



## MINUTES

**TOWN OF WEAVERVILLE  
STATE OF NORTH CAROLINA**

**TOWN COUNCIL REGULAR MEETING  
MONDAY, AUGUST 20, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, August 20, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council Members present were: Mayor Al Root, Councilwoman Dottie Sherrill, Councilman Doug Jackson, Councilman Jeffrey McKenna, Councilman Andrew Nagle and Councilman Patrick Fitzsimmons.

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

### 1. Call to Order

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

### 2. Approval/Adjustments to the Agenda

Town Attorney Jennifer Jackson mentioned that item A under Closed Session (To consult with an attorney employed or retained by the public body in order to preserve attorney-client privilege) could be omitted.

*Councilwoman Sherrill made a motion to approve the agenda with the aforementioned revisions. Councilman Fitzsimmons seconded and all voted in favor of the motion.*

### 3. Approval of Minutes

*Councilwoman Sherrill made the motion to approve the minutes from July 16, 2018 Town Council Regular Meeting and July 24, 2018 Special Called Meeting as presented. Councilman McKenna seconded the motion and all voted in favor on the approval of the minutes.*

### 4. Consent Agenda

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

**A. FY 2017-2018 Tax Collector's Settlement** – *Approval of the Resolution Approving the Tax Collector's Settlement for Fiscal Year 2017-2018*

**B. Tax Release** – *Approved Tax Release of \$164,501 in valuation from Kenneth Lovelace property identified as PIN 9732-70-0078 for 2010, so \$896.51 can be released from the 2010 levy.*

**C. Budget Amendment: Re-Appropriations from FY 2018-2019 Budget** – *Approval of Budget Amendment*

**D. Road Closure Ordinance: North Buncombe Homecoming Parade & Art in Autumn** – *Approval of Road Closure Ordinance for North Buncombe Homecoming Parade on Sept. 28, 2018 and Art in Autumn on Sept. 15, 2018.*

**E. Board Appointments: Planning and Zoning Board, Board of Adjustment & ABC Board** – *Appointed Sylvia Valois as regular member of the Board of Adjustment and reappointed Cynthia Wright of the Board of Adjustment to serve three-year terms beginning in September 2018. Appointed Gene Knoefel as alternate member on Board of Adjustment for an unexpired term beginning September 2018 and expiring September 2019.*

*Reappointed Gary Burge and Catherine Cordell and Appointed Steve Warren as regular members of the Planning and Zoning Board to serve two-year terms beginning in September 2018. Reappointed John Chase to serve as alternate member on the Planning and Zoning Board to serve a two-year term beginning September 2018. Reappointed Roney Hilliard to the ABC Board to serve a three year term beginning in September 2018 and that Rob Chason be designated as the ABC Board Chairmen.*

**F. Waterline Acceptance/Authorization for Stall Level Approval – Bulls Bay, LLC – Central Avenue Subdivision** – *Approval of Waterline Extension into Town’s Water System subject to Staff level and set the improvement defects guaranty amount of \$1500.00*

**G. Re-Subdivision of Lot 55 of Reems Creek Village – Preliminary/ Final Plat Approval** – *Approval of Preliminary/Final Plat of the Re-Subdivision of Lot 55 of Reems Creek Village*

**H. Appointment to the French Broad River Metropolitan Planning Organization & Transportation Advisory Committee** – *Appointed Councilman McKenna as the Town of Weaverville representative on the French Broad River Metropolitan Planning Organization and Transportation Advisory Committee with his term beginning immediately.*

**5. General Public Comment** – Doug Theroux signed up to speak about the Hawthorne at Garrison Branch action item, and Mayor Root exercised his discretion to have Mr. Theroux speak when Council got to that specific item.

**6. Town Manager’s Report**

Town Manager Selena Coffey presented her Manager’s Report to Council that included the Town has received an upset bid on the former Bus Garage at 13 Central Avenue in the amount of \$367,550. This has been published and any future upset bids must be received by August 27,2018; Due to legislative changes, the elections early voting period this year opens on Wednesday, October 17, instead of October 18 but will run through November 3; An update on ServLine shows that only 65 customers have opted out of the program and 100 customers have opted in to the optional line protection program; and the Town has reviewed the Greenways Memorandum of Understanding (MOU) and is waiting for further comments from Buncombe County but hopes to have the final MOU to Council by Septembers meeting.

**7. Discussion and Action Items**

**A. Appointment of Tax Collector and Order for Collection for FY 2018-2019**

Town Manager Selena Coffey informed Town Council that the current tax collector Debbie Bruce will be retiring on October 1, 2018 and asked them to appoint Derek Huninghake as the Town’s Tax Collector and Debbie Bruce as Deputy Tax Collector until the effective date of her retirement. She also mentioned that after appointing the Tax Collector, Town Council must approve the bond to be issued for the tax collector and adopt the Order of Collection for FY 2018-2019.

*Councilman Jackson made a motion to appoint Derek Huninghake as the Town’s Tax Collector and that Debbie Bruce be appointed as Deputy Tax Collector until her retirement, that the bond amount be set at \$250,000 for the Tax Collector and Deputy Tax Collector through June 30, 2019, and that the Resolution Adopting the Order of Collection for FY 2018-2019 be adopted. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council.*

Town Attorney Jennifer Jackson administered the Oath of Office to Derek Huninghake

**B. Waterline Extension and Allocation Request – Hawthorne at Garrison Branch**

Planning and Zoning Board Chairman Doug Theroux commented that he didn’t have any issues with this project, but would first like to see the actual acreage the developer owns, since GIS doesn’t reflect the 25 acres needed for this project and if the Town can have the annexation procedure completed before the water is provided.

Public Works Director Dale Pennell informed Town Council that before them was a water commitment request for the project known as Hawthorne at Garrison Branch, formerly known as Northpoint Commons. The water

allocation request is for 66,000 GPD with peak demand of 234 gallons per minute. Public Works Director Pennell's recommendation is that we can serve this development with approximately 1,000 linear feet of water main constructed to reach the property and with 2-inch residential meters serving each residential unit at each building by branching off a waterline that is a minimum of 6-inches in diameter within the proposed development.

Town Attorney Jennifer Jackson addressed Council about the legalities of this process and mentioned that in front of them tonight was a request for water allocation. Before any development can get out of the ground, they will need to know that they have access to water because these multi-family residential units can't be easily served by wells. In order to evaluate this project, Council will usually get a preliminary conceptual idea showing what is going to be on the property. She noted that this is not a development review or approval, so if Council decides to approve the allocation it doesn't mean the development project has been approved. Councils practice has been to require these projects to annex into the Town as condition of water commitment approval and have developmental approvals go through the Town, not the County.

Marvin Mercer, Mercer Design Group, commented that the number of units decreased due to the architects' configurations not allowing for 240 units with a mixture of 2, 3, and 4 bedroom units, therefore the water allocation request is lower. He also noted that the GIS system was wrong because the developer had the property surveyed by Holmes & Associates after last meeting and it showed that they were over the 25 acres. They can give Town Council a copy of the survey if they would like. Mr. Mercer mentioned that they have listened to all the Town Departments input and implemented them into the plan.

Town Council discussed concerns with the project being constructed under the county standards, instead of the Towns standards and wondered why the number of units was lowered, but is now back up to 234.

Phil Payonk, Hawthorne Residential Partners, commented that considering the length of time on this approval process, his partners would look to build to county standards and then annex into the Town after the project has been completed. They are getting close to the end of the due diligence phase and wouldn't really have time to go through another long process like annexation. As for the number of units, Mr. Payonk doesn't remember lowering the number of units past 234, but with acquiring more land and reducing the overall density, they have incurred more costs that need to be accounted for. He stated that the real issue is they would have to go buy the property from the owner for \$1.6 million and then come back around to Council and see if they can get full approval.

Mayor Root commented that as for the delay issue, Mr. Payonk and Mr. Mercer have been contacting the Town throughout this process, so he believes they have been trying to get before the Town. However, Mayor Root noted the main issue is the Conditional Zoning District process, since it would give the Town the control of the process instead of ceding control to the county.

Town Attorney Jennifer Jackson confirmed that since this is a high density residential project, when the developers get annexed in, they will ask to be in the R-12 zoning district. Unfortunately, the R-12 zoning district doesn't give any rights or stated standards, so they don't have any assurance that they can build if they meet all the standards.

Councilman Nagle commented that the water allocation will be approved, if it is annexed into the Town and constructed under our conditions.

Tom McClellan, Attorney, mentioned that his clients have agreed to two things, a voluntary annexation and building the development in accordance with the plans submitted to the Town. The main problem is procedurally, since they can't ask for annexation or their zoning until the property is acquired. This puts his clients in a financial predicament because what if they buy the project for \$1.6 million and can't build the development to their standards.

*Councilman Fitzsimmons made a motion to approve a water allocation of 66,000 gallons per day with a peak demand of 234 gallons per minute for domestic and fire protection services, to serve the Hawthorne at Garrison Branch project based on the conditions that the developer will 1.) Seek voluntary annexation into the Town of Weaverville, 2.) Provide proof of land size at 25 plus acres, 3.) Build development under confines of Town standards, and 4.) Will look substantially similar in design standards as the other Hawthorne buildings. Councilman Nagle seconded the motion.*

**1. Recess**

*Mayor Root recessed the meeting at 8:16 pm.*

**2. Reconvene/ Call to Order**

*Mayor Root called the meeting back to order at 8:27 pm.*

Town Manager Selena Coffey mentioned that Council is only considering the water commitment tonight. The project will go in front of the Planning and Zoning Board when the petition for the voluntary annexation is received.

*Mayor Root called for a vote on the motion. The motion failed with a 1-4 vote. Councilman Fitzsimmons was the only affirmative vote.*

*Councilman Nagle made a motion to approve a water allocation of 66,000 gallons per day with a peak demand of 234 gallons per minute for domestic and fire protection services, to serve the Hawthorne at Garrison Branch project which is proposed as a 234-unit residential apartment project with a pool and community buildings and the extension of the Town's water system to include construction and installation of a 12-inch water main extension from the existing 12-inch water main at or near the intersection of Monticello Road and Ollie Weaver Road to the property, and a minimum of a 6-inch water main through the property from Ollie Weaver Road to Garrison Branch Road intersection, and with such approval being conditioned upon: voluntary annexation into the Town's municipal limits and development reviews and approvals by the Town upon annexation. Councilman Fitzsimmons seconded the motion. Motion passed with a 5-0 vote.*

**C. Water System Capital Improvement Project**

Town Manager Selena Coffey mentioned that before Town Council was a Resolution on Intent to Apply and Selection of Authorized Personnel and the Reimbursement Resolution. Once approved, both these resolutions will go towards the waterline extension project. She also noted that the Town publicized a Request for Qualification for Engineering Services for the USDA-Funded Water System Improvement Project as approved by Council at the July meeting and two proposals were received. Town Manager Coffey has reviewed them both and believes that Withers-Ravenel's qualifications are best aligned with the Town's objectives and recommends that Council award the project to them.

Town Manager Coffey and Jessica Lane, WR-Martin discussed with Council that the Federal government changed the USDA application deadline to August 17, 2018, which was last week so the Town wasn't able to get their application in on time. However, since the Federal Government usually accepts applications on a first-come, first-serve basis, the plan is to go ahead with the USDA application in the new allocated budget starting in October 2018.

*Councilman Nagle made a motion to adopt the attached reimbursement resolution and resolution of intent to apply for USDA funding and, based on the Town Manager's recommendation, select and award the professional engineering services contract to WithersRavenel for Phase I waterline extension improvements and application for USDA financing. Councilman Jackson seconded the motion. The motion passed with a 5-0 vote from Council.*

**D. Fire Department Quarterly Report**

Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for May 2018 – July 2018. Chief Williams noted that there were no structural fires this quarter, however, EMS calls and motor vehicle accidents increased, and they installed 31 car seats and conducted 54 commercial business inspections.

**E. Police Department Quarterly Report**

Police Chief Alan Wyatt presented the Weaverville Police Departments Quarterly Report for May 2018 – July 2018. Chief Wyatt noted that there were 50 vehicle crashes this quarter with 13 individuals injured, one armed robbery in July, and felony and drug charges are staying around the same amount as last quarter.

**F. Closed Session**

*Councilman Jackson made the motion to enter closed session as per N.C. Gen. Stat. § 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. Councilwoman Sherrill seconded the motion and by a unanimous vote Council entered into closed session.*

[CLOSED SESSION]

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

**G. Adjournment**

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

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