



## MINUTES

**Town of Weaverville  
State of North Carolina**

**Town Council Meeting  
Monday, October 15, 2018**

The Town Council for the Town of Weaverville met for a its regular monthly meeting on Monday, October 15, 2018, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, 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 Supervisor Trent Duncan.

### **1. Call to Order**

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

### **2. Approval/Adjustments to the Agenda**

Town Manager Selena Coffey asked to add an Ordinance Declaring a Road Closure for the Weaverville Christmas Parade as Consent Agenda item F.

*Councilwoman Sherrill made a motion to approve the agenda with the aforementioned revision.*

*Councilman Fitzsimmons seconded and all voted in favor of the motion.*

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

*Vice Mayor/Councilman Jackson made the motion to approve the minutes from September 17, 2018 Special Called Meeting and September 17, 2018 Town Council Regular Meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.*

### **4. Special Recognitions**

Mayor Root presented Leslie Osborne with a Certificate of Appreciation for her hard work and contributions on the Planning and Zoning Board. She has recently moved outside of Town limits making her ineligible for further service on the Planning and Zoning Board. She was also recognized for her contributions through service on the Friends of the Library, Weaverville Business Association and many other boards.

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

Public comments were received as follows:

Alan Sheppard, commented that Town Council should start allowing citizens to give input on agenda items during the meetings, like other places do. He thinks getting the agenda in the middle of the prior week

before the meeting doesn't allow for enough time to absorb the information. Mr. Sheppard also noted that the Town was performing at the best it has in a long time and thanked Town Manager Coffey for doing a wonderful job.

Eileen Fleming, 440 Kyfields, thanked Town Council for getting the "Right on Red" sign taken down at the Weaverville Boulevard and Main Street intersection.

Joanna Vanderkolk, 2 Roberts St, commented about some tree limbs hanging at Roberts Street and Hamburg Mountain Road. She is very concerned about someone getting hurt from not being able to see coming traffic and wanted Town Council to be aware of this situation.

## 6. Consent Agenda

*Vice Mayor/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. Monthly Tax Report – Information Only**

**B. Tax Releases and Refunds -** *Approved tax releases of the personal property of Garland Pennell at 23 Wildwood Avenue valued at \$2,200, so that \$8.36 can be released from the 2018 levy and real property owned by the Weaverville United Methodist Church at 35 Church Street valued at \$6,900, so that \$26.22 can be released from the 2018 levy.*

**C. Waterline Acceptance and Repair Guaranty: Maple Trace Phase II –** *Town Council accepted the waterline extension and related improvements into the Town's water system subject to staff level approval by the Town Manager, Town Attorney, and Public Works Director, and set the repair guaranty amount at \$6,000.*

**D. Re-Appointment to Animal Control Appeals Board –** *Reappointed Tina Jenkins to the Animal Control Board for a three-year term beginning in November 2018 and extending to November 2021.*

**E. Final Plat Approval: Bulls Bay, LLC (44 Central Ave) –** *Approved the final plat for Bull's Bay, LLC, project at 44 Central Avenue, as presented, and have staff inform the developer that the Town will not be taking ownership or ongoing maintenance of the island created by the cul-de-sac shown on the final plat.*

**F. Ordinance Declaring Road Closure for the Weaverville Christmas Parade –** *Approved Ordinance Declaring Road Closure for the Weaverville Christmas Parade on December 1, 2018 from 1 to 3 pm.*

## 7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including the Town has purchased an Automatic Emergency Defibrillator (AED) to be installed at the Town Hall, and staff will be trained on the use of that equipment and in CPR in the coming months; the Residents Patriotic Activities Committee has developed the program for this year's Veterans' Day Observance, which will be on Monday, November 12 at 11 am; she attended the NCGFOA conference in Winston Salem on October 11-12 and provided a brief report that FLSA and staff development were covered in depth. Also, new regulations will be going into effect in 2020 making it more difficult for auditors to bid on the Towns yearly audit; In accordance with the Town's Code of Ordinances, Article V, Division III, she has authorized the disposition of 13 replaced service handguns to Burnette's Rod & Gun Shop, as they are a federal firearms dealer. She estimates the total value of these 13 handguns at \$3,380 (per an estimate provided by the original vendor), well below the \$5,000 value established within the Town's Code for the Manager's approval for disposition. Officers will be able to purchase their firearms from Burnette's; the "No Turn on Red" signage at intersection Main street

and Weaver Boulevard has been taken down by NCDOT; and Buncombe County has executed the Greenways MOU for planning and design of the greenway project.

## 8. Discussion and Action Items

### A. Adoption of Code Amendments: Nonconformities, Conditional Zoning Districts, and Political Signage

Mayor Root had some questions about the proposed code amendments for the Conditional Zoning Districts. He wondered if (1) the language under Conditions section C might be placing limitations on Town Council, (2) who decides the Guarantee of Conditions under section I, (3) is there a requirement in the Modifications section M that Council be informed of the decision made, and (4) lastly under section O for the final plat approval process, is there a reason that the language shows Town Council must do, instead of may do?

Town Planner James Eller commented that language under the conditions sections shows that statutorily Town Council is obligated to keep their conditions in perspective, so that it is site specific and in same scope as the development. Town Attorney Jennifer Jackson added that some governing boards were asking for improvements unrelated to a particular development, so the statutes have tightened up the conditions making them tailored to the specific scope in development. Town Attorney Jackson also noted that the developer gets to choose which option type of guarantee that they offer under the Guarantee of Conditions and those options are statutorily prescribed.

Town Planner James Eller mentioned that there wasn't a requirement in the modifications section to inform Council of the decision made, but one could be included. As for the final plat approval process, Town Planner Eller noted that there was a lot of debate on this matter and his concern with the approval process being open-ended is that a tremendous amount of infrastructure and site work prep could be completed, and Council could end the project at its own will. Town Attorney Jennifer Jackson added that Town Council's big input is at the beginning in holding multiple meetings and a public hearing, then arriving at an ordinance that sets forth all the requirements of the developer. The development goes forward and at the end there will be a final plat showing all the infrastructure and details. So if the developer has complied with everything in the ordinance, it is unfair to deny the final plat. She also, mentioned that there were some typos that need to be fixed from the working document translation to the ordinance.

Mayor Root noted that a notification procedure be added on the decisions being made by the Zoning Administrator as well.

*Vice Mayor/Councilman Jackson made a motion to approve the Ordinance with the amendment discussed in subparagraph M within the Conditional Zoning District section adding notice to Town Council for any minor modifications, either approved or denied by the Zoning Administrator, and fixing any typos. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0*

### B. Proposed Conditional Zoning District – Northridge Commons Townhouses

Mayor Root mentioned that the public hearing was held earlier and the only change was to extend the ownership transfer date to April 16, 2019, as explained to Council.

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

### **C. Comprehensive Land Use Plan Staff Update**

Town Planner James Eller commented that staff has begun assembling information that will be incorporated into the Comprehensive Land Use Plan. All the demographic work has been completed and after Town Councils workshop last week related to the strategic plan, there will be some direction as it relates to annexation and water allocations, as well as development and review process. Moving forward into November and December, Town Council's direction will allow staff the knowledge it needs to ensure that the product produced in the Comprehensive Land Use Plan fulfills the wishes of Town Council.

### **D. Personnel Policy Amendments: Article III Pay Plan and Article VIII Benefits**

Town Attorney Jennifer Jackson informed Town Council that in front of them tonight for their consideration and possible approval is the revised Article III – Pay Plan that was presented in May with the one exception being that the longevity pay section has been deleted. The Article VIII – Benefits Policy language was updated and staff added paragraphs on the Employees Assistance Network, Deferred Compensation, 401K and 457 plans to reflect what the Town offers. Town Attorney Jackson did note that under the Group Health coverage section a change is being proposed to have part time employees share the cost of coverage with the Town. Also, workers compensation is provided by the Town, but the policy wasn't very clear on the procedure to follow when needed so it was updated. Staff added a modified light duty part to the policy from a recommendation made by the NC League of Municipalities, stating that the Town doesn't have to create light duty work for someone out on workers comp, but if it is available they must allow it. She did ask that if Town Council was considering taking action on this issue that they make the effective date January 1, 2019.

*Vice Mayor/Councilman Jackson made a motion to approve Article's III and VIII as presented with an effective date of January 1, 2019. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0*

### **E. Community Center Projects: Selection of Architect**

Public Works Director Dale Pennell mentioned that the Town Manager, Selection Committee and himself have been working really hard to complete the qualification-based selection process for choosing an architect for the new Community Center project. There were five architectural firms interested that submitted applications. All the firms were ranked and the top three architectural firms were interviewed. After careful consideration, Town Manager Selena Coffey seeks consensus from Town Council on the selection of Legerton Architecture.

*Consensus was given by Town Council for the selection of Legerton Architecture.*

### **F. July4/ Fireworks Discussion**

Town Manager Selena Coffey informed Town Council that staff had some new financial information and specific fireworks staging locations for the July 4 display. The four potential staging locations that were reviewed were the Town's firing range, the Saddle Dam at Lake Louise, the cell tower property and AB Emblem. Pyrotecnico, the Town's firework vendors, did indicate that if the fireworks are closer than 500 feet to a dwelling structure than the Town will have to get secondary insurance for liability and all dwelling structures will have to be vacated. Also, any fireworks that are beyond 1500 feet will not provide for a good show because of the lack of visibility. As for the finances, the total estimated cost to hold the 2019 July 4<sup>th</sup>

event would be around \$58,600, plus additional costs for secondary liability insurance. The staging locations documents and financial information are attached.

Council held discussion on whether the Town should still hold the 4<sup>th</sup> of July event, even if there weren't fireworks and if holding the event downtown would be a better choice than at Lake Louise.

Joanna Vanderkolk mentioned to Town Council that there could be a laser light show with sounds and effects for the kids, if there were no fireworks.

Laura Ayers mentioned that maybe there was a spot between the public works department building and the firing range that was more than 500 feet away and still allows for good visibility. If so, we could build a platform to have the fireworks launched off there.

Town Council asked Town Manager Selena Coffey to look into how much secondary insurance would cost, other launching options for fireworks and the cost to hold the 4<sup>th</sup> of July event downtown with a laser light show.

#### **G. Planning Department Quarterly Reports**

Town Planner James Eller presented the Planning Departments Third Quarter Report and noted that 30 Zoning Permits and 5 Sign Permits have been issued during this period, with one of the permits covering 176 dwelling units.

#### **H. Finance Department Quarterly Reports**

Finance Officer Tonya Dozier updated Town Council on the FY 2018 audit and indicated that the final draft should be received within a few days. It will then be sent to the Local Government Commission for approval and maybe finally present to Council next month. She presented the Revenue and Expenditure Statement by Departments for the first quarter of FY2019.

### **9. Adjournment**

*Vice Mayor/Councilman Jackson made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 8:32 p.m.*

  
\_\_\_\_\_  
Derek K. Huninghake, Town Clerk