



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Regular Meeting
Monday, March 19, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, March 19, 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 7:02 p.m.

2. Reconvene Public Hearing on Text Amendments: Mobile Food Vendors

Mayor Root opened the public hearing on Mobile Food Vendors that was continued from the Special-called meeting on March 19, 2018 to the regular scheduled meeting.

Public Hearing comments continued:

Leslie Osborne, 9 Reeves St, commented in favor of the food truck proposal. She owned a restaurant here for 10 years and wishes there would have been other restaurants at that time to help draw other business to them. This will help the Town of Weaverville bring in more taxes and make them more valuable.

Barbara and Jay Schauer, 47 Alabama Avenue, both commented in favor of the proposal. She owns the yoga studio across from Eluvium brewery and loves seeing everyone gather at the brewery to socialize, but its missing food. She always notices all the food delivery trucks that come through the alley for deliveries and believes having food trucks will be more convenient, since they will only operate during specific hours and not be a permanent structure.

Heather and John Gooding, 53 Weaver View Circle, both commented in favor of the proposal. They love going to Eluvium and think a food truck would be a perfect fit for the brewery and Town.

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

3. Moment of Silence

Mayor Root called for a Moment of Silence for former Town of Weaverville Attorney, Rebecca Rhinehart, who passed away recently.

4. Approval/Adjustments to the Agenda

Town Manager Selena Coffey asked to revise Consent Agenda item H (Appointment to the MPO Board) to reflect Councilwoman Dottie Sherrill, instead of Councilman Andrew Nagle.

Councilman Nagle asked Council to move Discussion and Action item C (Action on Amendments to Code of Ordinances concerning Mobile Food Vendors) to item A.

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

5. Approval of Minutes

Councilman Penley made the motion to approve the minutes from February 3, 2018 Town Council Special-called meeting, February 26, 2018 Town Council Special-called meeting, February 26, 2018 Town Council meeting, and February 27, 2018 Town Council Special-called meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

6. Consent Agenda

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

- A. Approval of Rules of Procedure for Planning and Zoning Board** – *Approved Rules of Procedure adopted by the Planning and Zoning Board on March 6, 2018*
- B. Proclamation Recognizing April 3, 2018 as National Service Day**
- C. Monthly Tax Report**– *Information only*
- D. Tax Release** – *Approved tax release of \$14,500 in valuation from Lakeside Meadows Homeowners Association, Inc. property identified as PIN 9742-15-3416 for 2017, so \$56.62 can be released from 2017 levy.*
- E. Road Closure Ordinances for July 4th Celebration and Music on Main Events** – *Approval of Road Closure Ordinances for July 4th Celebration and Music on Main event on June 23, 2018*
- F. Resolution Appointing the Mayor and Town Council as the Tree Board** – *Adopted the Resolution Establishing the Mayor and Town Council as the Tree Board for the Town of Weaverville*
- G. Proclamations concerning Arbor Day and Earth Day** – *Adopted Proclamations recognizing Earth Day on April 22, 2018 and Arbor Day on April 27, 2018*
- H. Appointment to the MPO Board** – *Appointed Councilwoman Dottie Sherrill as the Town of Weaverville representative on the French Broad River Metropolitan Planning Organization and Transportation Advisory Committee with her term beginning immediately.*

7. Community & Employee Recognition

- A. National Service Day Proclamation Presentation to Richard Lee**
- B. Firefighter Dustin Thompson** – *Town Manager Selena Coffey recognized Firefighter Dustin Thompson for his commitment to child passenger safety and dedication and care in showing parents and caregivers the proper use and installation of child seats. Town Manager Coffey presented him with an award from “WNC Safe Kids”.*

8. General Public Comment

Public comments were received as follows:

Donna Bollinger, Kyfields, commented that she didn't know about the meeting on February 27, 2018 when the consultant came in to speak with the community. She brought up the UDO from 2013 when the Town wanted to have Alabama street into commercial. She hopes the consultant was just fishing because some proposals are reincarnation of the UDO, which would require zoning changes and she doesn't think it's fair to change zoning where someone bought their home.

Thomas Veasey, 69 Lakeshore Drive, mentioned that he was late to the public hearing and is in favor of the food truck amendment. He just wants it to stay restricted and under control. Also, he mentioned that he was in favor of the Water Leak Protection Program discussed at last Town Council meeting.

9. Discussion and Action Items

A. Action on Amendments to Code of Ordinances concerning Mobile Food Vendors

Town Planner James Eller gave a recap from the earlier public hearing that Town Council is being asked to consider a set of additional standards placed on land use of mobile food vendor in C-1 zoning district, which is in downtown Weaverville.

Councilman Nagle mentioned that he had two concerns: 1) don't allow the food truck to be a permanent establishment (i.e. Squealing Pig) and 2) see a fee schedule in advance before proposal passed. He added that the food truck won't just be at the brewery, it will be allowed in multiple locations.

Town Planner Eller answered that the Town can't limit the number of food trucks permitted legally and these regulations would apply to the entire jurisdiction in C-1, C-2 and I-1. The main general restrictions that are being proposed are: 1) changing the feet requirement from any primary residential structure to 150, instead of 200 ft and 2) the hours of operation shall be consistent with hours of operation of the principal building, but in no instance shall such hours exceed 7 am to 11 pm, instead of 7 am to 10pm. Mr. Eller also mentioned that the fee schedule allows for \$100 a year.

Chairman Doug Theroux mentioned that there is already an ordinance in place allowing for mobile food vendors, these are changes to the text amendments. The health department makes it mandatory for the food vendor to go back to the commissary every night and the permit will specify the amount and a designated time frame.

Councilman Jackson commented that he would like to see the temporary use terms and permit fees written out before he votes on this proposal.

Town Planner James Eller mentioned that these permits will be issued annually and to the site, and there does exist a mechanism within the current schedule of fees to address this as temporary use.

Mayor Root asked Town Attorney Jackson, if Council has a concern about this issue if they could direct it within the fee schedule to have a per day fee and annual permitting.

Town Attorney Jennifer Jackson commented that Council could do this with an amendment to the fee schedule. However, this amendment is to the Town's zoning ordinance that would expand the use of mobile food vendors to be in C-1, outside of a special event permit. If the applicant meets all the additional standards then they would be issued a permit. It would be a zoning permit that the Town Planner could put any specific details on about what is allowed and not.

Councilman Jackson commented that he would like to know the number of days allowed in the permit to be considered temporary use and if it is possible to set a daily fee. Chairman Theroux mentioned that having daily fees would be real hard to keep track of, but the Town could put in the annual permit how many days the food trucks could operate like 180 days.

Mayor Root asked Town Attorney Jennifer Jackson if Council could regulate the number of days for the annual permit through amendments to the fee schedule. Town Attorney Jennifer Jackson mentioned that to set a limit on the number of days a mobile food vendor can operate would have to be done in the ordinance. As for the fees, Council can change these fees every year in the budget by amending the fee schedule.

Councilman Fitzsimmons mentioned that he is happy with the public's input and has heard that the food trucks aren't competition to the other businesses, but will actually be an enhancement.

Councilman Fitzsimmons made a motion to adopt the amendments to the Code of Ordinance concerning Mobile Food Vendors . Councilwoman Sherrill seconded the motion. The motion passed by a majority vote of Council. Motion carried 3-2, with Councilman Jackson and Councilman Nagle voted against the motion.

B. Presentation of Community Center Conceptual Plan

Town Manager Selena Coffey introduced John Legerton from Legerton Architecture, P.A., who presented their conceptual plan and cost opinions. Mr. Legerton mentioned that the major components of the conceptual plan is the space for a museum, a community room which seats 120 people, multi-purpose room, kitchen, restrooms, a covered porch and an office and mechanical room. The second plan is basically the same, but adds a fireplace on the covered porch and family restrooms. As for costs, Mr. Legerton commented that the preliminary opinion of probable construction costs on a lower scale would be around \$1.3 million and the higher scale would be around \$1.45 million. These fees do not include architectural and engineering fees, which will be around 8%. These conceptual plans are attached.

C. Action on Amendments to Code of Ordinances concerning Accessory and Temporary Structures

Town Planner James Eller mentioned that before Town Council is a set of regulations that attempt to further address accessory structures, their placement on the property and mitigation of some impact on surrounding property owners. Council directed staff to explore this language and the language before Council was recommended by a unanimous vote from the Planning and Zoning board.

Councilman Jackson commented that he is concerned with the Town not having any architectural standards or restrictions on accessory and temporary structures. There could be shipping containers stacked on top of each other and there is nothing that the home owners can do except look at this visual eye sore.

Town Attorney Jennifer Jackson mentioned that there is a 25 foot height requirement and in no event can the height exceed the primary structure. Also, the landscape buffering was never in the ordinance. The Planning and Zoning board looked at it, but decided not to add it because of the universal applications on all accessory structures.

Chairman Doug Theroux commented that the discussion held was in great depth because it covered all different situations that could come up, not just the one at hand. The Planning and Zoning board felt it would be impossible to write an ordinance to cover everybody that would put in a storage facility in their yard. They are very limited because of statutes that only allow them to govern square footage, height and location.

Councilman Jackson made a motion to adopt the Ordinance amending Code as presented . Councilwoman Nagle seconded the motion. The motion passed by a unanimous vote of Council.

D. Adoption of the Parks & Recreation Master Plan

Town Manager Selena Coffey mentioned that at the last Town Council meeting, the Land of Sky representatives presented to Town Council the final Parks & Recreation Master Plan. There is nothing written in there that the Town has to do, but Town Manager Coffey recommends Councils approval because it gives them good guidance going forward.

Councilman Nagle made a motion to approve the Parks and Recreation Master Plan . Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.

E. Code Amendments regarding Parks and Recreation, Chapter 18

Town Attorney Jennifer Jackson commented that Public Works Director Dale Pennell reviewed the Parks and Recreation Master Plan and noted several suggestions. There has been a lot of park maintenance completed, which was mentioned in the master plan, and she and Mr. Pennell have looked at the ordinance to see what needed to be updated. The ordinance, Chapter 18 – Parks and Recreation, was originally put in place in 1973 and has been amended a couple of times in limited areas. 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; 3) Prohibition of registered sex offenders; and 4) a change in focus of enforcement provisions to removal of violators from the parks. Town Attorney Jackson pointed out that there needs to be one change to the language on page 121 under fishing that shows “yearly and daily permits issued” to “yearly and monthly permits.” Public Works Director Dale Pennell noted that there were two other changes to both parks: 1) no activities between sunset and sunrise and 2) no walking on the frozen lake.

Councilman Jackson made a motion to repeal the existing Chapter 18 and replace it in its entirety with the new Chapter 18 ordinance . Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council.

F. Amendments to Personnel Policy: Whistleblower Policy, Grievance Policy and Disciplinary Procedures

Town Attorney Jennifer Jackson mentioned that she and Town Manager Selena Coffey have been working on amendments to the Town’s Personnel Policy. In order to not overwhelm and give adequate time for Council to review, they will be placing a few provisions on Council’s agenda at a time. The provisions needing review tonight are: 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, and Article XIII (New) – Separation from Employment and Reinstatement.

Councilman Nagle has some issues with individuals retiring from the Town and getting full retirement benefits, if they were suspended and going to be fired. Also, he wants to know about death benefit when it comes to remaining vacation. Town Attorney Jennifer Jackson mentioned that the Town of Weaverville is an at-will employer, so they can fire any employee at any time for any reason.

Town Manager Selena Coffey mentioned that it references the Human Resources department in these policies and she wants Council to know that would be her and sometimes Finance Officer Tonya Dozier.

Councilman Penley made a motion to adopt the amendments to the Personnel Policy . Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council.

G. Public Works Quarterly Report

Public Works Director Dale Pennell discussed the Public Works Quarterly Report for December, January and February. The report is attached below.

10. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including the recognition of Water Treatment Plant Supervisor Trent Duncan; we are moving forward with the strategic plan to address action plans and strategic objectives; the Mayor, Councilwoman Sherrill and she will be meeting with Rev. Louis Grant to discuss a Day of Prayer service; Arbor Day is scheduled for April 7, 2018; new furniture for Council Chambers is coming this Friday; she asked Council to look at scheduling a Special-called meeting on June 4 at 6 pm to hold a public hearing for system development fees; and the April 23 workshop will be in the Fire Department Training Room instead of Town Hall.

Councilman Penley made a motion to schedule a Special-called meeting on June 4, 2018 at 6 pm to hold public hearing on system development fees . Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.

11. Adjournment

Councilwoman Sherrill made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 9:10 p.m.

Derek K. Huninghake
Derek K. Huninghake, Town Clerk