



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Special Called Meeting
Tuesday, January 8, 2019**

The Town Council for the Town of Weaverville met for a Special-Called meeting on Tuesday, January 8, 2019, 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, 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 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 6:00 p.m.

Mayor Root noted that the workshop tonight was not going to be about making decisions, however instead to talk through issues that are before the Town of Weaverville. Mayor Root also changed the order of the discussion items under the continued discussions related to growth to have the water allocation and commitment process moved to item A, the vested rights moved to item B, the annexation process moved to item C, and if time allows to discuss the other items.

2. Review of Proposed Code Amendments – Chapter 9, Nuisances

Town Attorney Jennifer Jackson informed Council that before them for review were the proposed code amendments for Chapter 9, Nuisances. She mentioned that the first article, Article I – General Provisions, is new and pulls out all the uniform provisions that are applicable to public health nuisances, vehicle issues and noise, so that there isn't any redundancy in the ordinance.

In accordance with direction of Town Council, Article II – Public Health Nuisances, discusses conditions that are dangerous or prejudicial to the public health and public safety within the Town of Weaverville. Section 9-201 is a provision that lists out potential nuisances; however this isn't the exclusive list, so other circumstances that weren't contemplated could be handled in this section.

Council discussed that they don't want to be another homeowners association and to make sure the conditions are solely based on a public health or safety issue and not the appearance of property, but realizes there are some issues that need to be addressed in the Town. Council wants to make sure there is language in the ordinance that if any of these conditions arise, staff is legally capable of taking action to remedy the violation.

Town Attorney Jackson noted that Article III – Abandoned and Junked Motor Vehicles, as directed by Town Council includes vehicles abandoned on public streets, public property, or private property with the permission or request of the private property owner, must be removed. However, private property abandoned vehicles can only be removed without the owner’s permission if the vehicle is causing a traffic hazard. Town Attorney Jackson did clarify that this whole article is largely tied to statutory definitions and procedures that are explicitly laid out, so there isn’t a lot of choice on the procedures.

As for Article IV – Noise, it is largely consistent with the current ordinance, but provisions were added to help strengthen it. One provision that has been added is that if two independent complaints are received, it creates a presumption of a violation. Also, factors have been added to aid in the determination of a violation.

Council discussed whether aesthetics should be added back to Article III for abandoned vehicles and if there should be a specified timeframe added to the noise ordinance for when construction can be completed.

Town Attorney Jennifer Jackson mentioned that this is a general public policy ordinance, so a public hearing is not required, but it can be set by Council if they prefer. Also, there is a nuisance ordinance now, these provisions are to help strengthen and clarify it.

Mayor Root informed Council to study the ordinance and come back with any further suggestions or issues to the Town Attorney, so this matter can be brought up for approval at Town Council’s meeting in January or February.

3. Continued Discussions Related to Growth

A. Water Allocation/Commitment Process and Procedures (Generally)

Town Attorney Jennifer Jackson indicated to Town Council that there are several policies and procedures that apply to the water commitment process. If the water commitment request is for a meter over two inches then it will come in front of Town Council, but if the meter is less than two inches then the Town Manager and Public Works Director will review the application. After approval, water commitments are valid for one year and the owner/developer has the option of requesting a year extension. These extensions are usually granted, since the developer has potential delays through the local and state permitting process and construction. At the end of the two years, in order to keep the water reservation, the minimum monthly water charge would need to be paid per each unit. It is recommended to strengthen the regulations in this regard.

Council discussed adding language to the ordinance that once the water rights are issued, the developer has two years before they will need to be paying a monthly water bill for each unit. Also, to look at increasing the water commitment fees for developers, due to opportunity costs for delays.

B. Vested Rights

Town Attorney Jennifer Jackson mentioned to Town Council that vested rights allow for the continued use or completion of a project as it was approved, despite changes in an ordinance after approval. They are founded on fairness and balance the public interest in uniformity of rules with private interest in protecting good faith investments in property development. They protect property owners who rely on specific approvals from local government. The four ways to establish vested rights are: valid building permit,

common law vested rights, development agreements, and site-specific development plan or phased development plan.

C. Extraterritorial Jurisdiction

Mayor Root mentioned that due to lack of time, Council should place the ETJ issue on the agenda again, so it can be determined if we want to reach out to John Ager and look into possibly getting our ETJ back.

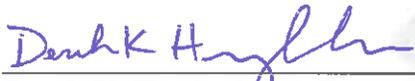
D. Annexation Process and Procedures (Generally)

Town Attorney Jennifer Jackson mentioned to Town Council that they are the only governing body that can annex properties into the Town. Connecting the development approvals with our water approvals was discussed with some emphasis on the difficulties and dangers in linking the two. Council discussed making it a requirement to see the development plan before annexing developments, and that the property must voluntarily annex into the Town for development before water is allocated.

Town Manager Selena Coffey reminded Town Council about the Martin Luther King Commemoration program at the Weaverville United Methodist Fellowship Hall on Martin Luther King Jr Day, January 21st at 11 am.

4. Adjournment

Councilman Nagle made the motion to adjourn; Councilman Fitzsimmons seconded and all voted to adjourn the Council's meeting at 7:12 p.m.



Derek K. Huninghake, Town Clerk