and recreation survey of its citizens and has, this day, adopted a Parks and Recreation Master Plan;

WHEREAS, in light of the survey results and the information presented in the Parks and Recreation Master Plan, including the recommendation that a maintenance plan be adopted, staff identified Chapter 18, entitled Parks and Recreation, as being in need of some amendment;

WHEREAS, we find that the proposed amendments to Chapter 18 of the Town Code are necessary to keep our parks safe and in good condition to provide opportunities for recreation, exercise, and relaxation for the citizens of and visitors to the Town of Weaverville;

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Weaverville that, effective immediately, Chapter 18 of the Weaverville Town Code is hereby repealed and replaced in its entirety with the Chapter 18 that is attached hereto as Exhibit A.

ADOPTED THIS the 19th day of March, 2018, by a vote of ___ in favor and ___ against.

ALLAN P. ROOT, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

DEREK HUNINGHAKE, Town Clerk

JENNIFER O. JACKSON, Town Attorney

Town of Weaverville Code of Ordinances

Chapter 18 – Parks and Recreation

Article I. In General

Section 18-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Camping means the pitching of a tent; the preparation and erection of a lean-to, shelter or shelter-half; the parking of any vehicle for the purposes of sleeping in the vehicle or the staying of any period lasting through the night.

Section 18-2. Special Event Permits

Special event permits may be issued pursuant to Code Section 16-6. If a special event permit has been issued by the Town of Weaverville, some or all of the prohibited acts enumerated in this chapter may be allowed during a permitted special event, but only to the extent that said acts are expressly made allowable in said special event permit.

Section 18-3. Violations

The rules contained within this Chapter 18 may be enforced by any and all remedies authorized by applicable law. In addition, anyone violating any of these provisions may be asked to leave immediately and may be subject to prosecution for trespassing for failing to do so. Public Works or designated official and law enforcement personnel are charged with enforcement of these rules and regulations. Habitual offenders may be banned from the parks.

Section 18-4. Sex Offenders Prohibited

No person registered with the State of North Carolina and/or any other state or federal agency as a registered sex offender is allowed to enter into a public park or recreation facility maintained or operated by the Town of Weaverville.

Article II. Lake Louise Park

Section 18-35. General

The Town of Weaverville owns and maintains Lake Louise Park as a recreational park for its citizens and visitors. This Park consists of playground equipment, exercise equipment, walking trails which are predominantly ADA accessible, picnic shelters, and open spaces surrounding beautiful Lake Louise.

Section 18-36. Prohibited Acts.

It shall be unlawful for any person, while on the property known as the Lake Louise Park to violate any of the following rules:

1. No bicycles on walking trails.
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3. No littering.
4. No activities between sunset and sunrise.
5. No unauthorized posting of signs.
6. No motorized vehicles on the grass or walking trails.
7. No possession and/or consumption of alcohol.
8. No feeding or harassing of wildlife, including wild or domestic water fowl.
9. No destruction or taking of plants, shrubbery or wildlife.
10. Pets must be on a leash of a maximum length of eight (8) feet and under the control of the pet owner at all times.
11. No skate board use on the handicapped ramp.
12. No camping.
13. No swimming or boating in or on Lake Louise.
14. No flotation devices of any type are allowed on Lake Louise.
15. No standing, walking, skating, or using or accessing in any way, the ice which might develop on Lake Louise during winter months.
16. Pet owners must clean up all pet waste and dispose of it in a waste receptacle provided for that purpose.

Section 18-37. Fishing Rules and Procedures

- (a) Individuals fishing in Lake Louise must follow all rules and procedures established by this Chapter and the North Carolina Wildlife Resources Commission.
- (b) In addition to any required state fishing license, anyone over the age of 16 must also have a fishing permit issued by the town.

- (c) The town will issue resident and nonresident yearly permits and daily permits at town hall during normal business hours. The fees for such permits shall be set on the schedule of fees adopted by town council, a copy of which is on file at town hall.
- (d) There is a limit of one pole per person.
- (e) Lake Louise is a “catch and release” lake, therefore, all fish caught must be released back into the lake immediately upon catching. Care should be taken in removing fish from your line in order to preserve the life of the fish caught.
- (f) Fishing is allowed only during daylight hours.

Article III. Main Street Nature Park

Section 18-45. General

The Main Street Nature Park, which is owned and maintained by the town, provides passive recreation and wildlife viewing opportunities for residents and visitors with easy access to and from Main Street. In addition to the walking trails that meander along a stream, the park has benches and sitting areas for bird watching and relaxation. This park is located near preschools, primary, and elementary schools and provides wildlife and environmental education opportunities.

Section 18-46. Prohibited Acts

It shall be unlawful for any person, while on the property known as the Main Street Nature Park to violate any of the following rules:

1. No bicycles on walking trails.
2. No vending or solicitation.
3. No littering.
4. No activities between sunset and sunrise.
5. No unauthorized posting of signs.
6. No motorized vehicles on the grass or walking trails.
7. No possession and/or consumption of alcohol.
8. No feeding or harassing of wildlife.
9. No destruction or taking of plants, shrubbery or wildlife.
10. Pets must be on a leash of a maximum length of eight (8) feet and under the control of the pet owner at all times.
11. No camping.
12. Pet owners must clean up all pet waste and dispose of it in a waste receptacle provided for that purpose.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 19, 2018

SUBJECT: Proposed Amendments to the Personnel Policy

PRESENTER: Town Attorney and Town Manager

ATTACHMENTS: Article IX (Amended) – Disciplinary Policy
Article X (New) – Open Door Policy
Article XI (New) – Whistleblower Policy
Article XII (New) – Grievance Policy/Procedure & Adverse Action Appeal
Article XIII (New) – Separation from Employment & Reinstatement

DESCRIPTION/SUMMARY:

The Town Manager and Town Attorney have been working on amendments to the Town’s Personnel Policy. In order to provide Mayor and Town Council with adequate time to review and discuss the revisions, staff will be placing a few of the provisions on Council’s agenda at a time. At tonight’s meeting, Mayor and Town Council are asked to review the one amended Article IX and the four new ones (Articles X, XI, XII, and XIII) mentioned above and attached.

Staff believes that the attached are necessary to ensure that there is ample access to management for employees to feel comfortable coming forward with concerns or complaints and to provide a good process for separation and discipline. The current content of Article IX (Pre-Dismissal Hearing) has been slightly modified and included as Section 3 of a much expanded disciplinary policy appearing as Article IX. All other provisions on tonight’s agenda are entirely new sections that are proposed to be added to the Personnel Policy.

Staff will be at tonight’s meeting to answer any questions concerning these proposed changes.

COUNCIL ACTION REQUESTED:

Council discussion on the proposed amendments to the Personnel Policy is encouraged.

Action can be taken at tonight’s meeting to adopt the amendments as presented or as Council sees fit to amend.

Equally appropriate is for Council to give staff some direction on how the proposed language should be amended and brought back to Council for action at a later date.

Town of Weaverville Personnel Policy

Article IX. Disciplinary Policy

Section 1. Discipline

An employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

The General Rules listed below are established to ensure efficient, safe, and smooth operation of the Town. This list is intended to be informative and illustrative, rather than exhaustive. The Town expressly reserves the right to discipline an employee for any action, whether or not set forth below, that, in the Town Manager's sole discretion, conflicts with the interests of the Town.

- a. Absenteeism/Tardiness;
- b. Improper use or abuse of sick or any other type of leave;
- c. Unexpected absence from duty;
- d. Failure to perform assignments or meet agreed-upon deadlines;
- e. Discourtesy or abusive language to staff, supervisors, public officials, or members of the public;
- f. Involvement in prohibited political activities;
- g. Failure to notify supervisor promptly of completion of assigned work;
- h. Failure to meet established quality standards;
- i. Failure to wear prescribed safety equipment, take necessary safety precautions, or adhere to the dress code;
- j. Poor work performance;
- k. Failure to follow prescribed work rules, policies or procedures;
- l. Any other action which disrupts or impedes the business or operations of the Town;
- m. Acceptance of any gift or favor from any contractor, subcontractor, or supplier;
- n. Misuse of Town funds;
- o. Conviction of any felony or of any misdemeanor involving moral turpitude or dishonesty;
- p. Falsification of information, records, or documents (for example, use of a time sheet to indicate the presence of an absent employee, or arranging for another to use one's own time sheet to indicate one's own presence when one is absent from work);
- q. Willfully damaging or destroying Town equipment or property;
- r. Theft of property;
- s. Insubordination;

- t. Intoxication during working hours by alcohol or by illegal use of drugs (including the use, possession or distribution of drugs which are unlawful under the Controlled Substances Act (21 USC 812);
- u. The legal use of prescription drugs taken under the supervision of a licensed health care professional if an issue of a direct threat to the safety of the employee or others may be involved; the employee is encouraged to disclose to his or her supervisor the use of such prescription drug and why it must be used during working hours;
- v. Abuse or unauthorized use of Town property, including the use of Town vehicles for personal use;
- w. Making false statements concerning Town business;
- x. Disclosure of confidential information or materials;
- y. Gambling of any kind during work hours or on Town premises;
- z. Acts of physical violence, or immoral or indecent conduction, regardless of when or where committed;
- aa. Unauthorized or unlawful possession of explosives, firearms, or other dangerous weapons in or on Town property;
- bb. Threatening, intimidating, coercing, or interfering with employees or supervisors or officials of the Town;
- cc. Violation of any policy or practice of the Town;
- dd. Violation of any law, regulation, or ordinance regardless of when or where committed; and/or
- ee. Any other action, which in the Town Manager's sole discretion conflicts with the interest of the Town.

Section 2 . Disciplinary Options

The Town, in response to any employee's action that the Town or the Town Manager believe warrants employee discipline, may take any of the following actions, in any combination and in any order that the Town Manager deems appropriate.

- a. Counseling of the employee by his or her supervisor of the department head, with a brief summary of the counseling sessions being noted in the employee's personnel file.
- b. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Town Manager. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

1. A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
 2. If performance does not improve, a written recommendation should be sent to the Town Manager for disciplinary action such as suspension, demotion, or dismissal.
- c. Disciplinary suspension is for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for nonexempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status.
 - d. Demotion is appropriate when an employee has demonstrated an inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.
 - e. Dismissal.

Section 3. Pre-Dismissal Conference

Before dismissal action is taken, the Town Manager must conduct a pre-dismissal conference. The Town Manager shall provide the employee with a written statement containing the reasons for the proposed dismissal and the date and time of the conference. At this conference the employee may present any response to the proposed dismissal to the Town Manager. The Town Manager will consider the employee's response, if any, to the proposed dismissal and will within five (5) business days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the actions and the employee's appeal rights.

Section 4. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or Town Manager, be in the best interest of the Town, the Department Head or Town Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Town Manager may:

- (1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension; or

- (2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

All benefits except for the accrual of annual and sick leave shall be maintained during the period of suspension.

If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which the employee would otherwise have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension.

Section 5. Appeal of Disciplinary Actions

Any employee who disagrees with any disciplinary action taken may file a grievance under the Grievance Policy set forth in Article XII.

Town of Weaverville Personnel Policy

Article X. Open Door Policy

The Town of Weaverville has adopted an Open Door Policy for all employees. This means, literally, that every manager's door, including the Town Manager's and all department heads', is open to every employee. The purpose of our open door policy is to encourage open communication, feedback, and discussion about any matter of importance to an employee. Our open door policy means that employees are free to talk with a manager at any time.

1. **Before You Pursue the Open Door Policy** – Most problems can and should be solved in discussion with your immediate supervisor; this is encouraged as your first effort to solve a problem. But, an open door policy means that you may also discuss your issues and concerns with the next level of management and/or the Town Manager. No matter how you approach your problem, complaint, or suggestion, you will find managers at all levels of the Town willing to listen and to help bring about a solution or a clarification.
2. **Responsibilities Under an Open Door Policy** – If an area of your work is causing you concern, you have the responsibility to address your concern with a manager. Whether you have a problem, a complaint, a suggestion or an observation, the Town's managers want to hear from you. By listening to you, the Town is able to improve, to address complaints, and to foster employee understanding of the rationale for practices, processes, and decisions.
3. **Protection of the Open Door Policy** – No penalties or punitive actions will be taken against an employee who, in good faith, attempts to solve a problem.
4. **Benefits of the Open Door Policy** – By helping to solve issues, managers benefit by gaining valuable insight into possible problems with existing methods, procedures, and approaches. While there may not be an easy answer or solution to every concern, the Town's employees have the opportunity at all times, through the open door policy, to be heard.

Town of Weaverville Personnel Policy

Article XI. Whistleblower Policy

The Town of Weaverville is committed to the highest standards of governmental and personal ethics in the conduct of its duties and responsibilities and the expenditure of Town funds. As employees and representatives of the Town of Weaverville, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

The Town wishes to advise employees of their responsibility to report suspected fraudulent activity or dishonest acts, as well as to report discriminatory or retaliatory actions against an employee reporting suspected fraudulent activity, dishonest acts or wrongful discrimination or retaliation.

Section 1. Discrimination, Fraud and Dishonest Acts Prohibited

The Town prohibits discrimination or retaliatory action against an employee because the employee in good faith files, or threatens to file, a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to the Worker's Compensation Act, the North Carolina Wage and Hour Act, the Occupational Safety and Health Act of North Carolina, or any other legal standard. The Town prohibits fraudulent activity or dishonest acts involving employees, administrators, consultants, vendors, contractors, outside agencies or other parties having a business relationship with the Town.

Section 2. Reporting Responsibility

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the Town can address and correct inappropriate conduct and actions. It is the responsibility of the Mayor and Town Council, Town Manager, Town Attorney, all Department Heads and all employees and volunteers to report concerns about violations of the Town's code of ethics or suspected violations of law or regulations that govern the Town's operations. All Town officials and employees of the Town are responsible for the prevention and detection of fraud, misappropriation, and other inappropriate conduct, including discrimination or retaliatory actions against employees who engage in protected activities or report fraudulent activity or dishonest acts by covered individuals. As used in this policy, the term "fraudulent activity or dishonest act" includes, but is not limited to, the following:

- a. A willful or deliberate act or failure to act by one of the covered individuals, with an intention of obtaining an unauthorized or inappropriate financial benefit for himself or another person with whom he has a close familial, business or other associational relationship;
- b. Any dishonest or fraudulent act;
- c. Forgery or alteration of a check, bank draft, or any other financial document;

- d. Misappropriation of funds, securities, supplies, or other assets;
- e. Impropriety in the handling or reporting of money or financial transactions;
- f. Accepting or seeking anything of material value from vendors, contractors, or other persons providing services or materials to the Town;
- g. Using Town funds to make unauthorized purchases; or
- h. Authorizing or receiving compensation for hours not worked.

Section 3. No Retaliation

It is contrary to the values of the Town for anyone to retaliate against anyone who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of the Town. No person acting on behalf of the Town shall: (a) dismiss, or threaten to dismiss; (b) discipline, suspend, or threaten to discipline or suspend; (c) impose any penalty upon; or (d) intimidate or coerce, any employee who has acted in accordance with this policy to in good faith report the suspicion or detection of a fraudulent activity or dishonest act by a covered individual. However, it shall also be a violation of this policy for any informant to make a baseless allegation of fraudulent activity or dishonest act that is made with reckless disregard for the truth and that is intended to be disruptive or to cause harm to another individual.

An official or employee who retaliates against someone who has reported in good faith is subject to discipline up to and including termination of employment.

Section 4. Reporting Procedure

- a. The Town has an open door policy and suggests that employees share their questions, concerns, suggestions, or complaints with their supervisor. If an employee is not comfortable speaking with a supervisor or not satisfied with the supervisor's response, that employee is encouraged to speak with the Town Manager or Town Attorney. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor, the Town Manager, or the Town Attorney. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to the Town Manager or Town Attorney, who have the responsibility to investigate all reported complaints.
- b. Any fraudulent activity or dishonest act by a covered individual, or discrimination or retaliation against a Town employee for reporting any fraudulent activity or dishonest act, or discrimination or retaliation against a Town employee for engaging in a protected activity, shall be reported immediately to the Town Manager, who will conduct an investigation into the alleged activity, involving other applicable personnel and law enforcement agencies as the Town Manager deems necessary or appropriate.

- c. An employee found to have engaged in any dishonest acts or fraudulent activity, or who is involved in discriminating or retaliating against a person who reports such activity or otherwise engages in protected activities, is subject to disciplinary action for misconduct by dismissal and referral to the Buncombe County District Attorney for prosecution, depending on the circumstances. Any dishonest act or fraudulent activity by a non-employee, covered individual may be referred to the appropriate law enforcement agency or Buncombe County District Attorney for investigation and prosecution.
- d. Any employee of the Town who has a reasonable basis for believing a fraudulent activity or dishonest act has occurred or is occurring has a responsibility to promptly notify the Town Manager, Town Attorney, or any Department Head, and the failure to do so may be considered misconduct, depending on the circumstances.
- e. Other individuals may report suspected fraudulent activity or dishonest acts by a covered individual, anonymously by sending written notice in a sealed envelope to the Town Manager or Town Attorney. Depending on the classification of the covered individual about whom the fraudulent activity or dishonest act is alleged, the Town Manager or Town Attorney shall proceed, as appropriate.
- f. An employee who believes that he has been discriminated or retaliated against due to a good faith report of fraudulent activity or dishonest act, or for engaging in a protected activity, shall be entitled to file a grievance under Article XII.
- g. The Town Manager and Town Attorney each have an obligation to, as soon as practical, inform the Mayor and Town Council of all known claims or potential claims against the Town.

Section 5. Acting in Good Faith – Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Section 6. Confidentiality – Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Town of Weaverville Personnel Policy

Article XII. Grievance Policy and Procedure and Adverse Action Appeal

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from Town service.

Section 2. Grievance Defined

A grievance is a claim or complaint by a current or a former employee based upon an event or condition, which materially affects the employee's ability to carry out the duties and responsibilities of employment with the Town

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- a. Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- b. Encouraging employees to express themselves about the conditions of work which affect them as employees;
- c. Promoting better understanding of policies, practices, and procedures which affect employees;
- d. Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- e. Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- f. Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- g. Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Procedure

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension or demotion must be approved by the Department Head or Town Manager and rescinding dismissal must be approved by the Town Manager before the decision becomes effective.

a. Informal Resolution.

Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. In addition, the employee or supervisor may request mediation from a local mediation services or other qualified parties to resolve the conflict, upon approval of the Human Resources Officer. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant Town supervisor or Manager. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

b. Formal Resolution.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Town Manager and Human Resources Officer.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within ten calendar days of the event or within ten calendar days of learning of the event or condition. The supervisor shall respond to the grievance within ten calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate Department Head within ten calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within ten calendar days after receipt of the response from Step 2. The Town Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager must notify the Mayor and Town Council of any impending legal action.

In the case of an aggrieved Department Head or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either: (1) provide mediation between the grieving department head and the Town Manager; or (2) consider an appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation.

In all cases the Town Manager's decision shall be the final decision. The Town Manager shall notify the Mayor and Town Council of any impending legal action.

Section 5. Role of the Human Resources Officer

The Town Manager may appoint a Human Resources Officer or perform this role himself or herself. If serving as Human Resources Officer, the Manager may choose to delegate any of these responsibilities. Throughout the grievance procedure, the roles of the Human Resources Officer shall be as follows:

1. To advise parties (including employee, supervisors, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
3. To give notices to parties concerning timetables of the process, etc.;
4. To assist employees and supervisors in drafting statements;
5. To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. To help locate mediation or other resources as needed.

The Human Resources Officer shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

Section 6. Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, religious beliefs, non-disqualifying disability, national origin, ethnicity, sexual orientation, gender identity, political affiliation, or marital status), he or she has the right to appeal such action using the grievance procedure outlined in Section 4 of this Article XII. While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Town Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, transfer, reduction in force, failure to hire, dismissal or other disciplinary action. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action, but may appeal for up to six (6) months following the action.

Town of Weaverville Personnel Policy

Article XIII. Separation from Employment and Reinstatement

Section 1. Types of Separation from Employment

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner as set forth in this Article:

1. Resignation
2. Reduction in force
3. Disability
4. Abandonment
5. Retirement
6. Death
7. Dismissal

Section 2. Resignation

An employee may resign by submitting a letter of resignation stating the reasons for resignation and the effective date in writing to the employee's immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is ten (10) working days prior to leaving the employment of the Town. It is expected that department heads and key staff will provide a longer notice period if at all possible. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager.

The letter of resignation will be forwarded to the Human Resources Officer. The Human Resources Officer will proceed to complete removal paperwork, arrange for the issuance of the final check, do an exit interview if requested, and make any other arrangements necessary for the employee's removal. Resignations prompted by emergencies, where proper notice cannot be given, will be handled as expeditiously as possible.

The Town Manager may negotiate a resignation with an employee when it is determined to be in the best interest of the Town. Such negotiated resignation may include a severance package consisting of a combination of salary, benefits and/or accumulated leave (annual leave, etc.).

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action or an equivalent amount of severance pay. No regular employee shall be separated because of a reduction in force while

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there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

The Town will comply with the Americans with Disabilities Act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice to aid the Town in making the decision as to whether an employee should be separated from the Town's employment due to a disability.

Section 5. Abandonment

Three (3) consecutive days of absence without contacting the immediate supervisor or Department Head will be considered an abandonment of the employee's position unless the Department Head and Town Manager determine that such unreported absence was reasonable under the circumstances.

Section 6. Retirement

The retirement of an employee will consist of the voluntary separation of an employee who has met the requirements of age and length of service under the North Carolina Government Employee's Retirement System. The employee planning to retire needs to meet with Human Resources at least sixty (60) calendar days in advance of the date of retirement to discuss retirement benefits and submit the proper paperwork in order for retirement benefits to be timely received.

Section 7. Death

In the event of a death of an employee, the Town Manager and Human Resources Officer should be notified as soon as possible. Separation shall be effective as of the employee's date of death. All compensation, including vacation pay, due to such employee, as of the effective date of separation, shall be payable to the employee unless directed otherwise by the duly qualified executor or administrator of the employee's estate.

Section 8. Dismissal

In accordance with the provisions and procedures of Article IX, the Town may terminate the employment of any employee with or without advance notice to the employee, and with or without a reason, within the bounds of applicable law, in the Town's absolute discretion

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(except those employees with whom the Town has entered into a written employment contract for a definite term). The Town Manager is the final terminating authority. Following dismissal, the employee is entitled to file a grievance under Article XII.

Section 9. Exit Interviews and Final Checks

Before separation, all employees will have an opportunity to participate in an exit interview with the Town Manager and/or Human Resources Officer. During the interview, the employee may ask any questions concerning the employee's status, final pay, etc.

The final payment will be in the form of a paper check and will be provided after all keys, uniforms, identification, or other Town property assigned to the employee is turned in. The employee will be informed during the exit interview of the right to file a grievance under Article XII.

Section 10. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one (1) year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave unless it has been cashed out or credited to years of service in the retirement system.

Section 11. Rehiring

An employee who resigns may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: March 19, 2018
Subject: Departmental Quarterly Report
Presenter: Public Works Director
Attachments: Quarterly Report

Description:

Attached please find the quarterly report.

Council Action Requested:

No action requested.

**TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET
FEBRUARY 2018**

WATER MAINTENANCE DIVISION:

Water Leaks Repaired	<u>1</u>	
New Water Taps	<u>8</u>	
Total Active Water Meters	<u>2,695</u>	
Water Quality Complaints	<u>1</u>	
Meter Re-Read Service Calls	<u>46</u>	
General Service Calls	<u>98</u>	
Water Door Tags Delivered	<u>20</u>	
Water Line Locate Utility Service Calls	<u>148</u>	
Water Meter Change Outs to Radio Read	<u>3</u>	
Reservoir-Pump Station Site Checks	<u>140</u>	
Water Line Construction Inspections:		Water Pointe (Lake Louise)

WATER PRODUCTION DIVISION:

1. Water Treatment Plant (Finished water to system)	<u>14,997,000</u>	GALLONS
2. Water Purchased from Asheville	<u>0</u>	GALLONS
A. TOTAL WATER PRODUCTION (1+2)	<u>14,997,000</u>	GALLONS
B. TOTAL METERED FOR BILLING	<u>11,718,800</u>	GALLONS
C. Metered, Non-Metered & Non-Billed Use by Town	<u>920,000</u> estimate	GALLONS
D. Total Accounted For Water (B+C)	<u>12,638,800</u>	GALLONS
E. TOTAL UNACCOUNTED (A-D)	<u>2,358,200</u>	GALLONS
F. MONTHLY UNACCOUNTED WATER (F/Dx100)	<u>18.7 %</u>	

UNACCOUNTED FOR RUNNING ANNUAL AVERAGE:

Finished Water Pumped to System	<u>198,369,336</u>	GALLONS
Unaccounted for Water	<u>23,106,892</u>	GALLONS
12 month average Unaccounted Water	<u>11.6 %</u>	

WATER CAPACITY VS PRODUCTION:

Water Plant Design Capacity	<u>1,500,000</u>	GALLONS PER DAY
Net Sellable Production Capacity (80%)	<u>1,300,000</u>	GALLONS PER DAY
Average Daily Production (14,997,000 / 28 days in month)	<u>535,607</u>	GALLONS PER DAY
AVERAGE USE AS A PERCENTAGE OF CAPACITY (535,607 / 1,500,000)	<u>35.7 %</u>	

STREET MAINTENANCE DIVISION:

Street/Sidewalk/Drainage Repairs Completed	<u>4</u>	
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SANITATION DIVISION:

Residential Collections (1885+3 new = 1888 points)	<u>7552</u>	
Business Pick Ups (72 points)	<u>288</u>	
Residential Set-Outs (82 points)	<u>328</u>	
TOTAL	<u>8168</u>	
Total Tons to Landfill	<u>97.05</u>	TONS
Average Pounds Per Collection Point (per week)	<u>23.7</u>	POUNDS
Cubic Yards - Yard Debris	<u>36</u>	CY
Cubic Yards - Brush Chipped	<u>132</u>	CY
Cubic Yards - Leaf Collection	<u>0</u>	CY

PARKS, RECREATION, & FACILITY MAINTENANCE DIVISION:

P&R Projects/Repairs Completed	<u>12</u>	
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Town of Weaverville, North Carolina

Town Manager's Report

Selena D. Coffey, MPA, ICMA-CM

March 19, 2018

1. **Strategic Plan Update:** I have drafted an outline for a Strategic Plan based on your input from the February retreat. I will be holding a retreat with department heads to brainstorm appropriate action steps based on your input. I will keep you updated as appropriate.
2. **Day of Prayer:** Mayor Root, Dottie and I will be meeting to discuss potential plans for the National Day of Prayer on Thursday, May 3, 2018. This event is anticipated to be held at a downtown church and Reverend Louis Grant has agreed to participate in the event. I will update you as the plans evolve.
3. **Arbor Day:** We are planning an Arbor Day celebration for Friday, April 27, 2018. I am working on the program for the event and will update you as the plans evolve.
4. **Furniture for Council Chambers:** The new furniture will be installed in Council Chambers on Thursday, March 22, 2018.