



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Regular Meeting  
Monday, June 18, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, June 18, 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, Councilwoman Dottie Sherrill, Councilman Doug Jackson, 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, Public Works Director Dale Pennell and Water Treatment 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**

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

### **3. Approval of Minutes**

*Councilman Fitzsimmons made the motion to approve the minutes from May 15, 2018 Town Council Budget Workshop/ Special-called meeting and May 21, 2018 Town Council regular meeting as presented. Councilwoman Sherrill seconded the motion and all voted in favor on the approval of the minutes.*

### **4. Consent Agenda**

**A. Monthly Tax Report – Information Only**

**B. Major Subdivision & Final Plat Approval for 6 Garrison Road – Approval of Major Subdivision and Final Plat for 6 Garrison Road**

**C. Doan Road Duplexes: Amendment to Water Allocation – Approval of Amendment to Water Allocation for Doan Road Duplexes**

**D. Board Appointment to Zoning Board of Adjustment (Alternate) – Appointed Bob Pace as Zoning Board of Adjustment Alternate**

**E. System Development Fees Implementation – Adopted an Ordinance Amending Town Code Chapter 30 and a Resolution Establishing a Capital Reserve Fund for System Development Fees**

### **5. General Public Comment**

Public comments were received as follows:

Earl Valois, 42 Loftin St., commented about a merit base system for employee raises and said that the state civil service already covers these performance based standards. The problem with a merit base system is it's based on special interests, political favors or reciprocity, whereas, the state civil service has all the mandates established and is based on most senior and qualified. Mr. Valois thinks that the Town may lead to these standards in the future.

Mayor Root discussed that Council is trying to find ways to make the public comment process more valuable, since citizens sometime want answers from Council on their comments/questions. The difficulty with this is that there is not one member of Council that speaks for the Town of Weaverville and Council might not have the right answer at that time. Mayor Root mentioned this because the Town received an email this afternoon from the LLPA that there were some questions they would like Council to answer at the meeting tonight. Going forward, Council will want to create some rules on citizens asking questions before the meeting to allow enough time for Council to gather information to best answer the question.

Thomas Veasey, 69 Lakeshore Dr., spoke as the LLPA President and asked Council some questions that the LLPA had. 1.) Has anything changed with development at Lake Louise? They only see 12 meters when there are supposed to be 14. 2.) What are the steps the Town needs to take to receive the piece of parcel property that was agreed upon in the agreement? 3.) Can you clarify the rule on concealed carry permit at Lake Louise Park? 4.) Are the schools county funded? If so, then why isn't the county funding for the School Resource Officer?

Town Attorney Jennifer Jackson mentioned that the development hasn't had any changes and the plan is still the same with having 14 units. As for the timing of the deed for the transferred property, there wasn't any timeframe mentioned in the agreement and the deed of trust (a purchase money deed of trust in favor of the prior owner) prevents him from conveying any property until the property to be conveyed is either released from the deed of trust or the deed of trust is cancelled. The Town can always revoke the special use permit too, if the contractor is not abiding by the consent order. Town Attorney Jackson commented that the Town can only regulate carrying concealed firearms as much as the state legislation allows. Municipalities used to be able to pass ordinances to prohibit carrying concealed weapons in parks, but in 2011 the state legislature revoked this authority and made it that municipalities can only prohibit carrying concealed weapons in municipal buildings and recreational facilities, which do not include parks or playgrounds.

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

Town Manager Selena Coffey presented her Manager's report to Council including she will be at the NCCCMA Summer seminar June 21-23 and will be taking vacation days before that from June 19-20; the Town Hall parking lot will be closed for sealing, however dates are not available yet; she recognized and congratulated Sergeant Nick Shea on graduating from the WNC Law Enforcement Leadership Academy, Sergeant Shea is the first Weaverville Police Officer to complete this academy and said that it was very beneficial; the Town is now accepting bids for Concrete repairs at the Water Treatment Plant until June 26; our Police Department is again participating in the Pink Patch Project this year, Detective Somer Oberlin will be leading these efforts and will donate all the money from the sales of Pink Patches to The Hope Chest for Women and other women's cancer charities in WNC; Music on Main is this Saturday, June 23 and the roads will be closed at noon; Town staff is finalizing all tasks for the July 4 celebration at Lake Louise and Devils in Dust will be performing; due to a scheduling conflict the Town Council workshop on July 10 will need to be rescheduled; only 18 customers have opt out of the Water Leak Protection program; and lastly the Town Manager recognized and thanked the Weaverville Business Association for their donation of bike racks to be place in municipal parking lot.

## **7. Discussion and Action Items**

### **A. Town Council Vacancy – Council Member Penley's Resignation**

Mayor Al Root discussed that he received a resignation letter from Vice Mayor/Council member John Penley. Mayor Root thanked Mr. Penley for all his time and effort he gave to the Town, he held many positions and truly loved the Town of Weaverville. This resignation leaves a vacancy on Town Council to be filled.

Town Attorney Jennifer Jackson discussed the legalities that Council has with this vacancy and mentioned that under North Carolina law it falls on Town Council to fill any vacancy on the governing board until the next election is held.

*Councilman Nagle made a motion to appoint Jeff McKenna for the vacancy on Town Council. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carried 4-0.*

Town Attorney Jennifer Jackson administered the Oath of Office to Councilman Jeffrey W. McKenna.

**B. Action on Conditional Zoning District: Northridge Commons Townhouses**

Mayor Root addressed Mr. Valois's issue with zoning districts and mentioned that 10 years ago municipalities started adopting the conditional zoning approach, which allows Council to keep zoning districts, but gives the Town a negotiating process and tasks Council with crafting individual rules for particular projects at hand. This process is empowering towns across North Carolina to do better and benefit their communities through passed ordinances.

Town Planner James Eller mentioned that before Council was a conditional zoning district for 53 townhouse units on approximately 8.5 acres. The Planning and Zoning Board has reviewed this project and unanimously pass forward to Council, by letter, a statement of reasonableness and positive recommendation. The site plan has been changed to accomplish sidewalk availability discussed earlier by Council. Now, there will be sidewalks that run the length of Road A up to Northcrest Rd and along Road B down to Gill Branch Rd, as well as a natural walking trail along Monticello Rd and a cross walk that goes across Northcrest Rd. One requirement of a CZD is to hold a community involvement meeting, which was held on May 29, 2018. Three individuals attended the meeting and got their questions answered by the developer. Staff has converted the statement of reasonableness conditions into an ordinance for Council's consideration. Mr. Eller noted that there are active water and sewer allocations to the project and the project name has changed from Weaverville Townhomes to Northridge Commons Townhouses.

Concerning the time frame for completion, Ken Jackson, the developer, mentioned that if they get approval from Council tonight, then the next step is to get approvals for water, sewer, erosion control and DOT, which could take about two months. Financing is being finalized now so that should fit right in, but then they will have to bid the project. Ground breaking won't be until around September with a lot of site work needing to be completed. Once the final plat is approved and recorded, then they can go to the bank for funding. Due to the recession, funding is more difficult and will have about four construction loans on each building. Plus finding good reliable workers is hard nowadays, so it is looking like about seven to eight months to build each townhouse once the infrastructure is completed. Mr. Jackson mentioned that they are sales driven too, so they would like to build this development as quickly as possible.

Town Attorney Jennifer Jackson commented that there is a provision in the ordinance that if the applicant doesn't provide a copy of the recorded deed to the Zoning Administrator showing the property transfer by October 1, 2018 then the ordinance shall be automatically repealed. Also, in the ordinance under conditions, subsection J shows that appeals will still be heard by the Zoning Board of Adjustment, however staff is required to notify the Mayor and Council of any appeals related to the project or CZD, thus giving Council an opportunity to participate in the appeals hearing.

*Councilman Jackson made a motion to adopt the Ordinance Establishing a Conditional Zoning District Designated as CZD-3 – Northridge Commons Townhouses. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.*

**C. Property Disposition Options on Former Bus Garage**

Town Attorney Jennifer Jackson discussed that Council indicated a few meetings ago that they wanted to put the former bus garage on Central Avenue up for sale. She has looked into different options for selling the property, she and the Town Manager believe the best option and most profitable choice is to retain a real estate agent and proceed under the negotiated offer, advertisement and upset bid method as described in NCGS § 160A-269. This allows Town Council to consider the offers and have the right to reject any and all offers if they are not to their

liking. Town Attorney Jackson seeks authority for the Town Manager to enter into a real property listing agreement on behalf of the Town and authorize a real estate commission of up to 8% for this purpose.

*Councilman Fitzsimmons made a motion to grant Town Manager authority to enter into a real property listing agreement on behalf of the Town for the sale of the old bus garage property with a maximum real estate commission of 8%. Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council.*

#### **D. Adoption of FY 2018-2019 Budget: Budget Ordinance & Fee Schedule**

Councilman Nagle mentioned that Council has discussed at previous meetings about adding funds into the budget for a School Resource Officer. The schools are county schools, but since they are in the Town limits they are a part of our community, so it seemed like the right choice.

Police Chief Alan Wyatt commented that the benefit of having an active SRO makes the Town further involved in the school and allows for an active program for educating teachers and students on safety. This allows for an officer to be at the school all day without having to take an officer off the road and provide that security.

Town Manager Selena Coffey covered the proposed FY 2018-2019 Budget Ordinance and Fee Schedule and mentioned that the proposed budget reflects revisions based on input from Town Council and staff. The revisions are the addition of \$10,000 within the governing body budget for an **employee incentive program**, the addition of \$500 within the governing body budget to be provided as a grant to the **Weaverville Senior Dining and Wellness program**, the re-appropriation of \$60,000 from the current year budget as a match to Buncombe County for funding of **greenways**, revised the **system development fees** to reflect 90% of the maximum that the Town may charge based on the WR-Martin analysis and revised to **mobile food vendor permit fees** to charge a graduated fee for daily and annual permits.

*Councilwoman Sherrill made a motion to adopt the FY 2018-2019 Budget Ordinance and Fee Schedule. Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.*

#### **E. Public Works & Water Resources Quarterly Reports**

Public Works Director Dale Pennell discussed the Public Works and Water Resources Quarterly Report for March, April and May. The report is attached below.

Councilman Jackson wondered how long a water commitment last on a project.

Public Works Director Dale Pennell commented that they are usually for one year and can be renewed upon request for up to six months. But he added the last page in his report to show Council the outstanding water commitments and will be researching these commitments to see where they are with usage. Public Works Director Pennell mentioned that as he knows it, if construction has begun on the development, then the water commitment is still valid.

#### **8. Closed Session**

*Councilman Jackson made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and public body, and N.C. Gen. Stat. § 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance. Councilwoman Sherrill 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 Jackson seconded and all voted unanimously to exit closed session and re-enter open session.*

**9. Procedure for Performance Evaluations of Town Manager and Town Attorney**

Discussion concerning the process of performance evaluations for Town Manager and Town Attorney were held. Consensus was reached that Councilman Fitzsimmons and Councilman McKenna would work with the Town Manager to determine a good process for her evaluation and that Mayor Root would do the same with the Town Attorney.

**10. Road closure ordinance for the 4th of July celebration,**

*Councilman Nagle made a motion that the road closure ordinance be amended to reflect closure at 1 pm and not 3 pm. Councilman McKenna seconded the motion and all voted in favor.*

**11. Adjournment**

*Councilman Fitzsimmons made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 9:35 p.m.*

*Derek K. Huninghake*  
Derek K. Huninghake, Town Clerk