



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, January 28, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, January 28, 2019, 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, Town Clerk Derek Huninghake, Police Chief Ron Davis, 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 7:01 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

Vice Mayor/Councilman Jackson made the motion to approve the minutes from November 13, 2018 Town Council Workshop, December 11, 2018 Town Council Special Called Meeting and December 17, 2018 Town Council Regular Meeting, and December 21, 2018 Town Council Special-Called Meeting as presented. Councilman McKenna seconded the motion and all voted in favor on the approval of the minutes.

4. Special Recognition

Mayor Root recognized and welcomed the new Town of Weaverville Police Chief Ron Davis. Chief Davis is a U.S. Army Veteran and has held many roles in the military and law enforcement, including most recently serving with the Town of Fletcher Police Department. In his short time with the Town of Weaverville, he has already made his mark and we really appreciate him being here.

5. General Public Comment

Mayor Root noted Town Council is bringing back the ability, on certain agenda items, to allow comment during the discussion of respective items on the agenda.

Public comments were received as follows: NONE

6. Consent Agenda

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

- A. Monthly Tax Report – Information Only**
- B. Tax Releases/Refunds-** *Approved tax release and refund of the real property of Stanwood Nutter at 12 Perrion Ct, valued at \$71,600, so that \$272.08 can be released from the 2018 tax levy.*
- C. Approval of Employment Agreement for Town Attorney –** *Approved Employment Agreement for Town Attorney*
- D. Budget Amendment: Police Department -** *Approval of Budget Amendment*
- E. Set Public Hearing for Code Amendments regarding Multi-Family Development –** *Scheduled Public Hearing for Monday, February 25, 2019 at 6:45 pm at the Town Hall.*
- F. Adoption of FY 2019-2020 Budget Calendar –** *Adopted FY 2019-2020 Budget Calendar*

7. Town Manager’s Report

Town Manager Selena Coffey presented her Manager’s report to Council including that their scheduled February 12 workshop is a joint meeting with the Planning and Zoning Board; the Town’s inaugural Martin Luther King Jr. Day program was held on January 21 at the Weaverville United Methodist Church, and almost 50 people were in attendance; only five applications have been received for the 2019 Citizens Academy, so the Town will be postponing the next Academy until 2020; There have been minor leaks in the ceiling in the Police Department area of the building, due to a fallen roof membrane along some points of the roofline of Town Hall. There is a company repairing this in the next few days for \$5,144.00; and lastly, Town Manager Coffey spoke with NCDOT regarding the crosswalk signage in town and was advised that the signage was “refreshed” at the direction of Division Traffic Engineering Director due to statistics involving pedestrian accidents in fatalities in Buncombe County. There have been complaints from citizens of Weaverville that the crosswalks weren’t identified well enough, and the current signs are based on national standards using the USDOT Manual on Uniform Traffic Control Devices for streets and highways.

8. Discussion and Action Items

A. Update on Greenways Project

Doug Dearth gave Town Council a brief update on the Greenway project. In 2012, the County advised a Greenway Master Plan that included area in Reems Creek valley. In conjunction with the County, in 2014, a feasibility study was conducted on the Reems Creek segment. Now, a federal grant for \$600,000 has been secured for a Preliminary Engineering Study. This will be a joint project between Weaverville and the County, and moving forward a Letter of Interest (LOI) will be prepared to solicit vendor proposals to undertake the engineering study. The next steps will be to form an oversight committee with individuals from the County, Weaverville, and MPO staff to interview vendors and award the contract. Two Public Input Sessions will be held and interim reports will be given every few months to the Council and the oversight committee.

B. Update on July 4 Celebration and Budget Amendment

Town Manager Coffey updated Council on the July 4th Celebration, and asked that the budget amendment for the event be approved. She thanked and recognized the school system, because after correspondence and meetings with the Buncombe County Board of Education Chair Ann Franklin, Superintendent Tony Baldwin and Principal Stephen Chandler, it has been approved to stage the Town’s Fourth of July fireworks on the Weaverville Primary School baseball field. This approval is contingent upon the Town covering the affected school roof areas with fire blankets, and there has been a quote received for these fire blankets for \$8,940.00.

Mayor Root recognized Ann Franklin, Town Manager Coffey, BCBOE, and Superintendent and thanked them all for their help in getting this secured and approved.

Councilman Nagle made a motion to approve the attached budget amendment of \$8,940.00 for the purchase of fire blankets for the July 4th event. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

C. Community Center Project

Town Manager Selena Coffey mentioned to Town Council that after the last meeting, staff has worked with the architectural firm to address changing the commercial kitchen to a catering kitchen on the concept plans and requested estimated cost implications if rooms inside the community center were designated for use as sports courts. An analysis was provided by the architect to show these cost implications for sports courts inside and the cost increase ranged from \$59,000 - \$78,350. Town Manager Coffey also requested an additional drawing to reflect plans for the entire community center site, which incorporated outdoor multi-purpose sports courts that could be utilized for recreational purposes.

Public Comment:

Thomas Veasey, 69 Lakeshore Drive, first asked if the Parks and Recreation Board for the Town of Weaverville was still intact and then commented that he would like to know what the cost factor was between the commercial and catering kitchen, since there are senior citizens and boy scouts who would use the kitchen for pancake breakfasts and other fundraisers.

Jim Proffitt, 16 Saint Browns Place, asked about the wormy chestnut that he had removed from the old community center and wanted to make sure that it was going to be put to good use.

Vice Mayor/Councilman Jackson made a motion that the Town Manager be directed to move forward with the community center project that as presented (which does not include accommodation for indoor sports courts), but be tasked with including the outdoor multi-sports courts in a future phase of the project. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Personnel Policy Amendments: Holidays and Leave

Town Manager Selena Coffey informed Town Council that before them tonight was Article VI, the last section of the personnel policy that they have been updating for the past year, which covers Holidays and Leaves of Absence. Staff hopes to incorporate all the changes and present the new updated Personnel policy at the next meeting. At the last Town Council meeting, Council approved the Town's holiday schedule, which was based on the State's holiday schedule and eliminated the personal leave day for each employee. Compensatory time has been deleted throughout the document and all eligible employees accrue annual leave.

Town Attorney Jennifer Jackson mentioned that under item H, Effect of Reinstatement, the three year window was deleted and the authority was given to the Town Manager. As for sick leave, it accrues at a rate of one day per month or twelve days per year and is based on the employee's normal work day. Accumulation of sick leave is allowed for an indefinite period of time and has no maximum number of days that can be accrued. It can be converted upon retirement for service credit as allowed by NC LGERS. Section 6-Family and Medical Leave, is provided in accordance to the Family Medical Leave Act and has been updated for statutory and regulatory compliance. By law this is required to be in our policy. Lastly, Section 8-Leave without Pay has been simplified and the amount of time has been reduced from 6 months to 12 weeks, and during this period of leave the employee will be responsible for paying their entire insurance premium.

Council discussed the amount of accrual leave that should be granted to new employees after the probationary period ends, the amount of hours that can be rolled over into sick leave, and asked that staff check with the state to see if there can be a maximum limit on the number of hours that can be accumulated in sick leave that can go towards retirement, or if a paid time off (PTO) system would be more efficient.

E. Annexation/ Zoning Map Amendment: Barkley Terrace

Town Attorney Jennifer Jackson informed Town Council that before them was an annexation petition that has been submitted by Cane Creek Vistas, LLC, on the Wheeler Road project. It is before Council, since a condition of the water allocation was to be annexed into the Town. Last month, Council asked the Town Clerk to verify the sufficiency of the annexation petition, and this has been completed and certified that the proper owner has requested the annexation. The Town Clerk has also checked with the Town Planner James Eller to make sure that all the

requirements for a non-contiguous or satellite annexation has been met. Town Planner Eller has also been gathering information from various Town Departments to put together some background information on the annexation, including anticipated effects and costs. Town Attorney Jackson also told Council that an application for an initial zoning of R-2 was received as well. She mentioned that the annexation petitions are a Town Council matter, and should they proceed with the request then public hearings would need to be scheduled on the annexation and initial zoning. However, if Council decided not to go forward with the request then they can release the owner from the annexation requirement.

Councilman Fitzsimmons commented that a couple years ago Council gave the developer water on the condition that they annexed into Town, so he believes Council needs to remember that. Also, even if they aren't annexed into Town, the Town will still provide certain services there. These are smaller lots, so it can help the younger generation come into Town and the tax revenue would be good for the Town.

Councilman Nagle commented that he doesn't remember seeing a development plan on the project when it was given water allocation. However, he is not a fan of non-contiguous annexations and believes that Council has worked hard on limiting vested rights. Councilman Nagle believes that it is a matter of being inconsistent with Town Code, and Council could ask Planning and Zoning to look at new zoning and new codes.

Councilman Jackson mentioned that if you look at the R-2 zoning request, the lot sizes are considerably smaller than what R-2 requires. Councilman Jackson proposes that Council look at creating another zoning classification to accommodate projects like this.

Councilman McKenna commented that if Council believes in the future that there could be other higher density projects like this, and possibly in the same area that could be contiguous then this might be a move in the right direction for the Town. He understands that there might be some disagreements on the appearance, however high density projects will come in the future and the Town can't let them pass.

Mayor Root commented that at the end of the day, the development is going to be built and he thinks it is only right to provide services, especially police service.

Chris Day, Civil Design Projects, commented that he was before Council two years ago and there was a condition made for the water allocation to have the project annexed into Town. The owner has agreed to the condition and even though they are in the County, the streets were modified to meet Town standards. All the road, water and sewer lines, and permits are in and they are breaking ground on homes in a month. Mr. Day also added that when he was before Council a few years ago, the vested rights issue for these multi-family homes wasn't discussed and that he wasn't aware that it was an issue.

Public Comment

Walt Townsend commented that Council should be careful with giving away the commodity of water too cheaply. He believes that the water isn't always guaranteed to be available and so need to protect that resource.

Thomas Veasey, 69 Lakeshore Dr., commented that Council should commit to annexing the development into the Town limits and increase the Town's tax base. The only concern he has is the overflow of parking for a development of that size.

Doug Theroux, 73 Hillcrest Dr., commented that he isn't in favor of annexing this property into the Town limits. The development doesn't fit into the Town code or ordinances. The lot is only 29 feet wide with five foot side setbacks, so the home can only be 19 feet wide; it wouldn't even be able to fit a doublewide on it. Not to mention the front setbacks. Mr. Theroux believes that a different zoning classification should be looked at for these high density developments.

Vice Mayor/Councilman Jackson made a motion to reject the annexation application and R-2 zoning request from Cane Creek LLC. Councilman Nagle seconded the motion. The motion passed by a majority vote of Council. Motion carries 3-2. Vice Mayor/Councilman Jackson, Councilwoman Sherrill, and Council Nagle voted yes. Councilman McKenna and Councilman Fitzsimmons voted nay.

F. Proposed Code Amendments: Public Nuisances

Town Attorney Jennifer Jackson mentioned to Town Council that before them tonight was a proposed ordinance that amends Town Code Chapter 9 and has been discussed at previous Town Council meetings. The draft ordinance repeals and replaces the current nuisance provisions and contains articles outlining general provisions and provides regulation of public health nuisances, abandoned and junked motor vehicles, and noise. The amendments proposed are in order to strengthen the provisions and conform to statutory requirements. Town Attorney Jackson mentioned that in light of Town Councils conversations, the proposed general regulations focus on situations that affect the general public and the removal of a junked vehicle from private property without the owners' permission is only authorized if the vehicle is a public health nuisance or traffic hazard. Town Council does have the right to deem a situation a nuisance if it is not prohibited under the general regulations, by adopting an ordinance concerning that specific circumstance under authority granted by NCGS 160A-174.

Vice Mayor/Councilman Jackson made a motion to adopt the Ordinance Repealing and Replacing Weaverville Town Code Chapter 9 Concerning Nuisances. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

G. Sale of Bus Garage

Town Attorney Jennifer Jackson updated Town Council on where the bidding cycle was at on the sale of the old bus garage property located at 13 Central Avenue. Since the December 2018 Town Council meeting, the Town Clerk has held two successful rounds of upset bids with the most recent qualifying bid being received and opened on January 22, 2019. The current bid is for \$345,000 and was received from Howard Cummings. Under NCGS 160A-269, this new bid will be advertised and another 10-day upset bid period will begin to run on January 25, 2019 until February 4, 2019. Staff will continue to report back to Town Council on a periodic basis.

H. Resolution Authorizing Town to Engage in Electronic Payments

Finance Officer Tonya Dozier mentioned to Town Council that in front of them tonight for their approval was a Resolution authorizing the Town to engage in Electronic Payments. This approval will make the Town compliant with legal standards required by the NC Administrative Code 20 regarding procedures for pre-auditing obligations and disbursing public funds by electronic transaction.

Councilman Nagle made a motion to adopt the Resolution Authorizing the Town of Weaverville to Engage in Electronic Payments as Defined by N.C.G.S. 159-28 or N.C.G.S 115C-441. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

I. Quarterly Reports -- Finance

Finance Officer Tonya Dozier presented the Quarterly Finance Report from October 2018 – December 31, 2018. She mentioned that the Revenue and Expenditure Statements by Department were used to show where the Town was in comparison to the budget at this time last year. The quarterly report is attached below.

J. Comprehensive Land Use Plan Update

Town Planner James Eller mentioned to Town Council that as staff continues to work on the Comprehensive Land Use Plan project, there are certain reports that would be useful for Town Council to receive prior to the full draft of the plan. The main report presented tonight is on the topic of extraterritorial jurisdiction (ETJ), which has been discussed within the strategic plan and, if re-established, could provide some relief to the Town's discomfort with disparity in development standards inside the Town versus outside the town limits. Staff is working on writing the

Comprehensive Land Use Plan draft and public input will be sought in coming months. The hope is to discuss a public input strategy at the joint meeting in February 2019.

K. Quarterly Reports – Planning

Town Planner James Eller presented the Planning Departments Quarterly Report and noted that 29 Zoning Permits and 1 Sign Permit have been issued during this period. He also noted that at the January 14, 2019, Zoning Board of Adjustments meeting, an approval was granted allowing the Ace Hardware store to move into Ingles Garden Area.

9. Closed Session

Councilwoman Sherrill 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. 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. Revisiting Sale of Bus Garage

Councilman Nagle made a motion to reject all bids and withdraw the Old Bus Garage at 13 Central Avenue from sale at this time. Vice Mayor/Councilman Jackson seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

11. Adjournment

Councilman Nagle made the motion to adjourn, Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 9:55 p.m.



Derek K. Hunninghake, Town Clerk