



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, February 25, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, February 25, 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 7:00 p.m.

2. Approval/Adjustments to the Agenda

Councilman Nagle made a motion to approve the agenda as presented. Councilman McKenna seconded and all voted in favor of the motion.

3. Approval of Minutes

Town Manager Coffey recommended to Town Council a change to comments by Doug Theroux on page 16 for the January 28, 2019 Town Council meeting minutes to say, "the lot sizes are only 29 feet wide with 5 foot setbacks, so the home can only be 19 feet wide". Vice Mayor/Councilman Jackson made the motion to approve the minutes from January 8, 2019 Town Council Special-Called Meeting as presented and January 28, 2019 Town Council Regular Meeting with the aforementioned revisions as recommended. Councilman Fitzsimmons seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Public comments were received as follows:

Thomas Veasey, 69 Lakeshore Dr., hopes that a commercial kitchen will be added to the new community center. He mentioned that he heard businesses were worried that with a commercial kitchen being added to the community center, it could possibly hurt their catering. He said they shouldn't worry, since it is only for special events like Church pancake suppers or Boy Scouts meals. Mr. Veasey also presented quotes for adding the commercial kitchen that illustrated that the kitchen could be completed for a little less than \$10,000.

Gail Smy, 88 Governor Thomson Terrace, commented that she was having an issue with cats killing her birds and all of our animal ordinances only address dogs, so there is nothing she can do about it. She asked Town Council if they could change the ordinances to address cats, or all pets as well.

5. Consent Agenda

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

- A. Monthly Tax Report and Order to Advertise Tax Liens (\$102,968.25) – Adopted the Order to Advertise Tax Liens**
- B. Budget Amendment: Fire Department and Police Department - Approval of Budget Amendment.**
- C. Set Public Hearing for Zoning Map Amendment: Red Cole Drive – Set Public Hearing for Monday, March 18, 2019 at 6:45 pm**
- D. Initial Review of CZD for 37 Brown Street (Weaver College Old Dormitory) – No initial comments were received and the CZD will be reviewed by Planning and Zoning Board**

6. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including that she will be at the ICMA Regional Conference in Greenville on Thursday and Friday this coming week; She thanked Town Planner Eller for managing the Tree City application process and she is pleased to announce that the Town has again been designated as a Tree City; Music on Main has been scheduled for Saturday, June 22, 2019; and the Town is working on a plan for hosting a Summer Music Series in the Nature Park on the second Saturday monthly beginning in June and continuing through September.

Mayor Root recognized Town Manager Coffey for all her hard work on the Summer Music Series and thanked Councilman McKenna for providing a form for the Town Manager to use when she is away on trips which will enable her to report to Council the reason for the trip and the benefits the Town can receive from it.

7. Discussion and Action Items

A. Action on Proposed Code Amendments: Multi-Family Development

Town Planner Eller gave a quick recap to Council that before them for approval was the proposed code amendments for regulations on multi-family developments within R-3 and R-12 zoning districts. These regulations transition from being allowed only upon adoption of a conditional zoning district to being permissible with standards. Working in conjunction with the Planning and Zoning Board, staff created additional standards that would be applicable to this use including language on outdoor lighting, sidewalks requirements, garbage receptacles, and lastly, language about the maximum number of units within an individual building, which was set at 24. Town Planner Eller noted that it is important to know that all general applicable regulations do remain in effect for this particular use in this zoning district, and that these regulations come before Town Council having achieved a unanimous recommendation by the Planning and Zoning Board.

Councilman Nagle made a motion to adopt the Ordinance Amending Weaverville Town Code Chapter 36 Concerning Regulation of Multifamily Residential Development. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

B. Comprehensive Land Use Plan Update

Town Planner James Eller mentioned that before Town Council is a flyer advertising two dates in March for Land Use Information and Public Input Sessions. These sessions will be held on March 21 from 12 pm-3pm and March 26 from 5 pm to 8 pm. The flyer also shows organized groups like HOAs, WBA and churches, how they can request an information/input session in April.

Town Attorney Jackson commented that the meetings in March will be like an open-house style community meeting with a PowerPoint presentation and Q&A session from the community. In April, staff will continue to fine tune the draft and reserve time for organized groups that are interested in having an information/input session. In May, the first draft will be presented to the Planning and Zoning Board for review. In June or July, it will go before Town Council for review, and depending on their schedule, staff will request Council to schedule a joint meeting between the Planning and Zoning Board and them. Town Council will continue their review process until they are ready to adopt.

C. Approval of Capital Project Ordinance & Waterline Engineering Agreement

Town Manager Selena Coffey mentioned to Town Council that the Town has received a letter from USDA, Rural Development that indicates that the \$2.8 million loan has been approved and the funds have been obligated for the project. Since the project will span more than one year, Town Manager Coffey asked Council to approve the proposed Capital Project Ordinance, which essentially establishes a separate fund away from the general fund for this waterline project.

Town Attorney Jennifer Jackson mentioned that the Engineering Services Contract is a uniform contract that has the USDA requirements overlaid in it. She and the Public Works Director Pennell have gone over it with WithersRavenel, Inc. She reminded Council that back at their regular meeting on August 20, 2018, they selected WithersRavenel, Inc. as their engineering firm for Phase 1 and now we are entering into the Phase 2 for the actual design engineering for the waterline. The total engineering cost associated with this is \$405,000, which includes a maximum of \$115,000 included as a high estimate on construction and inspection work. Town Attorney Jackson also noted that we have to be consistent with what was approved by the USDA and the engineering contract, otherwise we have to get permission from USDA to amend, but the figures listed in the contract are consistent with the costs we have had up to this point with a total of \$2,970,600. She thanked Mayor Root for helping review the agreement as well and mentioned that there were a couple changes that need to be added to the agreement: 1) change the language in exhibit I, Limitations of Liability, from "shall not exceed \$50,000" to "shall not exceed total amount of insurance coverage" and 2) change the language in exhibit I to "notwithstanding any other provisions in the agreement, the owners waiver contained in paragraph 6.11 is limited to the following".

Public Works Director Dale Pennell mentioned that it is a USDA requirement to allow 24 months for completion of the project, with a provision to add another 12 months for finalizing all paperwork.

Town Attorney Jackson mentioned that this is a lump sum contract that gets paid out over different phases, depending on where they are on the work. However, should we ask them to do additional work then there are different rates that would apply.

Vice Mayor/Councilman Jackson made a motion that the attached Capital Project Ordinance and the attached Agreement between the Town of Weaverville and WithersRavenel, Inc. for Professional Services related to the Waterline Extension Project as amended be approved. Councilwoman Sherrill seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Discussion of Holidays & Leave and Related Personnel Policy Amendment

Town Manager Selena Coffey mentioned to Town Council that before them is a nine-page Holidays and Leave Analysis, which compares local jurisdictions and private industries paid holidays, annual vacation leave and sick leave accruals. She noted that all comparable jurisdictions do pay out accumulated and unused annual leave, but the maximum amount to be paid out varies. Also, combining annual leave and sick leave into a PTO system would have a negative impact on Town employees in that our employees would not be given creditable service within the retirement system. Town Manager Coffey recommended not making changes to the paid holidays set by Town Council, to keep annual vacation leave and sick leave accruals separate until the state catches up to a PTO system, and keep annual sick leave accruals at 12 days. She did recommend changing the accrued vacation leave days per year for new employees and clarifying that the Town will only pay out 240 hours of accrued vacation leave.

Town Attorney Jennifer Jackson mentioned that sick leave does not get paid out by the Town if an employee leaves, however if the employee retires and has sick leave left, it can be counted as creditable service hours to potentially allow the employee to retire early. Finance Director Dozier mentioned that it could also increase their retirement benefits as those benefits are calculated based on time of service.

Council discussed concerns with the Town's shared leave program and to monitor the sharing of sick leave between employees and department heads. Also, lower hourly pay employees shouldn't be able to share leave with Town

Manager or Department heads with higher hourly pay. It was suggested to look into making all of it sick leave, in a way to encourage the state to update its policy. However, they don't want to hurt the employees so they will keep vacation and sick leave separate until the state catches up.

Public Comment:

Thomas Veasey, 69 Lakeshore Drive, commented that he agrees with our Town policy to have paid vacation and sick leave separate. He believes the new PTO policy takes advantage of the employee and gives back to corporations. He would like the Town to keep the policies separate, since the Town isn't losing money, and it will be an added incentive for employees to retire early.

Consensus was made by Town Council to implement the changes that Town Manager Coffey has recommended.

E. Employee Suggestion Incentive Program

Town Manager Coffey reminded Council that last year during the budget process, Councilman Fitzsimmons made the suggestion to look into creating an Employee Suggestion Incentive Program, so funds were approved within the current year budget. Before Town Council tonight for review, discussion and approval is a draft of the program description. In brief, the program is for eligible employees (not Department Heads) that submit suggestions that both identify the problem and propose a solution. Town Manager Coffey will review each suggestion and present recommendations to the Mayor and Town Council, who will have final approval of any incentives awarded.

Vice Mayor/Councilman Jackson made a motion to adopt the Employee Suggestion Incentive program as presented. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council.

F. Quarterly Reports – Police Department

Chief Davis presented the Weaverville Police Department Quarterly Report for November - December 2018, and January 2019. Chief Davis noted that incidents involving officer activities have increased, but crimes overall have decreased, which means it is taking more time from officer to do same amount of activity. Going forward, Chief Davis is trying to be more efficient, and eliminate costs and paperwork redundancy. He also mentioned that he would like to present future reports in a different format and Town Council was open to that.

G. Quarterly Reports – Fire Department

Fire Chief Ted Williams presented the Weaverville Fire Departments Quarterly Report for November - December 2018, and January 2019. They had 23 child passenger safety seat installations, 20 commercial business inspections, and have transitioned their reporting system to a more user friendly, data productive system.

8. Closed Session

Councilwoman Fitzsimmons 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, of conditions of employment of a public officer or employee, or to hear or investigate a complaint, charge or grievance.

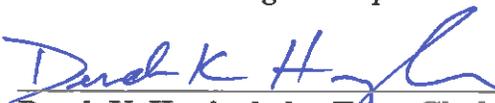
Councilwoman Sherrill seconded the motion and by a unanimous vote Council entered into closed session.

[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.

9. Adjournment

Councilman Nagle made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 9:11 p.m.



Derek K. Huninghake, Town Clerk