



MINUTES

**Town of Weaverville
State of North Carolina**

**Town Council Meeting
Monday, March 18, 2019**

The Town Council for the Town of Weaverville met for its regular monthly meeting on Monday, March 18, 2019, at 7:00 p.m. in Council Chambers within Weaverville Town Hall at 30 South Main Street, Weaverville, North Carolina.

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

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

1. Call to Order

Mayor Al Root called the meeting to order at 7:00 p.m.

2. Approval/Adjustments to the Agenda

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

3. Approval of Minutes

Councilwoman Sherrill made the motion to approve the minutes from February 12, 2019 Town Council Special-Called Meeting and February 25, 2019 Town Council Special-Called Meeting as presented. Councilman Nagle seconded the motion and all voted in favor on the approval of the minutes.

4. General Public Comment

Public comments were received as follows:

Thomas Veasey, 69 Lakeshore Dr., gave Council a handout and mentioned that after further research, having a commercial kitchen in the community center would require a stainless steel worktable, refrigerator and dishwasher. Adding these three items to the kitchen proposal brings the total to around \$20,000. He is of the opinion that a commercial kitchen should be included in the final plans for the community center.

Tom Plaut, 16 Riddle Ridge Dr., agreed with the kitchen proposal from Mr. Veasey and commented that the commercial kitchen would be a great investment that could be put to good use. Also, with the new land acquired from 97 Lakeshore Drive, there is a beautiful walking trail that leads along the creek that comes to a fence that says, don't go any further due to Weaverville Police Shooting Range. Mr. Plaut wonders if we could have a discussion on possibly moving the gate back so that the trail could be extended.

Bernie Koester, 37 Lakeshore Dr., reiterated the commercial kitchen idea and believes that we are missing out on an opportunity if we don't include that type of kitchen in the new community center. This would be a great way for us to hold dinners for organizations and is only a small amount of money in the whole community center.

5. Consent Agenda

Councilman Nagle moved for the approval of the consent agenda. Vice Mayor/Councilman Jackson seconded the motion and all voted unanimously to approve all action requested in the consent agenda.

A. Monthly Tax Report – Information Only

B. Tax Releases/Refunds- *Approved tax release of \$26,100 in value from the real property of Jeffrey Lynn Banks at 26 Bankstown Road bearing PIN 9742-13-0984, so that \$99.18 can be released from the 2018 tax levy.*

C. Earth Day and Arbor Day Proclamations – Adopted Proclamations recognizing Earth Day on Monday, April 22, 2019 and Arbor Day on April 26, 2019.

D. Comprehensive Land Use Update – Staff will be hosting Land Use Information and Public Input Sessions on Thursday, March 21, 2019 from noon to 3 pm and on Thursday, March 26 from 5pm to 8pm. Presentations for organized groups upon request in April.

6. Town Manager's Report

Town Manager Selena Coffey presented her Manager's report to Council including that our Public Works Department will be busy working at the Main Street Nature Park on replacing the old stairs from the municipal parking lot with new stairs, and building a new rustic-style stage to be used for many functions including the Town's summer music series; she gave a big thank you to our Finance Officer Tonya Dozier on coordinating a Shred Day for the Town residents with the State Employees Credit Union on May 11, 2019 from 9am – 12pm; she reported that the Town received a final purchase offer on GovDeals for the Weaverville Police Departments 2011 Dodge Charger for \$4,725; she met with Clark Duncan from the Economic Development Coalition of Asheville/Buncombe and discussed how they can help the Town and how the Town can participate more in what they do there; the Economic Development Coalition has a project coming up later this year where they are adding layers in GIS with the essential goal to be a specific site selection criterion and ask for our participation; she provided an update on the progress that has been made on the Strategic Plan Quarterly Report.

7. Discussion and Action Items

A. Proposed Legislation regarding Local ABC Boards

Rob Chason, ABC Chairman, discussed with Town Council some very important issues that have been gaining a lot of attention recently on North Carolina's controlled system of alcoholic beverage sales. There has been discussion on privatizing the ABC system and currently, there are bills pending in both the NC House of Representatives and NC Senate that would mandate the merger of local ABC Boards into a consolidated county ABC Board. Mr. Chason noted that privatizing would mean we would no longer be a controlled state and profits would go to the business owners, instead of the Town. However, the main focus right now is the bill that's pending in the US Senate and NC House of Representatives that mandates a merger to a consolidated county ABC Board, to which the Weaverville ABC Board is against. He urges Town Council to reach out to their legislators to voice their concerns and to join the Weaverville ABC Board in their opposition to legislation on privatizing the sale of beverages in North Carolina and/or mandate the merger of the local ABC Boards by adopting the proposed resolution.

Public Comment:

Roney Hilliard, 85 Alexander Rd., noted that he is here speaking as a Weaverville citizen, not a member of the ABC Board. He mentioned that it all comes down to whether you want to keep the control of alcoholic beverage sales like it is now, or let the state have control and decide where the money goes.

Councilman Nagle recommended that the ABC Board and staff should create a letter for Town Council to sign and send to the state. Also, it could be added to the Town website for citizens to do the same. Town Attorney Jackson agreed to draft a sample letter and distribute to Town Council and the ABC Board.

Vice Mayor/Councilman Jackson made a motion to adopt the proposed Resolution in Support of the Current ABC Control System for the Sale of Liquor. Councilman McKenna seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

B. Dry Ridge Museum Presentation

Jan Lawrence, President of the Dry Ridge Museum, presented to Town Council a preparation plan for the move to the new community center. In the past seven weeks, they have cleaned, sorted and accessed the collection, established arrangements for items needing archival protection, and created layout plans and a timeline. At their current location, they estimate that they have been open a total of 60 days and had 1005 visitors. With the new location, they estimate to be open a total of 300 days and to increase number of visitors by targeting groups like retirement homes, scouts, school groups, the Weaverville Tailgate group, and families at Lake Louise. Also, they have come up with interactive ideas like summer programs, costumes and games, and night programs like storytelling and readers' theatre to attract more visitors. Mrs. Lawrence estimates that their 3000 artifacts will be setup in mini-exhibits and permanent exhibits, and can't wait to have a grand opening at the finish of the project.

Council held discussion on the funding of the Dry Ridge Museum insurance, the amount of museum personnel needed to operate at the new location hours, and if the museum would need to have staff there at all times, or if there would be closed exhibits open to the public without staff present.

C. Action Regarding Map Amendment on Red Cole Drive

Town Planner Eller gave a quick recap of the Public Hearing held earlier on the proposed zoning map amendment related to five parcels located adjacent to Red Cole Drive. These five parcels consist of 4.27 acres and the proposed amendment would convert these parcels from their current zoning of C-2 to R-3. The public hearing was advertised and held and the Planning and Zoning Board submitted a unanimous recommendation to Town Council supporting R-3 zoning for these properties.

Mayor Root asked what uses can be made on the lot that as .12 acres. Town Planner Eller mentioned that this is a non-conforming lot in any zoning district. It is his belief and understanding that no homes could be built on this property as it is presently constituted.

Vice Mayor/Councilman Jackson made a motion to approve the Ordinance Amending the Town's Zoning Map – Rezoning Certain Properties on Red Cole Drive from C-2 to R-3. Councilman Nagle seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

D. Sale of Former Bus Garage

Town Attorney Jennifer Jackson mentioned that the matter before Town Council on the desire to declare and sale the property located at 13 Central Avenue has been on the agenda several times. She understands that Council still wishes to sell this property, so she has been working with the Mayor and Town Manager to come up with a required sales agreement. Some of the requirements in the sales agreement are that the property is to be sold in an as-is condition, a cash sale without loan contingency, the buyer is to close within 30 days of Town Council's acceptance of the offer or forfeit the bid deposit. The only way for a bid deposit to be returned to a buyer is if the Town breaches the contract or cannot convey market title or the condition of the building changes between the time the contract is signed and closing. Town Attorney Jackson noted that this property is in the C-1 zoning district and if there are other issues that Council would like to restrict, they need to be mentioned tonight so they can be included in the agreement. She mentioned that Councilman Jackson had mentioned today to possibly add a restriction on retail stores selling smoke supplies. C-1 regulations were reviewed as were the restrictions that were on the sale of the old fire station that was sold a few years ago. Mayor Root noted that Council cannot waive the C-1 restrictions, but rather can add other restrictions that are not covered under C-1. Based on the conversation Town Attorney Jackson proposed that in the sales agreement under Section 8, Zoning Regulations, it should be changed to Zoning Regulations and Restrictions and include the following language, "the property is also being sold subject to the following deed restrictions: retail stores that sale smoking supplies and accessories such as pipes, rolling papers, grinders and other paraphernalia used for consumption of tobacco, cannabis or other light substances are prohibited on the property. Also, prohibited are retail stores that sale electronic cigarettes, vaping devices, and related equipment accessories and supplies".

Public Comment:

Bernard Koester, 37 Lakeshore Drive, asked what percentage is required for an individual to upset a bid.

Laura Ayers, 83 Ayers Road, asked if Council has to accept the highest bidder and if there is a current bid.

Roney Hilliard, 85 Alexander Road, asked if it was a close bid process until highest bid is confirmed.

Town Attorney Jackson mentioned that to qualify as an upset bid it cannot be less than 10% of first \$1,000, and 5% of the remaining bid. She also stated that Council has to accept the highest bid and there isn't a current bid.

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

Vice Mayor/Councilman Jackson made a motion to approve the sales contract as amended to add the deed restrictions and to proceed with sealed bids to be opened on April 8, 2019, to propose to accept the highest offer received on April 8th, and begin a 10-day upset bid after that bid opening. Councilman Fitzsimmons seconded the motion. The motion passed by a majority vote of Council. Motion carries 5-0.

E. Discussion of Delegated Policies with Personnel Policy

Town Manager Selena Coffey mentioned that Council has given a lot of feedback on the Town's personnel policy over the past year and there are a few areas that delegate the policy development to the Town Manager. Before staff brings back the combined final draft of the personnel policy for Council approval, she wants Council to reconsider whether the following specific policies should be their policies or delegated to the Town Manager. These policies are 1) Use of Town Vehicles and Equipment, 2) Internet and Social Media Use, and 3) Substance Abuse.

Councilman McKenna mentioned that regardless of which entity handles the policy, he suggests advising Council on what direction staff is proposing to take it.

Consensus was reached by Town Council to have the Town Manager present the proposed policies for Council's review and further discussion.

F. Annexation Petition/Initial Zoning: Riverside Stump Dump Property Resolution

Town Clerk Derek Huninghake mentioned to Town Council that the Town has received a voluntary annexation petition for the 19.4 acres of land currently being used as Riverside Stump Dump, and also 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 on the property, the Riverside Stump Dump, would be allowed to continue as a nonconforming use; however, it appears that the property owner or developer will seek development approvals from the Town in order to develop the property as a multifamily residential development as allowed under R-12 zoning. In order to consider this annexation request the next step is for Town Council to adopt a resolution which directs the Town Clerk to investigate the sufficiency of the annexation petition and directs the Planning and Zoning Board to review and provide a recommendation on the requested zoning of R-12.

Vice Mayor/Councilman Jackson made a motion to adopt the proposed resolution concerning the annexation petition and initial zoning submitted for the property located at 135 Monticello Road. Councilman Fitzsimmons seconded the motion. The motion passed by a unanimous vote of Council. Motion carries 5-0.

G. Quarterly Reports – Public Works & Water Services

Public Works Director Dale Pennell presented the Public Works and Water Services Quarterly Report for December 2019 through February 2019. Some highlights that he mentioned were that the average use relative to design capacity

is at 37% and the monthly usage and future usage is at 62%, which means the Town is well within their means for water production and sales.

8. Adjournment

Councilman Nagle made the motion to adjourn; Councilwoman Sherrill seconded and all voted to adjourn the Council's meeting at 8:51 p.m.



Derek K. Huninghake, Town Clerk

APPROVED