



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, December 17, 2018**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, December 17, 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, Finance Officer Tonya Dozier, Police Chief Alan Wyatt, Fire Chief Ted Williams, Town Planner James Eller, 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

Mayor Root asked to move Consent Agenda item K, Annexation Petition and Initial Zoning Request for Barkley Terrace Subdivision, to the first item under the Discussion/Action items.

Councilman Nagle made a motion to approve the agenda with the aforementioned revision. Vice Mayor/Councilman Jackson seconded and all voted in favor of the motion.

3. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from October 10, 2018 Town Council Special Called Meeting and November 19, 2018 Town Council Regular Meeting as presented. Vice Mayor/Councilman Jackson seconded the motion and all voted in favor on the approval of the minutes.

4. Special Recognitions

Mayor Root recognized Police Chief Alan Wyatt for all his hard work and dedication to the Town of Weaverville. Chief Wyatt served in various roles within the Weaverville Police Department and will greatly be missed. We wish him the best in his retirement. Mayor Root reminded everyone that there is a retirement reception for Chief Wyatt at the Town Hall on Friday, December 21 at 3pm.

5. General Public Comment

Mayor Root noted Town Council is going to bring back the ability, on certain agenda items, to comment during the discussion of respective items on the agenda beginning with the January 2019 council meeting.

Public comments were received as follows:

Alan Sheppard, thanked Chief Wyatt for his service as well and mentioned that as for public comment, it was for the sale of the bus garage. He commented that no one in Town was aware of what went down on the sale of the bus garage, whether it was sold or not. Plus, now there are contingencies on it and the buyer was allowed more time to decline the offer if he wanted, which other bidders weren't aware of.

6. Consent Agenda

Vice Mayor/Councilman Jackson moved for the approval of the consent agenda. Councilman Nagle 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/Refunds-** *Approved tax refund of the personal property of North Carolina RSA #4 Inc., DBA US Cellular valued at \$18,755, so that \$78.77 can be released from the 2014 tax levy.*
- C. Award of Badge and Service Weapon to Retiring Police Chief -** *Upon payment of \$1 00 (provided by Town Manager Selena Coffey), Police Chief Alan Wyatt was awarded his badge and service firearm.*
- D. Budget Amendment: Cops for Kids Program -** *Approval of Budget Amendment*
- E. Appointment to MSD Board -** *Appointed Earl Valois to serve as the Town's representative on the Metropolitan Sewerage District (MSD) Board for a regular 3 year term beginning in January of 2019*
- F. Town of Weaverville 2019 Holiday Schedule –** *Approved the 2019 holiday schedule as presented.*
- G. Town Council 2019 Meeting Schedule –** *Approved the 2019 meeting schedule as presented.*
- H. Award of Contract for Supervisory Control and Data Acquisition System (SCADA) –** *Approved the proposal submitted by Carolina Technical Services, Inc. in the amount of \$58,327.00 and the contract for the SCADA system at the Town's water treatment plant to Carolina Technical Services, Inc. on that basis.*
- I. Approvals of Local Water Supply Plan & Water Shortage Response Plan –** *Adopted the Resolution Approving the Local Water Supply Plan and the Resolution Approving the Water Shortage Response Plan as presented and directing the Water Treatment Plant Superintendent to forward copies of the adopted, resolutions and plans to the Department of Environmental Quality.*
- J. Acceptance of Old Dry Ridge Circle Public Street Dedication –** *Accepted the dedication of Old Dry Ridge Circle as a Town street so that it can be included in the Town's street system and authorize the recording of the attached deed for conveyance of the road and road right-of-way to the Town upon the delivery of a \$5,000 repair bond to be held for three years.*

7. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including an update on the recruitment of a new Police Chief. There were 40 applications received which were screened down to 11 for phone interviews. After the phone interviews, there were 4 candidates brought in for a full day assessment center that included a panel interview, written exercise, oral presentation, and job simulation. She has offered the position to an individual and they have accepted, but the name cannot be announced until the new Chief has the opportunity to give notice to their current employer; Recognized Public Works Director Dale Pennell and the Public Works staff for refurbishing all 32 snowflake lights. In doing so, their ingenuity is saving energy and the Town thousands of dollars in replacements; there is a retirement reception for Police Chief Alan Wyatt on Friday, December 21 at Town Hall from 3 pm -5 pm; and lastly, the County school system got in touch with Chief Williams and told him that they could not approve staging the fireworks at the Weaverville Primary baseball field due to their insurance. Manager Coffey noted that she is continuing to work towards this goal of having the fireworks downtown and would update Council on her progress at the next meeting.

8. Discussion and Action Items

A. Annexation Petition and Initial Zoning Request for Barkley Terrace Subdivision

Town Attorney Jackson mentioned to Town Council that an Annexation Petition and Initial Zoning Request have been received for the project known as Barkley Terrace Subdivision on Wheeler Road. Town Council approved a water allocation several years ago, upon the condition that they annex in to the Town of Weaverville. The water infrastructure has been constructed and they now are coming forward with their annexation petition. At this time, it is appropriate under statute that Town Council adopts a resolution instructing the Town Clerk to investigate the sufficiency of the petition. This means the Clerk will check to make sure that all property owners signed the petition and that all requirements for satellite annexation can be met. This should be completed and brought back to Council at next meeting.

In addition to the petition, there was an initial zoning request received for R-2 zoning. It is appropriate to try and keep the zoning track together with the petition and for Town Council to send the zoning request to the Planning and Zoning Board for review and recommendation. There is a resolution drafted in the packet for Town Councils approval. Town Attorney Jackson understands that Council may have some concerns and there will be public hearings on both the annexation petition and the zoning request. The developer has gotten approvals from Buncombe County and is asking for vested rights under conditional use permit which was approved by Buncombe County.

Council discussed the water allocation terms and extensions, the development inconsistencies under Town zoning code, vested rights, and annexations.

Councilman Nagle made a motion to adopt the proposed resolution concerning the annexation petition for the subdivision known as Barkley Terrace. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

B. Proposed Code Amendments to Chapter 2 and 20: Planning Board

Town Attorney Jennifer Jackson commented that considering the workload the Planning and Zoning Board is experiencing right now, staff recommends that the Town's Code provisions concerning the establishment and membership of the Planning and Zoning Board be changed to allow up to 2 alternate members and to increase the terms to 3 years instead of 2 years. Town Attorney Jackson also noted that the establishment of the Town's various boards has been scattered throughout the chapters of the Code instead of being consolidated within the Boards, Commissions, and Committees section (Chapter 2 Article IV). Therefore it is recommended that the Planning and Zoning Board establishment be moved to the Boards, Commissions, and Committees section of the Code in order to provide more organized and efficient Code of Ordinances.

Vice Mayor/Councilman Jackson made a motion to adopt the Ordinance Amending Weaverville Town Code Chapters 2 and 20 concerning the Planning and Zoning Board. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

C. Board Appointments: Planning and Zoning Board

Mayor Root recommends that the term of Steve Warren be extended to September 2021 to stagger the terms on a 3-year term basis and that Tom Balestrieri be appointed to the Planning and Zoning Board as an alternate member.

Vice Mayor/Councilman Jackson made a motion that Tom Balestrieri be appointed to the Planning and Zoning Board as an alternate member for a term to expire in September 2021 and that the term of Steve Warren be extended to September 2021 in order to provide for staggered 3-year terms. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Comprehensive Land Use Plan Update

Town Planner James Eller informed Town Council that before them tonight for their consideration is an annexation analysis, a future land use map and municipal borders map. Mr. Eller noted that in regards to involuntary annexation, the General Assembly has made it almost impossible to accomplish them now. As for voluntary annexations, they remain fairly untouched with the same process. Town Attorney Jennifer Jackson added that the Infographic Fact Sheet before Town Council was created from the demographic data and placed in a format that will be beneficial to them and the Town.

Mayor Root asked how we were going forward with the Comprehensive Land Use plan update and how it was playing out in the upcoming months. Town Attorney Jackson mentioned that the next steps will be to create a draft; staff continues to update and get input from the Planning and Zoning Board, and now they need to start outlining a public input process that will be before Town Council.

E. Sale of Bus Garage

Town Manager Selena Coffey mentioned to Town Council that whether the bus garage was sold or not, the termite issue had to be addressed. That issue has been completed, and now the Town found out that the highest bidder's bank appraisal didn't come in high enough for them to make the \$367,550 purchase price work, so opted out of the contract. This means that we will be starting the process over again with a new contract.

Town Attorney Jennifer Jackson reminded Town Council that the last set of offer advertisement upset bid that was approved was a contract that had a due diligence period allowing the potential buyer to do as many inspections as they wanted and have an opt-out date. On the last day of the examination period, the bank appraisal came in too low for them to go forward with the project so they withdrew the offer. Since then they have come back in with a brand new contract. Under the statute this is a negotiated offer, which can be advertised for a 10 day upset bid period. This process will continue until there are no more qualifying bids coming in. Once a final bid is submitted, it comes before Town Council for approval or rejection. Town Council has before them an initial offer that they can propose to accept and authorizing the advertisement of the offer and upset bid period.

Resident Alan Sheppard was permitted to comment and noted that he had never seen property sold like this before and tried to get a contract from the realtor, but wasn't able to obtain one so didn't know there was a due diligence period. He was informed that he could make a bid or not. Secondly, he asked if there was anything found during due diligence by the proposed buyer after the offer was withdrawn. Mayor Root and the Town Attorney briefly commented on the differences between an auction style bidding process that is typically done on the courthouse steps and the process that the Town is using where it has a contract in hand and seeks upset bids in order to try to get the best price for the property.

Mayor Root asked Town Attorney to amend the contract, so that any and all inspections during due diligence become seller's property. Council also discussed which date to publish the advertisement of offer due to the holidays and decided on Thursday, December 27, 2018.

Councilman Fitzsimmons made a motion to propose to accept the offer with the condition that all inspections, reports and cost estimates concerning the property be made public record and directed the Town Clerk to advertise a notice of offer, and seek additional offers through the upset bid period. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

F. Update on USDA Loan for Water Line Extension Project

Town Manager Selena Coffey gave Town Council an update on the USDA Loan for the Water Line Extension project. Two issues came about during the USDA loan preliminary review for our application; 1) The Town has extensive cash in cash reserves and will have to use \$170,600 of Town funds towards the project, and 2) they are anticipating that after January 1, 2019, interest rates will increase from 4% to 4.25%. She would like Town Council to hold a Special Called meeting on Friday, December 21 at 2:30 pm so that Pam Hysong, USDA representative, can be at the meeting to present the loan documents, letter of commitment, and all documents required for Mayor signature. Town Manager Coffey recommended that Council approve the payment of \$170,600 from Town funds and schedule a special-called meeting for December 21, 2018 at 2:30pm.

Councilman Nagle made a motion to approve the requirement by the USDA for the Town to use \$170,600 of Town funds on the Waterline Extension Project and for the Mayor to call a Special Called meeting on December 21 at 2:30 pm at Town Hall. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

G. Public Works & Water Resources Quarterly Reports

Public Works Director Dale Pennell discussed the Public Works and Water Resources Quarterly Report for September – November 2018. He mentioned that he was very proud of the public works department for their hard work over the snowstorm weekend. They worked around the clock to help clean and salt the roads. Due to the snowstorm, they are extending the leaf pickup from December 15 to January 31. As for water resources, Mr. Pennell noted that the Town hasn't committed any water since June and with the transition from commitment phase to the built phase, so the Town's capacity is not quite as worrisome now. The Town is also cooperating with the NC Wildlife Resources Commission on a program called a Community Fishing Program, which is an agreement between the Town and the Wildlife for the US Wildlife Service to come and restock the lake with fish.

Mayor Root thanked the Public Works, Fire and Police Department for all their hard work in making the Weaverville Parade and Candlelight Stroll a big success.

9. Closed Session

Vice Mayor/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, N.C. Gen. Stat. § 143-318.11(a)(5) to establish or instruct staff concerning the position to be taken by or on behalf of the public body in negotiating, 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. Councilman Fitzsimmons seconded the motion and by a unanimous vote Council entered into closed session.

[CLOSED SESSION]

Councilwoman Sherrill made the motion to exit closed session. Vice Mayor/Councilman Jackson seconded and all voted unanimously to exit closed session and re-enter open session.

10. Adjournment

Vice Mayor/Councilman Jackson made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 10:05 p.m.



Derek K. Huninghake, Town Clerk