

TOWN OF WEAVERVILLE

REGULAR MEETING AGENDA

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

**July 16, 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. June 4, 2018 Special-Called Meeting Minutes
 - B. June 18, 2018 Special-Called Meeting (Public Hearing) Minutes
 - C. June 18, 2018 Town Council Regular Meeting Minutes
- 4. **Consent Agenda**
 - A. Monthly Tax Report Finance Director
 - B. Ratify Disposal of Surplus Property Town Manager
 - C. Budget Amendment: Re-Appropriations from FY 2017-2018 Town Manager
 - D. Adoption of Pay Plan & Position Classification Plan Pursuant to Approved FY 2018-2019 Budget Town Manager
 - E. Proposed Amendments to Personnel Policy: Article III Pay Plan Town Attorney
Town Manager
- 5. **General Public Comments**
- 6. **Special Recognitions**
- 7. **Town Manager's Report** Town Manager
- 8. **Discussion & Action Items:**
 - A. Election of Vice-Mayor Mayor Root
 - B. Water Treatment Plant Expansion Report & Recommendation Dennie Martin, WR
Martin
 - C. Code Amendments – Chapter 9, Nuisances Town Attorney
 - D. Planning Quarterly Report Planning Director
 - E. Finance Quarterly Report Finance Director
- 9. **Closed Session** Mayor Root
 - A. N.C.G.S. §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 ...
 - B. N.C.G.S §143-318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee...
- 10. **Adjournment** Mayor Root



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, June 4, 2018**

The Town Council for the Town of Weaverville met for a Special Called Meeting on Tuesday, June 4, 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, Councilman Andrew Nagle, Councilwoman Dottie Sherrill, Councilman Doug Jackson, 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.

1. Call to Order

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

2. Public Hearing: Water System Development Fees

Mayor Root declared the public hearing on water system development fees open.

Town Manager Selena Coffey gave a brief update to Council on how we have gotten to this point on the water system development fees and informed them that tonight was the next step in that process, which is holding a public hearing on the water system development fee report and possible adoption of the proposed system development fees with the adoption of the proposed budget on June 18, 2018. Publication of this adopted fee will go along with the fee schedule as well.

No Public Comment

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

3. Public Hearing: FY 2018-2019 Proposed Budget

Mayor Root declared the public hearing on the FY 2018-2019 proposed budget open.

Town Manager Selena Coffey gave an overview of the FY 2018-2019 Proposed Budget to Town Council from the PowerPoint that was handed out. The proposed budget totaled \$9.6 million with \$2.2 million from the Water Fund and \$7.4 from the General Fund. There were no major changes from the May 15 budget workshop, but still needed direction on a few items before completion. The items that still need further discussion are system development fees, fee schedule revisions, community center cost estimates and funding for staff innovation projects and a Senior Dining and Wellness Program. All of these items are on the agenda for discussion tonight and the proposed budget PowerPoint is attached.

No Public Comment

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

4. Budget Wrap-Up:

A.) System Development Fees

Town Manager Selena Coffey handed out to Council a document showing comparisons of system development fees for various meter sizes from units of government that have their own water system.

Dennie Martin, WR-Martin, discussed the document and mentioned that one-third of the compared government units are increasing their system development fees, or either increasing water tap fees or fees on total water consumption. WR-Martin proposed that the Town double the rates on all various meter sizes inside town limits, and then double those rates for the outside town limit developments. Mr. Martin recommends that the Town leave a buffer or some room for changes in the future, since this is their first time completing the study and they're still refining their GIS system. Instead, implement 80% of the max fees at this time and increase it in the future if need.

Discussion among Town Council was whether the fees should be different for inside and outside town limits, and how much they should implement the fees for if they decide to leave a buffer for any future changes.

Town Manager Coffey and Mr. Martin informed Council that they would implement these fees with a buffer in place and give it to them for review before the next meeting on June 18, 2018.

B.) Revisions to Fee schedule

Town Manager Selena Coffey discussed the proposed fee schedule revisions with Town Council. The major changes were placing max limits on single and multifamily dwellings, accessory structures, commercial/industrial structures and sign permits; adding the Water Leak Protection plan; increasing water rates, tap charges, and fire lines; and adding water system development fees.

C.) Funding for staff innovation projects

Councilman Fitzsimmons suggested that there should be a fund set aside to encourage staff and employees to create ways for increasing positive community impacts or finding ways to save the Town money. By benefiting the Town, they should be compensated with these funds.

Council agreed and decided to place \$10,000 in a fund for staff innovation projects.

Town Manager Coffey informed Council that she will come back to them with ideas for a rule structure on how it will be rewarded.

D.) Grant to Weaverville Senior Dining and Wellness Program

Town Manager Selena Coffey discussed that she and Councilwoman Sherrill had received letters from the Weaverville Senior Dining and Wellness Program asking if the Town would consider donating to this program as they have in years past. Our past donations of \$500 have been greatly appreciated and help this program assist with providing meals, exercise classes and activities for seniors.

Council agreed to set aside \$500 in the budget this year for the Weaverville Senior Dining and Wellness Program.

E.) Community Center cost estimates

Mayor Root noted that when he was in Jonesborough, TN, he left convinced that what they did with their museum was worth us looking into, since there have been concerns on how the museum can be made to work and be a benefit to the Town. The key was that, in addition to the museum, which is self-contained, it had a gift shop leading into the museum. This could be space for local vendors to setup and Mayor Root discussed this with the Weaverville Business Association at their last meeting in May.

Town Manager Selena Coffey gave a brief update about the Community Center cost estimates that Public Works Director Dale Pennell had pulled together for Town Council. The cost estimates total around \$850,000 and are in addition to the building cost opinions conducted by Legerton Architecture, so depending on which building Council decides to go with, the low cost would be around \$2.286 million and the high cost around \$2.457 million. Town Manager Coffey reminded Council that we still need to finalize the purpose and use for the building, and discuss going through the process of value engineering that could help find cost savings.

Council discussed that if all the cost estimates needed to be completed no matter which building they decided on, then they should go ahead and start the site preparation. Also, they already have the funds from Eller Cove to help in that progress. The next steps will be to hold a workshop to discuss the vision of the community center and develop a business plan, and a workshop about the Town's comprehensive land use plan.

5. Adjournment

Councilman Jackson made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 6:58 p.m.

Derek K. Huninghake, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Monday, June 18, 2018**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, June 18, 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, Councilwoman Dottie Sherrill, Councilman Doug Jackson, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons. Vice Mayor/Councilman John Penley was absent.

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

1. Call to Order

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

2. Public Hearing on Northridge Commons Townhouses (formerly Weaverville Townhomes) Conditional Zoning District

Mayor Root opened the Public Hearing.

Town Planner James Eller mentioned that before Town Council was a proposal for a Conditional Zoning District, which would house 53 townhouses over approximately 8.5 acres on three parcels. The Planning and Zoning Board considered this issue and unanimously pass along a statement of reasonableness and positive recommendation for this project in light of consistencies with Town Code and the Town's comprehensive land use plan.

Public Hearing comments:

Earl Valois, 42 Loftin St., commented that he has always had an issue with the Town's zoning codes and pushed last year for the Town to go towards model codes. He is having a problem figuring out what R-12 is and wants someone to talk to him about what conditional codes and zoning are.

Kristina Young, 24 Gill Branch Rd., thanked the developer, Ken Jackson, for agreeing to keep the line of trees and fence around their property. This will help protect their property from the sound and sight of the development.

Councilman Jackson made the motion to close the public hearing and adjourn; Councilwoman Sherrill seconded and all voted in favor of closing the public hearing and adjourning at 6:50pm.

Derek K. Huninghake, Town Clerk



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, Town Clerk

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 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 June 30, 2018 for FY 2017/2018. This report shows a collection rate of over 99% and is provided for information only.

No action is requested or required.

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

	AS OF 6/30/2018
Real Property:	718,048,829
Real Property Discoveries:	4,382,100
Total Real Property:	722,430,929
Personal:	68,272,808
Personal Discoveries:	25,284
Total Personal:	68,298,092
Public Utilities:	5,147,971
Exemption:	(9,394,737)
Releases:	(1,465,263)
Total Tax Value	785,016,992
Tax Levy @.38 cents per \$100	
Real Property:	2,745,238
Personal Property:	259,533
Public Utilities:	19,562
Less Under \$5 Adjustment	(61)
Total Public Utilities:	19,501
Exemption:	(35,700)
Releases:	(5,568)
Total Levy (Total Billed)	2,983,004
Total Current Year Collections	2,978,700
% Collected	99.86%
Total Left to be Collected:	4,304
Prior Years Paid	5,624

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 2018
SUBJECT: Ratify Disposal of Surplus Property
PRESENTER: Town Manager
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

Under the authority granted by Town Code Section 2-236 the Town Manager offered a surplus Fire Department vehicle (2006 Ford Expedition) for sale through GovDeals, an online auction site for government surplus. Based on value estimates obtained prior to listing it was believed that the fair market value of the vehicle was \$4,000, which is within the \$5,000 maximum value for the Town Manager's disposition authority established in Code Section 2-236. Fortunately the auction process through GovDeals resulted in the sale of the vehicle for \$7,000. Since this sale amount exceeds the \$5,000 limit under Code Section 2-236, Town Council is asked to ratify the disposition of this surplus vehicle.

ACTION REQUESTED/SUGGESTED MOTION:

I move that we declare the 2006 Ford Expedition with VIN 1FMFU16516LA42316 as surplus and ratify the disposition of said vehicle for \$7,000 through GovDeals auction concluded on June 19, 2018.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 16, 2018
Subject: Budget Amendment - Re-appropriations from FY18
Presenter: Town Finance Director
Attachments: Budget Amendment Form

Description:

The 2017-2018 Budget contained several items that were received and/or budgeted in Fiscal Year 2017-2018, but need to carryforward to Fiscal Year 2018-2019. These amounts reverted to General Fund Balance at 6/30/18, and must be re-appropriated in order to be spent in the current Fiscal Year.

Town Council is asked to approve a budget amendment to add the following expenditure items to the 2018-2019 Budget:

Police Department

010-430-431-26250 (Drug Education & Prevention) \$38.13

010-430-431-26608 (Cops for Kids) \$9,218.05

Fire Department

010-430-434-26600 (Contributory Expense) \$354.15

Water Production

030-700-712-35100 (Building Repairs/Maintenance) \$53,500

Action Requested:

Town Manager recommends approval of the attached Budget Amendment.

**Budget Amendment
Town of Weaverville**

What expense accounts are to be increased?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-430-431-26250	Police - Drug Ed & Prevention	\$38.13
010-430-431-26608	Police - Cops for Kids	\$9,218.05
010-430-434-26600	Fire - Contributory Expense	\$354.15
030-700-712-35100	Water Production - Repairs/Maint	\$53,500.00

What expense account(s) are to be decreased or additional revenue expected to offset expense?

<u>Account</u>	<u>Account Description</u>	<u>Transfer Amount</u>
010-004-300-09028	Cops for Kids	\$9,218.05
030-004-310-09900	Water- Appropriated Fund Balance	\$53,500.00

Justification: Please provide a brief justification for this budget amendment.

Re-appropriations from FY18 Budget to FY19 Budget.

_____ Authorized by Finance Officer	_____ Date
_____ Authorized by Town Manager	_____ Date
_____ Authorized by Town Council (if applicable)	_____ Date

Budget Ordinance Section 7:

- B. The Budget Officer or his/her designee is hereby authorized to distribute departmental funds based upon the line item budgets and make expenditures therefrom, in accordance with the Local Government Budget and Fiscal Control Act.
- C. The Budget Officer or his/her designee may authorize transfers between line items, expenditures and revenues, within a department or division without limitation and without a report being required.
- D. The Budget Officer or his/her designee may transfer amounts up to 5%, but not to exceed \$10,000 monthly, between departments, including contingency appropriations, but only within the same fund. The Budget Officer must make an official report on such transfers at a subsequent regular meeting of Town Council.
- E. The Budget Officer or his/her designee may not transfer any amounts between funds, except as approved by Town Council, as a budget amendment.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: July 16, 2018
SUBJECT: Adoption of Pay Plan and Position Classification Plan
Pursuant to Approved FY 2018-2019 Budget
PRESENTER: Town Manager
ATTACHMENTS: Proposed Pay Plan/Position Classification Plan

DESCRIPTION:

In accordance with Article I, Section 6, of the Town's Personnel Policy, Town Council is responsible for establishing and approving the position classification and pay plan. The plan that is attached incorporates the 2% cost of living adjustment that Town Council approved with the budget last month.

COUNCIL ACTION REQUESTED:

The Town Manager asks for adoption of the Pay Plan and Position Classification Plan by Town Council at tonight's meeting. The following motion could be used for such purpose:

I move that we adopt the pay and position classification plan as presented.

TOWN OF WEAVERVILLE
 PAY PLAN & POSITION CLASSIFICATION PLAN
 FY 2018-2019

GRADE	CLASSIFICATION	FLSA STATUS	MINIMUM	MID-POINT	MAXIMUM
8			\$ 25,765.14	\$ 31,286.25	\$ 38,034.50
9	Maintenance Worker	Non-Exempt	\$ 27,053.39	\$ 32,850.56	\$ 39,936.22
10			\$ 28,406.06	\$ 34,493.09	\$ 41,933.03
11	Senior Maintenance Worker	Non-Exempt	\$ 29,826.37	\$ 36,217.74	\$ 44,029.68
12	Equipment Operator	Non-Exempt	\$ 31,317.69	\$ 38,028.63	\$ 46,231.17
13			\$ 32,883.57	\$ 39,930.06	\$ 48,542.73
14	Police Records Specialist	Non-Exempt	\$ 34,527.75	\$ 41,926.56	\$ 50,969.86
	Police Administrative Assistant	Non-Exempt			
	Financial Administrative Assistant	Non-Exempt			
15	Firefighter	Non-Exempt	\$ 36,254.14	\$ 44,022.89	\$ 53,518.35
	Meter Technician	Non-Exempt			
16	Police Officer	Non-Exempt	\$ 38,066.84	\$ 46,224.03	\$ 56,194.27
	School Resource Officer	Non-Exempt			
	Utility Maintenance Crew Leader	Non-Exempt			
	Water Plant Operator	Non-Exempt			
17	Chief Treatment Plant Operator	Non-Exempt	\$ 39,970.18	\$ 48,535.24	\$ 59,003.99
18	Fire Engineer	Non-Exempt	\$ 41,968.69	\$ 50,962.00	\$ 61,954.19
	Assistant to the Public Works Director	Non-Exempt			
19	Police Corporal	Non-Exempt	\$ 44,067.13	\$ 53,510.10	\$ 65,051.89
	Police Detective	Non-Exempt			
	Fire Lieutenant	Non-Exempt			
	Finance Specialist	Non-Exempt			
	Finance Specialist/Tax Collector	Non-Exempt			
20	Town Clerk	Non-Exempt	\$ 46,270.48	\$ 56,185.60	\$ 68,304.49
21	Fire Captain	Non-Exempt	\$ 48,584.01	\$ 58,994.88	\$ 71,719.71
	Police Sergeant	Non-Exempt			
	Senior Police Detective	Non-Exempt			
	Planner / Code Enforcer	Non-Exempt			
22	Fire Marshal	Non-Exempt	\$ 51,013.21	\$ 61,944.63	\$ 75,305.70
23	Fire Battalion Chief	Non-Exempt	\$ 53,563.87	\$ 65,041.86	\$ 79,070.98
	Public Works Supervisor	Non-Exempt			

	Water Distribution Supervisor	Non-Exempt			
24			\$ 56,242.06	\$ 68,293.95	\$ 83,024.53
25	Deputy Fire Chief	Exempt	\$ 59,054.17	\$ 71,708.65	\$ 87,175.76
	Deputy Police Chief	Exempt			
	Water Treatment Plant Supervisor	Non-Exempt			
26	Planning Director	Exempt	\$ 62,006.87	\$ 75,294.08	\$ 91,534.55
27	Water Superintendent	Exempt	\$ 65,107.22	\$ 79,058.78	\$ 96,111.28
28			\$ 68,362.58	\$ 83,011.72	\$ 100,916.84
29	Finance Director	Exempt	\$ 71,780.71	\$ 87,162.31	\$ 105,962.68
	Fire Chief	Exempt			
	Police Chief	Exempt			
30	Public Works Director	Exempt	\$ 75,369.74	\$ 91,520.42	\$ 111,260.82
31			\$ 79,138.23	\$ 96,096.45	\$ 116,823.86
32			\$ 83,095.14	\$ 100,901.27	\$ 122,665.05

Town Manager - Exempt; Pay established by employment agreement

Town Attorney - Exempt; Pay established by employment agreement

Exempt = Classification eligible to be exempt from the Wage and Hour provisions of the Fair Labor Standards Act (FLSA)

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: July 16, 2018
SUBJECT: Proposed Amendments to the Personnel Policy –
Article III, Pay Plan
PRESENTER: Town Attorney and Town Manager
ATTACHMENTS: Article III (Amended) – Pay Plan

DESCRIPTION:

At tonight’s meeting Mayor and Council are asked to approved revised Article III of the Personnel Policy concerning the Town’s pay plan. This article was originally presented to you in May, at which time Town Council discussed longevity pay. You will note that Article III contains the requested changes to Section 14 in which longevity pay has been changed to holiday bonuses. In all other regards Article III remains as presented to Council in May 2018.

The Town Manager and Town Attorney hope to be bringing the last 3 articles of the personnel policy to Mayor and Town Council in the next few months in order to finish this long but important project.

COUNCIL ACTION REQUESTED:

Council action to adopt the proposed amendments to Article III of the Personnel Policy. A suggested motion is as follows:

*I move that we approve the amendments to Article III of the Personnel Policy,
entitled Pay Plan, as presented.*

Town of Weaverville Personnel Policy

Article III. Pay Plan

Section 1. Definition

The pay plan includes the basic salary schedule and the assignment of position classes to salary grades as adopted by the Town Council. Positions are assigned to grades within the pay plan based upon the complexity of duties, levels of responsibility, and education and training required for the position. The salary schedule consists of minimum, midpoint, and maximum rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position.

Section 2. Administration and Maintenance of the Pay Plan

The Town Manager, assisted by the Human Resources Officer, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year the Human Resources Officer shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the minimum, midpoint and maximum rates change according to the market.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class or classes and adjusting the rate of pay for employees in the class when the action is approved by the Town Council.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the minimum rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum rate of the established salary range upon approval of the Town Manager.

Section 4. Merit Pay and Merit Bonus

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager.

Town Council may designate a portion of its annual budget for use by the Town Manager in rewarding employees with merit pay increases or bonuses based on performance-related criteria.

Employees who have demonstrated qualification for a performance related increase as described in their performance evaluation are eligible for a merit pay increase within the established salary range.

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

Section 5. Trainee Designation and Provisions

Applicants being considered for employment with the Town or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the Town Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head.

"Trainee" salaries shall be no more than two grades below the minimum salary rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 6. Salary Effect in Promotions, Demotions, Transfers and Reclassifications

- (a) **Promotions.** The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of at least 5% over the employee's salary before the promotion, whichever is greater. In the event of (1) highly skilled and qualified employees, (2) shortage of qualified applicants, (3) a promotion that exceeds an increase of two pay grades, or (4) for other reasons related to the merit principle of employment, the Town Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the Town. In that case the Town Manager will take into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same or similar jobs.
- (b) **Demotions.** Demotion is the voluntary or involuntary movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.
- (c) **Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.
- (d) **Reclassifications.** An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the minimum rate of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Section 6. Effect of Salary Range Revisions

A salary range revision is a change in the salary range or grade assigned to a specific class of positions. The change may be based upon increased salaries in the relevant labor market, recruitment and retention data, or increased complexity in job content. When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5% or an increase to the minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 7. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

- (1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- (2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised at least to the minimum rate for their classes.
- (3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule.
- (4) All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

Section 8. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the Town Manager.

Section 9. Pay for Part-Time Work

Compensation of any employee appointed as a part-time employee shall be computed on an hourly basis. These employees will receive the same holidays as the regular employees provided they are regularly scheduled to work on the day the holiday occurs. Holiday pay for part-time employees is limited to the number of hours the part-time employee was scheduled to work on the day of the holiday. All employees who work in a part-time position will be covered by workers compensation insurance and Social Security. Other benefits are available as provided in Article VIII.

Section 10. Pay for Overtime Work

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head, Town Manager or other designee.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Manager and Human Resources Officer shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

- (a) **Nonexempt Employees.** Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for police personnel in a 28-day cycle and 212 hours for fire personnel in a 28-day cycle, as is specified in the FLSA 7(k) exemption). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In a FEMA declared emergency when extended long hours are required, exempt and nonexempt employees may be determined to be eligible for overtime compensation at a rate not to exceed double time at the authorization of the Town Manager.

- (b) **Exempt Employees.** Employees in positions determined to be "exempt" from the FLSA will not receive pay for hours worked in excess of their normal work periods. These employees may be granted flexible time by their supervisor where the convenience of the department allows. Such flexible time is not guaranteed to be taken and ends without compensation upon separation from the Town.

Section 11. Call-Back and Stand-By Pay

The Town provides a continuous twenty-four hour a day, seven day a week (24/7) service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.

(a) **Call-back** – Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).

(b) **Stand-By** – Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. Non-exempt employees required to be on "stand-by" duty will be paid for one hour of their regular hourly rate for each day or portion thereof that they are required to remain on stand-by. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Standby time requiring an employee to remain at a designated location or otherwise substantially restrict personal activities in order to be ready to respond when called is considered work time under the provisions of the FLSA. Stand-by schedules require advance approval by the Town Manager.

Section 12. Payroll Procedures and Deductions

All employees shall be paid on a schedule adopted by the Town Manager. All employees shall be paid via direct deposit unless specifically approved the Town Manager.

Deductions shall be made from each employee's salary as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to the capability of payroll equipment and software, associated increased in workload and appropriateness of the deduction.

Section 13. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees.

The hourly rate for employees working other than 40 hours per week, such as police officers working an average of 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary or wages for the position.

Section 14. Holiday Bonus

Subject to allocations being provided in the Town's annual budget, full-time and part-time employees of the Town may be provided a holiday bonus. The holiday bonus, if given, shall be in such amount as reflects continuous years of service according to the following schedule:

Service Time	Holiday Bonus Amount
0 – 1 year	\$100.00
2 – 4 years	\$150.00
5 – 7 years	\$250.00
8 – 9 years	\$350.00
10 – 19 years	\$450.00
20+ years	\$600.00

Service time is calculated as of November 30th each year and based upon the employee's anniversary or hire date. Partial years of service are rounded to the next year.

Holiday bonuses will be issued on the last regular pay period in November or the first pay period of December or on a date in November or December designated by the Town Manager. Holiday bonuses will be treated like normal pay for payroll purposes and appropriate federal and state deductions will be made.

Section 15. Pay for Interim Assignments in a Higher Level Classification

An employee who is formally designated by the Town Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5%, whichever is greater. The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the interim role, taking into account any increases the employee would have received if they had not been placed in the interim role.



Town of Weaverville, North Carolina

Town Manager's Report

Selena D. Coffey, MPA, ICMA-CM

July 2018

- 1) **Bids for Concrete Repairs at the Water Treatment Plant:** As a follow up from my June report, we completed the bid timeline for the concrete repairs at the water treatment plant. We only received one bid, in the amount of \$52,872, by Carolina Specialties, Inc. These funds were budgeted in the previous budget and will be re-appropriated for the project. I have signed the notice of award and this project will now be moving forward.
- 2) **July 4 Event Update:** We had a good July 4th event this year. I will be presenting additional thoughts and recommendations in this regard during the meeting.
- 3) **July 24 Workshop:** As a reminder, Town Council has a workshop scheduled for July 24 at 5:30pm here at Town Hall. At this point, the agenda for that workshop includes further discussion and direction to staff regarding the potential water treatment plant expansion.
- 4) **Bus Garage Listing:** As of Monday, July 16 the former bus garage will be publicly listed with Cindy Ward of Weaverville Realty. I will update you further on this during the meeting.
- 5) **Greenways Memorandum of Understanding (MOU):** I have not yet received a MOU from Buncombe County, but in my understanding that it is forthcoming.
- 6) **Citizens Academy Graduation:** The final session of the 2018 Citizens Academy will be Thursday, July 19 at 6pm. The session will culminate with the graduation of eleven folks who have dedicated their time monthly for the last six months to learn more about their town government. You are invited to attend this graduation.
- 7) **Safe Play Zone Signs:** At your last meeting and subsequent to related discussion, I was tasked with bringing back an approach for promoting safety in our parks while balancing firearms regulations. Attached you will find a sample sign that we have developed, which we propose to be posted in our Town parks.

SAFE PLAY ZONE

Our children are playing in this area.

**Please make sure their play is gun free
by leaving all firearms in your vehicle.**

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: July 16, 2018
Subject: Water Treatment Plant Expansion Report and Recommendations
Presenter: Town Manager & Dennie Martin, WR-Martin
Attachments: WR-Martin Report

Description:

Dennie Martin, WR-Martin, will be presenting their Water Treatment Plant Expansion Report at this meeting. In addition to presenting the report, Town Council will be asked to discuss and if prepared, give staff direction as to how it wishes to proceed with regard to the recommendations.

Council Action Requested:

Action requested based upon the Mayor and Town Council discussion.



WithersRavenel
Our People. Your Success.

PRELIMINARY ENGINEERING REPORT AMENDMENT

Town of Weaverville – Water System Expansion

Prepared For:

Town of Weaverville
30 South Main Street
Weaverville, NC 28787

Prepared By:

WithersRavenel
84 Coxe Avenue, Suite 100
Asheville, NC 28801
828.255.0313
License No. C-0832

April 2018

Revised July 2018

WR No. 02170809.00

DRAFT

Table of Contents

1	INTRODUCTION	1
2	DEMAND PROJECTIONS.....	1
3	EXISTING INTAKE CAPACITY.....	1
4	WATER LINE ALTERNATIVE SELECTION.....	2
5	ALTERNATIVES ANALYSIS	2
5.1	Alternative 1 – Intake and Water Treatment Plant Expansion	3
5.2	Alternative 2 – New Groundwater Wells and WTP Expansion	5
5.3	Alternative 3 – New Groundwater Wells with Onsite Treatment.....	7
5.4	Alternative 4 – Purchase Water from the City of Asheville.....	9
6	SELECTION OF AN ALTERNATIVE.....	10
7	PROPOSED PROJECT	12

Appendices

Appendix 1	DWR Correspondence
Appendix 2	O&M Cost Calculations

1 INTRODUCTION

As development and population growth have increased water system demands, the Town of Weaverville has taken steps to plan for the eventual increase of the capacity of the water system. As directed by the Town, McGill Associates P.A. prepared a Preliminary Engineering Report titled "Upgrade and Expansion for the Water Treatment Plant" (dated September 2017) discussing the need to increase the water treatment plant capacity. Demand projections within that report demonstrated that the capacity of the existing water treatment plant would be inadequate in a few years' time. This report amendment shall present alternatives for water system expansion, as well as include a discussion of proposed project needs and details.

It is understood that the methodologies used in the original report to derive the demand projections have not and will not be independently verified, as Town staff aided in the development of the demand projections. In addition, the proposed improvements and associated costs of the water treatment plant expansion are assumed to be valid. However, the current bidding environment has indicated increased construction costs by 20% to 30% since the completion of the original report. As such, a 25% inflation factor has been applied to the construction costs for all project alternatives to account for these anticipated cost increases. This report amendment will use ****By Others**** when referencing material from "Upgrade and Expansion for the Water Treatment Plant". Reference the full report for the complete narrative.

2 DEMAND PROJECTIONS

Since the completion of the September 2017 report, officials from the Town of Mars Hill have been in discussions with the Town of Weaverville regarding the possibility of the Weaverville water system supplying 200,000-400,000 gallons per day through existing interconnection infrastructure. The Town of Weaverville has indicated that potential water sales to Mars Hill would likely begin after completion of the proposed expansion of the water system. The sale of water to Mars Hill would affect the demand projections and thus the O&M and lifecycle costs included in this report, however because sales would likely begin after expansion, the dates in which the projected demand will reach 80 and 90% of treatment plant capacity will remain unchanged. If water sales to Mars Hill started before the completion of the proposed water system expansion, it may limit the amount of allocations the Town of Weaverville can make within its system or accelerate the timeline in which demands reach 80 and 90% of the treatment plant capacity, necessitating improvements sooner.

3 EXISTING INTAKE CAPACITY

Prior correspondence between McGill Associates and NCDEHNR (now NCDEQ) indicates that the current Town of Weaverville water intake on the Ivy River has an allowable withdrawal of 4.0 MGD. NCDEQ-DWR has been recently contacted to reevaluate the prior approvals and current watershed ordinances and has not provided any information that contradicts the referenced 4.0 MGD allowable withdrawal. Therefore, it is believed that the Town of Weaverville will not have to take any measures to increase the allowable withdrawal from their existing water supply intake for the proposed improvements outlined in this report amendment. A copy of the original correspondence with NCDEHNR

and the recent follow-up with NCDEQ-DWR is located in the appendix. Prior to this development, the French Broad River was discussed as a potential water source for the Town, but will not be considered further, as the Town appears to have the capacity at their existing water system intake.

4 WATER LINE ALTERNATIVE SELECTION

****By Others****

The existing water main from the Ivy River WTP to Clarks Chapel Road is adequately sized to carry the design flow of 3.0 MGD for the expanded plant. However, the water line between North Buncombe High School and the Hamburg Mountain tank is only 10 inches in diameter and must be supplemented by an additional 12-inch water line in order to reduce pumping energy and discharge pressure.

Three alternatives for the new 12-inch water line route were outlined in the “Upgrade and Expansion for the Water Treatment Plant” Engineering Report, as seen below.

Table 4-1			
Water Line Improvements Alternatives			
Alternative	Route	LF of Proposed Water Lines	Total Construction Cost
A	North Buncombe School Road/US 19-23 Bypass	13,300	\$1,975,000
B	Clark's Chapel Road	16,300	\$2,359,000
C	Clark's Chapel Road/Ollie Weaver Road	17,600	\$2,533,000

Based on discussions with Town staff, Alternative C is the preferred water line route as it will allow the expanded water system to deliver a larger volume of water to the Hamburg Mountain tank, provide a looped connection to a high growth area within the water distribution system west of I-26, as well as providing new water lines to currently unserved areas. The Engineering Report determined that the total cost for this alternative is \$2,533,000. However, this cost will be adjusted based on the inflationary factor discussed above. The scope and cost for this water line alternative will be included as needed in the alternatives analysis as the water line improvements are critical to the effectiveness of the water system expansion.

5 ALTERNATIVES ANALYSIS

Four alternatives were considered for the expansion of the Town of Weaverville’s water system to supply growing water system demands and service areas:

- 1) Intake and Water Treatment Plant Expansion
- 2) New Groundwater Wells and WTP Expansion

- 3) New Groundwater Wells with Onsite Treatment
- 4) Purchase Water from the City of Asheville

5.1 Alternative 1 – Intake and Water Treatment Plant Expansion

5.1.1 Description

****By Others****

The upgrade of the WTP would consist of the construction of a plant layout on the north east side of the current control/filter building and could include:

1. *Upgrade of the raw water pump station to increase the pumping capacity by the addition of a third pump*
2. *New mechanical pretreatment unit*
3. *Two new flocculation basins, and two new sedimentation basins.*
4. *Two new mixed media gravity filters with controls*
5. *Construction of a second clearwell*
6. *Construction of an additional 12-inch water main to the Hamburg Mountain tank*

5.1.2 Cost Estimate

The cost estimate for Alternative 1 is shown below. Costs for the water line upgrades were included with the treatment plant improvements in this amendment to present one total project cost as the water line upgrades are necessary to improve efficacy of the expanded water system. Line items, quantities and unit costs were all developed in the “Upgrade and Expansion for the Water Treatment Plant” Engineering Report (dated September 2017). As discussed previously, a 25% inflation factor has been applied to the construction costs to account for the rise in costs experienced since the completion of the 2017 report. Costs shown in the estimate are in 2018 dollars.

Table 5-1				
Alternative #1 - Estimated Construction Costs				
Item Description	Quantity	Unit	Unit Cost	Extended Cost
<i>WTP Expansion</i>				
Mobilization	1	LS	\$113,000.00	\$113,000.00
Filter Media, Underdrain, Troughs, Agitators	1	LS	\$270,000.00	\$270,000.00
Filter Valves and Actuators	10	EA	\$7,000.00	\$70,000.00
Raw Water Pumps	2	EA	\$150,000.00	\$300,000.00
Finished Water Pumps	2	EA	\$150,000.00	\$300,000.00
Finished Water Pump Station	1	LS	\$250,000.00	\$250,000.00
Chemical Feed Modifications	1	LS	\$100,000.00	\$100,000.00
Flocculators	4	LS	\$20,000.00	\$80,000.00
Settling Basins, Flocculation Basins, and Filter Bays	1	LS	\$475,000.00	\$475,000.00
Backwash Sludge Basin	1	LS	\$275,000.00	\$275,000.00
0.250 MG Clearwell	1	LS	\$390,000.00	\$390,000.00
36'-6" Diameter Claricone Clarifier	1	LS	\$850,000.00	\$850,000.00
Yard Piping	1	LS	\$100,000.00	\$100,000.00
Electrical Improvements	1	LS	\$300,000.00	\$300,000.00
<i>Water Line Improvements</i>				
Mobilization	1	LS	\$53,000.00	\$53,000.00
12" DIP Water Line	17,600	LF	\$100.00	\$1,760,000.00
Construction Sub-total				\$5,686,000.00
Contingency (20%)				\$1,130,000.00
Total Construction Cost				\$6,816,000.00
Technical Services (20%)				\$1,370,000.00
Inflation Factor (25%)				\$1,421,500.00
Total Project Cost Opinion				\$9,607,500.00

5.1.3 *Lifecycle and O&M Costs*

Information provided by water treatment plant staff indicated that the Town spent \$579,930 on operation and maintenance (O&M) costs for the water treatment plant in 2016-2017 fiscal year. Over the same period of time, the plant produced 216,363,000 gallons of finished water, equating to an O&M cost of \$0.00268 per gallon. This value is applied to the flow projections developed in the “Upgrade and Expansion for the Water Treatment Plant” Engineering Report to estimate annual O&M costs as demands increase within the 50-year planning period. The future estimated O&M costs were then converted to present value based on the federal discount rate of 2%. The total project cost is calculated as the sum of the capital costs and the present value of the 50-year O&M costs.

Table 5-2	
Alternative #1 - Estimated 50-Year Lifecycle Costs	
Project Capital Costs	\$9,607,500
Present Value of O&M Costs	\$61,933,857
Total Project Lifecycle Costs	\$71,522,071

5.2 **Alternative 2 – New Groundwater Wells and WTP Expansion**

5.2.1 *Description*

In lieu of expanding the raw water intake on the Ivy River, this alternative proposes the development of new groundwater wells to increase the amount of raw water available for treatment. In this alternative, the wells are assumed to be in close proximity to the water treatment plant, and raw water pumped from the wells is to be treated at the WTP. As part of this project, WTP equipment will be expanded to increase plant capacity to 3.0 MGD. The wells will be developed, capped, and brought online as needed as demand exceeds the existing WTP capacity of 1.5 MGD.

Based on local knowledge, the wells are assumed to have an average capacity of 40 gallons per minute, however well yields are difficult to predict and can greatly vary. The wells will be operated a maximum of 12 hours per day to help preserve the long-term yield of the wells.

5.2.2 *Cost Estimate*

The cost estimate for Alternative 2 (with 25% Inflation Factor and in 2018 dollars) is shown below. Line items, quantities and unit costs for treatment plant upgrades and water line improvements were all developed in the “Upgrade and Expansion for the Water Treatment Plant” Engineering Report. Costs for development of the wells and property acquisition have been added to complete the cost estimate for the total project scope.

Table 5-3				
Alternative #2 - Estimated Construction Costs				
Item Description	Quantity	Unit	Unit Cost	Extended Cost
Well Development				
Mobilization	1	LS	\$338,000.00	\$338,000.00
Development of Groundwater Wells	55	EA	\$100,000.00	\$5,500,000.00
Raw Water Lines to Connect Wells to WTP	27,500	LF	\$80.00	\$2,200,000.00
WTP Expansion				
Mobilization	1	LS	\$103,800.00	\$103,800.00
Filter Media, Underdrain, Troughs, Agitators	1	LS	\$270,000.00	\$270,000.00
Filter Valves and Actuators	10	EA	\$7,000.00	\$70,000.00
Finished Water Pumps	2	EA	\$150,000.00	\$300,000.00
Finished Water Pump Station	1	LS	\$250,000.00	\$250,000.00
Chemical Feed Modifications	1	LS	\$100,000.00	\$100,000.00
Flocculators	4	LS	\$20,000.00	\$80,000.00
Settling Basins, Flocculation Basins, and Filter Bays	1	LS	\$475,000.00	\$475,000.00
Backwash Sludge Basin	1	LS	\$275,000.00	\$275,000.00
0.250 MG Clearwell	1	LS	\$390,000.00	\$390,000.00
36'-6" Diameter Claricone Clarifier	1	LS	\$850,000.00	\$850,000.00
Yard Piping	1	LS	\$100,000.00	\$100,000.00
Electrical Improvements	1	LS	\$300,000.00	\$300,000.00
Water Line Improvements				
Mobilization	1	LS	\$53,000.00	\$53,000.00
12" DIP Water Line	17,600	LF	\$100.00	\$1,760,000.00
Construction Sub-total				\$13,307,800.00
Contingency (20%)				\$1,330,800.00
Total Construction Cost				\$14,638,600.00
Technical Services (20%)				\$2,940,000.00
Property Acquisition				\$825,000.00
Inflation Factor (25%)				\$3,326,950.00
Total Project Cost Opinion				\$21,730,550.00

5.2.3 Lifecycle and O&M Costs

The O&M cost per gallon is applied to the flow projections, as all flow (existing surface water intake and groundwater from wells) will be treated at the water treatment plant. In addition, this report amendment assumes that new wells are brought online as necessary to supplement the surface water intake, to meet the increased water system demands. It is estimated that the annual O&M costs for each groundwater well are \$2,000.

Table 5-4 Alternative #2 - Estimated 50-Year Lifecycle Costs	
Project Capital Costs	\$21,730,550
Present Value of O&M Costs	\$63,113,379
Total Project Lifecycle Costs	\$84,843,929

5.3 Alternative 3 – New Groundwater Wells with Onsite Treatment

5.3.1 Description

Similar to Alternative 2, this alternative proposes the development of groundwater wells in place of expanding the capacity of the surface water intake. However, this alternative assumes that the new groundwater wells are not in close proximity to the WTP, and onsite treatment at each well will be provided. For the purposes of this report amendment, it is assumed that the ground water meets the quality standards of NCAC 18C and will require green sand filters, liquid chlorination, caustic/soda ash for final treatment before entering the water distribution system. The WTP will remain at its current capacity of 1.5 MGD, and additional wells will be brought online as necessary, as demand in the system exceeds the capacity of the plant.

Based on local knowledge, the wells are assumed to have an average capacity of 40 gallons per minute. The wells will be operated a maximum of 12 hours per day to preserve the long-term yield of the wells.

5.3.2 Cost Estimate

The cost estimate with 25% Inflation Factor (in 2018 dollars) for Alternative #3 is seen below.

Table 5-5				
Alternative #3 - Estimated Construction Costs				
Item Description	Quantity	Unit	Unit Cost	Extended Cost
Well Development				
Mobilization	1	LS	\$211,200.00	\$211,200.00
Development of Groundwater Wells	55	EA	\$100,000.00	\$5,500,000.00
On-Site Treatment at Wells	55	EA	\$12,000.00	\$660,000.00
Finished Water Lines to Connect Wells to System	11,000	LF	\$80.00	\$880,000.00
Water Line Improvements				
Mobilization	1	LS	\$53,000.00	\$53,000.00
12" DIP Water Line	17,600	LF	\$100.00	\$1,760,000.00
Construction Sub-total				\$9,064,200.00
Contingency (20%)				\$906,400.00
Total Construction Cost				\$9,970,600.00
Technical Services (20%)				\$2,005,000.00
Property Acquisition				\$825,000.00
Inflation Factor (25%)				\$2,266,050.00
Total Project Cost Opinion				\$15,066,650.00

5.3.3 Lifecycle and O&M Costs

The O&M cost per gallon is applied to demands up to 1.5 MGD, the maximum capacity of the water treatment plant. Demands exceeding 1.5 MGD will be supplied by groundwater wells with onsite treatment. The estimated annual O&M costs for a groundwater well with treatment are \$9,000.

Table 5-6	
Alternative #3 - Estimated 50-Year Lifecycle Costs	
Project Capital Costs	\$15,066,650
Present Value of O&M Costs	\$51,627,778
Total Project Lifecycle Costs	\$66,694,428

5.4 Alternative 4 – Purchase Water from the City of Asheville

5.4.1 Description

In order to supply growing water system demands, this alternative proposes to utilize the existing water system interconnection to purchase water from the City of Asheville. The water treatment plant will be used to its full capacity of 1.5 MGD and demands in excess will be supplied from the City of Asheville. However, the existing water line from the City of Asheville interconnection into Town is 8-inches in diameter and is not sufficient to deliver adequate system pressures when delivering the increased system demands described in this report amendment. Approximately 16,400 LF of new 12” DIP water line is proposed from the City of Asheville interconnection to Hamburg Mountain Road to provide a larger diameter water line to supply the system while leaving the existing 8” line in operation. A horizontal directional drill under Reems Creek is also included in the scope of this Alternative.

5.4.2 Cost Estimate

The cost estimate with 25% Inflation Factor (in 2018 dollars) for Alternative #4 is seen below.

Table 5-7				
Alternative #3 - Estimated Construction Costs				
Item Description	Quantity	Unit	Unit Cost	Extended Cost
Well Development				
Mobilization	1	LS	\$53,000.00	\$53,000.00
12" DIP Water Line	16,400	LF	\$100.00	\$1,640,000.00
Horizontal Directional Drill under Reems Creek	1	EA	\$100,000.00	\$100,000.00
Construction Sub-total				\$1,793,000.00
Contingency (20%)				\$358,600.00
Total Construction Cost				\$2,151,600.00
Technical Services (20%)				\$430,300.00
Inflation Factor (25%)				\$448,250.00
Total Project Cost Opinion				\$5,181,750.00

5.4.3 Lifecycle and O&M Costs

As demand surpasses the WTP capacity of 1.5 MGD, water will be purchased from the City of Asheville. WTP O&M costs will be capped at 1.5 MGD, and the current City of Asheville water rates will be applied to all demand exceeding 1.5 MGD. The current purchase agreement with the City of Asheville expires in 2037 and charges the Town of Weaverville \$1.59 per 1,000 gallons. Asheville also charges a one-time capacity fee for

wholesale connections. It is assumed for this analysis that the cost per 1000 gallons will remain the same for the study period, however the City of Asheville water rates are subject to change.

Table 5-7	
Alternative #4 - Estimated 50-Year Lifecycle Costs	
Project Capital Costs	\$5,181,750
Present Value of O&M Costs	\$55,563,399
Total Project Lifecycle Costs	\$60,745,149

6 SELECTION OF AN ALTERNATIVE

A summary of the capital and lifecycle costs for each alternative is shown below.

Table 6-1			
Alternatives Analysis Summary			
Alternative	Capital Costs	50-Year O&M Costs	Total Project Costs
1) Intake and Water Treatment Plant Expansion	\$9,607,500	\$61,914,571	\$71,522,071
2) New Groundwater Wells and Water Treatment Plant Expansion	\$21,730,550	\$63,113,379	\$84,843,292
3) New Groundwater Wells with Onsite Treatment	\$15,066,650	\$51,627,778	\$66,694,428
4) Purchase Water from the City of Asheville	\$5,181,750	\$55,563,399	\$60,745,149

Based on the results of the alternatives analysis, Alternative 4) Purchase Water from the City of Asheville has been determined to be the alternative with the lowest total project costs. This alternative would allow the Town of Weaverville water system to supply future growth and development, however the Town may want to consider other options to expand the water system due to non-monetary factors. The ongoing legal battle over the ownership of the Asheville water system casts doubt on which entity Weaverville will be buying water from. Uncertainties in future water prices and the possible need to renegotiate/extend a water purchase agreement further cloud the issue. Furthermore, when the existing interconnection with Asheville has been used in the past, differences in

water chemistry has negatively affected sensitive water users in the vicinity of the interconnection. For these reasons, Alternative 4 has not been selected as the preferred alternative.

Of the remaining alternatives, Alternative 3) New Groundwater Wells with Onsite Treatment has the lowest total project cost. The Town has previously attempted to drill water supply wells in the past, but both developed wells were contaminated by chemicals from nearby industry. Though this is an isolated incident, uncertainties concerning well yields, property availability, water quality, the ability to receive funding for such a project scope, and the feasibility of having a large quantity of water supply wells cause this Alternative to be considered infeasible.

Alternative 1) Intake and Water Treatment Plant Expansion offers the next lowest total project cost. This alternative includes the expansion of existing infrastructure at the intake site and water treatment plant. Based on historical documentation, it appears that the Town has previously received authorization to increase its surface water withdrawals to meet the demands described throughout the planning period of the report. The Town would not have to purchase additional property for wells or manage water quality and maintenance at remote well sites. All treatment would occur centrally at the expanded water treatment plant. Therefore, Alternative 1 is determined to be the preferred alternative.

7 PROPOSED PROJECT

7.1.1 Phasing

Currently, flow is supplied to the area of Town west of I-26 through a single 6-inch water line on US-25/70 which is not looped into the rest of the system. Installing the water lines in a separate phase will give the Town a much-needed distribution loop as well as providing improved system capacity to a high growth area of the system. As such, the selected alternative will be split into two concurrent, parallel phases with the first phase including the water system improvements, and the second including the expansion of the water treatment plant. With the two components of the recommended project (line work and plant work) being phased but on a concurrent path, it is expected that the proposed project will allow work on the distribution system to be completed ahead of the WTP expansion to more immediately satisfy this need within the distribution system.

The cost estimate for Phase 1 (in 2018 dollars) is shown below.

Table 7-1				
Proposed Project Phase 1 - Estimated Construction Costs				
Item Description	Quantity	Unit	Unit Cost	Extended Cost
<i>Water Line Improvements</i>				
Mobilization	1	LS	\$53,000.00	\$53,000.00
12" DIP Water Line	17,600	LF	\$100.00	\$1,760,000.00
Construction Sub-total				\$1,813,000.00
Contingency (20%)				\$360,000.00
Total Construction Cost				\$2,173,000.00
Technical Services (20%)				\$435,000.00
Inflation Factor				\$362,600.00
Total Project Cost Opinion				\$2,970,600.00

The cost estimate for Phase 2 (in 2018 dollars) is shown below.

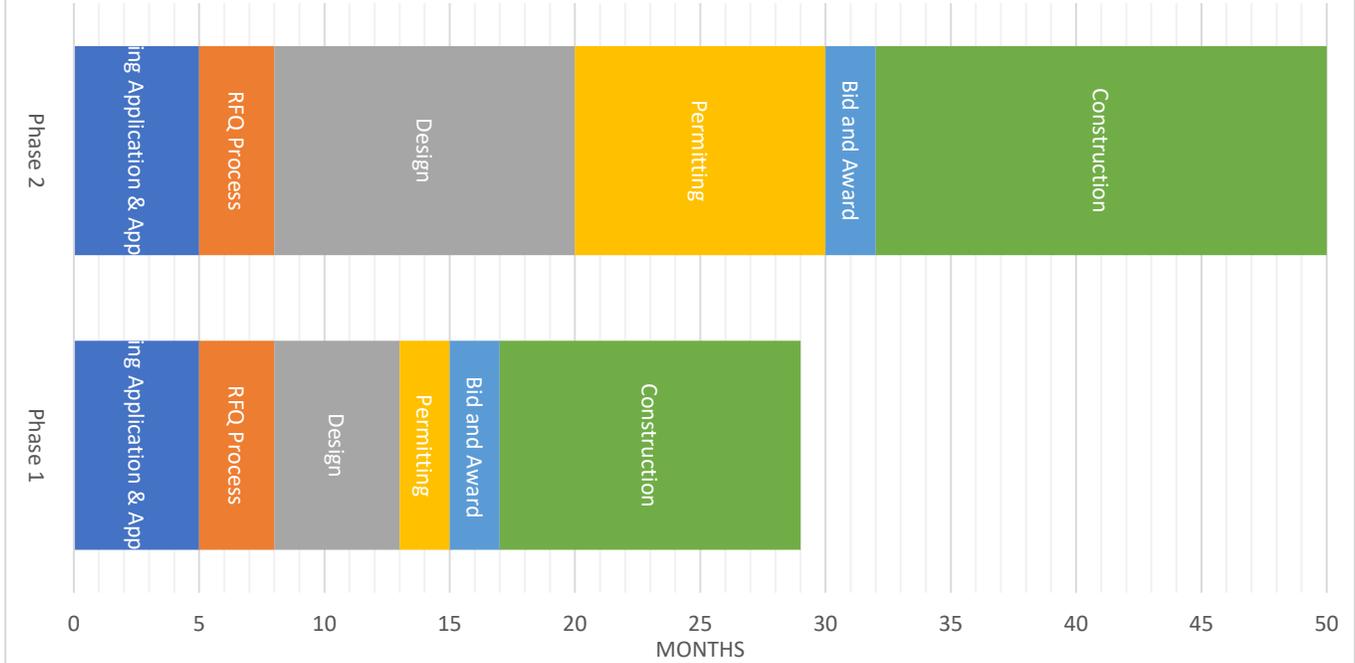
Table 7-2				
Proposed Project Phase 2 - Estimated Construction Costs				
Item Description	Quantity	Unit	Unit Cost	Extended Cost
<i>WTP Expansion</i>				
Mobilization	1	LS	\$113,000.00	\$113,000.00
Filter Media, Underdrain, Troughs, Agitators	1	LS	\$270,000.00	\$270,000.00
Filter Valves and Actuators	10	EA	\$7,000.00	\$70,000.00
Raw Water Pumps	2	EA	\$150,000.00	\$300,000.00
Finished Water Pumps	2	EA	\$150,000.00	\$300,000.00
Finished Water Pump Station	1	LS	\$250,000.00	\$250,000.00
Chemical Feed Modifications	1	LS	\$100,000.00	\$100,000.00
Flocculators	4	LS	\$20,000.00	\$80,000.00
Settling Basins, Flocculation Basins, and Filter Bays	1	LS	\$475,000.00	\$475,000.00
Backwash Sludge Basin	1	LS	\$275,000.00	\$275,000.00
0.250 MG Clearwell	1	LS	\$390,000.00	\$390,000.00
36'-6" Diameter Claricone Clarifier	1	LS	\$850,000.00	\$850,000.00
Yard Piping	1	LS	\$100,000.00	\$100,000.00
Electrical Improvements	1	LS	\$300,000.00	\$300,000.00
Construction Sub-total				\$3,873,000.00
Contingency (20%)				\$770,000.00
Total Construction Cost				\$4,643,000.00
Technical Services (20%)				\$935,000.00
Inflation Factor				\$1,058,900.00
Total Project Cost Opinion				\$6,636,900.00

The total cost of the project is estimated to be \$9,607,500.

7.1.2 Schedule

The Town of Weaverville will likely pursue funding through grants and/or loans to finance the capital costs of the project. This will involve separate funding applications and subsequent PER submissions before design could begin. The figure below shows the anticipated project schedule for the two phases of the proposed project.

Estimated Project Schedule



Work on both phases will begin at the same time and continue concurrently. The design and permitting portions for Phase 1 (water line improvements) is expected to be much shorter than that for Phase 2 (WTP improvements). As a result, construction on the water lines is expected to be completed before construction begins on the WTP expansion.

If the Town begins to pursue funding in 2018, construction on the WTP expansion is estimated to begin sometime in 2021, well ahead of the State mandate stating construction should start as demands reach 90% of treatment plant capacity (projected 2024). It should be noted that the State criteria for demand does not include allocated flows, but only metered usage reflective of the average daily production over a calendar year. Flow can continue to be allocated to future customers without contributing to the actual metered production, however, if the Town completes allocated projects in excess of the projected increases in demand, the 80 and 90% thresholds will arrive sooner than the projections indicate.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 2018
SUBJECT: Code Amendment – Chapter 9 Nuisances
PRESENTER: Town Attorney/Code Enforcement Officer
ATTACHMENTS: Code Chapter 9 entitled “General Nuisances”
Overview, Staff Comments, Questions for Discussion

DESCRIPTION/SUMMARY OF REQUEST:

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 a discussion with Town Council regarding this regulation. The current Code provisions will be reviewed tonight and discussion among Mayor and Town Council will be encouraged so as to give staff some direction on potential amendments with regard to the regulation of nuisances, including abandoned and junked motor vehicles.

TOWN COUNCIL ACTION REQUESTED:

Discussion and direction to staff on nuisance issues so that staff can present the Mayor and Town Council with suggested amendments consistent with that direction.

CHAPTER 9 - GENERAL NUISANCES¹¹

Notes:

--- (1) ---

Editor's note— [Ord. of 2-25-2013\(2\), § 1](#), amended the title of Ch. 9 to read as herein set out. The former title read "Abandoned, Junked and Nuisance Vehicles."

ARTICLE I. - ABANDONED, JUNKED AND NUISANCE VEHICLES

Sec. 9-1. - Administration of chapter.

The police department and zoning administrator of the town shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the town, and on property owned by the town. The town zoning administrator shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property. The town may, on an annual basis, contract with private tow companies to remove, store, and dispose of abandoned vehicles and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of officers of the town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

(Ord. of 6-20-2011, § I; Ord. of 10-10-2011, § 1)

Sec. 9-2. - Definitions.

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

Abandoned motor vehicle means a motor vehicle that:

1. Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
2. Is left on property owned or operated by the town for longer than 24 hours; or
3. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
4. Is left on any public street or highway for longer than seven days or is determined by a law enforcement officer to be a hazard to the motoring public.

Junked motor vehicle means an abandoned motor vehicle that also:

1. Is partially dismantled or wrecked; or
2. Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
3. Is more than five years old and worth less than \$100.00 or is less than five years old and worth less than \$500.00; or
4. Does not display a current license plate.

Motor vehicle is defined to include all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

Nuisance motor vehicle means a motor vehicle which:

1. Serves as a breeding ground or harbor for insects, snakes, rats or other pests; or

2. Is surrounded by heavy growth or weeds or other vegetation over eight inches high; or
3. Is being used to store combustibles, such as gasoline, oil or other explosive or flammable materials; or
4. Is a collection for garbage, waste or water; or
5. Is positioned in such a manner that it may fall, turn over or make an unsafe movement; or
6. Is considered unsafe due to jagged metal or broken glass.

(Ord. of 6-20-2011, § I)

Sec. 9-3. - Removal required.

- (a) *Vehicles on private property.* No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned, junked, or nuisance motor vehicle to remain on such property for more than 15 days and such person shall remove the vehicle immediately thereafter. This section shall not apply to a vehicle in an enclosed building, garage, or carport; a vehicle on the premises of a business enterprise operated in a lawful place and manner, if the vehicle is necessary to the operation of the business enterprise and the vehicle is screened from view as hereinafter required by section 9-4; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.
- (b) *Vehicles on public property.* If an abandoned, junked or nuisance motor vehicle is located on a public street or highway, it shall be the duty and responsibility of the owner of such motor vehicle to cause the removal thereof immediately.

(Ord. of 6-20-2011, § I)

Sec. 9-4. - Screening requirements.

In the event that an abandoned, junked or nuisance vehicle is located on the premises of a business enterprise operated in a lawful place and manner and is necessary to the operation of the business enterprise, the abandoned, junked or nuisance vehicle shall be screened at all times from the view of persons from public roads, schools and residential areas. Screening shall be a minimum of six feet in height and accomplished by vegetation or other natural barriers, solid fencing or vegetation with wire fencing and all screening shall be located on the same property as the business enterprise. All vegetation must be a minimum of six feet in height at the time of planting. All screening must be approved in advance and after completion by the town manager or his/her designee. Property owners or business owners who would be in violation of this section as of the date of adoption of this section shall be granted a grace period of 12 months to conform with the screening requirements of this section; thereafter, they shall be in violation of this section.

(Ord. of 6-20-2011, § I)

Sec. 9-5. - Removal and impoundment by town.

- (a) *Vehicles on private property.* If any abandoned, junked or nuisance motor vehicle is not removed from private property as required in section 9-3, the vehicle may be removed by the town to an impoundment area after the town has sent by first class mail a written notice to the last known registered owner of the vehicle a description of the vehicle, the violation with which the owner is charged and the name, address and phone number of the impoundment area where the vehicle will be located.

- (b) *Vehicles on public property.* Whenever any motor vehicle is abandoned on a public street or highway or on property owned or operated by the town for 48 hours or more, any such vehicle may be removed by the town to an impoundment area after the town has provided notice as provided hereinafter.
- (c) *Notice; hearing.* If any motor vehicle is removed to an impoundment area and has a valid registration plate or registration, the last known registered owner of the vehicle shall be notified in writing of the following:
 - 1. A description of the vehicle;
 - 2. The place where the vehicle is stored;
 - 3. The violation with which the owner is charged, if any;
 - 4. The procedure the owner must follow to have the vehicle returned to him; and
 - 5. The procedure the owner must follow to request a probable cause hearing on the towing pursuant to G.S. 20-219.11.

(Ord. of 6-20-2011, § I; Ord. of 10-10-2011, § 2)

Sec. 9-6. - Reclamation of impounded vehicles.

Upon notification by the town manager or his/her designee, the owner of a motor vehicle impounded pursuant to this article may, upon furnishing satisfactory evidence of his identity and of his ownership of the vehicle, obtain a release from the town manager or his/her designee by payment of towing and storing charges and any fines or penalties in order to remove such motor vehicle from the impoundment area.

(Ord. of 6-20-2011, § I)

Sec. 9-7. - Sale of impounded vehicles—Generally.

Should the owner of a motor vehicle impounded pursuant to this article fail or refuse to pay the costs described in section 9-6 or should the identity or whereabouts of such owner be unknown and unascertainable after diligent search, the town may dispose of the vehicle by private or public sale if the vehicle has been impounded for 30 days or more and if the town complies with the following:

- (a) Determined the value of the vehicle;
- (b) Provided 20 days' written notice of the sale to the last known address of the owner, if the owner's identity is known;
- (c) Provided 20 days' written notice to the holder of any lien against the vehicle on record in the office of the N.C. Division of Motor Vehicles; and
- (d) Provided 20 days' written notice to the N.C. Division of Motor Vehicles, such notice to include all information which can be reasonably ascertained to identify such vehicle.

(Ord. of 6-20-2011, § I)

Sec. 9-8. - Sale of impounded vehicles—Disposition of proceeds.

The proceeds of the sale of a motor vehicle impounded pursuant to this article, after all costs of removal, storage, investigation and sale and satisfaction of any liens on record on the vehicle have been deducted therefrom and after any fines or penalties have been paid, shall be held by the town's finance officer for up to 30 days and paid to the registered owner, after his providing satisfactory evidence of his identity, upon demand. If the owner does not appear to claim the remainder of the proceeds within 30

days after disposal of the vehicle, the funds shall be deposited into the town's general fund and the owner's rights therein shall be forever extinguished.

(Ord. of 6-20-2011, § I)

Sec. 9-9. - Disposition of unsold vehicles.

Whenever any motor vehicle which has been removed, impounded and offered for sale by the town pursuant to this article shall remain unsold for a period of 60 days, such vehicle may be destroyed or otherwise disposed of by the town. Written notice of any such destruction or disposition shall be given to the N.C. Division of Motor Vehicles, such notice to include all information which can be reasonably ascertained to identify such vehicle.

(Ord. of 6-20-2011, § I)

Sec. 9-10. - Trailers.

The provisions of this article shall be applicable to trailers or wagons in a wrecked, junked, discarded, abandoned, partially dismantled, nonoperable or otherwise derelict condition.

(Ord. of 6-20-2011, § I)

Sec. 9-11. - Selling of personal motor vehicle.

- (a) Privately owned motor vehicles may only be sold from a person's residence. No residential property shall have more than two motor vehicles for sale at any one time. Privately owned motor vehicles shall not be sold from vacant lots, streets, town-owned property, or private property that is not developed for the express purpose of selling new or used motor vehicles and lawfully used for that purpose or that is being sold by a bank or other lending institution pursuant to a repossession or reclamation. Motor vehicles placed for sale on vacant lots, streets, town-owned property, or private property that is not developed for the express purpose of selling new or used motor vehicles and lawfully used for that purpose are subject to being towed and impounded pursuant to the provisions of this article and subject to any costs and penalties and procedures applicable thereto.
- (b) No motor vehicle shall remain in a "for sale" status under the terms of this section for more than six months, with such six months being counted from the date the town manager or his/her designee records the vehicle as being "for sale." Intermittent removal of the "for sale" sign shall not generate a new six-month period.
- (c) Notice that a motor vehicle is in violation of this section may be attached to any window of the motor vehicle giving notice that such vehicle is in violation.

(Ord. of 6-20-2011, § I)

Sec. 9-12. - Immunity.

Neither the town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, junked or nuisance vehicle for disposing of such vehicle as contemplated by this article.

(Ord. of 6-20-2011, § I)

ARTICLE II. - GENERAL NUISANCES

Sec. 9-13. - Administration and enforcement.

The administration and enforcement of this article shall be the responsibility of the town's zoning administrator.

(Ord. of 10-10-2011, § 3)

Sec. 9-14. - Conditions constituting a public nuisance.

The existence of any of the following conditions on any property within the town limits is hereby declared to be dangerous and prejudicial to the public health or safety, and to constitute a public nuisance:

- a. Any concentration of discarded appliances, discarded furniture, discarded toys, and all other types of discarded property, used building materials remaining on site of demolished buildings, buildings and mobile homes burned beyond ability to repair, mattresses, boxes, old clothes, rags, junk or any combustible material or objects of like kind causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- b. The open storage of any furniture, appliances or metal products of any kind or nature which have jagged edges of metal, glass, or areas of potential confinement by children or other persons.
- c. Any unused, abandoned, or open water supply well which poses a potential hazard for water contamination or safety.
- d. Any structure, the remains of a structure, or portion thereof that is in a damaged condition as the result of fire, wind, flood, or other disaster that remains in an unrepaired state for a period of 60 days from the date of the disaster and that has one or more of the following conditions:
 1. Glass, metal or other sharp objects in an accessible area;
 2. Unstable structures or damaged trees which may fall or collapse;
 3. Holes, excavations, surviving foundations or walls that may collapse or create heights in excess of three feet in areas where they may be scaled;
 4. Any substance that is hazardous or harmful to humans or pets; and
 5. Any open or accessible utility line such as natural gas, water, sewer or electrical.
- e. Any accumulation of debris from the demolition of any structure, including, but not limited to, partially demolished walls, foundations, basements, building materials and other rubbish after the cessation of all active demolition activity on the property.
- f. Any rotten, damaged or dilapidated sheds, outbuildings, garages or other uninhabited structures which have collapsed, partially collapsed or are likely to collapse; or pose a danger of fire; is or is likely to become a breeding place or habitat for rats, mice, snakes or vermin of any kind; or, present a risk of injury to neighborhood children who are likely to be attracted to the place or to adjacent property and property owners.
- g. Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(Ord. of 10-10-2011, § 3; [Ord. of 4-18-2016\(1\), § 1](#))

Sec. 9-15. - Intersection visibility.

The owner, tenant, agent or person in control of any property located within the corporate limits of the town shall cut tall weeds and prune bushes, shrubs and trees in order to provide for visibility at intersections.

(Ord. of 10-10-2011, § 3)

Sec. 9-16. - Removal of trash from undeveloped or vacant property.

It shall be unlawful for any owner, tenant, agent or person in control of any undeveloped or vacant property located within the corporate limits of the town to permit to remain on such property any empty bottles, empty cans, trash, filth, debris, garbage or rubbish of any kind whatsoever, which is hereby deemed to be a public nuisance. It shall be the duty of any owner, tenant, agent or person in control of any undeveloped or vacant lot within the corporate limits of the town to keep the property in a clean, healthy, wholesome and sanitary condition at all times.

(Ord. of 10-10-2011, § 3)

Sec. 9-17. - Cutting of weeds on undeveloped or vacant property; sidewalk maintenance.

- (a) *Property of less than one acre.* The owner, tenant, agent or person in control of undeveloped or vacant property of less than one acre shall cut the weeds and grass at least twice a year on or before June 1 and September 1 of each year.
- (b) *Property of more than one acre.* On undeveloped or vacant property of more than one acre, the owner, tenant, agent or person in control of the property shall cut tall weeds and prune bushes, shrubs and trees at least twice a year to provide for visibility on all public and private roadways and back a minimum of 50 feet on lots that have businesses and residences built on or adjacent to them.
- (c) The owner, tenant, agent or person in control of any undeveloped or vacant property shall keep any abutting sidewalk free and clear from all weeds, grass and other vegetation growing from their property onto the sidewalk at all times.

(Ord. of 6-18-2012, § 1)

Sec. 9-18. - Abatement, remedy and lien.

Pursuant to G.S. 160A-193, 160A-200 and 160A-200.1, the town may summarily remove, abate or remedy everything in the town's corporate limits, or within one mile thereof, that is dangerous or prejudicial to the public health or safety and may take action to remedy violations of the town's regulations of public nuisances and overgrown vegetation by chronic violators. A chronic violator is a person who owns property whereupon, in the previous calendar year, was given notice of violation under any regulation of a public nuisance or the town took remedial action at least three times under the overgrown vegetation regulations. In the event of any such actions of abatement or remedy by the town, the expense of the town's action(s) shall become a lien on property or properties as authorized by the statutes cited hereinabove.

(Ord. of 10-10-2011, § 3; Ord. of 6-18-2012, § 1)

Editor's note— Ord. of 6-18-2012, § 2, renumbered former § 9-17 as § 9-18.

ARTICLE III. - NOISES

Sec. 9-19. - Noise.

- (a) It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the town. Every use, activity and process shall be so operated that regularly reoccurring noises are not disturbing or unreasonably loud and do not cause injury, detriment or nuisance to any person.
- (b) The following acts among others are declared to be loud, disturbing, annoying and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive:
 - (1) The playing of any radio, television set, record player, tape player, musical instrument or sound producing or sound amplifying device in such manner or with such volume, as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, or other type of residence.
 - (2) The discharge into the open of exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorcycle, except through a muffler or any other device which will effectively prevent loud or explosive noises.

(Ord. of 10-10-2011, § 4; Ord. of 6-18-2012, § 1)

Editor's note— Ord. of 6-18-2012, § 2, renumbered former § 9-18 as § 9-19.

TOPIC	OVERVIEW AND STAFF COMMENTS	TOWN COUNCIL DIRECTION
<p>ABANDONED AND JUNKED VEHICLES</p>	<p>Authority – NCGS 160A-303, NCGS-303.2 Currently Code Section 9-1 through 9-12</p> <p>Removed from public streets, public property– no real change to current authority</p> <p>Removal from private property upon request by property owner – no real change to current authority</p> <p>Removal from private property without the consent of owner – need to bring Code provisions into full compliance with NCGS 160A-303.2 in order to address removal from private property without the consent of owner upon finding that the “aesthetic benefits from removing the vehicle (gain to the public by promoting or enhancing community, neighborhood or area appearance) outweigh the burdens imposed on the private property owner (monetary loss to the owner)”</p> <p>All removal requires close cooperation and coordination between code enforcement officer and police department.</p>	<p>Who serves as hearing officer? Town Manager or designee? BOA? Town Council?</p> <p>Who serves as appeal board? BOA? Town Council?</p> <p>Town responsibility for towing? Impounding? Sale?</p> <p>Contract for towing, impound, sale?</p> <p>If vehicle is physically covered, do we regulate? Is covering a vehicle a way to bring into compliance? [tarp with bungee cords?]</p> <p>Overnight parking in public parking lots? or in parking spaces on public streets?</p> <p>Only junked vehicles visible from the street? Visible from neighbors?</p>
<p>PUBLIC HEALTH NUISANCES</p>	<p>Authority – NCGS 160A-193 Currently Code Section 9-13 through 9-18</p> <p>Town “shall have the authority to summarily remove, abate, or remedy everything in the [town] limits, ..., that is dangerous or prejudicial to the public health or public safety.”</p>	

TOPIC	OVERVIEW AND STAFF COMMENTS	TOWN COUNCIL DIRECTION
	<p>Abatement is a corrective action taken by the city to resolve a public nuisance violation when the property's owner has failed to do so within an allotted time.</p> <p>Expense of the action is to be paid by the person in default and if not paid it is a lien on the land or premises where the nuisance occurred and is collectible just like unpaid real property taxes.</p> <p>Generally: Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, snakes, or other pests, or has the potential for becoming a breeding ground or harbor for such pests;</p> <p>Any condition or structure which creates a fire hazard;</p> <p>Any condition detrimental to the public health which violates the rules and regulations of the county health department;</p> <p>Any condition specifically prohibited or any other condition specifically declared to be a nuisance or a danger to the public health, safety, morals, and general welfare of inhabitants of the town and a public nuisance by the town council.</p>	<p>Town staff to abate? Contract for abatement?</p>

TOPIC	OVERVIEW AND STAFF COMMENTS	TOWN COUNCIL DIRECTION
	<p>Non-Exclusive Enumeration: Dense growth/overgrowth of grass, weeds; Concentration of combustible materials (mattresses, boxes, paper, tires, trash, etc.); Open storage of indoor furniture, appliances; Concentration of junk, trash or litter; Unused, abandoned, or open water supply well which poses a potential hazard for water contamination or safety;</p> <p><i>Could add to enumeration:</i> Poisonous vegetation; Dead trees or limbs; Mud and debris on the street; Drying of hides; Blocking natural flow of water resulting in standing water; Improper drainage resulting in flooding;</p>	<p>What is too high for grass/weeds? 24" (current), 18", 12"?</p> <p>Distance of high grass/weeds from streets? Property lines? Structures? Exceptions for pastures, natural areas, streambank erosion?</p> <p>Prohibition on noxious vegetation? (like poison ivy)</p> <p>Dead trees and limbs? Just overhanging public streets?</p> <p>Mud and debris on the street?</p> <p>Drying of hides?</p> <p>Blocking natural flow of water resulting in standing water;</p> <p>Improper drainage resulting in flooding?</p>
PUBLIC NUISANCES	<p>Authority – NCGS 160A-174</p> <p>Could add to Code in order to address more aesthetic issues, but abatement requires court order</p> <p>Town “may be ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the [town], and may define and abate nuisances.”</p>	<p>Does town council want to take this on?</p>
NOISE	<p>Authority – NCGS 160A-184</p> <p>Current Code Sections 9-19</p> <p>Updating language but no policy changes proposed</p>	

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: Monday, July 16, 2018
Subject: Planning Department Report for the Second Quarter of 2018
Presenter: Planning Director
Attachments: Planning Department Report – Q2, 2018

Description:

Attached you will find a report reflective of permits issued and activities before the Planning and Zoning Board and Zoning Board of Adjustment in April, May and June 2018.

Action Requested:

None



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.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: July 16, 2018
SUBJECT: Quarterly Report - Finance
PRESENTER: Town Finance Officer
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

The Finance Officer will be present tonight to answer any questions that Mayor and Town Council may have regarding financial operations through FY 2017/2018 year end and any questions regarding implementation of the FY 2018/2019 budget.

FY 2017/2018 has closed but 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 his work on the audit. Audit week will be August 6 through August 10.

The monthly tax report that was included with the consent agenda represents the year-end tax collections with a collection rate of 99.86%. This report will be presented again next month with the Tax Collector's official settlement for the year.