

TOWN OF WEAVERVILLE

**Town Hall Council Chambers
30 South Main Street
Weaverville, NC 28787**

AGENDA

**March 18, 2019
Public Hearing at 6:45pm
Regular Meeting at 7:00 pm**

	<i>Pg #</i>	<i>Presenter</i>
1. Public Hearing: Rezoning of Parcels on Red Cole Drive	1	Planning Director
<hr/>		
1. Call to Order		Mayor Root
2. Approval/Adjustments to the Agenda		Mayor Root
3. Approval of Minutes		Mayor Root
A. February 12, 2019 Town Council Special-Called Meeting	8	
B. February 25, 2019 Town Council Special-Called Meeting	12	
4. General Public Comments		Mayor Root
5. Consent Agenda		Town Manager
A. Monthly Tax Report	14	
B. Tax Releases / Refunds	16	
C. Earth Day & Arbor Day Proclamations	17	
D. Comprehensive Land Use Plan Update	20	Planning Director
6. Town Manager’s Report	22	Town Manager
7. Discussion & Action Items		
A. Proposed Legislation regarding Local ABC Boards *	32	Rob Chason
B. Dry Ridge Museum Presentation *	35	Jan Lawrence
C. Action regarding Map Amendment on Red Cole Drive *	36	Planning Director
D. Sale of Former Bus Garage *	44	Town Attorney
E. Discussion of Delegated Policies with Personnel Policy *	53	Town Manager
F. Annexation Petition/Initial Zoning: Riverside Stump Dump Property Resolution *	56	Town Clerk
G. Quarterly Report – Public Works & Water Services	68	Public Works Dir.
8. Adjournment		Mayor Root

* Public comment will be permitted at the time of the discussion of the agenda items marked with an asterisk (*). The content and timing rules applicable to public comment at the opening of the Council Meeting shall also apply to comments on agenda items. Such public comment shall be permitted only after each of Town Council has been provided the opportunity to discuss the respective agenda item.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

PUBLIC HEARING

MEETING DATE: Monday, March 18, 2019

SUBJECT: Proposed Rezoning – Red Cole Drive

PRESENTER: Planning Director

ATTACHMENTS: Notice of Public Hearing; Rezoning Application;
Recommendation of the Planning and Zoning Board; Staff
Report

DESCRIPTION/SUMMARY OF REQUEST:

Tonight’s public hearing is being held on proposed zoning map amendment related to five parcels located adjacent to Red Cole Drive known commonly by the parcel identification numbers 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, 9743-43-0162. The proposed amendment would convert these parcels from their current zoning of C-2 to R-3.

Public notice of tonight’s public hearing has been provided as required by state statute and Town Code.

Tonight’s public hearing offers an opportunity for the citizens of the Town of Weaverville to provide comments, both positive and negative, regarding the proposed rezoning.

COUNCIL ACTION REQUESTED:

Town Council is asked to hear from the public on these proposed amendments prior to taking any action during its regular Town Council meeting on March 18, 2019.

NOTICE OF SPECIAL CALLED MEETING AND PUBLIC HEARING

Public Notice is hereby given that the Town of Weaverville Town Council will hold a special called meeting and public hearing on Monday, March 18, 2019 at 6:45p.m. This meeting will occur within Council Chambers at Town Hall located at 30 South Main Street, Weaverville, NC to consider the following item:

Proposed Zoning Map Amendment related to five contiguous parcels of land adjacent to Red Cole Drive known commonly by the parcel identification numbers 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, 9743-43-0162. The application calls for the rezoning of each property from C-2 to R-3.

If you would like additional information or to review the content related to the Public Hearing you may contact Planning Director and Deputy Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

Publication Dates: 3/1/19 and 3/8/19

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002— fax (828) 645-4776 — jeller@weavervillenc.org

OWNER/APPLICANT NAME: LAMAR COLE APPLICATION DATE: JANUARY 25, 2019

PHONE NUMBER: 828-713-6381 MAILING ADDRESS: 21 RED COLE DRIVE, WEAVERVILLE,
28787

Application is made to the Town Council of Weaverville to amend:

The Zoning Map

The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 21, 30 RED COLE DRIVE, WEAVERVILLE, NC 28787

PIN: 9743336380, 9743338364, 9743430246, 9743430162, 9743339113

LOT AREA (acres): 4.27 ACRES

CURRENT ZONING DISTRICT: COMERCIAL PROPOSED ZONING DISTRICT: RESIDENTIAL

C-2 → R-3 K

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002— fax (828) 645-4776 --- jeller@weavervillenc.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

Dee H. Butler _____ *3.12.19*
SIGNATURE OF APPLICANT DATE

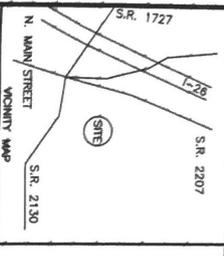
It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

REZONING FEE SCHEDULE:

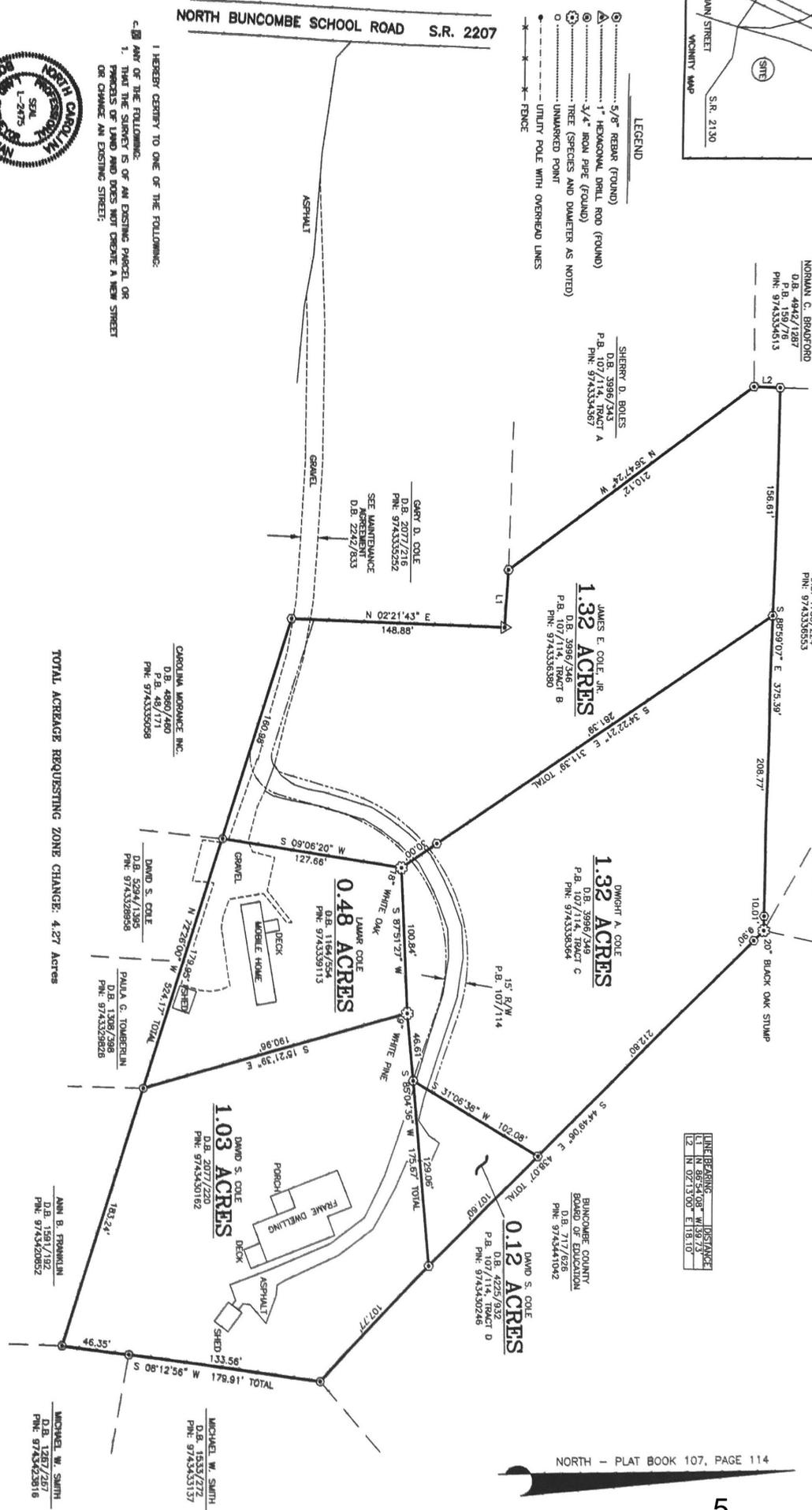
1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

FEE: \$ <u>550</u>	DATE PAID: <u>2.12.19</u>	<input type="checkbox"/> CHECK	<input checked="" type="checkbox"/> CASH
DATE OF INTIAL COUNCIL MEETING: <u>N/A</u>	ACTION TAKEN: <u>N/A</u>		
DATE OF PLANNING BOARD MEETING: <u>3.5.19</u>	ACTION TAKEN: Positive Recommendation		
DATE OF PUBLIC HEARING & COUNCIL DECISION: <u>3.18.19</u>	FINAL ACTION:		



- LEGEND**
- 2/8" REBAR (FOUND)
 - ⊙ 1" HEXAGONAL DRILL ROD (FOUND)
 - ⊙ 3/4" IRON PIPE (FOUND)
 - FREE (SPECIES AND DIAMETER AS NOTED)
 - UNMARKED POINT
 - UTILITY POLE WITH OVERHEAD LINES
 - FENCE



TOTAL ACREAGE REQUESTING ZONE CHANGE: 4.27 Acres



I HEREBY CERTIFY TO ONE OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PORTIONS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;

ROBERT C. McMAHAN, SURVEYOR THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED DESCRIPTION RECORDED IN DEED BOOK, SEE PAGE MAP, PLAT BOOK, 197, PAGE 114. THAT THE HAND OF PRECISION AS CALCULATED IS 1:10,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 17-28 AS AMENDED, WITNESSED MY ORIGINAL SIGNATURE, RECORDED IN DEED BOOK THIS 21ST DAY OF JANUARY, A.D. 2019.

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS EXEMPT FROM THE SUBVERSION REGULATIONS OF THE TOWN OF WEAVERVILLE, NORTH CAROLINA AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF BUNCOMBE COUNTY.

LAMAR COLE
 REEMS CREEK TOWNSHIP
 BUNCOMBE COUNTY
 NORTH CAROLINA

REZONING SURVEY FOR

SCALE: 1" = 50'

DATE: JANUARY 24, 2019
 REVISIONS:

McMAHAN & BROCK, P.A. (C-319)
 P.O. BOX 1296
 WEAVERVILLE, N.C. 28787
 828-645-5654

FILED FOR REGISTRATION ON THE _____ DAY OF _____, 20____
 AT _____, N.C. AND RECORDED IN _____
 REGISTER OF DEEDS, BUNCOMBE COUNTY

BY _____ DEPUTY TOWN MANAGER WEAVERVILLE, N.C.



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, March 5, 2019 the Planning and Zoning Board reviewed and unanimously recommended to Town Council a proposed rezoning from C-2 to R-3 of five parcels located adjacent to Red Cole Drive known commonly by the parcel identification numbers 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, 9743-43-0162.

It has been found that the proposed rezoning is consistent with the Town's Comprehensive Plan. The Planning and Zoning Board considers approval both reasonable and in the public interest due to the residential uses present, the desire of the property owner to further develop vacant parcels for residential purposes and finding that an adjacent parcel of land is zoned R-3 alleviating any concerns related to spot zoning.

Doug Theroux

**Doug Theroux
Chairman, Planning and Zoning Board**

John Chase

**John Chase
Acting Chairman of the Planning and Zoning Board on March 5, 2019**

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Parcels Located on Red Cole Drive

Prepared February 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

Zoning Analysis

Currently two of the parcels subject to the proposed rezoning are being used for residential purposes within the C-2 zoning district. This creates a scenario where the current homes on site are being inhabited by a nonconforming use. As such, these uses cannot be enlarged in any way and new residential uses on the parcels which are currently uninhabited are expressly prohibited.

The family has expressed a desire to continue the residential use of the inhabited parcels and experience a set of circumstances where the uninhabited parcels may be use for residential purposes. In order for this to occur, the proposed rezoning is necessary.

Staff believes that the identified parcels at the end of Red Cole Drive may be ripe for a rezoning due to the following variables: accessed by a private dead end street; the condition of Red Cole Drive is not conducive to commercial traffic; the location of the intersection of Red Cole Drive and North Buncombe School Road is likely to not be eligible for signalization due to its proximity to the “five points” intersection; the nonconforming nature of the underlying residential uses will not permit the present use to be replaced and or expanded.

Comprehensive Land Use Plan Compliance

When considering compliance with the Town’s Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map (Figure 3-6 on page 3-5). Here it is found that this property exists in a gap between the defined areas shown for the future uses of Commercial and Rural. These gaps are intentional and are addressed within the CLUP on page 3-2 as follows:

“When reviewing the map, you will see that there are gaps between defined areas, and that the defined areas do not necessarily follow property boundaries. This is purposeful given the uncertainties that exist on the ground that cannot be accounted for, and in recognition of the need for flexibility. And so, the boundaries and gaps should be viewed as flexible rather than lines in the sand, and the final decisions on transitional land use types in these areas should be left to the good judgement of the appointed and elected officials that are charged with establishing development policy and regulations in the Town.”

Given the aforementioned statement, it is the opinion of staff that the proposed rezoning would not conflict with the Town’s CLUP.



**Town of Weaverville
Minutes**

**Joint Meeting of Town Council and Planning and Zoning Board
Tuesday, February 12, 2019 – Town Hall**

The Town Council and Planning and Zoning Board for the Town of Weaverville met for a Joint Meeting on Tuesday, February 12, 2019, at 6:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present: Mayor Al Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Jeff McKenna, and Councilman Patrick Fitzsimmons. Councilman Andrew Nagle was absent.

Planning and Zoning Board members present: Chairman Doug Theroux, Vice Chairman Gary Burge, Board Members: Catherine Cordell, Peter Stanz and Steve Warren, Alternate Board Members: John Chase and Tom Balestrieri

Staff present: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, and Town Planner James Eller.

1. Call to Order

Mayor Root called the meeting to order on behalf of Town Council at 6:00pm.

Chairman Doug Theroux called the meeting to order on behalf of the Planning and Zoning Board at 6:00pm.

2. Comprehensive Land Use Plan Update

A. Review of Project Status and Timeline

Town Attorney Jackson mentioned that she and the Town Planner Eller have attempted to keep Town Council and the Planning and Zoning Board up to date with where they were with the Comprehensive Land Use Plan. Right now, they are right on track with the timeline and the next step is to start the drafting phase for writing the narrative, which Mr. Eller has completed. Jackson noted that, with the adoption of the FY 2019-2020 Budget Calendar by Town Council at their last meeting, it appears that Town Council has been doubled booked. So it brings up the question as to whether Town Council should push its review out until the budget is adopted. This will allow the Planning and Zoning Board more time to review the plan and will just delay the approval of Town Council until August, instead of in June. Jackson presented an amended timeline (see attached) for Town Council's consideration and by consensus of Town Council the project will proceed based on the amended timeline.

B. Process for Town Council to Review Draft Plan

Mayor Root mentioned that it might be helpful if Council members went to the Planning and Zoning Board meetings when they are reviewing the draft plan to bring themselves up to speed and to hear the board members comments.

Councilman McKenna commented that the draft materials could be passed out earlier, so that Council can have an understanding of the substance of the material and then discuss any further pressing details at the meeting.

C. Process for P&Z Board to Review Draft Plan

Chairman Theroux commented that since we aren't starting from scratch on the land use plan, he believes that the review of the comprehensive land use project can be presented all at once. If it were to be broken down into sections, it would take a lot more meetings. Board Member Steve Warren discussed how many sections each member would be responsible for if it were to be divided among the board members. It was agreed that the Planning and Zoning Board will look at this when the draft plan is presented to them for review.

D. Decisions regarding Public Input Strategy for Public Review of Draft Plan

Town Attorney Jackson mentioned that Public Input strategy is really critical for these projects and when staff was going through this process for the Table of Uses, staff tried to get as much public awareness out to the public, so they could come and comment. Unfortunately, there weren't a lot of comments or involvement received. Town Planner Eller noted that all required public notices were recorded, as well as sending out a press release, and staff even made yellow signs to grab the citizen's attention. Still only one individual came out and commented at the public hearing.

Vice Chairman Burge commented that his biggest concern is making sure that the public is aware about this draft plan, so public input can be gathered.

Board member Cordell discussed possibly adding a survey to the water bills so that more data could be collected. There could be a bar code placed on the survey, so that the outside city limit customers could be separated from the inside city limit customers.

Mayor Root mentioned that staff should reach out to the Homeowners Associations and churches to give them an abbreviated version, so that they are aware of what is going on and can schedule a meeting for any questions.

Board member Peter Stanz commented on the surveys and asked what the end goal of the survey was, is it to gather information or data, inform citizens about the land use plan, or get good participation from the community.

Alternate Board member John Chase also noted that it could be more harmful than helpful to have individuals answer a survey if they aren't educated on the land use plan. It might be more beneficial, if we researched how to inform the citizens about the land use plan.

After lengthy discussion, consensus was made between Town Council and the Planning and Zoning Board to schedule two public input/ information meetings at various times, and to reach out to Homeowners' Associations and churches about the material being presented, so that they can reach out to us to schedule a meeting with a representative for any questions they may have. Consensus was reached to not send out a community survey but instead seek some public input from citizens attending the information meetings.

3. Desired and Required Role of Planning and Zoning Board

A. Review of Statutory Duties and Code-Imposed Duties of P&Z Board

Town Attorney Jennifer Jackson gave a brief overview of the materials that were handed out to the boards on the agenda. The table on page 2, lists in general what the Planning and Zoning Board is charged with statutorily by North Carolina law and the ordinances that Town Council has put into place. The administration capacity of the Planning and Zoning Board is listed on page 3 along with the subdivision ordinances that the board does a lot with by reviewing both minor and major subdivisions. Lastly, the yellow part on the table, shows how the board has more of an advisory role in the zoning process.

B. Experience of P&Z Board During Statutory and Code-Imposed Reviews

Peter Stanz commented that after the last meeting on the subdivision, the Planning and Zoning board had been asked to consider zoning a property to be annexed as R-2, but the project was nowhere near the requirements of the Town's R-2 district. He expressed confusion as to what the value of zoning is for the Town. Mayor Root mentioned that as far as the annexation process went, Council took some steps to allow the developer to be annexed into Town. However, the land had to have an underlining zoning attached to it for annexation. Council had a 3-2 vote in January against the annexation so no further steps were taken.

Chairman Theroux mentioned that this is the same issue that came up on the Maple Trace development where they were given water allocations for annexation, and then Council found out how the plan of the development and denied the annexation. Down the road, these developments can still come back and ask to be annexed if they want too.

Gary Burge noted that he is thinking more about the next year or two into future and would like to get back to doing some planning, instead of just zoning and rezoning, so more mixed use districts and densities can be determined.

Board Member Steve Warren noted that zoning should be subordinate to planning, since it is only one tool, along with subdivisions. It can be frustrating when you're creating these entire non-conforming lots based on area regulations. He believes that we need to have more tools and resources available and would love to see a transitional district, less conditional zoning districts, and more tools to go to for development proposals. Plus, our ordinances have to support future plans.

Board member Cordell commented that they try to be like a black and white board, where they have ordinances and a land use plan, and they are supposed to try to tie together whatever is presented to them. If it doesn't fit, then they have to find a way to make it fit and they never know if it will be approved by Council.

Town Planner Eller noted that the Barkley Terrace development was the last annexation left that was combined with water allocation.

Alternate member Tom Baliesteri commented that he has only been on the board for a short period of time, but looks forward to more meetings in the future on discussing planning issues to make this a more livable Town that we're proud of.

Alternate member John Chase stated that he has been on the board for a few years now and realizing how complex these issues are and the rapid growth occurring in Weaverville, but trying to digest everything and present concise information to Town Council is very intriguing and he enjoys the work.

Chairman Theroux mentioned that establishing a Technical Review Committee for another set of eyes, instead of just Town Planner Eller might be valuable. Eller has already started reaching out to the Public Works department and Fire Department to have them review the document before it goes to the Planning and Zoning Board.

C. What information is Helpful to Town Council for Decision-Making

Councilman McKenna mentioned that it would be beneficial if there was more communication between the two boards when it came to presenting the recommendations to Town Council. Especially since Town Council usually only has a limited amount of time to look over the whole packet. Councilman Fitzsimmons commented to put more information and any concerns in the recommendation letter for Council, since sometimes the packets can be quite large and it can be difficult to cover all the material. Mayor Root mentioned that if the letter is completed before the agenda is done, then it can be circulated to Town Council before to allow more time.

D. Balance Between Planning and Administrative Review

Steve Warren asked Mr. Eller how he feels about the Planning and Zoning Board looking over his shoulder on these issues. Town Planner Eller mentioned that the planning review adds an incredible amount of time to the process, when he, together with the Fire Department and Public Works Department, can sit down and review a project in about 15 minutes. He expressed frustration that the actual process takes about three months when the work can be done in less than a day.

Town Attorney Jackson commented that there are some inefficiencies that have grown within the subdivision ordinance, especially with the way it is written now with having to be approved by Town Council. There are already two layers of review, before it gets to Council on the three different plans: concept plan, preliminary plan and final plan. Mayor Root noted that they are open to other options, but were informed by staffs predecessor's that this was the process needed for approval.

E. New and Existing Zoning Districts for Staff/P&Z to study

Consensus was made that the following districts should be looked at by staff and the Planning and Zoning Board: high-density single family residential district, office/institutional district, mixed use district, transitional district and the C-1 Central Business District.

Board member Steve Warren mentioned that the Board of Adjustments also develops the land use patterns, so it isn't completed just by these two groups. Some of their actions do affect us, especially like the Creekside development in an I-1 zoning district.

F. Geographic Areas for Staff/ P&Z to Study

Town Attorney Jennifer Jackson mentioned some specific geographic areas that should be looked at further, which were mentioned on page 5. These areas include the central business area, the north main street/five points area, Monticello corridor, and the Reems creek road corridor. We need to be more proactive and ensure that the central business district remains thriving, enjoyable area.

Board member Peter Stanz mentioned an idea to have another professional in Economic Development and Planning look over our plans. His reasoning was that it might be beneficial since the Planning and Zoning Board members are amateurs and it might help with the time constraints that Town Planner Eller is under.

4. Adjournment.

Vice Mayor/Councilman Jackson made the motion to adjourn the Town Council meeting; Councilman Fitzsimmons seconded and all of Town Council voted to adjourn the Council's meeting at 8:00 p.m.

Board member Cordell made the motion to adjourn the meeting of the Planning and Zoning Board; Board member Stanz seconded and all Board members voted to adjourn the Board's meeting at 8:00 p.m.

DEREK K. HUNINGHAKE, Town Clerk



MINUTES

**Town of Weaverville
State of North Carolina**

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

The Town Council for the Town of Weaverville met for a Special-Called meeting on Monday, February 25, 2019, at 6:45 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

Council members present were: Mayor Root, Vice Mayor/Councilman Doug Jackson, Councilwoman Dottie Sherrill, Councilman Andrew Nagle, Councilman Patrick Fitzsimmons and Councilman Jeff McKenna.

Staff present was: Town Manager Selena Coffey, Town Attorney Jennifer Jackson, Town Clerk Derek Huninghake, Finance Officer Tonya Dozier, Police Chief Ron Davis, Fire Chief Ted Williams, Town Planner James Eller, Water Treatment Plant Supervisor Trent Duncan and Public Works Director Dale Pennell.

1. Call to Order

Mayor Al Root called the meeting to order at 6:45 p.m.

2. Public Hearing: Code Amendments for Multi-Family Development

Mayor Root opened the Public Hearing.

Town Planner James Eller mentioned that before Town Council are the proposed code amendments for multi-family developments within R-3 and R-12 zoning districts. Staff has crafted a set of language that has been vetted by the Planning and Zoning Board that will transition the need to apply for a conditional zoning district for multifamily developments within these two districts to multifamily developments being permitted with standards. The proposed amendments will also make it clear that for all uses that are permitted with standards other general regulations within the zoning ordinance will continue to apply unless the specific standards provide otherwise. The standards related to multifamily development within the R-3 and R-12 zoning districts include specific standards on exterior lighting, garbage receptacles and a maximum number of 24 units within an individual building.

Town Planner Eller noted that this Public Hearing has been duly advertised and these regulations come before Town Council with unanimous approval from the Planning and Zoning Board which found that the amendments were consistent with the Comprehensive Land Use Plan and were reasonable and in the public's interest.

3. Public Comment

Thomas Veasey, 69 Lakeshore Drive, commented that he supports changing the zoning in districts, R-3 and R-12.

4. Adjournment

Vice Mayor/Councilman Jackson made the motion to close the public hearing and adjourn the special called meeting; Councilwoman Sherrill seconded and all voted in favor of closing the public hearing and adjourning the meeting at 6:50 pm.

Derek K. Huninghake, Town Clerk

DRAFT

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 18, 2019
SUBJECT: Monthly Tax Report
PRESENTER: Tax Collector
ATTACHMENTS: Monthly Tax Report

DESCRIPTION/SUMMARY OF REQUEST:

The Town Tax Collector provides the following monthly tax report as of March 12, 2019. This report is provided for information only.

No action is requested or required.

**Town of Weaverville
MONTHLY TAX REPORT
FY 2018-19**

3/12/2019

Real Property:	750,820,030	
Real Property Discoveries:	1,279,000	
Total Real Property:		752,099,030
Personal:	54,787,228	
Personal Discoveries:	30,290,632	
Total Personal:		85,077,860
Public Utilities:		4,952,725
Exemption:		(10,663,470)
Releases:		(1,056,906)
Total Tax Value		830,409,239

Tax Levy @.38 cents per \$100

Real Property:		2,857,976
Personal Property:		323,296
Public Utilities:	18,820	
Less Under \$5 Adjustment	(57)	
Total Public Utilities:		18,763
Exemption:		(40,521)
Releases:		(4,016)
Total Levy (Total Billed)		3,155,498

Total Current Year Collections	3,060,810.29
% Collected	97.00%

Total Left to be Collected:	94,688
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Prior Years Paid	18
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**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 18, 2019
SUBJECT: Tax Release
PRESENTER: Tax Collector
ATTACHMENTS: None

DESCRIPTION/SUMMARY OF REQUEST:

Town Council is asked to approve a tax release for the 2018 real property tax bill on property located at 23 Bankstown Road owned by Jeffrey Lynn Banks and which bears Buncombe County Parcel Identification Number 9742-13-0984. The requested release is for \$26,100 in value and \$99.18 from the 2018 tax levy and is due to a tax exemption approved by Buncombe County.

TOWN COUNCIL ACTION:

Town Council is requested to approved the above-described release. This action could be in the form of the following motion:

I move to approve the release of \$26,100 in value from the real property owned by Jeffrey Lynn Banks bearing Buncombe County Parcel Identification Number 9742-13-0984, so that \$99.18 can be released from the 2018 levy.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: March 18, 2019
Subject: Proclamations Recognizing **Earth Day** and **Arbor Day**
Presenter: Town Manager
Attachments: Earth Day Proclamation and Arbor Day Proclamation

Description:

Attached please find proclamations recognizing Earth Day on Monday, April 22, 2019 and Arbor Day on Friday, April 26, 2019.

Council Action Requested:

The Town Manager recommends approval of both proclamations.



TOWN OF WEAVERVILLE EARTH DAY 2019 PROCLAMATION

WHEREAS, on April 22, 1970, millions of people took to the streets to protect the negative impacts of 150 years of industrial development and, since then, millions of people have celebrated Earth Day in order to increase the awareness among people of the issues affecting the environment in which we live; and

WHEREAS, the Town of Weaverville wishes to join all of the other environmentally-minded jurisdictions around the world celebrating Earth Day; and

WHEREAS, for 2019 the Earth Day Network has engaged in a “*Protect our Species*” campaign in order to educate and raise awareness about the accelerating extinction of millions of species of wildlife and the causes and consequences of that extinction; and

WHEREAS, the Town recognizes the benefit of promoting a global conservation ethic and garnering support for the protection of wildlife;

WHEREAS, the Town recognizes that the use of plastics is a major contributor to landfill expansion and oceanic and other environmental pollution and contributes to injury and illness in several wildlife species;

NOW, THEREFORE, the Town of Weaverville proclaims Monday, April 22, 2019, as Earth Day and encourages all residents to join the Town in celebrating the earth, and promoting the protection of all of its wildlife species, and, to that end, encourages local businesses and residents to institute voluntary measures to reduce the amount of plastic they use by finding and using alternative materials.

THIS the 18th day of March, 2019.

ALLAN P. ROOT, Mayor

ATTEST:

DEREK HUNINGHAKE, Town Clerk



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, _____, Mayor of the Town of,
 _____ do hereby proclaim as

Arbor Day

In the Town of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____
 Mayor _____

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 18, 2019
SUBJECT: Comprehensive Land Use Plan Project – Staff Update
PRESENTER: Planning Director/Town Attorney
ATTACHMENTS: Land Use Information/Input Session Flyer

DESCRIPTION/SUMMARY OF REQUEST:

Staff wants to remind the Mayor and Town Council and the citizens of Weaverville that Town staff will be hosting Land Use Information and Public Input Sessions on Thursday, March 21st from noon to 3pm and on Thursday, March 26th from 5pm to 8 pm. Staff will also be available during the month of April to make presentations to organized groups upon request.

COUNCIL ACTION REQUESTED:

Town Council's continued help in distributing this information is appreciated.

INFORMATION SESSIONS AND PUBLIC INPUT ON LAND USE

residential

walkability

annexation

future development

zoning

growth

survey

sidewalks & streets

maps

subdivisions

Weaverville, NC

demographics

industrial local

commercial

water regional

THURS MARCH 21 - 12 pm to 3 pm

TUES MARCH 26 - 5 pm to 8 pm

Community Room of Town Hall
30 South Main Street, Weaverville, NC

**ORGANIZED GROUPS CAN REQUEST AN
INFORMATION/INPUT SESSION FOR APRIL
AND WE WILL COME TO YOU**

Contact the Town for more information or to schedule:

TOWN OF WEAVERVILLE

Planning Department

828-484-7002



Town Manager's Report

Selena D. Coffey, MPA, ICMA-CM

March 2019

A. Projects in the Main Street Nature Park: Our Public Works Department is very busy working on several significant projects in the Nature Park:

- 1) **Stairs from Municipal Parking Lot:** As you are aware, the stairs from the municipal parking lot to the Nature Park have been in need of improvement for some time. Thanks to our Public Works Department, we will be seeing a drastic improvement. Please see the following photos:

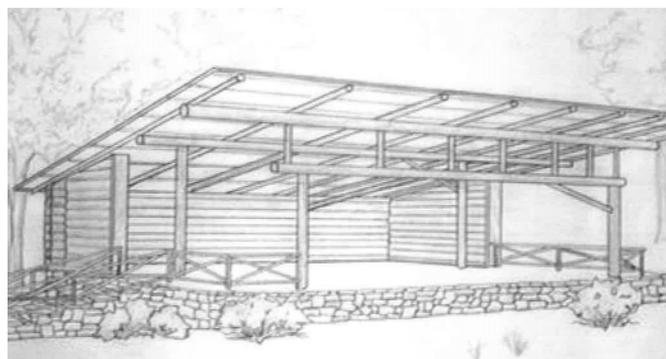


Current stairs



New stairs

- 2) **Stage:** Another significant project that Public Works is undertaking is the construction of an outdoor stage at the Nature Park. This stage, which will be used for the Town's summer music series, will have electricity connected, but there will have no other utilities.



Comparable type of stage to be constructed



Location for stage

- B. Strategic Plan Quarterly Report:** Attached you will find the first quarterly report on the 2018-2021 Strategic Plan as was adopted by Town Council. I will note highlights from the report during the upcoming meeting.

- C. Shred Day:** I wish to thank Finance Director Tonya Dozier on coordinating with the State Employees Credit Union to plan a Shred Day for the Town's residents on May 11 from 9am-12pm.

Town of Weaverville 2018-2021 Strategic Plan Quarterly Report: March 2019

Goal 1: To provide town services to meet the needs of the community.

Objectives (followed by Action Steps)	Responsibility	Timeframe	Status
A. Develop consensus on water and annexation growth and develop policies consistent with that consensus.	<i>Town Council Planning Director</i>	<i>Jan. 2019</i>	<ul style="list-style-type: none"> • Town Council consensus on 11/13/18 and 1/8/19 was to make decisions on a case by case basis as opposed to adopting a firm policy in this regard.
1) <i>Develop policy or procedures to guide Town Council in approving water allocations outside of Town limits.</i>	<i>Town Council Public Works Director</i>	<i>Nov. 2018</i>	<ul style="list-style-type: none"> • See above.
2) <i>Consider the development of a formal voluntary annexation program.</i>	<i>Planning Director Town Council</i>	<i>Nov. 2018</i>	<ul style="list-style-type: none"> • See above.
B. Reexamine Asheville Redefines Transit to consider re-establishment of bus route given new residential development within the Town.	<i>Councilman McKenna Town Council</i>	<i>Year 2021</i>	<ul style="list-style-type: none"> • Not yet formally addressed.
C. Enhance the Town's outreach to educate the public about the Town's services.	<i>Town Staff</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> • Staff has strongly marketed the Town's e-newsletter in order to increase public awareness of Town services, functions and events. This has resulted in a 38% increase in the number of subscribers since January 2019. The Town now has 587 subscribers.

Town of Weaverville 2018-2021 Strategic Plan Quarterly Report: March 2019

1) <i>Continue the Citizens Academy.</i>	<i>Town Manager Department Heads</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> The 2019 Citizens Academy was cancelled due to a lack of enough participants. This will resume for the 2020 Academy.
2) <i>Continue fire prevention programs and participation in school events such as field days and career days.</i>	<i>Fire Chief Fire Department</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> Weaverville Fire Department regularly participates in school functions upon request.
3) <i>Continue community oriented policing programs, Cops for Kids, school programs, crime prevention program, etc.</i>	<i>Police Chief Police Department</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> Weaverville Police Department, upon hiring the new School Resource Officer, has been significantly more involved in school programs.
4) <i>Continue public education regarding services provided by the Public Works Department.</i>	<i>Public Works Director Public Works Department Water Superintendent</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> The Town's Public Works Department provides a public service announcement or article promoting their services for each month's e-newsletter.
D. Recognize the needs of each Town department in serving an ever-changing and growing population.	<i>Town Council Town Manager Department Heads</i>	<i>FY 2019; Ongoing</i>	<ul style="list-style-type: none"> To be addressed during budget deliberations.
1) <i>Budget adequately to meet service demands (i.e. personnel, equipment, etc.)</i>	<i>Town Manager Department Heads Town Council</i>	<i>Annually</i>	<ul style="list-style-type: none"> To be addressed during budget deliberations.
2) <i>Maintain and update the capital improvements plan.</i>	<i>Town Manager Department Heads</i>	<i>Annually</i>	<ul style="list-style-type: none"> To be addressed during budget deliberations.

Town of Weaverville 2018-2021 Strategic Plan Quarterly Report: March 2019

3) <i>Address performance objectives as they correlate to the Town vision and mission</i>	<i>Town Manager Department Heads</i>	<i>Annually</i>	<ul style="list-style-type: none"> To be addressed during budget deliberations.
4) <i>Maintain Town facilities and equipment</i>	<i>Town Manager Department Heads</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> To be addressed during budget deliberations.

Goal 2: To improve regional collaboration.

Objectives (followed by Action Steps)	Responsibility	Timeframe	Status
A. Strengthen relationship with the Asheville-Buncombe Economic Development Coalition and other economic development organizations.	<i>Town Manager Town Council</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> Town Manager has reached out to Clark Duncan and plans to meet with him in the near future.
B. Recognize water as a regional resource and identify regional jurisdictions that wish to partner in water production, sale and distribution.	<i>Town Council Town Manager Public Works Director Water Superintendent</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> Town staff continues to have conversations with Mars Hill in this regard.
C. Consistent involvement and collaboration with neighboring and regional jurisdictions in functional areas, such as police, fire, water resources, etc.	<i>Town Council Town Manager Department Heads</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> Town staff meets regularly with neighboring and regional counterparts to collaborate on issues.
1) <i>Updates from department heads quarterly regarding regional efforts impacting the Town.</i>	<i>Department Heads</i>	<i>Quarterly</i>	<ul style="list-style-type: none"> Department heads continue to provide quarterly reports during Town Council meetings.
2) <i>Updates from the manager subsequent to manager meetings regarding regional efforts with potential impacts on the Town.</i>	<i>Town Manager</i>	<i>Quarterly</i>	<ul style="list-style-type: none"> Updates provided monthly or as appropriate.

Town of Weaverville 2018-2021 Strategic Plan Quarterly Report: March 2019

3) Updates from the Mayor regarding regional efforts.	Mayor	Monthly	<ul style="list-style-type: none"> Updates provided as appropriate.
D. Distribute information regarding regional programs, services and resources available to Town citizens.	Town's MSD Representative Town's MPO Representative Mayor Town Manager	Ongoing	<ul style="list-style-type: none"> Ongoing activities and services included within the Town's outreach activities.

Goal 3: To maximize benefit to the Town in land use planning efforts.

Objectives (followed by Action Steps)	Responsibility	Timeframe	Status
A. Development of tools to encourage balanced residential economic development.	Town Council Planning Director	Year 2019	<ul style="list-style-type: none"> Staff has presented information on this topic on 11/13/18 and 1/8/19.
1) <i>Revise Subdivision Ordinance to establish criteria and streamline subdivision approval process.</i>	Planning Director Planning & Zoning Board	Jan. 2019	<ul style="list-style-type: none"> Town Council consensus was achieved on 2/12/19 for staff and the Planning & Zoning Board to prioritize the revision of the Subdivision Ordinance.
2) <i>Update economic development goals for the Town.</i>	Mayor Root Vice-Mayor Jackson Economic Development Advisory Committee	Feb. 2019	<ul style="list-style-type: none"> To be addressed.
B. Update the Town's Comprehensive Land Use Plan (CLUP).	Planning Director Town Council	June 2019	<ul style="list-style-type: none"> In progress with the anticipated completion date of August 2019.
1) <i>Determine whether plan will be updated internally or externally.</i>	Town Council	Sept. 2018	<ul style="list-style-type: none"> Completed. Town Council approved staff to complete the plan internally.

Town of Weaverville 2018-2021 Strategic Plan Quarterly Report: March 2019

2) <i>Complete update of the plan.</i>	<i>Planning Director</i>	<i>June 2019</i>	<ul style="list-style-type: none"> • Staff has updated Town Council on the progress of CLUP monthly.
3) <i>Implement plan.</i>	<i>Town Council Planning Director Town Manager</i>	<i>July 2019</i>	<ul style="list-style-type: none"> • To be implemented upon completion and approval by Town Council.
C. Investigate options for a geographic information system.	<i>Town Manager Planning Director</i>	<i>March 2019</i>	<ul style="list-style-type: none"> • Staff has determined that it is most appropriate and cost-effective to work with Buncombe County to add a layer for the Town's use as opposed to purchasing its own system.
1) <i>Coordinate with Buncombe County to add the Town layer to County GIS.</i>	<i>Planning Director</i>	<i>Feb. 2019</i>	<ul style="list-style-type: none"> • Staff is working with Buncombe County staff to add the necessary layers.
2) <i>Assess previous mapping efforts, software and equipment.</i>	<i>Planning Director Town Manager</i>	<i>Feb. 2019</i>	<ul style="list-style-type: none"> • See above.

Goal 4: To promote a successful downtown.

Objectives (followed by Action Steps)	Responsibility	Timeframe	Status
A. Consider a zoning district to serve as a transition between residential and commercial districts.	<i>Town Council Planning Director Planning & Zoning Board</i>	<i>June 2019 (CLUP)</i>	<ul style="list-style-type: none"> • Town Council's consensus on 2/12/19 was to have staff and the Planning & Zoning Board to study this and provide recommendations to Council.

Town of Weaverville 2018-2021 Strategic Plan Quarterly Report: March 2019

B. Develop a mechanism to expand business opportunities along the central business district.	<i>Planning Director Town Council</i>	<i>June 2019 (CLUP)</i>	<ul style="list-style-type: none"> • Town Council's consensus on 2/12/19 was to have staff and the Planning & Zoning Board to study this and provide recommendations to Council. • Further discussion by Town Council is necessary to completely achieve this objective.
C. Consider mixed-use development regulation as a means of expanding development in areas with geographic limitations.	<i>Town Council Planning Director</i>	<i>June 2019 (CLUP)</i>	<ul style="list-style-type: none"> • Town Council's consensus on 2/12/19 was to have staff and the Planning & Zoning Board to study this and provide recommendations to Council.
D. Provide information resources marketing downtown and its walkability.	<i>Town Manager Town Staff</i>	<i>April 2019</i>	<ul style="list-style-type: none"> • In progress
1) <i>Development of and distribution of Town walkability (sidewalks) and parks map.</i>	<i>Public Works Director Town Manager</i>	<i>April 2019</i>	<ul style="list-style-type: none"> • To be addressed.
2) <i>Collaborate with the Weaverville Business Association (WBA) in marketing downtown restaurants, retail businesses, art studios, breweries and recreation amenities.</i>	<i>Town Manager</i>	<i>April 2019</i>	<ul style="list-style-type: none"> • To be addressed further.
E. Research grant opportunities for all Town operations and projects, as well as for downtown efforts.	<i>Town Manager Department Heads</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> • Town Manager in the process of applying for a grant from the NCLM for the purchase of garbage

**Town of Weaverville 2018-2021 Strategic Plan
Quarterly Report: March 2019**

F. Act as a liaison between downtown churches and businesses to identify available parking downtown	<i>Town Manager Public Works Director</i>	<i>Ongoing</i>	<p>toters to lower workers comp claims.</p> <ul style="list-style-type: none"> • Police Chief has applied for monetary match of \$250 per protective vest via NCLM public safety grant program. • Complete upon collaborating with downtown churches to identify 45 parking spaces for business owners' employees, which will free up space for downtown visitors' parking.
1) <i>Work with leaders from downtown churches to identify potential parking for business employees and visitors.</i>	<i>Town Manager Public Works Director</i>	<i>Feb. 2018</i>	<ul style="list-style-type: none"> • Complete
2) <i>Create and distribute maps showing parking options in downtown Weaverville.</i>	<i>Public Works Director</i>	<i>Apr. 2019</i>	<ul style="list-style-type: none"> • To be addressed

Goal 5: To increase legislative outreach.

Objectives (followed by Action Steps)	Responsibility	Timeframe	Status
A. Engage legislative representatives regarding the Town's needs.	<i>Town Council Town Manager</i>	<i>Jan. 2019</i>	<ul style="list-style-type: none"> • Staff will be proposing meetings with local legislators in summer of 2019. • Staff recommends that Town Council schedule a workshop to develop

**Town of Weaverville 2018-2021 Strategic Plan
Quarterly Report: March 2019**

			legislative goals for 2020 in the fall of 2019.	
1)	<i>Host meetings with legislative representatives periodically (especially before legislative sessions) to learn legislative priorities and to educate legislators on Town needs.</i>	<i>Mayor Town Manager</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> • See above.
2)	<i>Discuss need for collaborative development along the Town's corporate limits to ease land use conflicts and encourage regional use of resources.</i>	<i>Planning Director Town Council Town Manager</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> • Staff agrees that the way to achieve this objective is to pursue a legislative goal to establish an ETJ and/or adoption of guidelines concerning annexation and water allocations.
B.	Consider opportunities for potential special legislation as Town needs dictate.	<i>Town Attorney</i>	<i>Ongoing</i>	<ul style="list-style-type: none"> • Staff believes that the re-establishment of the ETJ through legislative action is critical for proper land use development along the Town's corporate borders. • Special legislation consistent with legislative goals should be considered and discussed with local legislators.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

DATE OF MEETING: March 18, 2019
SUBJECT: Proposed Legislation Affecting the ABC Board
PRESENTER: Rob Chason
ATTACHMENT: Proposed Resolution

DESCRIPTION:

Much attention has been given lately to North Carolina's controlled system of alcoholic beverage sales. There has been discussion of privatizing the system and currently there are bills pending in both the NC House of Representatives and the NC Senate that would mandate the merger of local ABC boards, such as the Weaverville ABC Board, into a consolidated county ABC board.

The Weaverville ABC Board opposes such action. Rob Chason, the Weaverville ABC Board Chairman, will be at the meeting tonight to update Town Council on this and to answer any questions that the Mayor and Town Council might have on this subject.

COUNCIL ACTION REQUESTED:

If Town Council would like to join the Weaverville ABC Board in its opposition to legislation that would privatize the sale of alcoholic beverages in North Carolina and/or mandate the merger of the local ABC boards, then it could consider the proposed resolution that is attached.

**RESOLUTION IN SUPPORT OF THE CURRENT
ABC CONTROL SYSTEM FOR THE SALE OF LIQUOR**

WHEREAS, the citizens of the Town of Weaverville voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina’s control system for the sale of spirituous liquors;

WHEREAS, North Carolina is a “control” state and private retail liquor stores are prohibited;

WHEREAS, the General Assembly’s nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, the PED Report, “Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications”, released on February 11, 2019, (1) did not recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization;

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; Rehabilitation Services \$5 million; Operation of ABC Commission/Warehouse \$17.7 million;

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes;

WHEREAS, the citizens of the Town of Weaverville, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold at retail outlets where beer and wine are sold;

WHEREAS, no State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC’s ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, when Washington State privatized its liquor system the number of retail outlets increased from 328 to over 1400, hours of sale/week increased from 73 to 140

hours, and Washington State received only \$30.75 million from auctioning off the rights to apply for retail spirits permits at 167 stores;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion and significantly more consumption; and the 9,000 outlets in NC that sell beer/wine off-premises could be permitted to sell liquor in a privatized system;

WHEREAS, if enacted, Senate Bill 87 and House Bill 91 would mandate that all local ABC boards be merged into a county ABC board;

WHEREAS, local revenue from ABC stores operations is important to the Town;

WHEREAS, local control over the sale of liquor is an important function;

NOW THEREFORE, BE IT RESOLVED by the Town of Weaverville, North Carolina, acting through its Council Members, that the Town desires to retain North Carolina's current control system for the sale of liquor, in that it believes that privatization of liquor will lead to many adverse effects, and also opposes any state mandate to merge local ABC boards into a county ABC board.

ADOPTED this 19th day of March, 2018 in a vote of ___ in favor and ___ opposed.

ALLAN P. ROOT, Mayor

ATTEST:

DEREK K. HUNINGHAKE, Town Clerk

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

Date of Meeting: March 18, 2019
Subject: Dry Ridge Museum Presentation
Presenter: Jan Lawrence
Attachments: No

Description:

Jan Lawrence, representing the Dry Ridge Museum, will be in attendance for this meeting to discuss the Museum's activities and plans.

Council Action Requested:

No action needed.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: Monday, March 18, 2019
SUBJECT: Proposed Rezoning – Red Cole Drive
PRESENTER: Planning Director
ATTACHMENTS: Notice of Public Hearing; Rezoning Application;
Recommendation of the Planning and Zoning Board;
Staff Report; Proposed Ordinance

DESCRIPTION/SUMMARY OF REQUEST:

Tonight’s public hearing is being held on proposed zoning map amendment related to five parcels located adjacent to Red Cole Drive known commonly by the parcel identification numbers 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, 9743-43-0162. The proposed amendment would convert these parcels from their current zoning of C-2 to R-3.

COUNCIL ACTION REQUESTED:

Town Council is asked to take action during its regular Town Council meeting on March 18, 2019. An Ordinance Amending the Town's Zoning Map is attached for Town Council's consideration.

NOTICE OF SPECIAL CALLED MEETING AND PUBLIC HEARING

Public Notice is hereby given that the Town of Weaverville Town Council will hold a special called meeting and public hearing on Monday, March 18, 2019 at 6:45p.m. This meeting will occur within Council Chambers at Town Hall located at 30 South Main Street, Weaverville, NC to consider the following item:

Proposed Zoning Map Amendment related to five contiguous parcels of land adjacent to Red Cole Drive known commonly by the parcel identification numbers 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, 9743-43-0162. The application calls for the rezoning of each property from C-2 to R-3.

If you would like additional information or to review the content related to the Public Hearing you may contact Planning Director and Deputy Town Clerk James Eller at 828-484-7002 or jeller@weavervillenc.org.

Publication Dates: 3/1/19 and 3/8/19

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002— fax (828) 645-4776 — jeller@weavervillenc.org

OWNER/APPLICANT NAME: LAMAR COLE APPLICATION DATE: JANUARY 25, 2019

PHONE NUMBER: 828-713-6381 MAILING ADDRESS: 21 RED COLE DRIVE, WEAVERVILLE,
28787

Application is made to the Town Council of Weaverville to amend:

The Zoning Map

The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 21, 30 RED COLE DRIVE, WEAVERVILLE, NC 28787

PIN: 9743336380, 9743338364, 9743430246, 9743430162, 9743339113

LOT AREA (acres): 4.27 ACRES

CURRENT ZONING DISTRICT: COMERCIAL PROPOSED ZONING DISTRICT: RESIDENTIAL

C-2 → R-3 K

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002— fax (828) 645-4776 --- jeller@weavervillenc.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

Dee H. Butler _____ *3.12.19*
SIGNATURE OF APPLICANT DATE

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

FEE: \$ <u>550</u>	DATE PAID: <u>2.12.19</u>	<input type="checkbox"/> CHECK	<input checked="" type="checkbox"/> CASH
DATE OF INTIAL COUNCIL MEETING: <u>N/A</u>	ACTION TAKEN: <u>N/A</u>		
DATE OF PLANNING BOARD MEETING: <u>3.5.19</u>	ACTION TAKEN: Positive Recommendation		
DATE OF PUBLIC HEARING & COUNCIL DECISION: <u>3.18.19</u>	FINAL ACTION:		



**Town of Weaverville
Planning and Zoning Board**

On Tuesday, March 5, 2019 the Planning and Zoning Board reviewed and unanimously recommended to Town Council a proposed rezoning from C-2 to R-3 of five parcels located adjacent to Red Cole Drive known commonly by the parcel identification numbers 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, 9743-43-0162.

It has been found that the proposed rezoning is consistent with the Town's Comprehensive Plan. The Planning and Zoning Board considers approval both reasonable and in the public interest due to the residential uses present, the desire of the property owner to further develop vacant parcels for residential purposes and finding that an adjacent parcel of land is zoned R-3 alleviating any concerns related to spot zoning.

Doug Theroux

**Doug Theroux
Chairman, Planning and Zoning Board**

John Chase

**John Chase
Acting Chairman of the Planning and Zoning Board on March 5, 2019**

Town of Weaverville, North Carolina

Staff Report: Proposed Rezoning of Parcels Located on Red Cole Drive

Prepared February 2019

Sources: Town of Weaverville Code of Ordinances; Comprehensive Land Use Plan

Zoning Analysis

Currently two of the parcels subject to the proposed rezoning are being used for residential purposes within the C-2 zoning district. This creates a scenario where the current homes on site are being inhabited by a nonconforming use. As such, these uses cannot be enlarged in any way and new residential uses on the parcels which are currently uninhabited are expressly prohibited.

The family has expressed a desire to continue the residential use of the inhabited parcels and experience a set of circumstances where the uninhabited parcels may be use for residential purposes. In order for this to occur, the proposed rezoning is necessary.

Staff believes that the identified parcels at the end of Red Cole Drive may be ripe for a rezoning due to the following variables: accessed by a private dead end street; the condition of Red Cole Drive is not conducive to commercial traffic; the location of the intersection of Red Cole Drive and North Buncombe School Road is likely to not be eligible for signalization due to its proximity to the “five points” intersection; the nonconforming nature of the underlying residential uses will not permit the present use to be replaced and or expanded.

Comprehensive Land Use Plan Compliance

When considering compliance with the Town’s Comprehensive Land Use Plan (CLUP), often the analysis begins with a consultation of the future land use map (Figure 3-6 on page 3-5). Here it is found that this property exists in a gap between the defined areas shown for the future uses of Commercial and Rural. These gaps are intentional and are addressed within the CLUP on page 3-2 as follows:

“When reviewing the map, you will see that there are gaps between defined areas, and that the defined areas do not necessarily follow property boundaries. This is purposeful given the uncertainties that exist on the ground that cannot be accounted for, and in recognition of the need for flexibility. And so, the boundaries and gaps should be viewed as flexible rather than lines in the sand, and the final decisions on transitional land use types in these areas should be left to the good judgement of the appointed and elected officials that are charged with establishing development policy and regulations in the Town.”

Given the aforementioned statement, it is the opinion of staff that the proposed rezoning would not conflict with the Town’s CLUP.

**AN ORDINANCE AMENDING THE TOWN'S ZONING MAP -
REZONING CERTAIN PROPERTIES ON RED CODE DRIVE FROM C-2 TO R-3**

WHEREAS, Town Council has been requested to approve a zoning map amendment which would rezone from C-2 to R-3 zoning the five (5) properties adjoining Red Cole Drive and bearing the following Buncombe County Parcel Identification Numbers: 9743-33-6380, 9743-33-8364, 9743-33-9113, 9743-43-0246, and 9743-43-0162; and

WHEREAS, the Weaverville Planning and Zoning Board reviewed this rezoning request on March 5, 2019, found that the requested zone of R-3 is consistent with the Town's Comprehensive Land Use Plan, reasonable and in the public interest in that it is consistent with the current residential use of the property and a desire to expand the residential use, and unanimously recommends that Council approve the rezoning request;

WHEREAS, Town Council has, this day, held a public hearing on this rezoning as required by law and by Town Code;

WHEREAS, Town Council finds that the rezoning of the property to R-3 is consistent with the Town's Comprehensive Land Use Plan and Chapter 36 of the Town's Code of Ordinance, is reasonable and in the public interest, and will allow the highest and best use of the property and is in the best interest of the public;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Weaverville, North Carolina, that the official Weaverville Zoning Map is hereby amended to reflect that the above-referenced properties are zoned as R-3, effective immediately.

ADOPTED THIS the 18th day of March, 2019, by a vote of ___ in favor and ___ against.

ALLAN P. ROOT, Mayor

ATTESTED BY:

APPROVED AS TO FORM:

DEREK K. HUNINGHAKE, Town Clerk

JENNIFER O. JACKSON, Town Attorney

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

DATE OF MEETING: March 18, 2019

SUBJECT: Sale of Old Bus Garage

PRESENTER: Town Attorney

ATTACHMENT: Proposed Agreement for Purchase and Sale of Real Property
NCGS 160A-269
Summary Table of C-1 Zoning Regulations

DESCRIPTION:

Town Council has previously expressed a desire to declare as surplus and sell the property at 13 Central Avenue which is known as the old bus garage. The Town Attorney has worked with the Mayor and Town Manager on this project and proposes that Town Council approve a sale's agreement, solicit offers based on the approved sale's agreement, and utilize the upset bid process to arrive at the highest offer as authorized and required by NCGS 160A-269.

A draft sale's agreement is attached for Town Council's consideration. This agreement calls for the sale of the property in an as-is condition (Section 4), requires a cash sale without loan contingency, limits the examination period to only title examination issues (Sections 4 and 9(a)), and requires the buyer to close within 30 days of Town Council acceptance of the offer or forfeit the bid deposit (Sections 12 and 13).

This property is located in the C-1 zoning district and a summary of what is allowed in the C-1 zoning district and what is not is attached for review by Town Council. Town Council has expressed some interest in considering some additional or more stringent restrictions on the property. The Planning Director and Town Attorney will be available to provide information on the current regulations and to facilitate a conversation regarding restrictions.

In order to expedite the process it is recommended that Town Council propose to accept the offer representing the highest bid received by a set deadline (such as April 8th) and direct the Town Clerk to advertise that offer and seek upset bids until a 10-day upset bid period expires without a new qualified high bid.

COUNCIL ACTION REQUESTED:

Discussion on the sale's agreement, the adequacy of the C-1 zoning regulations and any additional restrictions to be place on the property, and the proposed process to sell this surplus property and direction to staff on same.

AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY

THIS AGREEMENT is by and between _____,
a(n) _____ (“Buyer”), and
(individual or State of formation and type of entity)

the **TOWN OF WEAVERVILLE**, a North Carolina municipal corporation (“Seller”).

FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. Terms and Definitions: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

- (a) **“Property”**: shall mean that real property having an address of 13 Central Avenue, Weaverville, NC, 28787, and being all of the property in Deed Reference: Book 1054, Page No.316, Buncombe County; consisting of approximately 0.19 acre; Plat Reference: Being a portion of Lot 13 of the Old Hotel Property as shown on Plat Book or Slide 154 at Page(s) 99, Buncombe County; Parcel Identification: For information purposes the tax parcel number of the Property is 9742-27-8468; and together with all buildings and improvements thereon and all fixtures and appurtenances thereto.
- (b) **“Purchase Price”** shall mean the sum of \$ _____, payable on the following terms:
 - (1) **“Bid Deposit”** shall mean an amount equal to five percent (5%) of the Purchase Price and shall be made payable to the Town of Weaverville and presented in the form of a cashiers, certified or other bank check with an Agreement signed by Buyer. A Bid Deposit must be submitted for an offer to be complete.
 - (2) **Cash, balance of Purchase Price**, payable at closing.
- (c) **“Closing”** shall mean the date and time of recording of the deed and shall occur not later than 30 days from the Contract Date. **TIME IS OF THE ESSENCE AS TO CLOSING.**
- (d) **“Contract Date”** means the date this Agreement has been fully executed by both Buyer and Seller.
- (e) **“Examination Period”** means 20 days after the Contract Date.
- (f) **“Broker(s)”** shall mean:
Weaverville Realty (“Listing Agency”), **Cindy Ward** (“Listing Agent”)
 Acting as: Seller’s Agent; Dual Agent
 and _____ (“Selling Agency”),
 _____ (“Selling Agent”)
 Acting as: Buyer’s Agent; Seller’s (Sub)Agent; Dual Agent
- (g) **“Seller’s Notice Address”** shall be as follows:
 Town of Weaverville
 ATTN: Town Manager
 PO Box 338
 Weaverville, NC 28787
- (h) **“Buyer’s Notice Address”** shall be as follows:

Section 2. Conditions Prior to Acceptance by Seller: An Agreement signed by the Buyer shall constitute an offer which the Seller has the right to reject at any time up until Seller indicates its acceptance by signing this Agreement. Prior to acceptance Seller is legally obligated to publish a notice of the offer and seek upset bids in accordance with NCGS 160A-269 (a copy of which is attached hereto) until such time as the upset bid procedure is repeated with no further qualifying upset bids being received. This Agreement can only be accepted on behalf of the Seller by action of the Weaverville Town Council.

Section 3. Sale of Property and Payment of Purchase Price: Upon acceptance of this Agreement Seller agrees to sell and Buyer agrees to buy the Property for the Purchase Price subject to the provisions of this Agreement.

Section 4. As-Is Condition: The Property is being sold as-is and Seller does not warrant the condition of the Property or its fitness for any particular purpose. The Seller does not agree to perform any repairs on the Property. The condition of the Property or fitness for any particular purpose shall not be used as an excuse or reason for Buyer to avoid closing.

Section 5. Inspections: Notwithstanding the fact that the Property is being sold as-is as provided in Section 4, Buyer, its agents or representatives, at Buyer's expense and at reasonable times during normal business hours, shall have the right to enter upon the Property for the purpose of inspecting, examining, performing soil boring and other testing, and surveying the Property. Buyer shall conduct all such on-site inspections, examinations, soil boring and other testing, and surveying of the Property in a good and workmanlike manner, shall repair any damage to the Property caused by Buyer's entry and on-site inspections. Upon Seller's request, Buyer shall provide to Seller evidence of general liability insurance. Buyer assumes all responsibility for the acts of itself, its agents or representatives in exercising its right of inspection and agrees to indemnify and hold Seller harmless from any damages resulting therefrom. This indemnification obligation of Buyer shall survive the Closing or earlier termination of this Agreement. Buyer shall, at Buyer's expense, promptly repair any damage to the Property caused by Buyer's entry and on-site inspections.

Section 6. Proration of Expenses and Payment of Costs: Seller and Buyer agree that all utilities shall be prorated as of the date of Closing. Seller shall pay for the preparation of a deed and all other documents necessary to perform Seller's obligations under this Agreement and other conveyance fees or taxes required by law. Buyer shall pay recording costs, costs of any title search, title insurance, survey, the cost of any inspections or investigations undertaken by Buyer under this Agreement and any real property taxes that may become due and payable on the property as of the Closing Date or thereafter. Each party shall pay its own attorney's fees.

Section 7. Evidence of Title: Seller agrees to convey fee simple marketable and insurable title to the Property free and clear of all liens, encumbrances and defects of title other than: (a) zoning ordinances affecting the Property, (b) matters of record existing at the Contract Date that are not objected to by Buyer prior to the end of the Examination Period ("Permitted Exceptions"); provided that Seller shall be required to satisfy, at or prior to Closing, any encumbrances that may be satisfied by the payment of a fixed sum of money, such as deeds of trust, mortgages or statutory liens. Seller shall not enter into or record any instrument that affects the Property after the Contract Date without the prior written consent of Buyer, which consent shall not be unreasonably withheld, conditioned or delayed.

Section 8. Zoning Regulations: Seller and Buyer acknowledge that the Property is zoned C-1 and is subject to all regulations applicable to the C-1 zoning district as the same may from time to time be amended by action of the Weaverville Town Council.

Section 9. Conditions: This Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon fulfillment (or waiver by Buyer, whether explicit or implied) of the following conditions:

(a) **Title Examination:** After the Contract Date, Buyer shall, at Buyer's expense, cause a title examination to be made of the Property before the end of the Examination Period. In the event that such title examination shall show that Seller's title is not fee simple marketable and insurable, subject only to Permitted Exceptions, then Buyer shall promptly notify Seller in writing of all such title defects and exceptions, in no case later than the end of the Examination Period, and Seller shall have thirty (30) days to cure said noticed defects. If Seller does not cure the defects or objections within thirty (30) days of notice thereof, then Buyer may terminate this Agreement and receive a return of the Bid Deposit (notwithstanding that the Examination Period may have expired). If Buyer is to purchase title insurance, the insuring company must be licensed to do business in the state in which the Property is located. Title to the Property must be insurable at regular rates, subject only to standard exceptions and Permitted Exceptions.

(b) **Same Condition:** If the Property is not in substantially the same condition at Closing as of the date of the offer, reasonable wear and tear excepted, then the Buyer may (i) terminate this Agreement and receive a return of the Bid Deposit or (ii) proceed to Closing whereupon Buyer shall be entitled to receive, in addition to the Property, any of the Seller's insurance proceeds payable on account of the damage or destruction applicable to the Property.

Section 10. Leases: Seller affirmatively represents and warrants that there are no leases affecting the Property.

Section 11. Risk of Loss/Damage/Repair: Until Closing, the risk of loss or damage to the Property, except as otherwise provided herein, shall be borne by Seller. Except as to maintaining the Property in its same condition, Seller shall have no responsibility for the repair of the Property, including any improvements, unless the parties hereto agree in writing.

Section 12. Bid Deposit: In the event that any of the Conditions listed in Section 9 above are not satisfied, or in the event of a breach of this Agreement by Seller, then the Bid Deposit shall be returned to Buyer, but such return shall not affect any other remedies available to Buyer for such breach. In the event this offer is accepted and Buyer breaches this Agreement, then the Bid Deposit shall be forfeited, but such forfeiture shall not affect any other remedies available to Seller for such breach. **IF BUYER CHOOSES NOT TO PURCHASE THE PROPERTY FOR ANY REASON OTHER THAN FOR A FAILURE OF A CONDITION LISTED IN SECTION 9 ABOVE OR FOR SELLER'S BREACH OF THIS AGREEMENT, THEN BUYER SHALL FORFEIT RETURN OF THE BID DEPOSIT.**

Section 13. Closing: Closing shall occur not later than 30 days from the Contract Date with *TIME BEING OF THE ESSENCE AS TO CLOSING*. At Closing, Seller shall deliver to Buyer a special warranty deed and other documents customarily executed or delivered by a seller in similar transactions, including without limitation, an owner's affidavit, lien waiver forms, and Buyer shall pay to Seller the Purchase Price. At Closing, the Bid Deposit shall be applied as part of the Purchase Price. The Closing shall be held at the office of Buyer's attorney or such other place as the parties hereto may mutually agree. Possession shall be delivered at Closing, unless otherwise agreed herein.

Section 14. Notices: Unless otherwise provided herein, all notices and other communications which may be or are required to be given or made by any party to the other in connection herewith shall be in writing and shall be deemed to have been properly given and received on the date delivered in person or deposited in the United States mail, registered or certified, return receipt requested, to the addresses set out in Section 1, or at such other addresses as specified by written notice delivered in accordance herewith.

Section 15. Entire Agreement: This Agreement constitutes the sole and entire agreement among the parties hereto and no modification of this Agreement shall be binding unless in writing and signed by all parties hereto.

Section 16. Enforceability: This Agreement shall become a contract when signed by both Buyer and Seller and such signing is communicated to both parties; it being expressly agreed that the notice described in Section 14 is not required for effective communication for the purposes of this Section 16. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, successors and assigns and their personal representatives.

Section 17. Adverse Information and Compliance with Laws:

(a) **Seller Knowledge:** Seller has no actual knowledge of (i) condemnation(s) affecting or contemplated with respect to the Property; (ii) actions, suits or proceedings pending or threatened against the Property; (iii) changes contemplated in any applicable laws, ordinances or restrictions affecting the Property; or (iv) governmental special assessments, either pending or confirmed, for sidewalk, paving, water, sewer, or other improvements on or adjoining the Property, and no pending or confirmed owners' association special assessments.

(b) **Compliance:** To Seller's actual knowledge, (i) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions pertaining to or affecting the Property; (ii) performance of the Agreement will not result in the breach of, constitute any default under or result in the imposition of any lien or encumbrance upon the Property under any agreement or other instrument to which Seller is a party or by which Seller or the Property is bound; and (iii) there are no legal actions, suits or other legal or administrative proceedings pending or threatened against the Property, and Seller is not aware of any facts which might result in any such action, suit or other proceeding.

Section 18. Survival of Representations and Warranties: All representations, warranties, covenants and agreements made by the parties hereto shall survive the Closing and delivery of the deed. Seller shall, at or within six (6) months after the Closing, and without further consideration, execute, acknowledge and deliver to Buyer such other documents and instruments, and take such other action as Buyer may reasonably request or as may be necessary to more effectively transfer to Buyer the Property described herein in accordance with this Agreement.

Section 19. Brokers: Except as expressly provided herein, Buyer and Seller agree to indemnify and hold each other harmless from any and all claims of brokers, consultants or real estate agents by, through or under the indemnifying party for fees or commissions arising out of the sale of the Property to Buyer. Buyer and Seller represent and warrant to each other that: (i) except as to the Brokers designated under Section 1 of this Agreement, they have not employed nor engaged any brokers, consultants or real estate agents to be involved in this transaction and (ii) that the compensation of the Brokers is established by and shall be governed by separate agreements entered into as amongst the Brokers, the Buyer and/or the Seller.

Section 20. Applicable Law: This Agreement shall be construed under the laws of the state of North Carolina.

Section 21. Assignment: This Agreement is not assignable.

Section 22. Authority: Each signatory to this Agreement represents and warrants that he or she has full authority to sign this Agreement and such instruments as may be necessary to effectuate any transaction contemplated by this Agreement on behalf of the party for whom he or she signs and that his or her signature binds such party.

BUYER:

Individual

Date: _____

Date: _____

Business Entity

(Name of Entity)
By: _____
Name: _____
Title: _____
Date: _____

TOWN OF WEAVERVILLE, NC

By: _____
Name: _____
Title: _____
Date: _____

The undersigned hereby acknowledges receipt of the Bid Deposit set forth herein and agrees to hold said Bid Deposit in accordance with the terms hereof.

TOWN OF WEAVERVILLE, NC

By: _____
Date: _____

§ 160A-269. Negotiated offer, advertisement, and upset bids.

A city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk, and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall readvertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The council may at any time reject any and all offers. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 25.)

C-1 Zoning Regulations – Summary Table

Use Type	Use	Permitted	Permitted With Standards	Permitted as CZD	Prohibited
Residential Uses	Residential Uses				X
	Residential Use with Mixed Use			X	
Office Uses and Services	Bed & Breakfast				X
	Hotel, Motel, Inn			X	
	Veterinary Clinic	X			
	Kennel				X
	Automated Teller Machines	X			
	Banks, Credit Unions, Financial Services; drive-thrus regulated		X		
	Automobile Gas Station	X			
	Automobile Repair		X		
	Automobile Auto Body Shops				X
	Child Care Center				X
	Group Care Facility			X	
	Equipment Rental				X
	Government Services			X	
	Community Service Organization				X
Post Office				X	
Professional Services – Accounting, Law, Realtor, etc.	X				
Medical Clinic, Urgent Care, Hospital					X
Medical Office	X				
Personal Services – Hair salon, etc.	X				
Tattoo Parlor					X
Funeral Home	X				
Art, Dance, Martial Arts, Music Studio	X				

C-1 Zoning Regulations – Summary Table

Use Type	Use	Permitted	Permitted With Standards	Permitted as CZD	Prohibited
Retail and Restaurants	General retail under 10,000 sqft ¹ without drive-thrus	X			
	General retail with drive-thrus				X
	ABC Sales Stores	X			X
	Auto/Mechanical Parts Stores	X			
	Multi-Tenant Development			X	
	Vehicle/Equipment Sales – Indoor	X			
	Vehicle/Equipment Sales – Outdoor				X
	Accessory retail	X			
	Pawn shops				X
	Restaurants without drive-thrus	X			
	Restaurants with drive-thrus				X
	Bars/Taverns/Night Clubs	X			
	Mixed Use Building/Structures			X	
Mixed Uses	Amusements – Indoor	X			
	Amusements – Outdoor				X
	Recreational Facilities – Indoor	X			
	Recreational Facilities - Outdoor		X		
	Event Center			X	
	Cultural or Community Facility	X			
	Motion Picture Theatre				X
Temporary Uses	General Temporary Use		X		
	Farmers Market		X		
	Mobile Food Vendor		X		

¹ The Old Bus Garage Building is under 10,000 square feet.

TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM

DATE OF MEETING: March 18, 2019
SUBJECT: Discussion of Delegated Policies within the Personnel Policy
PRESENTER: Town Manager
ATTACHMENTS: Excerpts from Personnel Policy

DESCRIPTION:

Town Council has completed its systematic review of the separate articles comprising the Town's Personnel Policy and staff is in the process of consolidating all of that work in the hopes of bringing the whole document back to Town Council for consideration and adoption in April.

Before that is done, staff wants to remind the Mayor and Town Council that the Personnel Policy directs the Town Manager to establish certain policies including the following:

- *Use of Town Vehicles and Equipment*
- *Internet and Social Media Use*
- *Substance Abuse*

In addition, the ***Workplace Violence Prevention*** section states that "The Town shall adopt a policy concerning workplace violence prevention which contains guidelines and procedures to deal with intimidation, harassment or other threats of or actual violence that may occur on-site during work-related activities."

The Town Manager would like for Town Council to reconsider the delegation of these policies and allow staff, with Town Council input, to draft these policies for inclusion in the Personnel Policy and ultimately adoption by Town Council.

COUNCIL ACTION REQUESTED:

Town Council discussion on the delegation of these policies and, as appropriate, discussion of concepts and substance for the Town Manager to include in the drafting of the policies to be brought back to Town Council.

Article V - Conditions of Employment

Section 12. Internet and Social Media Use

The use of the Town's information technology, including its computer systems, all forms of internet and intranet access, and email, is critical to accomplishing the Town's goals and providing governmental services. Brief and occasional personal use of email or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time and does not result in expense or harm to the Town.

The Town has a social media presence in order to provide information to citizens on governmental activities and to better connect with the community. The Town respects the rights of employees to use blogs and social media sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interest and affiliations or other lawful purposes. Employees are expected to act responsibly and exercise good judgment when interacting with social media resources, recognizing that personal and professional lives can easily be blurred.

The Town Manager shall establish a separate policy in which guidelines are provided to employees regarding appropriate internet and social media use. Employees are expected to follow the guidelines and policies adopted by the Town Manager concerning internet use and social media.

Section 13. Drug-Free Workplace

All aspects of society are harmed by illicit drug use, with the workplace being especially impacted. Providing a positive work environment is a high priority for the Town and, to that end, the Town provides a drug-free workplace for all employees. The Town Manager shall establish policies and procedures related to employee substance abuse in order to ensure the safety and well-being of citizens and employees, and to comply with any federal, state or other laws and regulations. Employees are expected to follow the guidelines, policies and procedures adopted by the Town Manager.

Section 15. Workplace Violence Prevention

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Behavior that is intended or likely to be perceived as intending to create a fear of bodily harm, actual physical injury, or damage to Town property will not be tolerated. Those who engage in such behaviors will be held accountable and dealt with in a manner consistent with maintaining a violence-free workplace. The Town shall adopt a policy concerning workplace violence prevention which contains guidelines and procedures to deal with intimidation, harassment or other threats of or actual violence that may occur on-site during work-related activities.

Section 17. Use of Town Vehicles and Equipment

Operation of a Town vehicle is both a privilege and a responsibility. The Town Manager shall establish and maintain a procedure relating to the requirements of employees who operate town vehicles and ensure that employees are provided with a copy and training regarding specifics within the procedures and updates as changes to the procedures are made. The Town Manager may also establish procedures regarding operation and use of other Town equipment. Employees are expected to follow the guidelines, policies and procedures adopted by the Town Manager.

Employees are required to turn in town equipment when they leave town employment or at the request of the Town Manager. The Town has the authority to make deductions from final pay checks for any town equipment not returned.

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

MEETING DATE: March 18, 2019

SUBJECT: Annexation Petition and Initial Zoning Request for Riverside Stump Dump located at 135 Monticello Road

PRESENTER: Town Clerk

ATTACHMENTS: Voluntary Annexation Petition and Data Sheet
Certificate of Authority
Property Tax Map Showing Property to be Annexed
Application for Initial Zoning of R-12
Proposed Resolution

DESCRIPTION/SUMMARY OF REQUEST:

The owner of the property located at 135 Monticello Road, Riverside Stump Dump, Inc., has submitted a voluntary annexation petition for the 19.4 acres of land currently being used as the Riverside Stump Dump. This property is contiguous to the primary municipal limits of the Town. Together with this application Riverside Stump Dump, Inc., has also submitted a zoning map amendment application requesting an initial zoning of R-12 if the property is to be annexed into the Town's municipal limits.

If annexed, the active use on the property, the Riverside Stump Dump, would be allowed to continue as a nonconforming use; however, it appears that the property owner or development will seek development approvals from the Town in order to develop the property as a multifamily residential development as allowed under R-12 zoning.

Should Town Council wish to consider annexation of this property, the first steps are to request that the Town Clerk investigate the sufficiency of the annexation petition and to send the initial zoning request to the Planning and Zoning Board for review and recommendation. A resolution to that effect is attached.

COUNCIL ACTION REQUESTED:

Town Council is requested to adopt the attached resolution which (1) directs the Town Clerk to investigate the sufficiency of the annexation petition and submit a Certificate of Sufficiency to Town Council at its regular meeting in April 2019, and (2) directs the Town Planner to place the Application for a Zoning Map Amendment on the Planning and Zoning Board's next agenda so that the requested zoning district can be reviewed for consistency with the Town's Comprehensive Land Use Plan and a recommendation on same can be forwarded back to Town Council at such time as a public hearing is held on the matter. A proposed motion is as follows:

I move that we adopt the proposed resolution concerning the annexation petition and initial zoning submitted for the property located at 135 Monticello Road

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE THE SUFFICIENCY
OF A VOLUNTARY ANNEXATION PETITION AND SENDING THE ASSOCIATED INITIAL
ZONING REQUEST TO THE PLANNING AND ZONING BOARD
FOR REVIEW AND RECOMMENDATION**

WHEREAS, a petition requesting annexation of that property located at 135 Monticello Road, Weaverville, North Carolina, which is commonly known as the Riverside Stump Dump, was received from Riverside Stump Dump, Inc., on February 27, 2019, by the Town of Weaverville; and

WHEREAS, N.C. Gen. Stat. § 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town of Weaverville is also in receipt of an application for a zoning map amendment request an R-12 zoning classification for the property to be annexed; and

WHEREAS, the Town Council of the Town of Weaverville deems it advisable to proceed in response to this request for annexation and initial zoning;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Weaverville that:

1. The Town Clerk is hereby directed to investigate the sufficiency of the above-reference petition and to certify to Town Council the result of his investigation;
2. That the Town Planner is directed to place the application for initial zoning of R-12 on the Town's Planning and Zoning Board's next agenda so that the Board can review the requested zoning for consistency with the Town's Comprehensive Land Use Plan and forward a recommendation to Town Council prior to or at a public hearing that may subsequently be held on this matter.

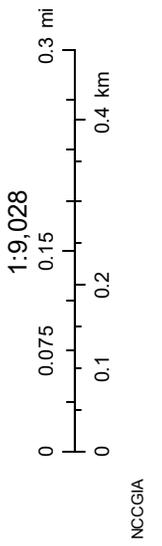
THIS the 18th day of March, 2019.

ALLAN P. ROOT, Mayor

ATTESTED BY:

DEREK HUNINGHAKE, Town Clerk

Riverside Stump Dump



March 11, 2019

**PETITION FOR VOLUNTARY ANNEXATION
 PETITION/APPLICATION**

Town of Weaverville, North Carolina

Submittal Date: 02/26/2019

Date Fee Paid: \$500.00

Petition No: _____

**STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE**

TO THE TOWN COUNCIL OF WEAVERVILLE, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Weaverville, Buncombe County, North Carolina.
2. The area to be annexed is x contiguous, _____ non-contiguous (satellite) to the Town of Weaverville, North Carolina, and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. § 160A-31(f), unless otherwise stated in the annexation agreement/ordinance.
4. The property and property owner information is as follows:

Property Owner and Mailing Address	Phone Number & Email Address	Deed Reference & Property PIN	Property Owner Signature
Riverside Stump Dump, Inc. 620 Riverside Drive Asheville, NC 28801	(828) 206-5029 (828) 712-6893 theray82@gmail.com	DB: 4900 PG: 1080 PIN: 9733-62-6052	Clara Ray, President

5. Zoning vested rights _____ are not claimed, x have been established under G.S. § 153A-344.1 or § 160A-385.1 as follows [describe and attach the order and approved site plan]: The applicant desires to maintain existing mulch/stump dump operation as a non-conforming use after annexation per the Weaverville Ordinance Requirements and the attached e-mail from James Eller-Weaverville Planning Director.

Total Acreage to be annexed: 19.5 +/-

Population in annexed area: 0

Proposed Zoning District: R-12

Reason for annexation: x Receive Town Services x Other (please specify) Water service

The applicant must also submit a rezoning application with the petition for voluntary annexation to establish a Weaverville zoning designation. Please contact the Planning Department at (828)484-7002 for questions. If the purpose of the petition is a connection to public water, contact Public Works Department at (828)645-0606 to confirm that public water is available to the property and the cost of that connection.

**PETITION FOR VOLUNTARY ANNEXATION
 CERTIFICATE OF AUTHORITY FOR CORPORATION
 Town of Weaverville, North Carolina**

The undersigned, being (a/the) duly elected officer of Riverside Stump Dump, Inc., a corporation organized and existing in the State of North Carolina (hereinafter "Corporation"), does hereby certify that:

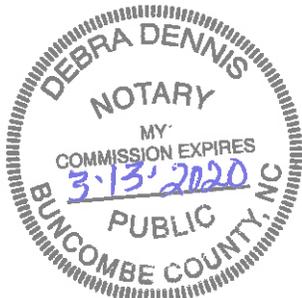
1. That the Corporation currently exists and is in good standing with the NC Secretary of State;
2. That a controlling majority of shareholders of the Corporation have adopted resolutions with respect to the attached/foregoing Petition for Voluntary Annexation and such resolutions have been duly and validly adopted and are in full force and effect.
3. That said resolutions adopted/approved the Petition for Voluntary Annexation and authorized any and all actions on behalf of the Corporation to complete the process for the Petition to be approved by the Town of Weaverville and that no further authorizing action need be taken.
4. That the said resolutions authorized the following person or persons to execute all documents in connection with the Petition for Annexation and that the signature appearing to the right of their name(s) is his/her genuine signature:

NAME	OFFICE HELD	SIGNATURE
<u>Clara Ray</u>	<u>President</u>	<u>Clara Ray</u>
_____	_____	_____
_____	_____	_____

THIS the 22th day of February, 2019.

STATE OF NORTH CAROLINA
 COUNTY OF Buncombe

I, Debra Dennis, a Notary Public, certify that Clara Ray personally came before me this day and acknowledged that he/she is the President of Riverside Stump Dump, Inc., a North Carolina corporation, and that by authority duly given and as the act of the Corporation, the foregoing Certificate of Authority was signed by him/her on behalf of the Corporation. Witness my hand and seal this the 22 day of February, 2019.



Debra Dennis
 Notary Public
 My Commission Expires: 3-13-2020

PETITION FOR VOLUNTARY ANNEXATION DATA SHEET

Town of Weaverville, North Carolina

Submittal Date: 02/26/2019

Petition No. _____

Annexation Area Name: 135 Monticello Road, Riverside Stump Dump

Petitioner: Riverside Stump Dump, Inc.

Subject Area Acreage: 19.5 +/- Acres

Current Land Use: Stump Dump/Mulching Operation w/ office

Proposed Land Use or Development (describe): For sale - Multifamily Site

Residential (single family): Number of Units: _____ Anticipated build out in _____ years
Average Sales Price: \$ _____/dwelling unit

Residential (multi-family): Number of Units: _____ Anticipated build out in _____ years
Owned: Average Sales Price: \$ _____/building unit
Rental: Average Rental Amt: \$ _____/month

Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Commercial - Non-Retail: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Other: Square footage: _____ Anticipated build out in _____ years
Type of tenancy: _____

Development Scale: Max building height of _____; max number of stories of _____

Infrastructure: Linear feet of publicly dedicated roadways proposed: _____
Public water proposed: _____ Other Public Services Requested (describe):

Zoning Vested Rights Claimed (describe and attach documentation): Maintain current use as a stump dump/
mulch operation as a non-conforming use after annexation per the Weaverville Ordinance Requirements and attached e-mail.

Clara Ray
Signature of Owner(s)

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002 --- fax (828) 645-4776 --- jeller@weavervillenc.org

OWNER/APPLICANT NAME: Riverside Stump Dump, Inc. APPLICATION DATE: 2-26-2019

PHONE NUMBER: 828-258-7339

MAILING ADDRESS: 620 Riverside
Drive, Asheville, NC 28801

Application is made to the Town Council of Weaverville to amend:

The Zoning Map

The text of the Zoning Ordinance (Ch 36 of Code of Ordinances)

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS: 135 Monticello Road

PIN: 9733-62-6052

LOT AREA (acres): 19.5+/-

CURRENT ZONING DISTRICT: EMP, Bunc. Co. PROPOSED ZONING DISTRICT: R-12

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Adjoining property owners, addresses, and Buncombe County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF CHAPTER 36 TO AMEND:

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

JUSTIFICATION OF PROPOSED AMENDMENT(S):

**TOWN OF WEAVERVILLE APPLICATION FOR
A ZONING MAP OR TEXT AMENDMENT**

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787
(828) 484-7002--- fax (828) 645-4776 --- jeller@weavervillenc.org

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

Clara Ray February 27, 2019
SIGNATURE OF APPLICANT DATE

It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.

REZONING FEE SCHEDULE:

1 Lot < 1 acre	\$350.00
2-4 Lots or 1-3 acres	\$450.00
4-9 acres	\$550.00
10-25 acres	\$750.00
25+ acres	\$900.00

OFFICE USE ONLY

FEE: \$	DATE PAID:	CHECK	CASH
DATE OF INTIAL COUNCIL MEETING:		ACTION TAKEN:	
DATE OF PLANNING BOARD MEETING:		ACTION TAKEN:	

*Emailed to James
Eller
in Word format
2/26/2019*

LEGAL DISCRIPTION FOR 135 Monticello Road, Weaverville, NC

Riverside Stump Dump, Inc. PIN 9733626052

TRACT #1: BEGINNING on a found post hole in concrete, said Beginning point being a common comer to the lands of H & K Properties, Buncombe County Deed Book 4608, Page 665, and Crystal Jean Ponder-Hopkins, et al., Buncombe County Deed Book 4615, Page 467, and runs thence from said Beginning point with the Hopkins line and thence with the Leonard F. Ponder line, Buncombe County Deed Book 4135, Page 87, S 45 27 38 E 254 feet to a set iron, S 89 03 42 E 268.30 feet to a set iron (said iron being located S 73 26 W 1 foot from a PVC pipe filled with concrete); thence with the right of way of the NC Department of Transportation, Buncombe County Deed Book 1284, Page 693, S 17 53 51 W 16.24 feet to an unmarked point, S 19 42 42 W 125.82 feet to a set iron located on the North side of an asphalt drive; thence with the line of the 0.073 acre tract (Tract 2 described herein) crossing said asphalt drive and another gravel driveway S 10 07 01 W 156.74 feet to a found iron; thence with the line of HVMHN-3VHM, LLC, Buncombe County Deed Book 4375, Page 108, a curve to the left crossing an asphalt drive, having a cord bearing S 28 06 22 W, a cord length of 163.83 feet, a radius of 888.17 feet, and an arc length of 164.06 feet, to an unmarked point; thence continuing with said line, crossing another asphalt drive, S 22 48 51 W 62.47 feet to a point; thence continuing with said line a curve to the left having a cord bearing S 22 33 49 W with a cord length of 17.71 feet, a radius of 2,017.39 feet, and an arc length of 17.71 feet, to a found iron; thence with the line of D. Keith Roberts, Trustee, Buncombe County Deed Book 4184, Page 46, N 71 18 27 W 1,491.32 feet to a found iron; thence with the line of Martin Blank, Buncombe County Deed Book 1607, Page 174, N 03 48 43 E 330.25 feet to a found iron (said iron being located S 35 00 38 E 26.88 feet from another found iron); thence with the line of John G. Bodenhorst, Buncombe County Deed Book 1962, Page 752, S 87 26 45 E 186.06 feet to a found iron, N 54 59 34 E 112.99 feet to a found iron, N 68 40 47 E 79.62 feet to a found iron; thence with the line of H & K Properties N 64 15 48 E 42.28 feet to an unmarked point; thence with the centerline of the branch N 37 42 06 E 18.74 feet, N 60 59 37 E 20.19 feet, N 210400 E 21.23 feet, N 62 17 35 E 6.21 feet, S 85 24 13 E 46.36 feet, S 52 53 47 E 11.64 feet, S 06 11 29 W 10.94 feet, S 40 08 16 E 9.10 feet, S 70 12 29 E 31.97 feet, S 89 48 42 E 34.53 feet, N 83 54 25 E 99.09 feet, S 81 04 11 E 22.58 feet, S 59 28 11 E 35.78 feet, S 69 48 37 E 64.36 feet, S 52 08 15 E 88.36 feet, S 67 30 19 E 92.92 feet, S 56 26 10 E 134.52 feet, S 58 11 21 E 102.48 feet to the point of BEGINNING, containing 19.397 acres, according to a survey entitled "Boundary Survey for Ronnie Ray of Property Owned by Steve C. and Jeanna Y. Brown" prepared by Martin A. Barnes, PLS L-4274, of Ed Holmes and Associates Land Surveyors dated 2 June 2011 with a Job Number of 11070.

TRACT #2: BEGINNING on a set iron pin, said Beginning point being the terminus of the fourth call of the above described 19.379 acres, and runs thence from said Beginning point with the line of said tract S 10 07 01 W 156.74 feet to a found iron; thence with the line of HVMHN-3VIIM, LLC S 09 48 36 W 104.53 feet to a point, S 63 57 45 E 19.91 feet to a point, N 27 40 17 E 51.63 feet to a point, N 60 45 58 W 20.00 feet to a point, N 05 40 38 E 211.59 feet to the point of BEGINNING, containing 0.073 acres, as shown on the above-referenced survey of Ed Holmes and Associates.

MADE SUBJECT to the right of way for US Highway 25- 70, Project Number 6.801760 as recorded of record at Buncombe County Deed Book 1284, Page 693.

SUBJECT to the easement and road right of way for Monticello Road and Gill Road to their full respective legal widths. FOR TITLE REFERENCE: See Buncombe County Deed Book 4324, Page 897.

Martin Kocot

To: Martin Kocot
Subject: FW: Riverside Stump Dump on Monticello

From: Marty Kocot <mkocot@landworksenineering.com>
Sent: Tuesday, July 31, 2018 8:27 AM
To: 'James W. Eller' <JEller@weavervillenc.org>
Cc: 'theray82@gmail.com' <theray82@gmail.com>
Subject: RE: Riverside Stump Dump on Monticello

James, Based on my read, I believe we are good with continuing the use as a mulching operation on the site as a non-conforming use. Provided we do not stop the mulching operation for 6 consecutive months.
Note: The "mobile home" you refer to on the site is an empty trailer utilized only as an office space as a place to get out of the weather when necessary. It does not have a restroom.
As part of the stump dump operation, we may need to pull it along with the mulching operation, migrating toward the rear of the site as things progress and the site is improved..
Based on this understanding, I will proceed with the annexation request and the preparation of future development plans to Weaverville Standards as C2 for approval.

Marty

Marty Kocot, PE
LandWorks Engineering, PLLC
Civil Engineering & Land Planning
PO Box 1922
Asheville, NC 28802

(828).230.7958

www.landworksenineering.com

From: James W. Eller <JEller@weavervillenc.org>
Sent: Friday, July 27, 2018 8:46 AM
To: mkocot@landworksenineering.com
Subject: Riverside Stump Dump on Monticello

Mr. Kocot,

I am writing regarding our conversation related to the continued use of the riverside stump dump on the property commonly known as 135 Monticello road following a potential voluntary annexation into the Town of Weaverville. In short, the aforementioned use will be treated as a nonconforming use due to it being incompatible with a forecasted zoning district upon annexation of C-2 to accommodate the proposed future development of the property. Nonconforming protections are afforded to those uses in place at the enactment of the zoning ordinance or at the time of any applicable amendment thereto. An extension of our corporate limits and the application of our zoning ordinance to the property would classify as an applicable amendment thereto.

Now, in order for the nonconforming protection to remain and the use being allowed to continue following annexation, the ordinance provides us with the following guidance.

Nonconforming land uses in a particular use district are declared by this chapter to be incompatible with the permitted uses in the particular use district involved. However, to avoid undue hardship, the lawful use of any land at the time of the enactment of this chapter, or at the time of any applicable amendment thereof, may be continued even though such use does not conform with the land use for that district. Such nonconforming use shall not be:

- (1) Changed to a nonconforming use of higher intensity, such as from a commercial use to an industrial use, but may be changed to a nonconforming use of a similar character.*
- (2) Restarted after discontinuance of the use (regardless of whether the owner has an intention to resume the use or not or has or has not made any efforts to re-establish the use) for six consecutive months, or in cases of the settlement of an estate, after one year.*
- (3) Reestablished or replaced with the same or similar use after relocation of the use from its specific site.*

Provided none of the aforementioned variables occur, your client should be able to continue the nonconforming use of the property while the proposed future development is underway.

In addition to our conversation related to the creation of a nonconforming use upon annexation, I have visited the site and noted an additional issue for your consideration. That being the existence of what appeared to be a single-wide mobile home. It should be noted that such a manufactured home would not be permissible within the forecasted C-2 Zoning District and, therefore, we will be dealing with a nonconforming structure upon annexation as well.

Similarly, in order for the nonconforming protection to remain and the structure being allowed to continue following annexation, the ordinance provides us with the following guidance.

(a) Nonconforming buildings or structures in a particular use district are declared by this chapter to be incompatible with the permitted use in the district involved. However, to avoid undue hardship, the lawful use of any building or structure at the time of the enactment of this chapter or at the time of any applicable amendment thereof may be continued even though such structure does not conform with the provisions of this chapter applicable to the district. The nonconforming building or structure shall not be:

- (1) Replaced with the same or a similar building, after the physical removal or relocation of the building from its specific site as it was located when it became nonconforming. Provided, however, that preexisting manufactured housing used as a primary residence in the R-1 and R-2 districts may be replaced or upgraded to new manufactured housing as close as possible to the size of the manufactured housing being replaced.*
- (2) Repaired, rebuilt, or altered after damage to the building which exceeds 60 percent of its tax value, as determined by the Buncombe County Tax Department, or market value, based upon a certified appraisal, whichever value is greater, at the time of such damage; unless a building permit for the reconstruction or repair to such building, otherwise permissible, is issued not later than six months after such damage occurred and reconstruction is completed no later than 12 months after issuance of the building permit; provided, however, the zoning administrator may extend either time period for good cause shown.*
- (3) Enlarged or altered in a way which increases the nonconformity of such building.*

(b) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety. In addition, nothing in this chapter shall prohibit the owner of a building from lawfully occupying or using a nonconforming building if the occupancy or use existed at the time of the adoption of this chapter, or any applicable amendment thereof.

Hopefully this helps with the deliberations between you and your client. This is a bit to digest so let me know if you wish to discuss further. Please feel free to contact me should you require additional information or assistance.

James W. Eller
Planning Director
Town of Weaverville

Nº 27148

TOWN OF WEAVERVILLE

WEAVERVILLE, NORTH CAROLINA 28787 2.27.19

RECEIVED OF Riverside Stamp Dump Inc.

Voluntary Annexation Petition
135 Monticello Rd.

TOTAL \$500


CLERK

Nº 27147

TOWN OF WEAVERVILLE

WEAVERVILLE, NORTH CAROLINA 28787 2.27.19

RECEIVED OF Riverside Stamp Dump Inc.

Zoning Map Amendment App.
135 Monticello Road

TOTAL \$750


CLERK

**TOWN OF WEAVERVILLE
TOWN COUNCIL AGENDA ITEM**

Date of Meeting: March 18, 2019

Subject: Departmental Quarterly Report

Presenter: Dale Pennell, Public Works Director

Attachments: Quarterly Report (December 2018 – February 2019)

Description: Attached please find the quarterly report from the Public Works Department.

Action Requested: No action requested.

TOWN OF WEAVERVILLE PUBLIC WORKS ACTIVITY SHEET

DECEMBER 2018 - FEBRUARY 2019

WATER MAINTENANCE DIVISION:

	Dec-18	Jan-19	Feb-19	3 month average
Water Leaks Repaired	1	5	6	4
New Water Taps	1	5	16	7
Total Active Water Meters	2,771	2,771	2,809	2784
Water Quality Complaints	0	0	0	0
Meter Re-Read Service Calls	75	56	103	78
General Service Calls	120	90	144	118
Water Door Tags Delivered	6	12	39	19
Water Line Locate Utility Service Calls (811)	102	138	140	127
Water Meter Change Outs to Radio Read	0	0	32	11
Reservoir-Pump Station Site Checks	154	147	140	147

Maple Trace II
 Creekside IV
 828 North apts

Creekside IV
 828 North apts
 Ace at Ingles

Creekside IV
 828 North apts

WATER PRODUCTION DIVISION:

(Gallons per month)

	Dec-18	Jan-19	Feb-19	3 month average
1A. Raw water pumped from river to Water Treatment Plant	20,385,000	20,815,000	17,769,000	19,656,333
1B. Raw water used at the WTP	2,771,756	2,811,336	2,534,908	2,706,000
1C. Finished water Produced at WTP	17,613,244	18,003,664	15,234,092	16,950,333
2. Water Purchased from Asheville	0	0	0	0
A. TOTAL WATER PRODUCTION (1.C. + 2)	17,613,244	18,003,664	15,234,092	16,950,333
B. TOTAL METERED FOR BILLING	13,354,900	11,233,300	12,703,200	12,430,467
C. Metered, Non-Metered & Non-Billed Use by Town	1,800,000	1,400,000	2,100,000	1,766,667
D. Total Accounted For Water (B+C)	15,154,900	12,633,300	14,803,200	14,197,133
E. TOTAL UNACCOUNTED (A-D)	2,458,344	5,370,364	430,892	2,753,200
F. MONTHLY UNACCOUNTED WATER (E/AX100)	14.0%	29.8%	2.8%	16.2%

RUNNING ANNUAL AVERAGE

FOR "UNACCOUNTED FOR" WATER:

(Gallons per year)

	Dec-18	Jan-19	Feb-19	3 month average
Finished Water Pumped to System	208,968,704	209,667,908	209,905,000	209,513,871
Unaccounted for Water	30,939,856	34,612,660	32,685,352	32,745,956
12 month average Unaccounted Water	14.8%	16.5%	15.6%	15.6%

WATER CAPACITY VS PRODUCTION:

(Gallons per day)

	Dec-18	Jan-19	Feb-19	3 month average
Water Plant Design Capacity	1,500,000	1,500,000	1,500,000	1,500,000
Net Sellable Production Capacity (80%)	1,200,000	1,200,000	1,200,000	1,200,000
Average Daily Production				
Total Water Production (A above) / 30 days in month	587,108	600,122	507,803	565,011
AVERAGE USE RELATIVE TO DESIGN CAPACITY				
Current Water Commitments for future development	39.1%	40.0%	33.9%	37.7%
	393,796	367,450	341,104	367,450

MONTHLY USAGE & FUTURE USAGE VS 1,500,00 GPD

	65.4%	64.5%	56.6%	62.2%
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STREET MAINTENANCE DIVISION:

	Dec-18	Jan-19	Feb-19	3 month average
Street/Sidewalk/Drainage /Sign Repairs Completed	0	0	0	0
Roads paved	na	na	na	

PARKS, RECREATION, & FACILITY MAINTENANCE DIVISION:

	Dec-18	Jan-19	Feb-19	3 month average
P&R Special Projects/Repairs Completed	0	5	11	5

SANITATION DIVISION:

	Dec-18	Jan-19	Feb-19	3 month average
Residential Collection Points	1914	1914	1914	1914
Monthly Residential Collections (4/month)	7656	7656	7656	7656
Business Pick Ups	72	72	72	72
Business Pick Ups (4/month)	288	288	288	288
Residential Set-Outs	82	82	82	82
Residential Set-Outs (4/month)	328	328	328	328
TOTAL points picked up per month	8272	8272	8272	8272
Total Tons to Landfill	106.87	112.79	95.22	104.96
Average Pounds Per Collection Point (per week)	25.8	27.3	23.0	25.4
Cubic Yards - Yard Debris	9	36	36	27
Cubic Yards - Brush Chipped	253	187	231	224
Cubic Yards - Leaf Collection	371	98	0	156

MISC

1. MSD has stopped our WTP's sludge disposal to their plant as of 09/01/2018 (effective 12-31-2018). Alternatives are being studied.
2. WTP active projects include: SCADA upgrade, No. 1 Filter media replaced, chlorine piping replaced.
3. 38 toter garbage cans were sold during the quarter.
4. State mandates usage of 400 GPD for 3 bedroom homes for design purposes. Our current usage averages 101 GPD.
5. December 2018 Outstanding Water Commitments totaled 393,796 GPD; March 2019 is 341,104 GPD.

**TOWN OF WEAVERVILLE
PUBLIC WORKS DEPARTMENT**

**AVERAGE DAILY WATER
CONSUMPTION**

AVERAGE 10 HOMES per STREET	December, 2018	January, 2019	February, 2019	3 month average
Address	Daily Usage (gallons per day)			
Valley Drive	117	78	93	96
South Main Street	102	99	101	101
Yost Street & Whitetail Drive	111	102	141	118
College Crescent & Central Ave	112	75	109	99
KyFields	69	64	78	70
Aiken Road & Sandstone Drive	128	127	148	134
Wildwood Avenue	108	82	104	98
Rolling Acres	105	77	105	96
Woodbriar Subdivision	112	93	110	105
Church Street	96	85	101	94
Average Daily Usage (Gallons per Day)	106	88	109	101

TOWN OF WEAVERVILLE - PUBLIC WORKS DEPARTMENT - WATER COMMITMENTS

Prepared by: Dale Pennell, Public Works Director

REVISED 03/11/2019

Water Line Status	Project with current commitment	Address	Description	Number of Units	Gallons per Connection	Projected Demand (GPD)
Design (outside town)	Doan Road Duplexes	near N Windy Ridge School	8 - 2 family duplexes	16	400	6,400
Construction	Sermus Creekside LLC	Creekside Village, Ph 4	84 3br. Residential Units	27	250	6,750
Construction (outside town)	Drew Norwood Windsor Aughtly	Maple Trace Subdivision	145 Residential Lots	37	250	9,250
Construction (outside town)	Buckner (Wheeler Road) Project	Wheeler Road & Reems Creek	Residential Units	64	250	16,000
Construction	828 North (aka Blue Ridge Crossing)	Garrison Branch Road	174 Unit Apartment Project	176	229	40,304
Construction	Fairfield Inn	off of Weaver Blvd	104 Rooms	104	125	13,000
Permitting	Amblers Chase Subdivision	Reems Creek Road	22 homes	21	400	8,400
Permitting	Weaver Ville Townhomes	Monticello and Northcrest Dr	53 units	53	400	21,200
Construction	Ace at Ingles	140 Weaver Blvd	Commercial	1	200	200
Pending	Brown Street Apartments	37 Brown St	16 apartments	16	300	4,800
			Subtotal Current Projects			121,304
on-going	Existing but not active meter sets		164 open meter sets	164	250	41,000
on-going	Projected inside-town vacant land development			397	400	158,800
on-going	Projected Outside-town-limit residential units			50	400	20,000
			Subtotal On-going Projections			219,800
			Total Outstanding Commitments			341,104
Water Line Status	Project with fulfilled commitment	Address	Description	Number of Units	Gallons per Connection	Projected Demand (GPD)
COMPLETED	North Asheville Baptist Church	90 Griffree Road	Church	1	3000	3,000
COMPLETED	ASPCA	Murphy Hill Road	Animal Rescue Center	1	7000	7,000
COMPLETED	Sonic	Northridge Commons Parkway	Restaurant	1	880	880
COMPLETED	Hardees	611 Weaverville Blvd.	Restaurant	1	4700	4,700
COMPLETED	Monticello Apartments	145 Monticello Road	Apartment Building	168	250	42,000
COMPLETED	Drew Norwood Windsor Aughtly	Lakeside Meadows	Residential Lots	25	250	6,250
COMPLETED	10-20 Garrison Road	Garrison Road	Businesses	7	400	2,800
COMPLETED	Water Pointe	Lakeshore & Quarry	Residential Lots	21	250	5,250
COMPLETED	New Homes at North Main	Lily Farm Road	Residential Lots	46	250	11,500
COMPLETED	Central Avenue Subdivision	44 Central Ave	Residential Lots	7	400	2,800
COMPLETED	Creekside I, II, III	Merrimon Ave and Aiken Rd	Duplexes	120	400	48,000
COMPLETED	Drew Norwood Windsor Aughtly	Maple Trace I, II, III	Residential Lots	108	250	27,000
COMPLETED	Greenwood Park Phase 1 & 2	Reems Creek Village	Residential Lots	19	250	4,750
CANCELLED	Monticello Commons Apartments	Monticello Commons	96 - 1 Bed Room Units 132 - 2 Bed Room Units 36 - 3 Bed Room Units	264	281	74,184
CANCELLED	Hawthorne at Garrison Branch	Ollie Weaver Rd.	234 units (1, 2 and 3 bedrooms)	234	avg. 282	66,000
EXPIRED	Pleasant Grove MHP	Pleasant Grove Rd	12 - 2 bedroom units 2 - 3 bedroom units	12 2	250 400	3,000 800

* Projections do not include any future flow to the Town of Mars Hill (200,000 GPD in current agreement and 400,000 in future)