



MINUTES

TOWN OF WEAVERVILLE STATE OF NORTH CAROLINA

TOWN COUNCIL REGULAR MEETING MONDAY, JULY 16, 2018

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, July 16, 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 Jeffrey McKenna, 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 Supervisor Rick Harper and Water Treatment Plant Supervisor Trent Duncan.

1. Call to Order

Mayor Root called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

Councilman Fitzsimmons asked to delete item 4E (Proposed Amendments to Personnel Policy: Article III Pay Plan) from the Consent Agenda for consideration at a future meeting.

Councilman Jackson made a motion to approve the agenda with the aforementioned revision. 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 June 4, 2018 Special Called Meeting, June 18, 2018 Special Called Meeting and June 18, 2018 Town Council Regular Meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

4. Consent Agenda

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

A. Monthly Tax Report – Information Only

B. Ratify Disposal of Surplus Property – Ratified Disposal of Surplus Property

C. Budget Amendment: Re-Appropriations from FY 2017-2018 – Approval of Budget Amendment

D. Adoption of Pay Plan & Position Classification Plan Pursuant to Approved FY 2018-2019 Budget – Adopted the Pay Plan and Position Classification Plan

5. General Public Comment – No Public Comments

6. Special Recognitions

Mayor Root, on behalf of Town Council, presented a plaque in special recognition to Shane Owenby of Piano Emporium for all his assistance and involvement in helping honor Memorial Day, Veterans Day, and Patriot Day at Lake Louise each year.

7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's Report to Council that included bidding for the Concrete Repairs at the Water Treatment Plant have been completed and the Town received one bid from Carolina Specialties, Inc. for \$52,872; Council has a workshop coming up on July 24 at 6 pm in the Town Hall; As of July 16, the former bus garage will be publicly listed with Cindy Ward of Weaverville Realty; Citizens Academy Graduation will be Thursday, July 19 at 6pm and all are invited to attend; she has not received the Greenways Memorandum of Understanding (MOU) yet, but it should be forthcoming soon; she presented a sample firearms sign that would be posted in our Town parks for promoting safety in our parks while balancing firearm regulations; and lastly, the 4th of July event was a huge success, however, with new developments in the works near Lake Louise, the Town will not be able to have fireworks at the current location anymore. Town Manager Coffey asked Council about signing a contract for fireworks next year, since it is a timely manner, or if she should wait until they make a decision on if the Town can find another spot to shoot them off and have fireworks next year.

Mayor Root mentioned that he thought the Town made a mistake when it moved the fireworks from downtown to Lake Louise for financial reasons. However, the law is pretty clear on where you can and cannot have fireworks and we are now at a point where there is no more space available. Mayor Root said for geographical reason we can't do it anymore, but it might be an opportunity to enliven downtown Weaverville in the summer or even have other things to do for families on July 4th.

Council discussed other possible locations to hold the fireworks, directed the Town Manager to come back with some other suggestions as to how the Town might implement other activities for July 4th and advised not to sign the contract until it is determined if there is a place for them.

8. Discussion and Action Items

A. Election of Vice Mayor

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

B. Water Treatment Plant Expansion Report & Recommendations

Randy Hintz from Withers Ravenal discussed the four alternatives considered for the expansion of the Town of Weaverville's water system in the expansion report and recommended to Council that the Intake and Water Treatment Expansion be the preferred option. This option expands the Water Treatment Plant capacity from 1.5 MGD to 3.0 MGD and doesn't require additional permitting from the state, since the allowable withdrawal for the Town of Weaverville is 4.0 MGD. NCDEQ has confirmed this allowable withdrawal and even provided documentation confirming the prior approvals. Mr. Hintz noted that this takes care of the first part in the expansion report, the need for additional capacity, but the second part of the expansion will be to extend another waterline into town to increase water supply. There were three alternatives developed for the waterline extension in the expansion report, and the chosen alternative was to extend a 12 inch line along Clarks Chapel Road until it gets to Ollie Weaver Road, then down the road to tie in to the existing waterline. This line will help support the water supply to the west of I-40, which is currently served by one 6 inch line that goes under I-40. The total cost of the whole project, which includes an inflation factor of 25%, is estimated to be around \$9.6 million. This breaks down to about \$3.0 million for the waterline extension and \$6.6 million for the water treatment plant expansion. The expansion report is attached.

Dennie Martin from WR-Martin covered the financial aspects of the project with Town Council, which consisted of three pieces: a revised Capital Improvements Plan, a summary of the existing Water Fund debt, and a Water Fund financial analysis. With the Capital Improvements Plan being five years old, WR-Martin updated it and substituted a block of other projects that were proposed for the WTP, with the two projects discussed by Mr. Hintz. Mr. Martin and staff recommend that the project be completed in two phases and to do the distribution improvements as the initial application, assuming that the Town will pursue a USDA loan or potentially a grant

because of terms that are more favored to this project. The terms could be a 38 year amortization period, instead of a maximum of 20 years. Mr. Martin feels the distribution system improvements can be done in the first USDA initiative and follow with the WTP improvements over the next year. This allows the Town to have a two year separation in the debt service payments, since a summary of the existing Water Fund debt shows that the Town still has 11 years of debt payments on the old water treatment loan. So the closer the Town can get to having this behind them the better off they are because the last six years would involve double payments. The Water Fund financial analysis is a cash flow analysis that reflects the new audit years and projects revenues from the Enterprise fund over the next ten years based on the numbers from the budget this year. It also reflects the operating and capital expenditures calculated over the same period. The new debt shown for capital outlay includes payments from the USDA loans for the four projects. WR-Martin is trying to avoid three consecutive years of negative net income, so they don't raise any flags in Raleigh. They are doing this by keeping the fund balance around 100%, but it could drop below this towards the end. Plus, they included water rate increases and new customers established to the revenue. Mr. Martin mentioned this is just a preliminary draft and the numbers could change, but it is a great starting point to deciding if we should go ahead with the project.

Council discussed their concerns with the water rates increasing by 14.5% in the first 3 years, the Capital Improvements Plan totaling \$15.77 million, and if the Ivy River would be able to keep supplying this demand for a long period of time.

Mr. Martin mentioned that if Council doesn't want to increase the water rates, there are other options like paying more from fund balance or delaying some of the other WTP projects. Also, these other distribution projects are the reason for the CIP being higher than expected.

Town Manager Selena Coffey mentioned that she really appreciates WR-Martin helping us through this USDA process and making it so that it is more favorable to our customer through the two phases.

C. Code Amendments – Chapter 9, Nuisances

Town Attorney Jennifer Jackson discussed that staff has begun work on reviewing the regulation of nuisances as contained in Chapter 9 of the Town's code and would like to begin discussion with Town Council, so they can give some direction on potential amendments to the regulation of nuisances, including abandoned and junked motor vehicles. She mentioned that the Town has in their ordinance the authority to remove these abandoned and junked vehicles from public streets, public property and private property with the request by the property owner by NCGS 160A-303. However, the ordinance doesn't include NCGS 160A-303.2, which allows for the Town to remove from private property without the consent of the owner. This allows for the Town to remove under health and safety hazards.

Council discussed if this was becoming an issue in the Town and would they like to be acting like a home owner's association.

Town Manager Selena Coffey mentioned that she has dealt with this before in a previous position and what they did was have an incentive where the Town would come remove the property. The Town has not budgeted for this but it is another possibility.

Town Attorney Jennifer Jackson also mentioned that the General Nuisances under Article 2 target Public Health Nuisances, but the Town has the ability to broaden this to more aesthetic issues. However, this does get more complicated to abate under the General Nuisances authority. These abatements typically require court orders, whereas the public health nuisances allow the Town to abate assuming they are following their own ordinances.

Council directed Town Attorney to limit the General Nuisances ordinance to more a health and safety issues.

D. Planning Quarterly Report

Town Planner James Eller presented the Planning Departments Quarterly Report and noted that 33 Zoning Permits and 3 Sign Permits have been issued during this period. The report is attached below.

E. Finance Quarterly Report

Finance Officer Tonya Dozier mentioned that the financial statements are currently under audit and are not available for review yet. The auditor was in house on July 12, 2018 to begin work on the audit, which is August 6 – August 10.

F. Closed Session

Councilman Nagle made the motion to enter closed session as per N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney and § 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 Jackson made the motion to exit closed session. Councilman Nagle seconded and all voted unanimously to exit closed session and re-enter open session.

Upon return to Open Session, Council discussed proposed amendments to Article III Pay Plan of the Personnel Policy, which had been previously removed from the Consent Agenda. Holiday bonuses were discussed and Council directed the Town Manager to come up with alternatives that move away from longevity being the basis for the amount of holiday bonus provided.

Town Council will consider appointments and reappointments on the Zoning Board of Adjustments at their August meeting.

G. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Nagle seconded and all voted to adjourn the Council's meeting at 9.15 p.m.

Derek K. Huninghake

DEREK K. HUNINGHAKE, Town Clerk



Planning Department Report – Q2, 2018

Total Zoning Permits Issued: 33

Residential:

Single family dwellings: 11 Internal upfit or accessory structure: 15

Commercial:

New Commercial: 0 Internal upfit or accessory structure: 7

Sign Permits: 3

Planning and Zoning Board Activity:

April: The Board considered an application for rezoning on an unaddressed parcel on Reagan Lane near the intersection of North Main Street and Weaver Boulevard. The applicant deduced that the Board would pass along a negative recommendation to Council and withdrew the application.

May: The Board met on two occasions during which the majority of their attention was committed to the consideration of a conditional zoning district for Northridge Commons Townhouses.

June: For the third consecutive meeting the Board considered the aforementioned application for a conditional zoning district for Northridge Commons Townhouses. At the conclusion of the meeting and following approximately six hours of deliberation the Board unanimously recommended the project to Town Council.

Zoning Board of Adjustment Activity:

May: The Board heard an appeal of an administrative decision related to the establishment of a mobile food vendor at 320 Merrimon Avenue. Staff had concluded that the use was not present on the property on the date that legislation changed related to mobile food vendors and therefore a new mobile food vendor should not receive nonconforming protection under general statute and municipal ordinance.

June: The Board approved an order denying the aforementioned appeal and affirming a decision of the Zoning Administrator. The order also set a date beginning the appeal period to Buncombe County Superior Court which is set to expire on Monday, July 16.